

May 5, 1981

LR 86  
LB 209, 242, 95A, 400

CLERK: 27 ayes, 12 nays, Mr. President, on the motion to indefinitely postpone the bill.

SPEAKER MARVEL: The motion is carried. The bill is indefinitely postponed.

CLERK: Mr. President, Senator Nichol would like to print amendments to LB 242.

A new study resolution, LR 86 (read).

Mr. President, a new A bill, LB 95A. (Read title.)

SPEAKER MARVEL: Okay, the next bill, LB 400.

CLERK: Mr. President, LB 400 (read title). The bill was read on January 20, referred to the Public Works Committee for hearing. The bill was advanced to General File. There are committee amendments pending by the Public Works Committee, Mr. President.

SPEAKER MARVEL: Senator Lamb.

SENATOR LAMB: Mr. President, members of the Legislature, LB 400, I would like to explain the bill. LB 400 is a bill which is designed to use excess power which is available in the State of Nebraska, excess power which is now shipped to other states to be used by and sold to other utilities in other areas. This bill would make this power available to irrigators in the State of Nebraska at the same price that's been used in other states. Now a number of utilities have had a number of meetings in regard to this bill. Much of the concern about the bill stems from the fact that they think their particular utility or their class of utilities may be harmed by the bill, that they may be picking up more than their share of the cost. Repeatedly from the first introduction of this bill, I have assured the people that this is not the intent of the bill. We are building in all of the safeguards possible so that does not happen. The only thing that is to happen is to make the excess power available to these users in the State of Nebraska at the same price it is being used in other states by other utilities. The most recent meeting in regard to this bill was yesterday morning when a number of utility persons met to discuss the bill. Their suggestion was that the bill be held over until next year to give them time to work out the contractual arrangements in regard to the bill. My first inclination is not to go along with their thinking because I think the bill is necessary and could be passed on the floor of this Legislature. However, these people

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LB 95A, 389A

to solve this dilemma, we've got bills to read on General File and we've got at least, three, four, five motions. How long is that going to take, Pat, the total of that category?

CLERK: Well, Senator, the A bills will probably take no more than five or ten minutes and the motions, depending on the amount of debate, somewhere between half an hour to an hour.

SPEAKER MARVEL: Okay, I would like to proceed with those General File items under General File, #4, and the three, four five items that you mentioned. Meanwhile I am going to try to see if I can't work out of this dilemma. So I would like to have you proceed and I will come back within an hour with some kind of comments.

PRESIDENT: Since there is no other motion before the House the Speaker has set his agenda and we will proceed then with agenda item #4 on General File, Mr. Clerk. We will take up General File, A bills, commencing with LB 95A.

CLERK: Mr. President, LB 95A offered by Senator Cullan, (Read.)

PRESIDENT: The Chair recognizes Senator Cullan on 95A.

SENATOR CULLAN: Move the advancement of LB 95A.

PRESIDENT: Any discussion? Senator Warner, did you wish to discuss any of these? Your light is on. 95A, alright, proceed then. Any further discussion? The question then is the advancement of LB 95A to E & R initial. All those in favor vote aye, opposed nay. Motion is to advance 95A. This is on General File, going to E & R initial. Record the vote.

CLERK: 32 ayes, 1 nay, Mr. President, to advance 95A.

PRESIDENT: The motion carries. LB 95A is advanced to E & R initial. The next bill is LB 389A.

CLERK: (Read.)

PRESIDENT: The Chair recognizes Senator Wesely.

SENATOR WESELY: I move the advancement.

PRESIDENT: Any further discussion? Hearing none, the question then is the advance of LB 389A. All those in favor vote aye, opposed nay. Have you all voted? Motion

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LB 95A, 257A, 389A, 396A,  
477A, 506A, 541A, 556

Mr. President, your Committee on Enrollment and Review respectfully reports that they have carefully examined and reviewed LB 95A and recommend that same be placed on Select File; 389A Select File; 396A Select File; 477A Select File; 506A Select File; 541A Select File and 257A Select File, all signed by Senator Kilgarin as Chair.

SENATOR CLARK: LB 556.

CLERK: Mr. President, with respect to 556, the bill was introduced by the Speaker at the request of the Governor. (Read.) The bill was read on March 30 of this year. It was referred to the Appropriations Committee for hearing. The bill was advanced to General File. There are committee amendments pending by the Appropriations Committee, Mr. President.

SENATOR CLARK: Senator Warner, on the committee amendments.

SENATOR WARNER: Mr. President and members of the Legislature, LB 556 is the bill that reflects the increased premiums when the health insurance that is provided for state employees, other than higher education, when those new bids were opened and those dollar amounts will be explained. The committee amendment that is offered merely, well, back up. The amendment was offered at the committee hearing requesting that the legislation require that coverage for abortion be made available at the employee's expense and the presentation was based upon the testimony by those who appeared that the prohibition or the requirement for this, for an abortion to be paid for by the individual employee had been suggested when the legislation that prohibited state funds was being considered and enacted and they wanted some assurance that, in fact, that would occur. If you look on page 1877 of the Journal there is a letter which I requested of the Attorney General requiring two things relative to the amendment, first, whether or not whether it would be constitutional and I think you can summarize the response on that, that if the original legislation prohibiting it is constitutional then this is probably constitutional or if LB 125 is not constitutional then neither would this be either. So that seems to be a draw. The other request for an opinion, however, was whether or not we would jeopardize by the adoption of this amendment the coverage that the state might have for its employees under the new bid and it would be my understanding from the Attorney General's letter that if the amendment is adopted, that then it would be expected that the state would find someone who would provide that coverage for those who wanted it and provided they could find some company of some kind that would provide this kind of coverage then the conditions would be met and

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LB 561, 95A, 389A, 477A,  
506A, 541A, 257A, 556A

in more clarity, with more clarity any detail on the sheet.  
Thank you.

SPEAKER MARVEL: Thank you, Senator Warner. Senator Kilgarin, are you ready? There are seven bills that have no amendments pending so we are going to advance the bills. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 95A to E & R for engrossment.

SPEAKER MARVEL: The motion is the advancement of 95A to E & R for engrossment. All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. Next one is 389A.

SENATOR KILGARIN: I move we advance LB 389A to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The next one is 477A.

SENATOR KILGARIN: I move we advance LB 477A to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. ~~Next~~ one, 506A.

SENATOR KILGARIN: I move we advance LB 506A to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. Next bill, 541A.

SENATOR KILGARIN: I move we advance LB 541A to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. 257A.

SENATOR KILGARIN: I move we advance LB 257A to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. Last bill, 556.

SENATOR KILGARIN: I move we advance LB 556A to E & R for engrossment.

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LB 95A, 257A, 389A, 477A,  
506A, 541A, 556

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: The legislator chaplain today is Senator Rumery.

SENATOR RUMERY: Prayer.

PRESIDENT: Roll call. Has everyone registered your presence so we can begin the days activities. Record the presence Mr. Clerk.

CLERK: Quorum present, Mr. President.

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: Journal stands correct as published. Any messages, reports or announcements?

CLERK: Mr. President, your committee on E & R respectfully reports they have carefully examined and engrossed LB 95A and find the same correctly engrossed, 257A correctly engrossed, 389A, correctly engrossed, 477A correctly engrossed, 506A correctly engrossed, 541A correctly engrossed, 556 all correctly engrossed (signed), Senator Kilgarin, Chair.

Mr. President an Attorney General's opinion addressed to Senator Carsten regarding section 4 and 10 of 284, be inserted in the Journal (pages 2060-2062).

Mr. President, I have received from the State of Tennessee a Joint resolution regarding Vietnam veterans. That will be on file in my office.

Mr. President, a communication from the Governor addressed to the Clerk regarding LB 190. See page 2062 of the Legislative Journal.

Mr. President, I have a report from the Department of Roads pursuant to Section 5(4) of LB 722 of 1980 Legislative Session. That will be on file in my office as well.

PRESIDENT: We are ready then for agenda item number four. Final Reading. If the Sergeant at Arms will secure the Chamber, all members will get to your desks. As soon as everyone is at their desks we will commence with Final

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LB 95, 95A, 172, 242

All members will return to your desks. As soon as everybody is at their desk we will commence with the reading of LB 95.

CLERK: Mr. President, I have a report of registered lobbyists for the week of May 22 through May 28. (See pages 2389-2390 of the Legislative Journal.)

PRESIDENT: I think we are about ready. I think we can begin, Mr. Clerk. All right, we will proceed then, Final Reading, LB 95, Mr. Clerk.

CLERK: (Read LB 95 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 95 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on page 2390 of the Legislative Journal.) 37 ayes, 11 nays, 1 present and not voting, Mr. President.

PRESIDENT: LB 95 passes. Next bill on Final Reading is LB 95A, Mr. Clerk.

CLERK: (Read LB 95A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 95A pass. All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: (Read record vote as found on page 2391 of the Legislative Journal.) 38 ayes, 8 nays, 3 present and not voting, Mr. President.

PRESIDENT: LB 95A passes. I might just announce that the Speaker is, at the request of Senator Nichol and others, the Speaker has taken off of Final Reading, 242 which occurs a few bills down so you might want to make a note on your agenda. 242 will not be read on Final Reading today. The next bill on Final Reading, Mr. Clerk, is LB 172.

CLERK: (Read LB 172 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 172 pass. All those in favor vote aye, opposed nay. Record the vote.

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want to take one more bill then? Okay, fine. Have you all voted? Record the vote.

CLERK: (Read record vote as found on pages 2406-2407 of the Legislative Journal.) 37 ayes, 8 nays, 2 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 352 passes with the emergency clause attached. The next bill on Final Reading before the break for lunch is LB 385.

ASSISTANT CLERK: (Read LB 385 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 385 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on pages 2407-2408 of the Legislative Journal.) 29 ayes, 14 nays, 2 excused and not voting, Mr. President, 4 present and not voting.

PRESIDENT: LB 385 passes. If you would read some matters in and then we will get ready for recess.

CLERK: Mr. President, a letter from the Governor addressed to the Clerk. (Read. Re. LB 406, 548, 389 as found on page 2409 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined LB 321 and find the same correctly enrolled.

Mr. President, I have a veto message from the Governor addressed to Dear Mr. President and Senators. (Read. Re. 129A. See page 2408 of the Legislative Journal.)

Mr. President, finally LB 95, 95A, 172, 218, 234, 234A, 235, 302, 389A, 318, 344 and 352 are 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 95, LB 95A, LB 172, LB 218, LB 234, LB 234A, LB 285, LB 302, LB 318, LB 344 and LB 352. Well, let's let somebody... Senator Marsh, do you wish to recess us until one-thirty.

SENATOR MARCH: I move we recess until one-thirty.

PRESIDENT: The motion is to recess until one-thirty. Any... All those in favor to recess until one-thirty signify by saying aye, opposed nay. We are recessed until one-thirty.