

LB 253, 89A, 243, 262,  
291, 295, 330, 333,  
408, 422, 433, 496

February 26, 1981

CLERK: Mr. President, new A bill, LB 89A, offered by Senator Marsh. (Read.)

Senator Kremer would like to give notice of cancellation of public hearing scheduled for LB 408 next Thursday.

Mr. President, your committee on Ag and Environment whose chairman is Senator Schmit reports 333 to General File; 243 to General File with amendments; 253 General File with amendments; 291 General File with amendments, (Signed) Senator Schmit. (See page 676 of the Journal.)

Your committee on Banking whose chairman is Senator DeCamp reports LB 330 to General File with amendments.

Your committee on Public Health whose chairman is Senator Cullan reports 262 indefinitely postponed; 295 indefinitely postponed; 422 indefinitely postponed; 433 indefinitely postponed and 496 indefinitely postponed, (Signed) Senator Cullan. (See page 676 of the Legislative Journal.)

Mr. President, Senator Lamb wants to have a meeting of the Executive Board tomorrow morning at eight o'clock in Room 2102, the Executive Board tomorrow morning at eight o'clock, in 2102.

Senator Koch asks to be excused, Friday, February 27th.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Okay, we are ready for item #5, Select File. You will note that there is a designation of one hour and then we will move to item #6 which has to do with reconsideration of LB 143. Okay, Mr. Clerk.

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LB 89, 89A

Cullan has asked that we announce that from twelve noon to one p.m. the Chadron State College Eagleairs and Jazz Band will perform in the rotunda. All Senators, staff and friends are invited. We are ready to consider LB 89A, Mr. Clerk.

CLERK: Mr. President, LB 89A offered by Senator Marsh. (Read title.) It was referred directly to General File, Mr. President.

SPEAKER MARVEL: Senator Marsh.

SENATOR MARSH: Mr. Speaker and members of the Legislature, I do not come lightly with an A bill to this legislative floor. As the veteran members of this body know, serving on Appropriations Committee, I very seldom come with a bill that has an A bill need. I thoroughly believe in the need for legislative bill 89 and because I believe and know this is needed in the Third Judicial District, I ask your support for advancing the A bill which provides \$49,882 for LB A bill, 89. As you are all aware, we fund this court system through our state, and for that reason, the A bill is needed. We deserve the Third Judicial Districts additional judge in order to process the various functions which must be filed in this county. Only with this help can we continue to have quality judicial decisions in our state. Thank you for your attention. I urge you to advance this bill.

SPEAKER MARVEL: Senator Hefner, do you wish to speak on the motion to advance the A bill?

SENATOR HEFNER: Mr. President, I have a question of Senator Marsh, if she will yield.

SPEAKER MARVEL: Senator Marsh, do you yield?

SENATOR MARSH: Thank you.

SENATOR HEFNER: I see we are appropriating \$20 some thousand for the operation of the Supreme Court. Would you care to remark on that?

SENATOR MARSH: That is a necessary process for how it is funded. I have no additional information to share with you, Senator Hefner.

SENATOR HEFNER: I didn't realize that some of this money would go towards the Supreme Court.

SENATOR MARSH: This is not for the functioning of the Supreme

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LB 89A, 50

Court. It is for the retirement, for the necessary over-age, the necessary supervision of court reporting, of the court reporters are all paid through the Supreme Court. In order to have a judge, it is necessary to have a court reporter and that is paid through the Supreme Court. It is not actually adding dollars to the Supreme Court. It is a pass through from the Supreme Court. All court reporters are funded through the Supreme Court.

SENATOR HEFNER: In other words you are saying that beings we are going to put one more district court judge in, we need to fund the Supreme Court a little extra to pay for this court reporter who will be responsible to the extra district judge, is this correct?

SENATOR MARSH: Yes, sir.

SENATOR HEFNER: Okay, thank you.

SPEAKER MARVEL: Motion is the advancement of 89A to E & R for Review. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Have you all voted?

CLERK: 26 ayes, 0 nays on the motion to advance the A bill, Mr. President.

SPEAKER MARVEL: The bill is advanced. Now before we go to the next bill, it is my privilege to recognize from Senator Hefner's District in the North balcony 43 high school students from Wausa High School, the Wausa High School band, Wausa, Nebraska. The band director is Keith Byrkit and the band has just been chosen the Class C band of Nebraska. Where is Mr. Byrkit? Okay, may we give them a hand. The next bill is LB 50.

CLERK: Mr. President, LB 50 was introduced by Senator David Landis. (Read title.) The bill was originally read on January 8 of this year. It was referred to the Judiciary Committee for public hearing. It was advanced to General File. There are committee amendments by the Judiciary Committee, Mr. President.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, as has been stated by the Clerk already, this is a ride sharing bill, and because of the subject matter, it will deal with taxing and licensing requirements, accident reporting requirements, application of Workman's Compensation laws and the guest statute. Senator Landis having thorough knowledge of

March 10, 1981

LB 9, 34, 50, 74, 89,  
89A, 124, 174, 178,  
194, 345, 425, 500

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: I take great pleasure in introducing my own pastor, Pastor Harold Hamilton from First Lutheran here in Lincoln.

PASTOR HAROLD HAMILTON: (Prayer offered)

PRESIDENT: Roll call. Senator Marsh.

SENATOR MARSH: Mr. President, for all who are within my range of my voice, I would like to give notice that tomorrow I am going to ask for a recorded vote on those who are here by 9:05 a.m.

PRESIDENT: Thank you, Senator Marsh. Senator Nichol.

SENATOR NICHOL: Mr. President, I will make sure to be here tomorrow but I wonder if that is going to be an occurrence every day, Senator Marsh. I am sorry, she is talking. I was just curious about what the rule would be.

PRESIDENT: Have you all recorded your presence? It is now 9:05 a.m. Has everybody recorded your presence? Record the presence, Mr. Clerk.

CLERK: 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 that we have carefully examined LB 74 and recommend that same be placed on Select File with amendments; LB 500 Select File with amendments; LB 425 Select File with amendments; LB 194 Select File with amendments; LB 174 Select File with amendments; LB 89 Select File with amendments; LB 89A Select File with amendments; LB 50 Select File with amendments.

Mr. President, your Enrolling Clerk respectfully reports that she has presented to the Governor at 2:10 p.m. yesterday LBs 9, 34, 124, 178, and 345.

Mr. President, your committee on Enrollment and Review

March 13, 1981

LB 50, 89, 89A, 194,  
LB 500, 425, 475

SENATOR CLARK: All those in favor of advancing 425 say aye, all those opposed no. The bill is advanced. LB 194.

CLERK: There are E & Rs, Senator.

SENATOR BEUTLER: Mr. Speaker, I would move the E & R amendments to LB 194 be adopted.

SENATOR CLARK: All those in favor of the E & R amendments to LB 194 say aye, all those opposed no. The amendments are adopted. Senator Beutler.

SENATOR BEUTLER: No further amendments, Mr. Speaker?

CLERK: Nothing further, Senator.

SENATOR BEUTLER: I would move that LB 194 be advanced to E & R for engrossment.

SENATOR CLARK: All those in favor of advancing LB 194 say aye, all opposed. The bill is advanced. LB 89. Senator Beutler. Are there E & R amendments on this one?

CLERK: There are no E & R.

SENATOR BEUTLER: Mr. Speaker, I would move that LB 89 be advanced to E & R for engrossment.

SENATOR CLARK: The question is the advancement to E & R for LB 89. All those in favor say aye, all those opposed no. The bill is advanced. LB 89A.

SENATOR BEUTLER: Mr. Speaker, I would move that LB 89A be advanced to E & R for engrossment.

SENATOR CLARK: All those in favor of advancing LB 89A say aye, opposed no. The bill is advanced. LB 50.

CLERK: There are E & Rs, Senator.

SENATOR BEUTLER: Mr. Speaker, I would move that the E & R amendments to LB 50 be adopted.

SENATOR CLARK: The E & R amendments to LB 50, all those in favor say aye, all opposed nay. The amendments are adopted. Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, I would move that LB 50 be advanced to E & R for engrossment.

SENATOR CLARK: All those in favor of LB 50 being advanced say aye, opposed no. The bill is advanced. LB 475.

March 16, 1981

LB 328, 477, 35, 112,  
245, 206, 206A, 22, 50,  
74, 89, 89A, 171, 194,  
425, 475, 500, 550,

SPEAKER MARVEL: The motion is the adoption of the Beutler amendment to the committee amendment. All those in favor of the motion vote aye, opposed vote no. Have you all voted? Have you all voted? Shall the House go under Call, all in favor of that motion vote aye, opposed vote no.

CLERK: 13 ayes, 2 nays to go under call Mr. President.

SPEAKER MARVEL: The House is under Call. All Legislators should be in their seats. Record your presence. Unauthorized personnel please leave the floor. Senator Fenger, Senator Koch, Senator Cope, Senator Kilgarin, Senator Kremer, Senator Schmit, Senator Vard Johnson, Senator Sieck, Senator Landis, Senator Newell, Senator Chambers, Senator Pirsch. Do we have them all now? Senator Vard Johnson and Senator Sieck. Will all legislators please be in their seats before we start the roll call. Senator Beutler everybody is accounted except Senator Vard Johnson. He is across the street. This is a roll call vote on the Beutler amendment to the committee amendment. Are you all in your seats? Okay, call the roll.

CLERK: Roll call vote. 15 ayes, 28 nays, 1 present and not voting, 4 excused and not voting, and 1 absent and not voting. Vote appears on pages 940-941 of the Legislative Journal.

SPEAKER MARVEL: Motion lost. Do you have another item?

CLERK: Mr. President, I have certificates and letters accompanying certificates regarding the overrides of LB 206 and 206A. (See pages 941-42 of the Legislative Journal).

Your committee on Enrollment and Review respectively reports we have carefully examined LB 22 and find the same correctly engrossed, 50, 74, 89, 89A, 171, 194, 425, 475 and 500, all correctly engrossed. (Signed) Senator Kilgarin, Chair.

Your Enrolling Clerk has presented certain bills to the Governor on this day. (See page 943 of the Legislative Journal).

Have a reference report referring LB 550.

Government Committee will meet in Executive Session on Thursday at 1:30 in Room 1113.

Judiciary reports 328 to General File as amended and 477 to General File with amendment.

Public Works reports 35 to General File and LB 112 indefinitely postponed. (Signed) Senator Kremer, Chair.

January 13, 1982

LB 305, 89A, 810-813

SPEAKER MARVEL: The motion is the advancement of LB 305 to E & R for Engrossment. All those in favor of advancing the bill vote aye, opposed vote no. Have you all voted? Record.

CLERK: 29 ayes, 11 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried and the bill is advanced. The Clerk will read some items in on his desk.

CLERK: Mr. President, Senator Marsh would like to print amendments to LB 89A in the Legislative Journal. (See pages 264-265 of the Journal.)

Mr. President, new bills. (Read LBs 810-813 by title for the first time. See page 264 of the Legislative Journal.)

SENATOR NICHOL PRESIDING

April 7, 1982

LB 89A, 480, 799A, 903,  
903A, 928

All those in favor signify by voting aye. Opposed nay.  
The bill is advanced. Would you like to read in something,  
Mr. Clerk?

CLERK: Yes, sir, I would. Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 799A and recommend that same be placed on Select File; 903 and 903A, all placed on Select File, Mr. President. (See page 1776 of the Legislative Journal.)

Mr. President, Senator Marsh would like to print amendments to LB 89A in the Legislative Journal. (See pages 1775 and 1776 of the Journal.)

SENATOR NICHOL: We will move on to LB 480. Senator Hoagland, are you going to take this?

CLERK: Mr. President, we have E & R amendments to the bill.

SENATOR NICHOL: Senator Kilgarin.

SENATOR KILGARIN: I move we adopt the E & R amendment to LB 480.

SENATOR NICHOL: All those in favor signify by saying aye. Opposed nay. They are adopted.

CLERK: Mr. President, Senators Hoagland, Beyer and Sieck would move to amend the bill and that amendment is on page 1314 of the Journal.

SENATOR NICHOL: Senator Hoagland.

SENATOR HOAGLAND: Mr. President and colleagues, Senators Beyer, Sieck and myself are moving to make a couple of final changes in LB 480 before we advance it, before we hope the body advances it to Final Reading. Let me say at the outset that these amendments have been agreed upon substantively by the County Attorneys' Association and we have also had some representatives of the Bar Association that have given these amendments technical approval. What the amendments do basically is rewrite the current provision of the law which provides that interspousal transfers shall not be subject to the inheritance tax in Nebraska. That is Section 1 of the amendments. The other two sections of the amendments take out the lien on real property for situations where two spouses are living and jointly own a home and one spouse dies and all of the interest in property goes to the surviving spouse. In circumstances of that sort, there is no lien either under the county inheritance tax or the



April 14, 1982

LB 89, 89A

Please, next term could be too late for some of those whose cases are currently pending. I urge your support for LB 89.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: I ask to withdraw the amendment.

SENATOR CLARK: It is withdrawn. The Clerk will read LB 89.

CLERK: (Read LB 89 on Final Reading.)

SENATOR CLARK: 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 vote nay. Have you all voted? A roll call vote has been asked for. The Clerk will call the roll.

CLERK: (Roll call vote taken. See pages 1930 and 1931, Legislative Journal.) 27 ayes, 18 nays, Mr. President.

SENATOR CLARK: The bill passes on Final Reading. The Clerk will now read LB 89A. For what purpose do you rise, Senator Wiitala?

SENATOR WIITALA: Mr. President, I would like to rise for a point of personal privilege.

SENATOR CLARK: All right, state your point.

SENATOR WIITALA: Mr. President and colleagues, I think most of you recognize the fact that we are on Final Reading, that any serious amendment to a bill would kill a bill. The thing that I am addressing is the fact that motions are being filed to blind sight bills with no intention, no serious intention to amend the bill but to get the last word in which causes people who are carrying the bill or who favor the bill to file motions in order to get the last word in defense of their bill. I feel it is totally unnecessary. It is unfair and I would hope this body as we take a look at this next bill and as we confront Final Reading on Friday that we would discontinue that practice. Thank you.

SENATOR CLARK: That is a prerogative of the Legislature according to the rules, they have that right to do that. The Clerk will now read 89A.

CLERK: Mr. President, Senator Marsh, you had two different amendments. Senator Marsh would like to withdraw those, Mr. President.

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LB 89A

SENATOR CLARK: They are withdrawn.

CLERK: Mr. President, Senator Haberman would move to return LB 89A to Select File for specific amendment, that amendment being to strike the enacting clause.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the body, I just felt it necessary to tell you for the last year and a half, at the minimum, for the last year and a half Lancaster County has been served with an extra judge. They call him in from other parts of the state, southeast Nebraska, western, northeast Nebraska, and the only expense is the travel expense. They have been served. They will be continued to be served. This has not caused a problem in the courts. I found this out and I would have told you a few minutes ago but I just now found this out so they are being served with an extra judge and they can continue to do this and, thereby, this shows that if it has been going on for a year and a half, almost two years, maybe we have got too many judges. So I would suggest that you vote no on this finance bill and let's proceed as Senator Wiitala suggests. Mr. President, I withdraw my motion.

SENATOR CLARK: It is withdrawn. The Clerk will read 89A.

CLERK: Mr. President, Senator Nichol would move to return the bill for specific amendment.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I can't let this go without responding just for a second. Yes, they are being served by other judges. They bring them in from Chadron, from Scottsbluff, from Norfolk, southeast. They pay their expenses. They pay their lodging while they are here and it is costing you more to do it this way than to do it right. So I urge you to support the A bill.

SENATOR CLARK: Do you withdraw that?

SENATOR NICHOL: Yes, I would ask to withdraw it please.

SENATOR CLARK: Is this what you meant, Senator Wiitala? Before we read the bill, I would like to announce we have 15 twelfth graders from Davenport High School, Davenport, Nebraska. They are in the North balcony. Will you stand and be recognized please. We also have 51 fourth graders from Rose Hill Grade School in Omaha, Nebraska, in the North balcony. Would you stand and be recognized please.

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LB 89A, 242

Welcome to the Legislature. Senator Haberman, for what purpose do you rise?

SENATOR HABERMAN: A point of personal privilege, a point of order.

SENATOR CLARK: All right.

SENATOR HABERMAN: Mr. President, I just have to correct my good friend, Senator Nichol, that...

SENATOR CLARK: That is not...

SENATOR HABERMAN: ...if it is \$82,000 in expenses (mike turned off.)

SENATOR CLARK: You are talking to yourself. The Clerk will now read 89A.

CLERK: (Read LB 89A on Final Reading.)

SENATOR CLARK: 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 vote nay. Have you all voted? This will require 30 votes. Record the vote. Senator Marsh.

SENATOR MARSH: A roll call vote.

SENATOR CLARK: A roll call vote has been requested. The Clerk will call the roll.

CLERK: (Roll call vote taken. See pages 1931 and 1932, Legislative Journal.)

SENATOR CLARK: Senator Marsh.

SENATOR MARSH: I would request that mine be changed to not voting for purposes of reconsideration.

SENATOR CLARK: All right.

CLERK: Senator Marsh changing from yes to not voting for purposes of reconsideration. 26 ayes, 18 nays, Mr. President.

SENATOR CLARK: The bill having failed to receive the constitutional majority failed on Final Reading. The Clerk will now read 242.

CLERK: Mr. President, I have a request from Senator Nichol to lay over LB 242.