

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 27, 1981

LB 23, 32, 87, 90, 99,
111, 128, 166, 175, 180,
215, 283, 347, 413, 437,
465, 483

Senator Hefner reports 483 to General File.

Your committee on Ag whose Chairman is Senator Schmit reports 283 be advanced to General File with amendments.

Your committee on Judiciary whose Chairman is Senator Nichol reports 413 to General File with amendments; 32 General File with amendments; 215 General File with amendments; 180 General File; 347 General File with amendments; 111 General File with amendment; 465 General File; 99 General File with amendments; 87 General File with amendments; 23 Indefinitely postponed; 90 Indefinitely postponed; 166 Indefinitely postponed; 175 Indefinitely postponed. (Signed) Senator Nichol, Chair.

Your committee on Urban Affairs whose Chairman is Senator Landis reports 437 to General File with amendments. (Signed) Senator Landis.

Mr. President, LB 128 was introduced by Senator Myron Rumery. (Read title.) The bill was read on January 13 and referred to Retirement for public hearing. It was advanced to General File. I have no amendments on the bill, Mr. President.

SPEAKER MARVEL: Senator Rumery, do you wish to explain the bill?

SENATOR RUMERY: Mr. President, members of the Legislature, if I could have your attention for a few minutes, I would appreciate it. We introduced this bill for these reasons, that should a member of the school employee's retirement system die before retirement, LB 128 would provide an option for the payment of benefits to the spouse of the member, if the spouse is the sole surviving beneficiary. Presently the law provides that if a teacher has twenty years service and is at least 55 years of age or thirty years of service regardless of age and dies before retirement, a monthly annuity for life would be paid the spouse if the spouse is the sole surviving beneficiary in an amount equal to the joint and survivor benefit that would have been paid if the deceased member had retired on the date of death. The joint and survivor benefit is a greatly reduced benefit. The amount of the reduction is determined by the age of the deceased member and the age of the spouse. There are times when the surviving spouse would prefer to have a lump sum benefit rather than a meager monthly payment for life. Often a surviving spouse of a deceased member needs funds for retraining or to enter another job market or to invest in a business that may have some opportunity. LB 128 would give a spouse who is the sole surviving beneficiary

March 27, 1981

LB 283, 87

SENATOR CLARK: The motion before the House is the advancement of LB 283. All those in favor vote aye, all those opposed vote no. Have you all voted on the advancement of 283? Record the vote.

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

SENATOR CLARK: The bill is advanced. We will now take up LB 87.

CLERK: Mr. President, LB 87 was introduced by Senator Marge Higgins. (Read.) The bill was read on January 12, referred to Judiciary. The bill was advanced to General File. There are committee amendments pending by the Judiciary Committee.

SENATOR CLARK: Senator Nichol on the committee amendments.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, this bill has to do with the decriminalization of alcoholism which we passed two or three years ago and Senator Higgins had a request from the City of Omaha inasmuch as they thought they had a problem with handling alcoholics that were on quasi public areas and so she will be visiting with you about that in a little bit but as far as the committee amendments are concerned, as originally drafted LB 87 would have eliminated several of the mandatory conditions which have to be currently followed before a police officer can take a person found to be intoxicated into custody. The original draft of the bill also provided for a new definition to be added in the bill of quasi public property. The committee amendments retain the disposition requirements to be followed by police officers but do incorporate a new definition of quasi public property. The Judiciary Committee amendments would also extend the time period a person could be held in civil protective custody from twelve hours to twenty-four hours. I ask for the adoption of the committee amendments.

SENATOR CLARK: Senator Dworak, do you want to talk on the committee amendments? Your light is still on. Thank you. The committee amendments, should they or should they not be adopted, let's vote on it. Have you all voted on the committee amendments? Record the vote.

CLERK: 25 ayes, 0 nays on adoption of committee amendments, Mr. President.

SENATOR CLARK: The committee amendments are adopted. I would like to introduce 17 students from Concordia College of Seward, Nebraska. Mrs. George Brandon and Richard Wegman are the instructors. They are in the North balcony. Would

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LB 87, 437

you hold your hands up so we can recognize you, please. Welcome to the Legislature. Senator Higgins, on the bill.

SENATOR HIGGINS: Mr. President, I will be brief so that others can be heard today. LB 87 is to improve procedures in the handling of intoxicated persons, both for the benefit of themselves and the community at large. The procedure would be changed to allow the removal of intoxicated persons from quasi public property as well as from public property and to require that intoxicated persons be taken into civil protected custody for up to, as amended by the committee, twenty-four hours. I urge the advancement of the body of LB 87. Thank you, Mr. President.

SENATOR CLARK: Is there any discussion on the advancement of LB 87. If not, all those in favor vote aye, opposed vote nay. Have you all voted on the advancement of LB 87? Record the vote.

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

SENATOR CLARK: The bill is advanced. We will take up LB 437.

CLERK: Mr. President, LB 437 was offered by the Urban Affairs Committee and signed by its members. (Read.) The bill was read on January 20, referred to Urban Affairs. It was advanced to General File. There are committee amendments by the Urban Affairs Committee, Mr. President.

SENATOR CLARK: Is Senator Landis in the room? 437, the committee amendments on the bill.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, LB 437 is an Urban Affairs Committee bill. It is meant to more than clarify, change some provisions with respect to the implementation of speed ordinances for railroad trains in the cities of Nebraska. There are committee amendments. They are substantial in that they make it explicit that we are talking only about speed limitation ordinances. As originally drafted the bill applied to any ordinance which directly or indirectly affected the operations of an interstate railroad. That has been changed now to talk only about speed limit ordinances so that is a narrowing by the committee amendments and, secondly, rather than requiring a special hearing on the ordinance, LB 437 as amended by the committee amendments requires that railroads be apprised of the first reading of the proposed speed limitation ordinances. This means then that the committee amendments limit considerably the application of the section only to the instance of speed limitation ordinances and, secondly, it does away with the

March 31, 1981

LB 58, 87, 157, 157A, 158, 200,
280, 283, 329, 330, 333, 371,
407, 427, 427A, 437, 483, 491, 536

PRESIDENT LUEDTKE PRESIDING

FATHER HENRY BURTON: (Prayer offered).

PRESIDENT: Roll call. Roll call, please. Would all of you please register your presence if you are here? We are still waiting a quorum. Senator Warner, do you want to give us your presence here and we can get a quorum. Thank you. Record the presence, Mr. Clerk.

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

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal will then stand as published. Are there any other messages, reports or announcements, Mr. Clerk.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 329 and recommend that same be placed on Select File with amendments; 333 Select File with amendments; 483 Select File; 407 Select File; 427 Select File; 427A Select File; 157 Select File; 157A Select File; 200 Select File; 371 Select File; 280 Select File; 536 Select File; 158 Select File; 330 Select File; 58 Select File with amendments; 491 Select File; 283 Select File with amendments; 87 Select File; 437 Select File with amendments. All signed by Senator Kilgarrin as Chair. That is all I have, Mr. President.

PRESIDENT: Thank you, Mr. Clerk. Senator Haberman, did you wish...Senator Haberman. The Chair recognizes Senator Haberman for a point of personal privilege. Yes, and you should all pay attention to this because it is pretty personal.

SENATOR HABERMAN: Mr. President, members of the Unicameral, this is a very personal thing and I would like to have your attention, especially the attention of the press. In the Omaha World Herald and in the Star this morning, it says, "Senator Rex Haberman of Imperial who operates a liquor store". I do not operate a liquor store. I do not own a liquor store nor do I have any stock in any liquor stores. I do not know where this idea came from and I would like to inform this body and have it go on the record that I am in no way involved in any liquor stores, wholesale, retail, giveaway or anything else, and I thank you, Mr.

April 6, 1981

LB 491, 283, 87,

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried, the bill is advanced. The next one is LB 283.

SENATOR KILGARIN: I move the E & R amendment to 283.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried, the E & R amendments are adopted.

SENATOR KILGARIN: I move LB 283 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried, 283 is advanced. LB 87.

CLERK: Mr. President, I have an amendment from Senator Higgins to 287. (Read Higgins amendment). That is offered by Senator Higgins, Mr. President.

SPEAKER MARVEL: Chair recognizes Senator Higgins.

SENATOR HIGGINS: Mr. President, I didn't realize we were going to move this fast on Select File this morning, in fact I didn't even know my bill would make it this morning, but I have handed out copies of the amendment. I would briefly explain the amendments this way. The amendments will keep the preference for noncivil protective custody for placement in a clinic, a hospital, a home or a detoxification center. The amendments will also allow a police officer to use the telephone to survey facilities to try to locate one with space. It will also allow an officer to contact only those facilities he knows will be likely to accept the individual rather than go to facilities that have previously had a record of not accepting them. It makes clear that civil protective custody can be used if no other facility is available to provide a place where the intoxicated derelict or alcoholic, whatever, can sleep off his intoxication until he is reasonably sober. Of course the other amendments were previously adopted, the committee amendments on General File.

SPEAKER MARVEL: The motion is the adoption of the Higgins amendment to LB 87. Senator Nichol. Excuse me, I'm sorry, Senator Wesely, you are first and then Senator Nichol.

SENATOR WESELY: Mr. Speaker, members of the Legislature, I was wondering if Senator Higgins could yield to a couple of questions.

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LB 87

SENATOR HIGGINS: Yes sir.

SENATOR WESELY: Senator Higgins, what is the basic thrust then of these amendments? Are you trying to provide for an opportunity to still go through the process of finding some facility to take care of these people but you are just concerned with the fact that some of them just won't help them and so before. . . what is really the thrust of the amendments and who brought them to you?

SENATOR HIGGINS: Well, the problem that we have had in the past is that the police, in their attempt, we are talking about the hard core derelict from downtown Omaha and my district borders downtown. In the past when they would take them to some detoxification centers the detox centers would say we are full, we don't have any room. Hospitals would not treat them because they were afraid of malpractice, and the police waste so much time from going from place to place to place, that with these amendments instead of taking them to those places they will be able to telephone those places, that have shown in the past, a willingness to take the intoxicated person and say we have this gentleman here and he is freezing to death and he is cold or he is laying in the middle of the street. Would you take him? What it would do is number one it will save our police officers an awful lot of time, and we have a shortage of policemen anyway. Number two, it will save gas so we are not burning up all of that gas going from place to place to place. Frankly, it has gotten to the point in Omaha where the police they know by heart who will not take them so it is easier if they can just pick up the phone and call the ones that would take them and say we have a gentleman or a woman here, would you accept them, or do you have room?

SENATOR WESELY: Is this amendment supported by say the Omaha Police or any group or are they just drafted on your behalf?

SENATOR HIGGINS: Just a second and I'll give you a list of who supports. I have here Senator Wesely a letter from the Lincoln Center Association saying that they approve of LB 87, it says, "Lincoln Center Association is a non-profit organization of retailer's, property owners, and other businesses working together to insure a healthy vital central business district. We feel that this bill can only aid us in achieving our goals and urge its passage." The Thurston County Sheriff's Department, the sheriff himself wrote a letter saying that he supported 87. The Nebraska County Attorney's Association, "I received a copy of LB 87

which you introduced and have discussed it with members of the association's committee, the members have no objections to the proposal." I have a letter here from a gentleman that runs what you might call a halfway house. It is a place where they charge them nothing but they take the derelicts in and they feed them every night at five o'clock and those that they have room for they allow them to sleep there at no charge. He says "I am a member of a hospitality house in Omaha. We have a house for men. Each night we turn down many men. Three years ago one of our men froze to death in a car across from our house because we just didn't have room. I am writing to offer you support on the behalf of our house for your bill, LB 87." This is from the Francis House.

SENATOR WESELY: Okay let me, my time is up almost? Okay, all I would like to say is that I can understand the concerns expressed by Senator Higgins and I will support the basic thrust of the bill. I would...evidently...the amendments that she is proposing would keep with that, when in fact we would continue to go through a process of trying to find some treatment for these people. This would just clarify that situation evidently and provide for a more clearer process. I guess that sounds fine with me if in fact that is what the amendments do.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, we just received this and, Senator Higgins, would it be acceptable to you, I think that they are all right and I think they will work in okay, I think that there are a couple of technical things that we should work out before we go on and have it engrossed so that we don't have to do it again. I don't think that there is a problem here at all but I really think the amendment should be worked in a little smoother so that it reads correctly. I don't know if I am right or wrong, I'm not trying to hold your bill up one bit. We are in favor of it. I don't think that it will cause a problem. Would this be agreeable with you?

SPEAKER MARVEL: Yes.

SENATOR HIGGINS: Senator Nichol, to the best of my knowledge you have always been an honorable man. I think that you are sincere and under the circumstances, like I say, from the debate that went on this morning I had no

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LB 87, 437

idea that LB 87 would make it to the floor this morning and I had instructed my aid to get these passed out much sooner and it just jumped up. But I would be willing to wait a reasonable amount of time for you to study the amendments, certainly.

SENATOR NICHOL: I think that we can have it down by tomorrow all right and I really don't think that we have a problem here but since it is going to E & R we would have to do it over again if there were slight punctuation or something. . .so if you would I would appreciate it.

SENATOR HIGGINS: I would be happy to do that Senator, since the bill came out of your committee.

SPEAKER MARVEL: Do you want the bill laid over until tomorrow or what?

SENATOR HIGGINS: Could we hold it till Wednesday? That will give you plenty of time to study it. Thank you.

SPEAKER MARVEL: All right, lets finish the other two items and then we will recess. Mr. Clerk, 437.

CLERK: Senator Kilgarin, Senator.

SPEAKER MARVEL: Senator Kilgarin, do you want to

SENATOR KILGARIN: I move the E & R amendments to LB 437.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried, the E & R amendments are adopted.

CLERK: Mr. President, Senator Cullan moves to amend the bill. His amendment is on page 1226 of the Journal.

SPEAKER MARVEL: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, the amendment which is printed on page 1226 and 1227 of the Journal indicates the language is important as is follows, "In any circumstances involving a railroad accident or the operation of the train in violation of state law or local ordinance, no engineer or other crew member of the train shall be required to furnish a motor vehicles operator's license to any state or local enforcement officer, or shall any citation involving the operation of a train be issued against the motor vehicle operator's license of the engineer or any other

April 7, 1981

LB 3, 56, 58, 87,
LB 283, 284, 322, 330,
LB 35, 437, 491

SENATOR VICKERS: Well I guess we will have to have a roll call vote then.

SENATOR CLARK: Call the roll. We are still short two. Is that all right with you?

SENATOR VICKERS: Who are missing?

SENATOR CLARK: Senator Goodrich and Senator Schmit.

SENATOR VICKERS: No, I want to wait until they get here.

SENATOR CLARK: We are required to stay in our seats under the Call of the House. Is the Sergrant at Arms looking for those two? Senator Schmit, we are voting on the advancement of LB 35. Call the roll. Senator Goodrich is not in the building that we can find. Here he comes. Now we don't have to find him. Senator Goodrich, we are voting on the advancement of LB 35. Senator Goodrich, we are voting on the advancement of LB 35. Do you want a call-in vote? Call the roll.

CLERK: (Read roll call vote as found on page 1339 of the Legislative Journal.) 25 ayes, 21 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The bill is advanced. Senator DeCamp, would you like the honor of adjourning us until tomorrow morning at nine o'clock?

SENATOR DeCAMP: Yes.

SENATOR CLARK: We have a few things to read in first.

CLERK: Mr. President, your Appropriations Committee will meet tonight upon adjournment in Room 1003. The Public Works Committee will meet in executive session in their regular hearing room immediately upon adjournment. All members are encouraged to attend. Senator Higgins offers explanation of vote, Senator Nichol to print amendments to LB 87. (See page 1343 of the Journal.)

I have a communication from the Governor. (Read same regarding LB 311 and 56. See page 1343 of the Journal.)

Mr. President, Senator Goodrich would like to print amendments to LB 3; Senator DeCamp to LB 284. (See pages 1340-1342 of the Journal.)

Your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 58; 283 engrossed; 330 engrossed; 437 engrossed and 491 engrossed.

April 8, 1981

LB 87, 172, 536

The first order of business there is LB 536.

CLERK: Mr. President, if I may right before that, Senator Fenger would like to print amendments to LB 172 in the Journal. (See pages 1351 through 1353 of the Legislative Journal.)

Mr. President, LB 536 has no E & R amendments. I do have an amendment from Senator Beutler to the bill. Senator Beutler moves to amend LB 536 by reinstating the stricken language in lines 13 through 15 beginning with the word "the" in line 13.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Members of the Legislature, I wish to withdraw the amendment. I still have some concerns but at this point in time I don't have them in proper form for consideration by the Legislature. So at this time I wish to withdraw the amendment.

SPEAKER MARVEL: Hearing no objection, so ordered.

CLERK: Mr. President, I now have an amendment from Senator DeCamp and that is to the Beutler amendment so I presume that that would be withdrawn as well, Mr. President.

SPEAKER MARVEL: Hearing no objection, so ordered.

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

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move LB 536 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion is carried. The bill is advanced. The next bill is LB 87.

CLERK: Mr. President, there are no E & R amendments to LB 87. I do have an amendment from Senator Higgins that was, I believe, pending. Senator Higgins, do you wish to withdraw that one? Okay. Mr. President, Senator Higgins wishes to withdraw her amendment.

SPEAKER MARVEL: Hearing no objection, so ordered.

CLERK: Mr. President, in lieu thereof I have an amendment

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LB 40, 87

from Senators Nichol and Higgins found on page 1343 of the Journal.

SPEAKER MARVEL: Senator Higgins, do you want to take the amendment?

SENATOR HIGGINS: Mr. President, the amendments basically do the same thing as they did before. We just changed a couple of words in it. They keep the preference for noncivil protective custody for placement in a clinic, a hospital, a home or a detoxification center for the chronic alcoholic or derelict. They allow the officers to use a phone survey to find if there are any facilities that will take the derelicts. It also allows an officer to contact only those facilities that past history or a pattern has shown will be likely to accept the individual. And it makes clear that civil protective custody can be used if no other facility is available to provide a place where the intoxicated derelict can sleep off his intoxication until he is reasonably sober. This is basically what the amendments are, and, Senator Nichol, the Chairman of the Judiciary Committee, and I worked them out together yesterday.

SPEAKER MARVEL: The motion is the adoption of the Higgins-Nichol amendment to LB 37. All those in favor of that amendment vote aye, opposed vote no. This is an amendment to LB 87. Have you all voted? Record the vote.

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of the Higgins-Nichol amendment.

SPEAKER MARVEL: Okay, the motion is adopted.

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

SPEAKER MARVEL: Senator Kilgarin. LB 87.

SENATOR KILGARIN: I move LB 87 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion is carried. The bill is advanced. LB 40.

CLERK: Mr. President, I have no E & R amendments to LB 40. I do have an amendment from Senator DeCamp and Koch found on page 1262 of the Journal.

SPEAKER MARVEL: Senator DeCamp, do you want to...?

April 9, 1981

LR 54
LB 167, 72, 205, 378, 40,
44, 87, 173, 292, 292A,
317, 536,

SENATOR CLARK: We have about three pages left. Can we get the Legislature to take their seats and vote on the bill. Continue.

ASSISTANT CLERK: Continues to read LB 167.

SENATOR CLARK: Everyone is in their seats please. All provisions of law having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting aye.

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

CLERK: 30 ayes, 13 nays, 5 present and not voting, 1 excused and not voting. Vote appears on page 1375 of the Legislative Journal.

SENATOR CLARK: The motion passed, the bill is passed. We have 40 students from Westlawn Elementary School in Grand Island in Howard Peterson's district. Roger Lee is the teacher. They are in the north balcony. Could you raise your hands please. Welcome to the Unicameral. We will now go to item six.

CLERK: Mr. President, your Enrolling Clerk respectfully reports that she has presented to the Governor at 11:00 a.m. LB 72 and 205.

Senator Marsh would like to print amendments to 378.

The Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 40 and find the same correctly engrossed, LB 44 correctly engrossed, LB 87 correctly engrossed, LB 317 correctly engrossed, LB 292 correctly engrossed, 292A correctly engrossed, 173 correctly engrossed and LB 536 correctly engrossed.

Mr. President, a new resolution. Read LR 54. That will be laid over Mr. President.

April 15, 1981

LB 44, 74, 87

take care of your area so we can proceed with Final Reading? Thank you. The Clerk will read on Final Reading LB 74.

CLERK: (Read LB 74 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 74 on Final Reading. Have you all voted? Record the vote.

CLERK: (Record vote read. See page 1478, Legislative Journal.) 35 ayes, 5 nays, 9 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is passed on Final Reading. The Clerk will now read LB 44.

CLERK: (Read LB 44 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass on Final Reading? Those in favor vote aye, opposed vote no. Have you all voted? The Clerk will record the vote.

CLERK: (Record vote read. See pages 1478 and 1479, Legislative Journal.) 39 ayes, 1 nay, 9 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read on Final Reading LB 87.

CLERK: (Read LB 87 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 87 on Final Reading. Have you all voted? Record the vote.

CLERK: (Record vote read. See page 1479, Legislative Journal.) 36 ayes, 3 nays, 9 excused and not voting, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. Permission has been requested to temporarily pass over LB 173 until the introducer gets here. Is there objections? If not, so ordered. Senator Beutler, what were we doing on the next bill?

SENATOR BEUTLER: Since Senator DeCamp is not here and there

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LR 21
LB 44, 74, 87, 173, 271

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by the Reverend Gifford Myers from the First Evangelical Free Church, Lincoln.

GIFFORD G. MYERS: (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, are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

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

CLERK: Mr. President, LB 74, 44, 87, 271, and 173, as well as LR 21 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign: LB 74, LB 44, LB 87, LB 271, LB 173 and LR 21. Anything further, Mr. Clerk?

CLERK: I have nothing further, Mr. President.

PRESIDENT: The Chair recognizes at this time for a very special explanation and presentation, Honorable Senator Marsh.

SENATOR MARSH: Thank you very much, Mr. President. I am very pleased, ladies and gentlemen, members of the legislative body, to share with you some of the excitement which has been going on at our house the past few months. The State Treasurer as a member of the Plant Two Trees Committee of Lancaster County has made the little gift available to you which you found on your desk this morning. This is some of the night hours put in by the State Treasurer delivering these in person last evening and this committee through the leadership of the State Treasurer has made available to every fifth grade school child in the County of Lancaster County a tree to be planted on Arbor Day. I urge you to plant this tree or give to someone who will plant it. It is a blue spruce and there is attached to the package some interesting facts regarding trees and the State of Nebraska. I wish

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LB 506, 44, 74, 87, 266,
173, 226A, 271, 483

propriated in this bill, there is some question about the continued operation of the Eppley Institute. This would be a shame. I urge the body's support of 506.

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

SENATOR CULLAN: Mr. President, members of the Legislature, I appreciate all the support that has come and I appreciate Senator Warner's constructive amendments to LB 506. Senator Wesely just asked a question about what the scope of the bill now is with respect to research. The \$1.2 million which we appropriated to the Department of Health will be available for research, not only for cancer related research, but for research related to any disease or medical problem that it would be caused by smoking. There are a tremendous number of smoking related diseases and so I do not believe that is an excessive amount of money for that research. I think it really is just a start and I really hope that you will join me in advancing the bill. I would, however, have to correct Senator Hefner who urged Senator Koch to start chewing tobacco instead of smoking. Senator Dworak was recently advised by his dentist not to do that and so in light of that I wouldn't suggest Senator Koch taking that habit up either. As to why we have not increased the tax on chewing tobacco and cigars, that is something that the Revenue Committee or somebody may want to look at, but if you have as many ranchers in your district as I have in mine, that is not something you want to be involved in initiating. Thank you very much and I would urge you to advance LB 506.

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

CLERK: 30 ayes, 1 nay, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: Motion is carried. The bill is advanced. Go ahead.

CLERK: Mr. President, your Enrolling Clerk respectfully reports she has presented to the Governor for his approval LB 74, 44, 87, 271 and 173.

Mr. President, a new A bill, LB 226A offered by Senator Haberman. (Title read.)

Mr. President, LB 483 is 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 reengrossed LB 483. We are now ready for LB 266.

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LB 44, 74, 87, 113, 271, 298,
327, 328, 331, 404, 478, 486,
252, 241, 483

not going to be built for a variety of reasons, environmental costs, eminent domain and many other reasons. You start talking about building a project and immediately you have a whole group of people that rise up in arms to it. We all know that, but yet it is nice to stand up on the floor and make glowing speeches about how we need to store more water. But now when we are talking about an issue where we might be able to save some of that water in the State of Nebraska although it might not be in your area, it might not be in your basin, you might have to drive a couple hundred miles to go fish in it, suddenly you don't want to do that and you want to put language in the statutes that I assure you is going to prohibit it from happening. I suggest that reasonable people that are of conservative nature should agree with me to remove the language in lines 13 and 14.

SPEAKER MARVEL: Okay, the motion is on the second half of the Vickers amendment, is the adoption of that amendment. All those in favor vote aye, opposed vote no. Have you all voted? Senator Vickers, where are you? Oh, there you are. Eight are excused, Senator Vickers.

SENATOR VICKERS: Record the vote. Oh, make it...I want a record vote.

SPEAKER MARVEL: Okay, record.

CLERK: (Read the record vote as found on page 1519 of the Legislative Journal.) 10 ayes, 23 nays, Mr. President, on adoption of the amendment.

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

CLERK: Your Enrolling Clerk has presented to the Governor LB 483.

I have a communication from the Governor addressed to the Clerk. (Read communication regarding the signing of LBs 44, 74, 87, 271 and 483 as found on pages 1520 and 1521 of the Legislative Journal.)

Mr. President, Senator Fowler would like to print amendments to LB 404. (See pages 1521 and 1522 of the Journal.)

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 241 and find the same correctly engrossed; 298, 327, 328, 486, 113, and 331 and 478, all correctly engrossed, Mr. President. (See pages 1524 and 1525 of the Legislative Journal.)