

January 19, 1982

LB 846, 865, 956-966

Mr. President, Senator Goodrich would move to withdraw LB 865. That will lay over.

Mr. President, I have a unanimous consent request from Senator Kahle to add his name to 846 as cointroducer; Senator Wagner to 846.

SENATOR CLARK: No objections, so ordered. There is no one left to object.

CLERK: Mr. President, new bills. (Read by title for the first time, LBs 956-966 as found on page 366-369 of the Legislative Journal.)

SENATOR CLARK: Senator DeCamp, would you like to make your momentous speech at this time.

SENATOR DeCAMP: Mr. President, I would like to ask unanimous consent to take up LB 376 on Final.

SENATOR CLARK: Right now? No objections, so ordered.

SENATOR DeCAMP: Mr. President, in the alternative, I'll move that we adjourn until nine o'clock tomorrow.

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

Edited by Arleen McCrory.
Arleen McCrory

March 18, 1982

LB 458, 756, 761, 807, 933, 942
LB 816A, 966, 970, 971,

A bill to hold this thing up. Thank you.

SENATOR CLARK: Senator Beutler. The question has been called for. Do I see five hands? All those that wish to cease debate vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

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

CLERK: 27 ayes, 2 nays to cease debate, Mr. President.

SENATOR CLARK: Debate is ceased. Senator Carsten.

SENATOR CARSTEN: My only comment is to renew my motion to advance 816A and to Senator Kahle, as a member of the Revenue Committee, if you've got any suggestions or help to make it better or to make the whole thing better, you know that you are perfectly welcome and we welcome you with open arms to give those suggestions to us. You've been aware of that all session and I renew again to you, that pledge to work with you if you've got the answers. Thank you.

SENATOR CLARK: The question before the House is the advancement of 816A. All those in favor vote aye, opposed vote nay. Have you all voted? Record the vote.

CLERK: 25 ayes, 15 nays on advancement of the A bill, Mr. President.

SENATOR CLARK: The bill is advanced. Senator Nichol. Oh, do you have anything to read in? Go ahead.

CLERK: Very quickly, Mr. President, Miscellaneous Subjects still would like to meet underneath the North balcony.

An announcement from Senator Lamb of moving LB 458 from pass-over to General File.

Your committee on Appropriations whose chairman is Senator Warner reports LB 756 advance to General File with committee amendments attached; 942 General File with committee amendment attached; 933 General File with committee amendments attached; 761 General File with committee amendments attached; 966 General File with committee amendments attached; 971 indefinitely postponed; 970 advance to General File. (See pages 1271-1274 of the Legislative Journal.)

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 807 and find the same correctly engrossed.

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LB 966

SENATOR LAMB: LB 966.

CLERK: Mr. President, LB 966 was a bill introduced by the Appropriations Committee and signed by its members. (Read title.) The bill was first read on January 19 and referred to Appropriations for hearing, Mr. President. The bill was advanced to General File. There are Appropriations Committee amendments pending. Senator, do you want to take up your amendment to the Appropriations Committee amendments now? Mr. President, Senator Warner would move to amend the committee amendments.

SENATOR LAMB: Senator Warner.

SENATOR WARNER: Both of these are technical amendments. One I think is the fire marshal's and the others...what is it? Okay, it is the fire marshal's inspection of liquor establishments currently done and the language only cites these kind of establishments consistent with what the law said and it was brought to us for the fire marshal so it would be correct and then there is another place where the bill referred to "life safety" and the proper designation is "the regulations adopted and promulgated by the state fire marshal" which should have been used instead of the words. It is purely technical. Then I will explain each of the proposed increases in fees which will be consistent with the sheet that has already been passed out. So I move adoption of this amendment. It has no impact other than to be technically correct, citing reference to the statute.

SENATOR LAMB: The motion is to adopt the Warner amendment to the committee amendments. All those in support vote yes, those opposed vote no. Record.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of Senator Warner's amendment to the committee amendments.

SENATOR LAMB: The amendment is adopted. Senator Warner, on the committee amendment.

SENATOR WARNER: Mr. President, members of the Legislature, the amendments proposed to 966 is a whole series of adjustments in existing fees that are deposited to the agency involved cash fund. By and large they are for inspection or that type of activity that the agency does. By and large at least many of these are inspections that have occurred over a number of years and as the cost went up the fee charged did not necessarily change and the increase was all absorbed by the general fund. We reviewed a whole series of these in an attempt to develop some rationale for what portion of the cost ought to be assessed

to the general taxpayer as a general consumer and what portion of the cost could equitably be charged back to the producer or the individuals which were being regulated by the agency. And we attempted to do one other thing that as fees are proposed to be adjusted that they would not be spent so rapidly, that they would again have to be adjusted within a year or two or three as costs would increase if they do. And so the purpose is to be able to make an adjustment that would be valid or stable for at least some period of time. So if we go through the sheet you will notice it says "amendment #1" and "page 1" which will agree with what is in the red book, in the bill book as a committee amendment. The first one would create a two cents per hundredweight fee for manufactured milk. Currently there is virtually no receipts coming to the state for the inspection of these. It is essentially the same program or a similar program at least to what Grade A milk producers have and which currently pay about 65% of the cost for the inspection. The proposed fee in relation to the value of manufactured milk that the producer level is slightly less than the proportionate cost for Grade A milk which is probably appropriate. The fee would generate as indicated on the sheet more than is used this year. We did it for another reason also besides having the fee last for...without adjustment for a period of time but we also recognize that it may take some time for some of these to be implemented and so the cost on an annualized basis, or the revenue rather on an annualized basis would be the \$110 thousand for example here but not necessarily could that be all collected in fiscal year '82-'83 but would in subsequent years. The next amendment cites to look at the amendment #13 dealing with the fire marshall which is the fourth page I guess of the handout and this is the combination of fee adjustments. One is a fee for the inspection of bars and hospital nursing homes that are made at the request of the licensing agency. The fee would range from...and a second one is to establish a fee for a range of five to one hundred dollars for reviewing building blueprints and shop drawings which are required by law for them to do but it would establish a fee that would have some relation to time involved and finally it would also establish a three dollar fee for each inspection or investigation report that is provided to insurance companies which they do a number of those. Also it authorizes a \$100 fee for second inspections. One of the concepts that I'll mention three or four times is where the agency, even though there may be a very small fee initially which we did not charge or in some cases no fee, but if the agency had to come back a third time to make sure a compliance with fire standards or health standards, that by then there would be a fee and a substantial fee that would have to be paid and it is more of an encouragement for the establishment being inspected to get into compliance quickly. Then the next one deals with the increase in the annual fee for livestock markets, slight adjustments in each of those. It

does raise additional revenue. The next one also affects the Department of Agriculture. This one may be more controversial than some but it does create a maximum fee of three cents a head for livestock sold through the livestock markets, auction markets and livestock dealers and slaughtered at packing plants. Currently there are some fees assessed particularly at the auction market. The bulk of that goes for the veterinarian costs for some of these inspection fees. But we're spending upwards to a million dollars a year, about 82% of that from the general fund and 18% from federal funds, but no cost assessed back to the producer for some of these inspections for disease control. As a livestock raiser it does not seem to me to be inconsistent or improper that a portion of that cost be assessed to the animals being moved through the auction houses or at the slaughter houses and at a level of three cents per head it seems relatively insignificant but based on about an estimate of fifteen million head a year being moved, the amount of funds raised can cover eventually almost half of that cost and it seems to me that is not unreasonable. The one thing I should point out, there is currently nothing done in the way of fees charged at a slaughter plant and this would be establishing something new but it is also my assumption that as a checkoff program is established for livestock, particularly for beef, if legislation is enacted that will permit that and probably will be at some time, that administrative process is going to be set up in any event and, therefore, does not create a problem. In the area of the Department of Health there is a number of smaller fee adjustments and I believe Senator Landis has some amendments he will offer to adjust some of those all of which I think the committee would agree with because they essentially are what we proposed plus some additional ones which will also relieve some of the costs. The next one affecting the Department of Agriculture is relating to the commercial feed and fertilizers. This fee increase does not increase the statutory requirement or permission for a fee but does assume the Department of Agriculture implementing the authority they currently have to increase the fees. This particular one I understand that the advisory committee that works with the Department had recommended last spring an increase comparable to what we are proposing for this year's budget but has not been implemented through the Administrative Procedures Act completely but I am not aware that they are opposed to it. We could not...the bulk of that money is not received by the state until spring and so we could not reduce the general fund as much as the increase in this year's budget but it would work out for subsequent years but I do not believe that one to be controversial. The state fire marshal's is an increase again from ten cents to twenty cents per unit for natural gas line inspections. Again you will see this is one where more revenue would be raised than would be spent this year but again it is to extend the time period so that for when an adjustment may be necessary again. There is an elimina-

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tion of a statutory permitted on site survey now for local governmental subdivision paper work and it is an estimated cost of the fund from the general fund is...

SENATOR LAMB: You have one minute.

SENATOR WARNER: ...\$11,500. The weight and measuring provision for Ag again is an increase in the scales that they inspect. It is graduated, related to the size of the scale but again it is to make that cost a little more self-financing. There is an adjustment in a fee or rather it creates a fee of \$3 per petroleum pump, \$6 for a double or blend pump to cover portions of cost of fuel sample analysis which currently are done and there is about \$20,000 spent annually for the analysis of a few samples. That would become relatively self-financing. It does permit some subscription fees for the Library Commission that they currently do not do. It does adjust the Department of Motor Vehicles ... correction, increases the fee the Department of Motor Vehicles for driver record abstract from seventy-five cents to a dollar. There was legislation introduced and it was included in the Governor's budget to go to \$2 but we are proposing only a twenty-five cent increase.

SENATOR KAHLE PRESIDING

SENATOR KAHLE: Your time is up.

SENATOR WARNER: The rest of them you can read.

SENATOR KAHLE: Okay, Mr. Clerk, I believe we have an amendment to the amendment.

CLERK: Mr. President, Senator Landis would now move to amend the committee amendments. I believe copies of Senator Landis' amendment have been distributed, Mr. President.

SENATOR KAHLE: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, if you take a look on your desk there should be two items that have been placed there. The first is this several page amendment to 966. The second is a run down of the amendments individually and frankly the amendments in many respects parrot the concepts of 966. However, I drew my language from a bill that appeared before the Health and Welfare Committee, LB 863, or 868 I think the number was. It was reported out of that committee 7 - 0 and was on consent calendar. It was prepared with the Health Department's oversight and had the Governor's Task Force recommendation to that bill. All of that should appear in your bill book on 868 in the committee hearing in the event you want to check that. Apparently the Appropriations Committee came to

much the same conclusion as did the Public Health and Welfare Committee but there are some differences of language. With respect to the syphilis test or the serological test for marriage, there is no maximum that I can recall in the Appropriations Committee. There is a maximum of \$5 in the amended version so that we both attack the same concept. That is actual costs should be charged, however there is a cap in the language that is presented to you. Currently that cost is roughly \$1.80 to perhaps \$2.00. That is the fee that will be charged out in the field in the event either version is passed. There is, however, a provision in the language that I've offered you that says in the event you are an indigent and you apply for a marriage license you can waive this cost by the signing of a statement to that effect. No such language exists in the Appropriations Committee bill. Secondly, there are two kinds of fees that are covered in the amended version that I've placed on your desk that are not covered in 966. Some of them are for specimen costs and these are the providing of certain kinds of materials for the making of specimens and the second one is a test, a particular test for a microbiological examination. The sum total of difference is roughly \$20,000 of revenue raising that will occur under the amendment that I have passed out to you that occurs in 966. There is also some very explicit language in the amendments that I have handed out to you in which fees may not be charged. That list is meant to be much the same as in 966 but is drafted I think in a more superior way in the amendments that I have handed out on your desk. I've talked this over with Senator Warner and perhaps he has some reflections on it. Also if there are any comments by the members of the Public Health Committee I simply warrant to you that this language had a public hearing. It had the Governor's Task Force recommendations and is consistent with what they asked for. It was drawn in conjunction with the Department of Health and Andy Cunningham and for that reason I would offer it as a substitute for the language in 966 which seeks to do much the same thing. This language will raise roughly \$20,000 more than what is in 966.

SENATOR KAHLE: Okay, we have a list of names here that we had from the committee amendments. Senator Kremer, do you wish to speak to the Landis amendment? Senator Wagner. Senator Haberman. Okay, Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, a question of Senator Landis, please.

SENATOR KAHLE: Senator Landis, do you yield?

SENATOR LANDIS: Yes.

SENATOR KAHLE: Okay, go ahead.

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SENATOR HABERMAN: If a person would sign that they are indigent and couldn't afford to pay the fee and it turned out that this wasn't true, is there any penalty?

SENATOR LANDIS: There is not.

SENATOR HABERMAN: So then basically it is worthless.

SENATOR LANDIS: It depends on how you feel about it. I think it is valuable. The Department of Health has no problems with it, neither does the Governor's Task Force.

SENATOR HABERMAN: Well I don't care about the Governor's Task Force or Public Health. I'm just saying if I walk in there and say I'm an indigent then I don't have to pay the fee as long as I sign it. If I get reelected and have four years for people or forget it. Thank you, Mr. President.

SENATOR KAHLE: Senator Wesely, do you wish to speak on the Landis amendment?

SENATOR WESELY: Mr. President, members of the Legislature, as a member of the Public Health Committee we did hear LB 863. It was about two or three months ago that the bill was brought before the committee and was advanced. I don't know what it's status is. I know it hasn't come up on General File. There was support for the concept of establishing fees in this area and so I will support, at least at this point, the amendment by Senator Landis but I also want to caution the body because at the hearing it became clear that there were some things that we had to be concerned about in terms of establishing fees. And so I am not sure exactly what is in and what isn't in the amendment offered by Senator Landis but let me give you some examples that came out at the hearing. There was a great deal of concern from the City of Lincoln about the question about venereal disease testing and the fact was that they offered it free because of the concern for the general public health. If you didn't provide easy access, no barrier whatsoever to encourage people to come down to be tested for that disease which is so contagious and a serious problem in this country, and they were saying that if they did establish even a minimal fee you may have people reluctant to come in and to get tested. And there was some concern that there may be more cost in the long run by establishing a fee. Now what Senator Landis has done I think is very admirable in providing for indigent free care and free testing and I think that would make this amendment much more palatable than what is in LB 966. So I will support the amendment but I would ask that you also keep in mind some of the concerns that when you do start assessing fees and some of these things, they were established free of service for a purpose. There was a reason that they decided that these sort of tests were important to provide free of

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charge to the public. The public was served by these and I think maybe a minimal fee is probably in order at this time considering our cutbacks but nevertheless, there was a reason for these different efforts and different tests and we found that out in the hearing that they were all serving a very important purpose. So we can't be too hard in terms of the fee that we charge and have to be careful that in some of these cases we don't want to provide a barrier that may cost us more in the long run. So I will support LB 863's amendment into LB 966 but again, with caution.

SENATOR KAHLE: Senator Landis, would you want to close?

SENATOR LANDIS: I would just ask Senator Warner to yield to a question.

SENATOR KAHLE: Senator Warner, do you yield to a question?

SENATOR LANDIS: Senator Warner, do you object to the inclusion of the language into LB 966 that has been presented to the body?

SENATOR WARNER: No.

SENATOR LANDIS: I just indicate to the body that this will raise roughly \$20,000 more than the fees that are in there because of a little broader scope and for that reason I would support the adoption of the amendment. I hope that the body will as well. Thank you.

SENATOR KAHLE: Okay, we are now voting on the Landis amendment to the committee amendments. It just takes a simple majority. Senator Marsh.

SENATOR MARSH: On appropriations bill, any amendment to any amendment takes 25 votes, on an appropriations bill.

SENATOR KAHLE: The Clerk advises me this is not an appropriations bill. Okay, we'll rule then that it takes just a majority of those voting. Please vote yes if you're in favor, no if you're not. Please vote.

CLERK: Senator Kahle voting yes.

SENATOR KAHLE: Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Landis' amendment to the committee amendments.

SENATOR KAHLE: The Landis amendment then passes. Mr. Clerk, do you have anything else then on the bill?

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CLERK: Nothing further on the committee amendments, Mr. President.

SENATOR KAHLE: Senator Warner, would you like to...well, Senator Kremer, excuse me. I'm going to get back to the list we had before then. Senator Kremer.

SENATOR KREMER: Thank you, Mr. Chairman. A question of Senator Warner, please.

SENATOR KAHLE: Senator Warner, do you yield?

SENATOR KREMER: Senator Warner, I'm not sure that I understand what you told us. I'd like to use the first page on this copy you gave us as an example. Now as I read, for example, the Department of Agriculture, the creation of a two cents per hundred fee on manufacturing milk. Then on the next column I note the current cash revenue. Does that mean there has been no fee at the present time?

SENATOR WARNER: Yes.

SENATOR KREMER: And then under the two cent fee it is projected would raise revenue to the extent of \$110,000.

SENATOR WARNER: Yes, on an annualized basis.

SENATOR KREMER: It is new money then.

SENATOR WARNER: Yes.

SENATOR KREMER: And there has been no fee there at all, the same way with the last one on the first page, Department of Agriculture, three cents for a head on livestock that is for slaughter purposes only.

SENATOR WARNER: Yes.

SENATOR KREMER: And there has been no fee there before?

SENATOR WARNER: No. Those are both totally general fund programs now or and there is some federal funds in the bottom one.

SENATOR KREMER: Okay, then going down to the bottom of the page, you talk about livestock going to livestock markets. This is just a set fee that is paid for inspection, right? \$175,000 for the Bureau of Animal Industry and a \$162,000 for the Livestock Disease Control Laboratory. Is that new money?

SENATOR WARNER: In the livestock markets...

SENATOR KREMER: Yes.

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SENATOR WARNER: Currently there is \$17,400 being collected and the proposal would be to go up to \$41,000...

SENATOR KREMER: How much?

SENATOR WARNER: \$41,000.

SENATOR KREMER: Okay, thank you.

SENATOR KAHLE: Senator Wagner.

SENATOR WAGNER: Mr. Speaker and members, I have a question of Senator Warner.

SENATOR KAHLE: Senator Warner, do you yield? Proceed.

SENATOR WAGNER: Senator Warner, on Request #2808 and sheet #5, up in that subsection (2), it is essentially giving the Liquor Control Commission, they could request an inspection, either inspecting any retail liquor establishment or seeking a license. My question herein, for that inspection there would be a \$50 fee on it. I guess my point here is that I think there ought to be some kind of a limitation so they just don't go back and make an inspection upon an inspection and not just possibly harass then some kind of a dealer. Okay, go ahead.

SENATOR WARNER: I was just going to say I do not recall discussing the possibility of utilizing that as I suppose a harassment vehicle or something. We did not discuss that possibility. I guess our presumption was that the Liquor Commission would not make such a request unless they felt there was a legitimate personal safety of people.

SENATOR WAGNER: Basically I would feel the same way. I would hope they wouldn't do this but maybe between here and Select File, could we work out something so we don't take a lot of time right now?

SENATOR WARNER: That seems, you know, reasonable that it is used for the purpose intended which is protection of life and not an enforcement tool of the Liquor Commission for some other purpose. I would have no quarrel with that.

SENATOR WAGNER: All right. Thank you.

SENATOR KAHLE: Senator Haberman. Okay, Senator Kremer, your light is still on. Do you want to talk any more? If not, that is all the lights that are on. Senator Warner, do you want to close?

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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 522A, 605, 714, 753,
754, 760, 761, 942,
966, 967, 970, 970A

SENATOR CLARK PRESIDING

SENATOR CLARK: The Legislature will come to order. The prayer this morning by Father Edmund Placek of the Sacred Heart Catholic Church, Burwell.

FATHER PLACEK: (Prayer offered.)

SENATOR CLARK: The state officers of the Knights of Columbus are here for the occasion of the centennial of the Knights of Columbus. I think they are going to see the Governor and have him declare it that. We also have three visitors from Australia. They are under the South balcony. David McConnell, Helen McConnell, and Marilyn Handley. Would you stand and be recognized please. Senator Lamb has 7 students from Newport, Nebraska grade school, Pam Peterson, the teacher, and they are in the North balcony. Would you stand and be recognized please? Welcome to the Legislature, all of you. Roll call. Could we all check in, please. We have the Benson Republican Women's Club in the North balcony. Would you stand and be recognized please? Welcome to you to the Legislature. The Clerk will record.

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

SENATOR CLARK: Are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

SENATOR CLARK: Do you have any messages, reports, or announcements?

CLERK: Yes, sir, I do, a series of things. Mr. President, your committee on Enrollment and Review respectfully reports they have examined and reviewed LB 754 and recommend that same be placed on Select File; 522A Select File; LB 942 Select File with amendments; LB 966 Select File with amendments; LB 970 Select File; LB 970A Select File with amendments; LB 761 Select File with amendments; LB 967 Select File; LB 760 Select File; LB 753 Select File. Those are all signed by Senator Kilgarin as Chair, Mr. President.

Mr. President, your committee on Public Health and Welfare offers a report on gubernatorial confirmation hearing.

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 605 and find the same correctly engrossed; and LB 714 correctly engrossed.

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LB 603, 693, 709, 757, 760,
761, 966

CLERK: Mr. President, Senator Beyer would move to indefinitely postpone the bill.

SENATOR CLARK: Go ahead and read some things in if you need to.

CLERK: Mr. President, very quickly your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 757 and recommend that same be placed on Select File and 693 Select File with amendments. (See pages 1451 and 1452 of the Journal.)

Mr. President, Senator Hefner would like to print amendments to LB 761. (See page 1452 of the Journal.)

I have a Public Health and Welfare report from Senator Cullan on gubernatorial appointments. (See page 1452 of the Journal.) Explanation of vote from Senator Stoney. (See page 1453 of the Journal.) Special Order item scheduled by Senator Lamb. (Page 1453 of the Journal.) Senator Cullan would like to print amendments to LB 966. (See page 1453 of the Legislative Journal.) Senator Beutler amendments to 709. (See page 1454 of the Legislative Journal.)

Mr. President, Senator Wesely and Clark would like to add their names as co-introducers to the Schmit amendment to LB 760.

SENATOR CLARK: I think Senator Beyer wants to withdraw that. Senator Beyer, do you wish to withdraw that? All right, it is withdrawn. We will take up the bill. Senator Cullan. It has been two hours and five minutes and we have done nothing on it. Senator Cullan.

SENATOR CULLAN: I think we have another motion coming.

CLERK: Mr. President, Senator Landis would move to indefinitely postpone LB 603.

SENATOR CLARK: Senator Landis.

SENATOR LANDIS: I believe it is up to the introducer as to whether we take this up at this time.

SENATOR CLARK: Do you want to lay it over?

SENATOR CULLAN: Yes, Mr. President, we will lay it over.

SENATOR CLARK: All right. There is two hours and five minutes gone. Now we are going to take up 208 that we had

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LR 279

LB 408, 761, 942, 966, 757, 928

is. It isn't that complex. The question only is do you want to vote on it or do you want to spend another day on it and never get to nursing homes and studded tires and ADC bills of Von Minden and everybody else. All I am suggesting is in one minute we will be to the time we normally adjourn and I thought that is about all this bill should take today.

SENATOR LAMB: One minute, Senator.

SENATOR DeCAMP: So I put a motion up that when we got to the last minute we would have a vote or attempt it and that is all the motion is to suspend the rules and vote on it one way or the other.

SENATOR LAMB: The motion is to suspend the rules. Those in favor vote yes, those opposed vote no. It takes 30 votes.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Have you all voted? Have you all voted? Record. Senator DeCamp.

SENATOR DeCAMP: Beings we are here and this close I would like to have a Call of the House and take some call ins if anybody wants to call in.

SENATOR LAMB: The request is for a Call of the House. Those in support vote yes, those opposed vote no. Record.

CLERK: 22 ayes, 0 nays to go under Call, Mr. President.

SENATOR LAMB: The House is under Call. All unauthorized personnel please leave the floor. All Senators record your presence. We are looking for Senator Warner, Senator Goodrich, Vickers, Senator Marsh, Senator Hoagland, Senator Beutler, Senator Higgins. Begin the roll call on the motion to suspend the rules.

CLERK: (Roll call vote taken. See page 1496, Legislative Journal.) 27 ayes, 17 nays, Mr. President.

SENATOR LAMB: The rules are not suspended. The Call is raised. Please read in the material, Mr. Clerk.

CLERK: Mr. President, Senator Schmit would like to print amendments to LB 966; Senator Koch and Nichol to LB 761; Senator Kahle to LB 942.

Mr. President, a new resolution by Senator Wesely, LR 279, (read). That will be laid over, Mr. President.

Mr. President, Senator Warner would like to print amendments to LB 966, LB 757, LB 928.

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LB 966, 942

SENATOR LAMB: The motion is to readvance LB 942. Those in support vote yes, those opposed vote no. Voice vote, those in support say aye, those opposed no. The bill is advanced. LB 966.

CLERK: Mr. President, the first thing I have on 966 are E & R amendments.

SENATOR LAMB: Senator Chambers, do you care to handle the amendments to LB 966, E & R amendments?

SENATOR CHAMBERS: Mr. Chairman, I move that the E & R amendments to 966 be adopted. Now you have to cooperate.

SENATOR LAMB: The motion is to adopt the E & R amendments. Those in support say aye, those opposed no. They are adopted.

CLERK: Mr. President, the next amendment I have to the bill is offered by Senator Cullan and that is found on page 1453 of the Journal.

SENATOR LAMB: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, this is my day for clean up amendments. This is another amendment to correct a mistake in another piece of legislation and I'm using LB 966 to accomplish that purpose. As you recall on General File, or excuse me, on Select File, I indicated that we would change the structure of the Certificate of Need Review Committee to ensure that the Review Committee would be composed of consumers and in the process of that amendment I failed to strike the requirement that a hospital administrator would be a member of the Certificate of Need Review Committee and so all this amendment does is makes that technical correction and requires that as was the intent of the Legislature at that time, requires that the Certificate of Need Review Committee be consumers. So I would ask you to adopt this amendment and help me correct that technical error as well.

SENATOR LAMB: The motion is the adoption of the Cullan amendment. Those in support vote aye, those opposed vote no.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Record.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of Senator Cullan's amendment.

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SENATOR LAMB: The next amendment.

CLERK: Mr. President, Senator Schmit would now move to amend the bill and the Schmit amendment is on page 1497 of the Journal.

SENATOR NICHOL PRESIDING

SENATOR NICHOL: Senator Schmit.

SENATOR SCHMIT: Mr. President, members of the Legislature, could the Clerk read the amendment, please? I do not have a copy here. I believe I can explain it but I don't have a copy of the amendment.

CLERK: Mr. President, Senator Schmit's amendment would read as follows: (Read Schmit amendment as found on page 1497 of the Legislative Journal.)

SENATOR SCHMIT: Thanks a lot. What we do here, Mr. President, we strike I believe the three cents per head that is charged on the sale of livestock, all livestock that is sold in the State of Nebraska to go to the Bureau of Animal Industry. Now only yesterday we adopted a twenty-five cents per head promotional item for the beef industry. I think there are letters in some of your files from the South Omaha livestock market and from other persons who are opposed to this. I do not believe it is fair and I believe it is justified. The livestock industry pays taxes like everyone else and the operation of the Bureau of Animal Industry ought to be a tax supported industry for all the people. One could argue very well I suppose that if we are going to have this kind of a tax it ought to be paid by the consumer because the Bureau of Animal Industry operates also for the benefit of the consumer. A healthful livestock industry and a healthy animal that moves into commerce is as much for the benefit of the consumer certainly as it is for the producer. So I ask you to adopt the amendment. I do not, cannot imagine the committee being completely serious about it but certainly the livestock industry is serious. Senator Kremer was on the amendment with me. He is not here today and so I would ask that you adopt my amendment. Senator Labedz may want to comment on it. I believe she had a letter from Mr. Jim Smith of the Livestock Auction Market of Omaha.

SENATOR NICHOL: Senator Labedz.

SENATOR LABEDZ: I'm sorry, Senator Schmit, I didn't even know this was up. I was talking to Senator Newell. Yes, I do have a letter from the Omaha Livestock Market, Inc. and some of the things that they said that based on the 1981

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receipts of the Omaha stockyards our assessment at three cents a head would have been over \$52,000 and their major source of income is derived from yardage charged to the farmers and ranchers who use the facilities in Omaha for the sale of their livestock. They said that they could not absorb this fee and they would have to pass it on to the farmer which would only add another burden as they already have so many to shoulder. They also note that in Section 8 the livestock sold through the livestock markets and the fees for livestock slaughtered, in many instances they would be very well be the same animal and thereby they would be having a double collection. The amendments do not include feedlots as a source of revenue and annually thousands of head are sold and purchased through these facilities which are not registered and, therefore, not subject to the fee. So I urge the adoption of the amendment that Senator Schmit and I cosponsored on LB 966. I think it is something that we have to look at very closely, especially the outstate farmer will be burdened with another five cents per head. Thank you.

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SENATOR NICHOL: Senator Warner.

SENATOR WARNER: Mr. President and members of the Legislature, I rise to oppose the amendment for a number of reasons and I would think Senator Schmit and Senator Labeledz ought to withdraw the amendment even. I have stood on this floor and many of you have voted for increases in fees for testing of babies. Yesterday we voted to reduce medical costs, reimbursement for the poor. Today all we are asking you to do is for the livestock industry that yesterday...which I am a part of, which yesterday was willing to spend a dollar a head on lobbying and other things, and now we say for 3 cents a head to pay half of the cost for the health protection of the livestock industry is a burden. It almost makes me ashamed to be a part of the livestock industry when they take that kind of a position. You know, I read this resolution, collection of per head fee on all livestock sold in Nebraska for purposes of funding livestock disease, control regulations, is inherently discriminatory against Nebraska livestock producers. My God, is it discriminatory to protect the health of your own property and pay half of the cost? It is assinine that they would even suggest it, and they go on to say this ought to be paid from sales income tax. How much sales tax do you pay on livestock? Not a penny. Oh, yes, we pay a little on some equipment we buy, feed wagons. Most years don't pay a lot of income tax either because it hasn't been very profitable. I cannot believe an industry that wants to spend a dollar a head for lobby and promotion are unwilling to pay 3 cents. To pay half of the cost, only half, in the first year we only projected \$76,000, and it is anticipated to raise \$450,000 on a full time. Currently, 82 percent of the cost comes from the general fund...\$794,704; 18 percent is from the federal fund, \$162,000; total cost, \$956,000. I noticed the letter from the President of the Omaha Livestock Market and I attempted to call him this morning but he was not available then and I will get back to him. But I noticed he said in his letter, we do recognize that replacement of some federal fund cuts are the responsibility of the local industry. However, we believe that since there have been cutbacks in federal level, maybe state review in state regulations should be a priority matter. Well, in November and December we made a whole pot full of regulation review, and we are adjusting a whole pot full of fees, at least, make them partially self-reimbursement on those who benefit. We generally took the position where health care is involved and there is health care for the public in the testing program, that half of the cost was not unreasonable for the taxpayers to bear, but it was equally reasonable that a half of the cost was paid by the livestock industry. Now if there

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was any vote that I feel good about it was the vote yesterday when I voted again to take out the lobbying in the check-off bill because if this represents what they want to use my money for, then it was a most unfortunate piece of legislation to continue this kind of an approach. I would urge that the body...and I really would urge Senator Schmit to withdraw the amendment, but I would urge you reject this. If there was any time that there ought to be a sense of equity and fairness, and that is a favorite word, but if there is any place that the cost ought to be up front, and that is a favorite word, then the cost for a half of the livestock testing for disease control ought to be born by the producers. Now we do have an amendment which will be filed to ensure because there were some who thought that some of the livestock might be assessed twice for the 3 cents between the slaughterhouse and the market, and we have an amendment that makes sure. I don't think it would have been done that way, but we have an amendment to clarify it so it won't be done. But other than that, as a livestock producer I see nothing wrong....

SPEAKER NICHOL: Half a minute.

SENATOR WARNER:and I would hope that the body would see nothing wrong with this approach to finance the disease control of livestock as well, and vote down Senator Schmit's and Senator Labedz's amendment.

SENATOR NICHOL: Senator Newell.

SENATOR NEWELL: Mr. President, members of the Legislature, I rise to oppose the Schmit amendment but I guess I'm surprised, I'm surprised that Senator Schmit whose fought pretty valiantly and yet unsuccessfully this year for the pseudorabies proposal to eradicate from hogs that dreaded disease, that bill proposed a tax. And I thought if anything, if we were going to see anything today we would see Senator Schmit probably offer to up this fee especially in regards to swine and try to reimpose that second opportunity to bring that pseudorabies bill. But what we see here is quite another attempt. I mean, Senator Schmit in one regard says, you know, we need to do more in some regards and in other places he says, you know, I don't know if we ought to raise the fee, we ought to cut the fee. I can appreciate that during the waning hours of the Legislature that there is a lot of different requests made upon individual members and there is a desire by us to try to meet those. But I think that the inconsistency here is one that we should recognize, that we ought to recognize that there are some needs to make some adjustments and that those adjustments have been proposed clear across the board. Now

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I've had people from my own area of the state, which is not a rural area, suggest that some of the fees that Senator Warner is suggesting that should be raised, should not be raised and I have been requested on a couple of occasions to, in fact, reduce those or offer amendments to reduce those fees and I've resisted because of the financial situation the state is in. I've resisted because I see a bill going across this Legislature that is wholesale, making some wholesale changes in adjustment in those fees and because of that, because of the needs this year, I stand and oppose this and I would urge the body consider twice before they offer more amendments or to make other kinds of adjustments for a special interest group in regards to the raising of fees in LB 966.

SENATOR NICHOL: Senator Vickers, are you...?

SENATOR VICKERS: Mr. Chairman and members, I just thought I should probably rise to let Senator Warner know that he is not the only person that raises livestock in this state that perhaps feels the way he does. You know I don't smoke either so putting a tax on cigarettes is probably not such a bad idea. You know the most fair tax is when you let somebody else pay and I suppose that perhaps I should follow that philosophy all the way through and try to remove this three cents too but yesterday I supported a bill to impose a twenty-five cents a head fee or up to a dollar. I was thinking of the time that even though things are tough out there in the hills, if it gets to the place where twenty-five cents or one dollar makes the difference between staying there or not, why I thought I could justify the support of that twenty-five cents because I didn't think that twenty-five cents or one dollar would make that much difference and I can use that same argument on this three cents a head fee. I don't believe three cents a head is going to break me but I would suggest that perhaps the reason this letter came around is the way the bill is drafted it says that such fee shall be paid by the holder of the auction market license. Now we all know that auction markets are like any of the other businessmen in this state that are so-called middlemen. They are not going to pay that three cents themselves out of their own pocket. Eventually it is going to come off of the livestock producer that sells the livestock to the livestock market. But perhaps that is the reason they are objecting is because they have to come up with the money up front supposedly and they are the ones who are going to be held responsible with the penalty and so forth if they don't remit it in time. Now I don't have an awful lot of problem personally with this three cent a head fee. I think that the job of administering disease control laws and rules and regulations to go along with

those are something that benefits my business and I have no problem with supporting, at least partially, with a fee to pay for that service. I think it is proper and I support Senator Warner and oppose the Schmit-Labedz amendment.

SENATOR NICHOL: Senator Schmit, we'll call on you to close but before you do I'd like to introduce some grade school students from your district, District 44 in Saunders County and they are in the North balcony. Their teachers are Loretta Lindgren and Gladys Cajka. Would you stand and be recognized, please. In addition to that we have some guests that are traveling across the country. They are Mr. and Mrs. Edgar Miller of Evansville, Indiana, and Mr. and Mrs. Melvin Hollis of Fort Branch, Indiana. They are traveling across the area from California and Tijuana back to their home so would you stand and be recognized, please. Thank you for visiting the Legislature. Senator Schmit, would you like to close, please.

SENATOR SCHMIT: Yes, Mr. President, I'd be pleased to close. I'm sorry Senator Warner got so worked up. He's just getting started to get worked up. You know, the attempt to raise funds to support government by fee is a temptation which is always there because by so doing, and I'm not accusing Senator Warner of not being willing to raise the income taxes or the sales taxes that are necessary to support government. But there isn't any way you are going to raise enough money by a collection of fees to support state government, whether it is in this area or the tax on babies or anything else you want to impose. Now the facts are that the livestock producers did not ask for the Bureau of Animal Industry to be created. It is created as a consumer protection area. We probably benefit as Senator Vickers points out. I suffer no embarrassment for defending the livestock industry and the outraged demands that if we are going to spend up to a buck a head to lobby and we're not willing to spend three cents to protect a whole-some food industry is ridiculous. Let me just point out that this is one reason why livestock producers like anyone else ought to be able to tax themselves, and remember, Senator Vickers and Senator Warner, these are the producers' own money. It is not general tax fund money. It is the money we taxed ourselves for the purpose of promotion. The reason we have to do it, the reason we've asked for it is so you can defend yourself against this kind of chicanery and I'm just going to point blank say it that way because that is the only way to say it. It is just like the old theory of opening the gate and let one steer out and all of a sudden the whole herd goes. It is like shooting into a flock of ducks and getting one out of a hundred. If you throw enough of those ideas out eventually some of them are going to get through and you can appear to be outraged and you can appear to defend the

public interest and so forth. Let me just say this. I suffer no embarrassment. I don't think the livestock industry needs to apologize because of a lack of support of state government. I think we've supported the state government far above and beyond the call of duty, especially as Senator Warner has just pointed out, an industry which is so fragile in their profit structure. Three cents a head is not going to break us. No, I'm not saying that. The point I want to make is this. I don't think it is an equitable way to do it. I think the industry testified against the proposal. There is some people who thought it would never show up in the bill. As a result they relaxed. There have been many, many other indications of the same kind of activity. Now if you want to go about the business of raising fees across the board to raise four or five million bucks, that is your prerogative but it is just like cutting off the dogs tail an inch at a time. Every time a producer or a consumer pays one of those fees he is going to be much more irate than if you just raise the income tax 1% or the sales tax a half a percent or if you cut out an unnecessary service and I'm not so sure that the livestock industry would go to hell frankly, if you cut out the whole darn Bureau. And so I'm just asking you in these times, in these times we talk about the revenue problem we face...

SENATOR NICHOL: One minute.

SENATOR SCHMIT: ...I don't know that we need it. Let's take a look at what we really need. When we're laying off people across the State of Nebraska, we're cutting back on the salaries paid to present employees, maybe there is someplace we can just cut out a job, cut out an inspection and cut out some of the harassment.

SENATOR NICHOL: Half a minute.

SENATOR SCHMIT: People stand on this floor and talk in favor of business every day but the livestock auction market and the market in Omaha is the most supervised business you can ask for. There is an inspector coming down the pike every day out there to look at something, either the livestock or the equipment or the scale tickets or the receipts or something else, or the trust fund and I'm not so sure they serve all that much of a good purpose. So I ask you to support the amendment and delete Section 8 from LB 966.

SENATOR NICHOL: We are voting on the Schmit amendment. All those in favor vote aye, opposed nay.

CLERK: Senator Nichol voting no.

SENATOR NICHOL: Have you all voted? Record the vote,

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SENATOR SCHMIT: A record vote, Mr. President.

SENATOR NICHOL: A record vote has been asked for.

CLERK: (Read record vote as found on pages 1565-1566 of the Legislative Journal.) 13 ayes, 26 nays, Mr. President.

SENATOR NICHOL: The amendment loses. Senator Wesely, for what purpose do you rise?

SENATOR WESELY: A point of personal privilege, please.

SENATOR NICHOL: Okay, state your purpose.

SENATOR WESELY: They say that bricks and stones may break your bones but names will never hurt you. However, you've gotten your stones. We now have the bricks so everybody watch out today. We promised you several weeks ago during Lincoln Legislature Week that we were going to get you some bricks from the Cornhusker. They have finally arrived with a name plaque for you individually. They are down there, if the Pages could pass those around, they are going to pass them around at this point. They will complement your stones you just got from the old penitentiary very nicely. You see we're tearing down some of the old and building some of the new here in Lincoln and we sure appreciate your support. So you will all be getting a brick in just a few minutes. I urge you, be careful with them. They are dangerous.

SENATOR NICHOL: Thank you, Senator Wesely. We have another amendment.

CLERK: Mr. President, the next amendment I have to the bill is offered by Senator Warner and Senator Warner's amendment is on page 1499 of the Legislative Journal.

SENATOR NICHOL: Senator Warner.

SENATOR WARNER: Mr. President, oh, page 1499? Okay. Essentially this amendment is a part of corrective amendment. It reflects the passage of, I forget the bill number, 717 I guess, right? Anyway the bill dealt with the law enforcement center and it was a comparable thing in here so that was taken out because the legislation is already handled. The other portion deals with the effective dates in the act. Some sections such as the one we just discussed has an effective date of January 1 in order to give time to set it up. Others effective dates are either October 1 or August 1 but those effective dates are to coincide with when fees become due or something such as that

so they are annualized clearly and that rates are not changed in the middle of a year or they be at the calendar year or fiscal year that might be involved. I move adoption of that amendment, Mr. President.

SENATOR NICHOL: There are no other lights on. Was that your opening and your closing, Senator Warner? Okay, the question is the adoption of the Warner amendment. All those in favor signify by saying aye, opposed nay.

CLERK: Senator Nichol voting yes.

SENATOR NICHOL: Have you all voted, please? Record.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Warner's amendment.

SENATOR NICHOL: The Warner amendment is adopted. Before we continue we have 18 students known as the Youth for the Legislature from all over Nebraska by the Farmers' Union of Nebraska and they are located in the North balcony. They range in age from 17 to 20 and they are here in the Capitol for three days studying the Legislature and they are sponsored by Mr. Neil Oxtom of the Farmers' Union of Nebraska. Welcome to your Legislature. Mr. Clerk, do you have another amendment?

CLERK: Mr. President, I have an Appropriations Committee Amendment to the bill.

SENATOR NICHOL: Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, this includes two amendments. If you want them split we can do that. The first amendment deals with the three cents per head and there was concern expressed, in fact, from the letter from the Omaha market, that in some instances it was at least their interpretation that the wording could result in the fee being paid twice where the slaughterhouses are involved and the purpose of the amendment is to make it clear that it would not be done in that fashion, that the producer would only have the deduction one time at the three cents level. I might add that all these fees are collected at a point which is currently licensed and that is the reason we use those is that for enforcement purposes, for collection purposes, there is already an established vehicle that the state has and as a result does not necessitate starting something up new. The other amendment is one that was brought to us just a day or so ago. This bill, as you all know we have currently a seventy-five cent charge for drivers' abstracts that generally are requested by insurance companies from the state. There is a bill going through that increases

that to a dollar but private ingenuity being what it is, apparently there is some company in the country which goes around and buys these tapes from the state and then turns around and sells the same information back to insurance companies that would cost less than what the state charges because it is in part a revenue measure. So what the amendment does, where these requests are made, the statutory authorization for the request require that a person requesting driver information shall furnish to the Department the name and date of birth of the person whose record is being requested, which is in fact, the way the insurance companies would acquire such a driver's record but by putting it in that motion that would prevent one of these companies coming in from out of state and buying a whole tape and then under-selling the state. So I would move adoption of both amendments.

SENATOR NICHOL: We are now voting on the second Warner amendment, both parts. All those in favor vote aye, opposed nay.

CLERK: Senator Nichol voting yes.

SENATOR NICHOL: Please vote. Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the Appropriations Committee amendment.

SENATOR NICHOL: The second Warner amendment is adopted. Do you have anything else on the bill?

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

SENATOR NICHOL: Senator Warner, did you wish to close on the bill? No closing, alright. All those in favor of advancing the bill please say aye, opposed nay. The bill is advanced. We will proceed to LB 970, Mr. Clerk.

CLERK: Mr. President, I have nothing on LB 970.

SENATOR NICHOL: Senator Warner, did you wish to speak on LB 970? The question is shall LB 970 be advanced. All those in favor say aye, opposed nay. The bill is advanced. We will move on to LB 970A.

CLERK: Mr. President, there are E & F amendments to LB 970A.

SENATOR NICHOL: Senator Warner. We are voting on the E & R amendments to LB 970A. All those in favor say aye, opposed nay. The amendments are adopted.

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

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LR 318-324

LB 933, 378A, 404A, 693, 966

SENATOR KOCH: It doesn't have a date in it.

SENATOR DeCAMP: The last one that passes is the one you believe takes priority?

SENATOR KOCH: We are passing this one and in case we get the money we are going to put it out this way to the schools.

SENATOR DeCAMP: Well, I won't pursue it further.

PRESIDENT: Senator Carsten, did you have a....?

SENATOR CARSTEN: If I may, Mr. President, to answer Senator DeCamp's question, there is no date on distribution of school aid money in it. That is in the school aid statute.

PRESIDENT: Okay, the motion then is to advance LB 933 to E & R for Engrossment. All those in favor signify by saying aye. Opposed nay. LB 933 is advanced to E & R for Engrossment. Now for the next Koch amendment...or return, excuse me. Yes, the Clerk has some matters to read in at this time.

CLERK: Mr. President, very quickly, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 378A and find the same correctly engrossed; 404A correctly engrossed; 693 correctly engrossed, and 966 all correctly engrossed.

Mr. President, a reminder that today is the last day for submission of interim study resolutions. I have a series of interim study resolutions. LR 318 offered by I believe it is the Banking Committee, Mr. President. It calls for a study of the national inflation and high cost of money and how it has affected the state's financial markets. LR 319 offered by the Banking Committee. It calls for study of economic policy decisions made to state and federal levels of government and whether those are inadequate or misdirected and need revision. LR 320 by the Banking, Commerce and Insurance calls for a study of the state's insurance investment code. LR 321 by Senator Haberman calls for a study of the feasibility of establishing a separate Repeat Offender's Court. 322 by Senator Haberman calls for a study of the possibility of allowing the Governor or the appropriate state agency director to declare an emergency and allow higher load limits for trucks. 323 by Senator Haberman. 323 calls for a study on how nursing homes are owned by corporations. 324 calls for a study of the feasibility of requiring criminal

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LB 378, 378A, 693,
750, 966, 967

ASSISTANT CLERK: (Read LB 966 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 966 pass with the emergency clause attached. All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: (Read record vote as found on page 1853 of the Legislative Journal.) 30 ayes, 18 nays, Mr. President.

PRESIDENT: The motion fails. The bill fails to receive the sufficient constitutional majority to pass with the emergency clause attached. The question now is, shall LB 966 pass without the emergency clause attached. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on page 1854 of the Legislative Journal.) 29 ayes, 17 nays, 2 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 966 passes without the emergency clause attached. The next bill on Final Reading, Mr. Clerk, is LB 967.

CLERK: (Read LB 967 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 967 with the emergency clause attached. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on pages 1854-1855 of the Legislative Journal.) 44 ayes, 0 nays, 1 excused and not voting, 4 present and not voting, Mr. President.

PRESIDENT: LB 967 passes with the emergency clause attached. Do you have some things to read in at this time, Mr. Clerk?

CLERK: Mr. President, the bills passed on Final Reading 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 967, LB 378, LB 378A, LB 693, LB 760.

SENATOR CLARK PRESIDING

SENATOR CLARK: We are now ready for item #5, Select File, special order # 816.

April 14, 1982

I mean a roll call vote.

SENATOR CLARK: (Interruption) a record vote and a roll call vote.

SENATOR NEWELL: You know, I have changed my mind. I would like to have people vote for this resolution. The more I think about it, Senator Chambers has a good point.

SENATOR CLARK: Well, we are talking about a roll call vote. The Clerk will call the roll if he don't want anyone else in here.

CLERK: (Roll call vote taken. See page 1937, Legislative Journal.)

SENATOR CLARK: We can't hear anything up here at all, gentlemen, please. I just say gentlemen because the ladies are not talking. When you quiet down, then we will go ahead and call the roll. (Gavel) That helped some. Go ahead and call the roll.

CLERK: (Roll call vote continued.) 16 ayes, 12 nays, Mr. President.

SENATOR CLARK: The motion lost.

CLERK: Mr. President, the bills read on Final Reading this morning 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 LB 89, 714, 714A, 669, 669A, 609, 609A, 604, 604A, 278, 629, 629A, 480, 568, 909, 854, 854A, 835, 757, 753, 708, 688, and 966.

April 16, 1982

LB 89, 966

are still on Final Reading so all members will please return to your desks and the Sergeant at Arms will secure the Chamber. All unauthorized personnel will leave the floor and we will continue with LB 404 when we have everybody in their place. The Clerk will read a couple of matters in at this point while we are waiting for everybody to get to their desks.

CLERK: Mr. President, I just received two other messages from the Governor. (Read message regarding LB 89 as found on page 1979 of the Legislative Journal.) Mr. President, the second addressed to Dear Mr. President and Senators. (Read message regarding LB 966 as found on page 1979 of the Legislative Journal.)