

the authority to make those determinations. If Senator Schmit and Senator DeCamp want different mechanisms within their area then let them go to their natural resources districts and make that plea to them. It's the same as I should have the right to do with my NRD but you're taking that right away from me and I think that is wrong. I think that is fundamentally wrong. Why don't we just do away with the NRDs and make all the decisions right here? We'll draw the lines, we'll do the whole works. We'll be the Natural Resources Board for the whole state. That is really what we are doing. Is that what we want to do?

SENATOR CLARK: The question before the House is the adoption of the Vickers amendment to the Kremer amendment on Section two. All those in favor vote aye, opposed vote nay. This also takes a simple majority. A record vote has been requested. Once again, have you all voted? Record the vote.

CLERK: (Read record vote as found on page 353 of the Legislative Journal.) 12 ayes, 21 nays, Mr. President, on adoption of the amendment.

SENATOR CLARK: The motion lost. Senator DeCamp, would you like to adjourn us until nine o'clock tomorrow morning after the Clerk reads in the rest of the bills.

SENATOR DeCAMP: Marvel was saying something about coming back at four-thirty or something. Is that out?

SENATOR CLARK: No, I don't think we need to.

SENATOR DeCAMP: Okay, we're going until nine o'clock tomorrow then.

SENATOR CLARK: No, let's wait until he reads the bills in.

SENATOR DeCAMP: Oh, okay.

SENATOR CLARK: He still has some bills to read in.

CLERK: Mr. President, new bills. (Read by title for the first time, LBs 915-955 as found on pages 354-366 of the Legislative Journal.)

Mr. President, Senator Marsh would like to print amendments to LB 69 in the Legislative Journal. (See page 369 of the Legislative Journal.)

Banking gives notice of cancellation and rescheduling of a hearing. (See page 369.)

February 10, 1982

LR 218
LB 300, 775, 776, 826,
951, 952, 961, 126

SENATOR CLARK: A Call of the House has been requested. All those in favor of a Call vote aye, opposed vote nay. Record the vote.

CLERK: 13 ayes, 0 nays, Mr. President, to go under Call.

SENATOR CLARK: The House is under Call. All unauthorized personnel will leave the floor. All senators will be in their seats according to our rules and please check in. We have three excused. We are looking for sixteen. Will everyone that is sitting in their seats please check in. Senator Cope, would you please check in. Senator Schmit, Senator Newell, Senator Stoney. Senator Sieck, would you push your button, please. Senator Goodrich. We're going to look for Senator Stoney, Senator Schmit. We got to Schmit, now if we can get to Stoney. Senator Newell. We will tell you what we are going to vote on before we vote. Roll call vote, yes. Would all senators remain in their seats, please, so we can have a check. We will not start the roll call until all senators are in their seats. Senator Wagner, would you get in your seat, please. Can you find Senator Higgins? Do you want to start the roll call? The Clerk will call the roll. If we can keep it quiet so we can hear the response it will really help up here.

CLERK: (Read roll call vote as found on pages 621-622 of the Legislative Journal.) 26 ayes, 18 nays, Mr. President.

SENATOR CLARK: The motion passed. The amendment is passed. Do you have anything further on the bill? The Clerk would like to read some things in first.

CLERK: Mr. President, a special order announcement from the Speaker.

SENATOR CLARK: The Call is raised.

CLERK: Mr. President, Senator Fowler would like to print amendments to LB 218. Senator Fowler moves to place LB 300 on General File pursuant to Rule 3, Section 18(b). That will be laid over. (See page 622 of the Legislative Journal.)

Your committee on Banking, Commerce and Insurance advances 775 to General File; 776 to General File; 826 to General File; 951 to General File; 952 General File; 961 General File, all signed by Senator DeCamp as Chair.

Mr. President, the next amendment I have is from Senators Sieck, Lowell Johnson and Beutler.

SENATOR CLARK: Senator Sieck.

March 5, 1982

LB 951, 961

Sidney girls' basketball team in the north balcony is the best in the state. Where are you located? The next bill, LB 951.

CLERK: LB 951 offered by Senator Hoagland. (Read title). The bill was read on January 19th of this year. It was referred to the Banking Committee for public hearing. It was advanced to General File, Mr. President. I have no amendments to the bill.

SPEAKER MARVEL: The Chair recognizes Senator Hoagland.

SENATOR HOAGLAND: Colleagues, this bill, LB 951, which was advanced by the Banking Committee with no dissenting votes deals with the entities in which trust funds who are qualified to act as fiduciaries may invest their funds. Now under current law a company which is qualified to act as a fiduciary, a trust company qualified to act as a fiduciary is limited to investing the funds of their clients only into the fund that they have in their particular organization without being able to broaden their investments to the commonly held trust funds of affiliated organizations, affiliated banks or trust companies. This would broaden the statutory authority so that they could have a little bit more flexibility in investing clients' funds to bring a higher return on behalf of their clients. That is basically what the bill does and I would be pleased to attempt to answer questions any of you might have about it. Thank you, Mr. Speaker.

SPEAKER MARVEL: Okay, the motion is the advancement of the bill as explained by Senator Hoagland. All those in favor vote aye, opposed vote no. Have you all voted? Clerk, record the vote.

CLERK: 30 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: Okay, the next bill is LB 952.

CLERK: Mr. President, LB 952.

SPEAKER MARVEL: Okay, we will have to pass over 952. Senator Newell is not here yet. 961.

CLERK: Mr. President, LB 961 offered by Senator Goodrich. (Read title.) The bill was read on January 19, referred to the Banking, Commerce and Insurance Committee. The bill was advanced to General File, Mr. President. I have no amendments to the bill.

LB 577, 579, 601, 605, 642, 644, 651, 662,
677, 678, 696, 697, 718, 718, 719, 720,
728, 729, 739, 743, 764, 767, 767A, 775,
776, 778, 784, 792, 796, 807, 824, 825,
828, 839, 845, 869, 877, 890, 892, 931,
941, 951, 952, 961, 962

March 9, 1982

SPEAKER MARVEL PRESIDING

REV. MORRIS VENDEN: Prayer offered.

SPEAKER MARVEL: If I could have your attention for a moment before we proceed. The chairmen had a meeting today and it was agreed that we would attempt to control debate as we have not done too well in the last few months and that we would try, for instance, with 652 to have the debate and the vote on advancement after one hour and that we try to have the pros and the cons of these issues so it doesn't take forever to get the point across. This time we're in a position where we either try to limit debate or many of the other issues will simply go down the drain. So the Chair would appreciate, the chairmen would appreciate your cooperation in trying to give people an opportunity on both sides and not spend all day in the discussion. Record.

CLERK: There is a quorum present, Mr. President. Yes, sir, I do have some items to read in. Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 579 and find the same correctly engrossed; 662 correctly engrossed; 677 correctly engrossed; 718 correctly engrossed; 719 correctly engrossed; 728, 729 correctly engrossed; 764 correctly engrossed and 778 correctly engrossed. (See page 1060 of the Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 720 and recommend that same be placed on Select File with amendments; 767 Select File with amendments; 767A Select File; 807 Select File with amendments; 941 Select File; 877 Select File; 577 Select File; 792 Select File; 605 Select File; 931 Select File with amendments; 796 Select File; 845 Select File; 644 Select File; 739 Select File; 696 Select File; 828 Select File; 642 Select File; 678 Select File; 775 Select File; 776 Select File; 951 Select File; 961 Select File; 952 Select File; 784 Select File; 651 Select File; 716 Select File with amendments; 743 Select File; 601 Select File; 869 Select File with amendments; 697 Select File; 825 Select File; 892 Select File; 962 Select File with amendments; 839 Select File and 890 Select File with amendments. Those are all signed by Senator Kilgarin as Chair, Mr. President. (See pages 1057-1059 of the Legislative Journal.)

Mr. President, I have a motion from Senator Labeledz to place LB 824 on General File pursuant to Rule 3, Section 18(b). That will be laid over pursuant to our rules, Mr. President.

SPEAKER MARVEL: Okay, we go to item #4 and we're talking about LB 924 and I would caution you to do your best to get

March 11, 1982

LB 642, 678, 775,
776, 951

PRESIDENT: Motion to advance LB 642 to E & R for Engrossment. Machine vote, Senator Chambers, did you say? Machine vote has been requested. All those in favor vote aye, opposed nay, on LB 642 to Engrossment. Record the vote.

CLERK: 31 ayes, 3 nays, Mr. President, on the motion to advance the bill.

PRESIDENT: Motion carries, LB 642 is advanced to E & R for Engrossment. The next bill is LB 678, Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 678.

PRESIDENT: Motion is to advance LB 678 to E & R for Engrossment. Machine vote has been requested. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 33 ayes, 0 nays, Mr. President, on the motion to advance the bill.

PRESIDENT: The motion carries and LB 678 is advanced to E & R for Engrossment. LB 775, Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 775.

PRESIDENT: Motion to advance LB 775 to E & R for Engrossment. Machine vote has been requested. All those in favor... any discussion? All those in favor vote aye, opposed nay. Record the vote.

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

PRESIDENT: Motion carries, LB 775 is advanced to E & R for Engrossment. The next bill is LB 776. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 776.

PRESIDENT: Motion to advance LB 776 to E & R for Engrossment. All those in favor signify by saying aye. Opposed nay. LB 776 is advanced to E & R for Engrossment. The next bill is LB 951. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 951.

PRESIDENT: Motion to advance LB 951 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 951 is advanced to E & R for Engrossment. LB 961. Yes, sir. Okay, ready, LB 961, Senator Kilgarin.

March 15, 1982

LR 251
LB 961, 962
LB 839, 868, 877, 931, 941, 951,
LB 378, 435, 577, 601, 609, 634,
LB 651, 697, 716, 774, 784, 792

CLERK: Mr. President, very quickly, Senator Landis would like to print amendments to LB 868.

A new resolution, LR 251, offered by Senator Wesely. (Read.) (See paged 1176, Legislative Journal.) That will be laid over, Mr. President.

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined engrossed LB 378 and find the same correctly engrossed, 609, 634, 435, 577, 601, 651, 697, 774, 716, 784, 792, 839, 877, 931, 941, 951, and 961, and 962 all correctly engrossed. And that is all that I have, Mr. President.

SENATOR CLARK: Senator Stoney.

SENATOR STONEY: Mr. President, I would move that we adjourn until 9:00 a.m., March 16th, 1982.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. We are adjourned until nine o'clock tomorrow morning.

Edited by Arleen McCrory
Arleen McCrory

March 19, 1982

LB 951

SENATOR CLARK: The bill is declared passed with the emergency clause attached. The Clerk will now read 951.

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

SENATOR CLARK: Read the motion.

ASSISTANT CLERK: Senator Kilgarin would move to return LB 951 to Select File for a specific amendment, that amendment is to strike the enacting clause.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: Thank you. Mr. President and members of the Legislature, only this last summer and this last fall a couple of incidents came to my attention which made me become a little bit concerned with the fiduciary powers the banks and trust companies have and how they utilize the trust fund, and so when I saw the one liner on this bill which said relating to powers of fiduciaries with regard to trust funds, I became a little concerned and thought maybe I ought to read the bill and kind of see what it does. It really doesn't affect the area that I was concerned about which was banks getting into the listing and selling of real estate through their trust funds, through their fiduciary powers using the attorney in fact, kind of circumventing the law because the comptroller had ruled that that was not proper for banks to be involved in the act of listing and selling of real estate but what I understand this bill does do is something that I think we have fought so diligently in here over the last I don't know how many years and I think it deals with corporations and multibank holding companies and how they can invest their trust funds. Now as I understand it and I am going to ask Senator Hoagland a question, but as I understand it, this bill allows the cross-utilization of trust funds monies by other banks that are held by the same corporation. Now what I would like to ask Senator Hoagland is, does this mean that Nebraska trust fund monies will be going to Minneapolis for investment as opposed to staying in the State of Nebraska?

SENATOR CLARK: Senator Hoagland.

SENATOR HOAGLAND: Mr. President and colleagues, in response to Senator Kilgarin's question, the answer to that is, yes. It could under some circumstances permit trust funds that are managed by a Nebraska trust department to be invested in an affiliated bank if the trust officer and the clients of the trust officer think that the common trust fund of

March 19, 1982

LB 951, 961

the other bank suits their individual investment portfolios more satisfactorily than the trust fund existing in the bank where the funds are at that time. So the answer to that is it could result in that, yes.

SENATOR KILGARIN: Thank you, Senator Hoagland. One, I am going to vote against this bill, I don't want Nebraska monies leaving Nebraska. I think this is one of the major concerns that I have heard expressed on this floor with regard to multibank holding companies. Now I am not saying whether they are good or bad. I am just saying this is one portion that I don't think I would agree with. So I am going to ask to withdraw my motion to return but I am going to vote against this bill, and for those of you who don't want Nebraska trust fund monies leaving the State of Nebraska, I would urge you to do the same. Thank you.

SENATOR CLARK: The motion is withdrawn. The Clerk will read LB 951.

CLERK: (Read LB 951 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. Voting aye, Mr. Clerk.

CLERK: Senator Clark voting yes.

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

CLERK: (Record vote read. See page 1301, Legislative Journal.) 34 ayes, 8 nays, 5 excused and not voting, 2 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading. The Clerk will now read 961. All Senators will be in their seats, please. Senator Haberman. Senator Haberman, would you return to your seat, please. The Clerk will read 961.

CLERK: (Read LB 961 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.

CLERK: Senator Clark voting yes.

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

CLERK: (Read the record vote as found on page 1302 of

LB 520, 577, 591, 604A, 623, 629, 629A,
634, 651, 659, 697, 705, 716, 724, 759,
774, 779, 784, 792, 839, 877, 931, 941,
951, 626, 961, 962

March 19, 1982

626 up to the point where it was the other day before this misunderstanding occurred. I thank you very much.

PRESIDENT: Any further discussion? Senator Rumery, do you have any closing on the advance?

SENATOR RUMERY: Just this, Mr. President, there has been reference made to sinister moves by a lobbyist and I would like to say that Mr. Paul O'Hare worked with us and I can truthfully say that we have not considered that he was doing anything underhanded at all, and I would like to have that for the record. I ask you to move the bill.

PRESIDENT: Did I hear a request for a record vote? I figured I would. Okay, Senator, we will go to the board then. All those in favor of advancing LB 626 to E & R for Engrossment vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 25 ayes, 9 nays on the motion to readvance the bill, Mr. President.

PRESIDENT: Motion carries. LB 626 is advanced to E & R for Engrossment. You may read some things in.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 591 and recommend that same be placed on Select File; 520 Select File with amendments; 629 Select File with amendment; 629A Select File, and 759 Select File. (Journal page 1305.)

Mr. President, Senator Warner would like to print amendments to LB 604A in the Journal. (Page 1304 of the Journal.)

Mr. President, the bills that were read on Final Reading this morning are now ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 577, 601, 623, 634, 651, 659, 697, 705, 716, 724, 779, 774, 784, 792, 839, 877, 931, 941, 951, 961, and 962.

PRESIDENT: Before we go into the next matter, the Chair takes the privilege of introducing 41 Seventh Grade students from Sandy Creek District from Fairfield, Nebraska. They are up here in the south balcony, Mr. David Nienkamp, their instructor. Would they kind of just wave to us. It is so crowded up there, let's see where you are up there. Welcome to your Legislature, to the Unicameral. Ready, Mr. Clerk, on LB 870.

LR 270

LB 127, 259, 601, 611, 623, 642, 644,
647, 651-2, 659, 678, 696-7, 700,
716, 724, 757, 767-7A, 774-776,
779, 784, 792, 816, 828, 839, 845,
877, 931, 941, 951, 961-2, 705

March 29, 1982

Mr. President, three communications from the Governor addressed to the Clerk. (Read. Re: LBs 775, 776, 601, 623, 651, 659, 697, 705, 716, 724, 774, 779, 784, 792, 839, 877, 931, 941, 951, 961, 962, 259, 642, 644, 678, 696, 828, 845, 767, 767A. See pages 1415 and 1416, Legislative Journal.)

Mr. President, I have a series of Attorney General's opinions. The first is to Senator Vickers regarding LB 647; one to Senator Wesely regarding LB 700; a third to Senator Hefner regarding LB 611; a fourth to Senator Haberman regarding LB 127; and a fifth to Senator Carsten regarding LB 816. All of those will be inserted in the Legislative Journal.

Mr. President, a new resolution, LR 270 offered by Senator Newell. (Read. See pages 1424 and 1425, Legislative Journal.) That will be laid over pursuant to our rules, Mr. President.

Finally, Mr. President, Senator Wiitala asks unanimous consent to remove his name as cosponsor from an amendment to LB 652, Request 2652.

SENATOR CLARK: Is there any objection? So ordered.

CLERK: That is all that I have, Mr. President.

SENATOR CLARK: All right, is Senator Koch here? I think we will go ahead and pass over Senator Koch's request here until he arrives. We will go to item #5 on General File, the priority bills, the revenue priorities, 757 is the first bill.

CLERK: Mr. President, LB 757 introduced by the Speaker at the request of the Governor. (Read title.) The bill was read on January 11 of this year, referred to the Revenue Committee for public hearing. The bill was advanced to General File, Mr. President.

SENATOR CLARK: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, in the absence of Senator Marvel I suspect that I should take the bill. The bill is very straightforward. There is no committee amendment. It is in its original form to reduce the minimum of the overlevy or cushion from 3% to 2%. It was a recommendation from the Governor in a bill that he had introduced by Senator Marvel and I would move that it be moved from General File to E & R Initial.

SENATOR CLARK: We have a motion on the desk.