

January 14, 1981

LB 140-151

SPEAKER MARVEL: Item #5, resolutions.

CLERK: Mr. President, LR 4 is found on page 127 of the Legislative Journal. (Read LR 4.)

SPEAKER MARVEL: The Chair recognizes Senator Koch.

SENATOR KOCH: Thank you, Mr. Speaker. I will be very brief. This resolution is self-explanatory. Those of you who remember the recent election, the effect that it had was rather profound on certain local officials in terms of their re-election or defeat. At seven o'clock as you recall the newsmedia, television primarily, declared the winner to be President Reagan-elect and as a result it has been brought to my attention that not only on the west coast but even it affected our own state. Those who were going to the polls suddenly decided the election was resolved and why stand in lines. So what this resolution does is encourages Congress to seriously review the problems and try to correct them by the next presidential election so this does not reoccur. This resolution is being introduced by numbers of other states and the same resolution is being sent to Congress and hopefully they will act positively. Thank you.

SPEAKER MARVEL: The motion is the adoption of LR 4 as explained by Senator Koch. Is there any other discussion? All those in favor of that resolution vote aye, opposed vote no. Record the vote.

CLERK: 27 ayes, 0 nays on adoption of the resolution, Mr. President.

SPEAKER MARVEL: The motion is carried. The resolution is adopted. Do you want to go to the next one? Do you have another resolution? Okay, the next item is the introduction of new bills.

CLERK: (Read LB 140-142.) (See pages 144-145 of the Journal.)

SPEAKER MARVEL: ...(mike not turned on)...need to be processed so if you have some or anticipate some maybe we can get some more in today before we proceed with other business. The Clerk has some items on the desk that he may read in.

CLERK: (Read LB 143-151.)

Mr. President, Senator Koch would like to be excused on Wednesday, January 14 through Friday, January 16 and Senator Marsh would like to be excused all day January 15 and 16.

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LR 6, 7
LB 490 - 529, 144, 182

SENATOR BURROWS: I move the adoption of the resolution as amended.

SPEAKER MARVEL: Any further discussion on that motion? All those in favor of that motion vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 42 ayes, 1 nay on adoption of the resolution, Mr. President.

SPEAKER MARVEL: The motion is carried and the amendment is adopted. Members of the Legislature, it is my privilege to introduce to you a young lady who with her staff has put out at least 869 separate bills and I would like to have her stand, and if it is your will to acknowledge the work that is done. The Clerk will read.

CLERK: Mr. President, new bills: (Read title to LB 490 through LB 517, pages 305 - 311, Legislative, Journal.)

Mr. President, while we are waiting, new resolution, LR 7: (Read. See pages 212 and 213, Legislative Journal.) That will be laid over.

Mr. President, hearing notice is provided by the Business and Labor Committee for February 4.

Mr. President, Senator Labedz offers explanation of vote.

Mr. President, new bills: (Read title to LB 518 through LB 526, pages 314 - 316, Legislative Journal.)

Mr. President, Senator Burrows would like unanimous consent to have his name added to LB 144 as coinroducer.

SPEAKER MARVEL: Hearing no objection, so ordered. One last call, does anybody have any legislation that is buried someplace that you would like to dig up? Now is your chance. Last call for any legislation.

CLERK: Mr. President. (Read title to LB 527 and 528, pages 316 and 317, Legislative Journal.)

Mr. President, Senator Kremer would like to ask unanimous consent to have his name added to LB 182 as coinroducer.

SPEAKER MARVEL: Hearing no objection, so ordered.

CLERK: Mr. President: (Read title to LB 529, page 317, Legislative Journal.)

February 17, 1981

LR 17, 13
LB 15, 16, 55, 76, 83, 92, 136,
144, 170, 185, 187, 199, 217,
238, 244, 354, 434, 457.

Your Committee on Revenue gives notice of public hearing in Room 1520 for March 9, 16 and 18. (See pages 546 and 547 of the Legislative Journal.)

Mr. President, Senator Maresh would like to have the Business and Labor Committee meet underneath the north balcony upon adjournment.

Mr. President, LB 15, 16, 92, 170, 185, 187, 199, 238 and 244 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LB 15, LB 16, LB 92, LB 170, LB 185, LB 187, LB 199, LB 238 and LB 244.

CLERK: Mr. President, your Committee on Urban Affairs whose Chairman is Senator Landis to whom was referred LB 434 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 144 General File with amendments; 354 General File with amendments. (Signed) Senator Landis. (See pages 546 through 547 of the Legislative Journal.)

Your Committee on Judiciary whose Chairman is Senator Nichol to whom was referred LB 55 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 76 General File with amendments; 83 General File with amendments. (Signed) Senator Nichol, Chair. (See pages 548 and 549 of the Legislative Journal.)

Your Committee on Miscellaneous Subjects whose Chairman is Senator Hefner to whom was referred LB 217 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 136 General File with amendments; 457 General File. (Signed) Senator Hefner, Chair.

Mr. President, two new resolutions, LR 17 by Senator Hoagland. (Read LR 17 as found on page 550 of the Legislative Journal.) That will be laid over. Mr. President, LR 18 offered by Senator Wagner and others. (Read LR 18 as found on pages 551 and 552 of the Legislative Journal.) That too, Mr. President, will be laid over.

PRESIDENT: The Chair also has an announcement from Legislative Services Coordinator, Harlan Johnson, who reminds all of you that pictures will be taken of all

LR 23
LB 21, 38, 67, 77, 80,
104, 109, 144, 186, 205,
206, 206A, 221, 236, 260,
204A.

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SENATOR LABEDZ: Will it be on the agenda tomorrow morning?

SPEAKER MARVEL: It will either be on the agenda tomorrow or the next day.

SENATOR LABEDZ: Thank you.

SPEAKER MARVEL: Do you have some items to read in?

CLERK: Yes, sir, I do. Mr. President, Senator Warner would like to print amendments to LB 144 in the Journal. (See pages 659 and 660 of the Legislative Journal.) New resolution, LR 23 by Senator Maresh and Senator Beutler. (Read LR 23 as found on page 660 of the Legislative Journal.) Mr. President that will be laid over. New bill, LB 204A, offered by Senator Wagner. (Read title to LB 204A for the first time.) Your committee on Public Works gives notice of public hearing. Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 21 and find the same correctly engrossed, 38, 67, 77, 80, 104, 109, 126, 206, 206A, 221, 236, and 260 all correctly engrossed. (Signed) Senator Kilgarin, Chair.

SPEAKER MARVEL: Okay, we revert to General File, LB 205.

CLERK: Mr. President, LB 205 was considered by the body yesterday. There was a motion to adopt the committee amendments which prevailed. There was some discussion and I now have a motion to indefinitely postpone the bill as offered by Senator Chambers.

SPEAKER MARVEL: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, the first thing I have to do is apologize to Senator Pirsch because yesterday I said this bill emerged from committee without a single dissenting vote, but she did vote against it. It is kind of interesting that she being from Omaha and I being from Omaha, she being notoriously law and order, I being notoriously whatever the contrary is, both agree that this bill is not a very good thing. So what I am asking that you do is consider what the purpose and role of an arson investigator is. The bill states it's to study the cause, origin and circumstances of fires. Nothing in this bill enhances that responsibility or that function. We don't want to create quasi law enforcement people when their job is not law enforcement. They have the team concept in Omaha right

CLERK: Mr. President, LB 144 was introduced by Senators Burrows, Maresh and Clark. (Read title.) The bill was read on January 14. It was referred to the Urban Affairs Committee. It was advanced to General File. There are committee amendments pending by the Urban Affairs Committee, Mr. President.

SPEAKER MARVEL: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I will go through with you if you will the committee amendments to LB 144 on public transportation of the elderly. The bill as originally introduced had a number of features to it and the committee amendments delete a series of those including and you might have heard about the \$30,000 for vans to be operated on behalf of the elderly. That section is struck. If we go through the committee amendments and you understand what is in there, you will now understand what is in LB 144. The purpose of LB 144 at this point, if the committee amendments are adopted will be essentially twofold. It will create a mechanism by which CAPS and qualified public-purpose organizations may operate handivans or senior vans, rather, and it lists the kinds of qualifications that they have to meet to create that status. That appears in the first sections of the bill. A qualified public-purpose organization has operated or proposes to operate only motor vehicles having a seating capacity of twenty or less; they have been approved by the city council or by the county governing board to do that kind of a function; and they operate or propose to operate a service in an area which the Department of Roads has identified as not being adequately served by existing public or private transportation services pursuant to section 19-3905. Those have to be met before somebody can qualify as a qualified public-purpose organization and this won't necessarily be a political subdivision. It can be a private organization that meet those standards but the standards indicate that there can't be a competitor that is now fully servicing the market and that determination is to be made by the Department of Roads. By the way, there is a mechanism for appeal that is provided. That also appears in the committee amendments. So that if the Department decides that an area is already currently being well serviced, somebody who proposes to operate a qualified public-purpose organization program may appeal to the Department and there is a hearing on that and they can take testimony and a second chance can be had to consider that decision. The net effect of that language is to allow in the end qualified public-purpose organizations to qualify for the Nebraska Transportation funds. That is a pot of money appropriated by the Legislature to be disbursed to mass transportation systems throughout the

state. There are a number of them throughout the state although currently the majority of the money is going to the Omaha and the Lincoln mass transportation systems, MAT and LTS. There are a variety of rural mass transportation systems that now presently qualify and will get that money. If this language is adopted, the end net political result will be to create a mechanism by which these kinds of organizations can eventually obtain Nebraska Public Transportation funds. It also is a way to allow counties and cities who don't want to pick up the tabs themselves or who don't want to undertake the project of transportation themselves can delegate that to a willing organization. The last effect, the last change of the committee amendments is found in the small white piece of paper, lines 25 through 5 and that exempts these kinds of vehicles from Public Service Commission scrutiny and you will find on your desk a double paged letter sent out by Senator Maresh. I am sure he will go through this, what he describes his reasons for the bill. But that is what the committee amendments do and I would urge their adoption. Thank you.

SPEAKER MARVEL: Senator Maresh, do you wish to...do you have a motion?

SENATOR MARESH: Mr. Speaker, members of the Legislature, I have a motion on the desk there.

SPEAKER MARVEL: Do you want to read the motion? It is the E clause, isn't it?

CLERK: Senator, is this an amendment to the committee amendments?

SENATOR MARESH: Yes, please, an amendment to the committee amendments. My amendment adds the emergency clause to the bill. There is a need for this because according to federal regulations these units, those that are twenty passengers or less, will be coming under the Public Service Commission regulation and the senior citizens are really concerned because every time they would want to change a route or add a route, an additional route, they would have to go before the Public Service Commission and there is a \$50 fee to hold a hearing. So we want to get them out from under the Public Service Commission as soon as possible and I handed out this material where in Adams County, Senator Marvel's District, the Public Service Commission came and tried to stop the buses from operating. So I think we want to get the emergency clause on to get them from under the Public Service Commission immediately and not ninety days after the session ends.

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SPEAKER MARVEL: The motion before the House is the adding of the emergency clause to LB 144. All those in favor of that motion vote aye, opposed no. Record.

CLERK: 26 ayes, 0 nays on the adoption of the emergency clause.

SPEAKER MARVEL: The motion is carried and the emergency clause is adopted. Now do we have another....?

CLERK: We have the committee amendments, Mr. President.

SPEAKER MARVEL: Committee amendments?

CLERK: Yes, sir.

SPEAKER MARVEL: Senator Landis, do you have other amendment?

SENATOR LANDIS: No other amendments. I move the adoption of the committee amendments as amended.

SPEAKER MARVEL: Okay. The motion is to adopt the committee amendments as amended. Senator Maresh, do you want the floor?

SENATOR MARESH: Mr. Speaker, I support the committee amendments. I hate to see the \$30,000 deal where we could purchase two standby buses be taken out, but if we are going to get this bill passed with the emergency clause, I think we need to take all material that would cause concern to be taken out. The committee felt it was necessary to take this appropriation out of the bill, and if the committee feels that it is important to take it out, I agree and I wish you would vote for the committee amendment.

SPEAKER MARVEL: Motion is the adoption of the committee amendments as amended. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 27 ayes, 0 nays to adopt the committee amendments, Mr. President.

SPEAKER MARVEL: Motion is carried. The committee amendment is adopted. Are there other amendments? Okay, Senator Maresh, do you want to explain the bill?

SENATOR MARESH: Mr. Speaker, public transportation for senior citizens has been one of my main concerns ever since I came to the Unicameral. I feel that we need to provide this service. We have had numerous studies on the problems of the aging and just recently, this last interim, Senator Fowler and I were

involved in hearings in various parts, in Lincoln and in Omaha, to see what the people are telling us, the senior citizens, and that was one of their chief concerns to have better transportation especially in certain areas. These people want to be able to live in their own homes and to do this many of them that can't drive need public transportation to be able to get to the grocery stores, to buy their clothes, in other words to lead a normal life. This bill was one of the priority bills that the silver-haired legislators passed during...I think it was in October when they held their session. It was LB 8 and this is patterned after their bill and I have a letter from Alvin Peterson who was a member of this body. He says, "I am a member of the twelve person"...he is also a member of the delegation to the White House Conference on Aging. "We have held five public hearings across the state and have four hearings remaining. The first five were in Omaha and Lincoln, Norfolk, Beatrice and Kearney. The four yet to be held are at Grand Island, North Platte, Alliance and Ainsworth." That was at that time on February 4th. "As you may recall at the hearing on LB 144 last week I referred to these hearings which we have had so far as a delegation of five communities. At each of these the need for transportation for the elderly was mentioned over and over again, less frequently in Omaha and Lincoln but five times in Norfolk, twenty times in Beatrice and nine times in Kearney, and these requests were principally for outlying communities where facilities are not available. Those who have access to transportation have emphasized its importance. LB 144 should be passed. Why? #1. The elderly have no means of transportation...need to get to nutrition centers...go grocery shopping...for medical care...and social functions and so forth. #2. Just to get out of the home to be with peers gives them something to look forward to each day, lifts their moral and keeps them active in the community. #3. In the long run and this can be substantiated, to be able to have these home services postpones the need for being in nursing homes, a considerable savings especially if the end result is welfare. LB 144 is a priority bill proposed by the silver-haired Unicameral. After regional hearings and debated by the silver-haired Unicameral, it is hoped that your committee will vote to have LB 144 considered by the Nebraska Unicameral and finally adopted. There are 185 persons in Nebraska over the age of 60 years, the majority in rural areas. The number is growing each year. These elderly probably have the highest voting record of any age and deserve to have their opinion heard and their needs met." The bill provides that the Department of Roads would help with these transportation problems and the statement to the committee reads, "An exemption from the Public

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Service Commission, pardon me, the Department of Roads", no, that is not the one. Well, anyway, it gives the Department of Roads the authority to review the problems and to give assistance whenever it is needed. So I think that is one of the major parts of the bill for the Department of Roads to give these people assistance in organizing their transportation units and to study the needs, especially in rural Nebraska where the greatest problems are presently found. So I hope that we get this bill advanced to E & R Initial.

SPEAKER MARVEL: Senator Warner.

CLERK: Mr. President, I have an amendment from Senator Warner. The amendment is found on page 659-660 of the Legislative Journal.

SENATOR WARNER: Mr. President, I move adoption of the amendment. I have visited with Senator Maresh and I believe he indicated he had no opposition. All the amendment does is that it ensures that you would not have double dipping by some agency or someone providing bus. What it says that if they are already receiving state funding for the transportation in some other program that they cannot also draw state funding for the same activity in another program, that they would only be funded through one program and one time and it makes that clear. I am sure it is not the intent to not have that happen but or to have that happen but it ought to be clear so that from an accounting standpoint we can easily keep track. I move the amendment be adopted.

SPEAKER MARVEL: The motion is the adoption of the Warner amendment to LB 144. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 31 ayes, 0 nays on the motion to adopt Senator Warner's amendment.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. Senator Johnson, do you wish to speak? We are now ready to advance the bill.

SENATOR V. JOHNSON: Right. I would like to speak to the bill, if I could, Mr. Speaker. I have some questions of Senator Warner, if he would yield. Senator Warner, I have always had a hard time understanding the Public Transportation fund and somewhere along the line when you did your introductory program to freshmen legislators a couple of years on the appropriational process you indicated that the State of Nebraska puts let's say one million dollars into a Public Transportation

Assistance fund and that of that money the first cut goes to those rural transportation systems that need the monies, and then finally the remainder goes to the public transportation systems in Omaha and Lincoln, that is those of the big urban centers, and so the issue was that if there are an increasing number of rural transportation programs, they'd take increasing amounts of the money leaving less and less and less available to Omaha and Lincoln. Now that was the understanding that I have. Now as I look over this bill, Senator Warner, it would seem as though what it is allowing is nonprofit organizations throughout the state, but most of which would be rural in nature, to be organized and to receive from this finite amount of money first crack at the dollars, meaning that the urban centers, the Omaha area and the Lincoln area, would have less money available to support two existing public transportation systems. Is that a correct analysis or not?

SENATOR WARNER: Yes, and as the bill now stands, that would be true. I understand there is an intention to have an A bill for an additional general fund appropriation at an estimate of what this would cost and that then would not subtract from the existing programs, but currently it is true that the rural areas have first call up to fifty percent of the money. About fifteen percent of it is going for the rural area now. You could argue that this could be funded with no additional money but it is true, it would come out of the eighty-five percent that goes into Lincoln and Omaha. That funding is a joint funding. There is a million dollars of Highway User Revenue Gas Tax fee...well, it is Highway User Revenue that goes in for the reimbursement plus the funding for...general fund last year, this is off the top of my head, but I think it is \$1.7 million general dollar, wasn't it or thereabouts, and I think that would be what, \$2.7 million, I think the estimated requirement this year to fully fund the law is the request is \$3.2 or \$3.3 million so we would have to add general fund to fully fund probably of four or five hundred thousand plus whatever would be required here. But in order for Lincoln and Omaha not to have any funds reduced, it would take an A bill in the amount of the estimated cost of this bill.

SENATOR JOHNSON: Okay, now, Senator Warner, this bill indicates, the fiscal note says that the estimated cost at least for 81-82 is a quarter of a million dollars so we would have to have an A bill for that much plus another four hundred thousand dollars to make sure that Omaha and Lincoln come out intact at least?

SENATOR WARNER: No, not to come out intact. The A bill will

only need, I think with the amendments the committee adopted, I think probably that A bill will be in the vicinity of a hundred or a hundred and twenty-five thousand, and that would keep Lincoln and Omaha whole as things now stand. What is true that if you just want to fully reimburse Lincoln and Omaha out of the formula in the statute, it would require I suspect about four hundred thousand more than we are this year appropriating. It may be a little more than that.

SENATOR V. JOHNSON: Senator Maresh, could you yield to a question please? Inasmuch as this is your bill and that of Senator Clark's, is it your intention to advocate an appropriation of funds so that neither Lincoln nor Omaha are adversely affected by the passage of this legislation?

SENATOR MARESH: That is my intent, yes.

SENATOR V. JOHNSON: All right, and if that came to as much as, well, I think Senator Warner indicated about one hundred and twenty-five thousand in the end although the fiscal note is a quarter of a million right now, you'd have no problem with that?

SENATOR MARESH: I believe the Governor has added quite a sum into his budget, isn't that correct, Senator Warner?

SENATOR V. JOHNSON: Has the Governor added money into his own budget for this function, Senator Warner? I am finished. Thank you.

SPEAKER MARVEL: Okay. Senator Stoney.

SENATOR STONEY: Mr. Speaker and members of the Legislature, Senator Johnson has addressed some of the questions that I had but if Senator Warner would respond I would have a couple additional please.

SPEAKER MARVEL: Senator Warner, Senator Stoney wants to ask a question. Do you yield?

SENATOR STONEY: Senator Warner, when looking at the fiscal note that Senator Johnson just referred to, I do have some questions as to whether or not this is sound policy on our part, to enact a law that will accomplish what is reflected here in the fiscal note. By that I mean on page 3, if you would like to refer to that, the pink copy, it indicates that it establishes three changes, it is threefold in its impact; to permit direct access to Nebraska Public Transportation Assistance funds by private nonprofit organizations;

and the provision for limited capital acquisition; and to provide an exemption from the Public Service Commission for small transit systems. Now my question is whether or not in your opinion this is practical policy on the part of this body to establish this precedent? That may put you on the spot but I am searching for guidance.

SENATOR WARNER: Well, I guess the philosophical argument, Senator Stoney, is just the one that you indicated. Current law was pretty well limited to vehicles that were owned and operated, as I recall and somebody may check me, by governmental subdivisions. I think one of the reasons that the proposal to expand it, of course, is that in outstate why you generally don't have a public owned bus system, that they have to resort to some other kind of ownership. I think the exemption from the Public Service Commission is probably necessary to even make it work because of the regulations that they would have on hauling unrelated people for hire, in effect. The third one, I forget what that third part...but none of those decisions are financial particularly. I agree there is a policy question. I don't know if it is good or bad.

SENATOR STONEY: Thank you, Senator Warner. The only point that I would make and he has touched on that and this concern that I expressed is providing these private nonprofit organizations the opportunity to make this change which I think subsequently will have a tremendous impact. We should be aware that every nursing home, mental retardation unit, hospital, church could become a potential applicant for these funds. I just think that we should exercise some judgment and some caution prior to making this change. So I hope that you will consider that as you further consider LB 144. Thank you.

SPEAKER MARVEL: Senator Lamb. We have four more speakers before we adjourn. Senator Lamb.

SENATOR LAMB: Mr. President, members of the Legislature, this is just an updated version of the bill we had last year, LB 704, which provides a vehicle by which rural areas can take advantage of the federal funds which are available for transportation. This is the crux of the whole thing. Now under the act, the federal act, there was a certain, I don't remember the number, but there was a high percent of that fund that was scheduled to be used in the rural areas. Well, the problem has been that the rural areas has not had a vehicle through which this could have been implemented. This is the bill that provides that vehicle. Now what is it going to do? Well, since the rural areas have not had a vehicle to use these funds, the cities have been using them and that is great but

now through this bill, then the rural areas will have the vehicle and will be able to use their fair share of the funds. That is really what the argument is all about and that is where the need is. I urge that this bill be advanced.

SPEAKER MARVEL: Senator Cope. We have five more who want to speak. Senator Cope.

SENATOR COPE: Mr. President, and members, to follow up with what Senator Lamb just said, I would like to ask a question of Senator Maresh. Now I agree with Senator Lamb but are we going to...this \$250,000, that is going to be in addition as I see it, general funds, instead of using some of our fifty percent of this assistance fund that has been available for a number of years. What about that?

SENATOR MARESH: I think we are still going to use federal funds only this will make the rural systems to be able to get organized because the subdivisions of government, the counties and the cities, hesitate to get into the program. They don't want the red tape. So they turn these people down. This will allow the cities and counties to (interruption).

SENATOR COPE: I understand but what I want to know is, \$250,000 general funds in the book, am I correct on the fiscal impact?

SENATOR MARESH: I think that is no more than Senator Warner indicated. All we want is just to maintain what Lincoln and Omaha get now and be able to come up with enough money, whatever we project for the rural areas, that is all I am asking for.

SENATOR COPE: In other words, you are asking that this amount of money, \$250,000, be taken from the urban areas....

SENATOR MARESH: No, no. I don't want to take any money from Lincoln and Omaha. I just want to make sure we have appropriated enough to (interruption) we need it.

SENATOR COPE: We are going to have to have \$250,000 extra dollars?

SENATOR MARESH: That is correct.

SENATOR COPE: Then it is that much in addition. We are really not getting any where near our share of that fifty percent which originally we were entitled to?

SENATOR MARESH: It was about ninety percent was used in Lincoln

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and Omaha and only about ten percent in rural Nebraska.

SENATOR COPE: Eighty-five, fifteen, I think?

SENATOR MARESH: Pardon.

SENATOR COPE: Wasn't it eighty-five, fifteen?

SENATOR MARESH: That is probably closer. I was told ninety-ten (interruption).

SENATOR COPE: I won't prolong this now but that raised quite an argument.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, Senator Warner, I am confused because, of course, I am confused anyway but I am not on the appropriations but I don't think we are ever going to have equality between urban-rural if this is what we are talking about but some of us have been talking and the point came out that simply because the rural wasn't using their federal money the metropolitan-primary cities were both getting that money and I was wondering if this is true. For example, Lincoln, I understand, bought nine \$110,000 buses and are going to buy thirteen more, ninety percent of which are federal money. Is this the same money we are talking about as we are talking about in this bill?

SPEAKER MARVEL: Senator Burrows.

SENATOR NICHOL: Mr. Chairman, I asked Senator Warner a question.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: I am sorry I was talking. Senator Fowler said the question was whether or not any of these funds are used for acquisition of buses?

SENATOR NICHOL: No...yes, in a way.

SENATOR WARNER: No, none of this...this money is for operating costs. The money that is available for acquisition of certain buses is federal money. That is not really a part of this issue (interruption).

SENATOR NICHOL: We are not talking about, this money is not the same money as that for buying buses and so forth? Operation?

SENATOR WARNER: But there could be some buses purchased with those federal funds that qualify for some of the operating money.

SENATOR NICHOL: Yes, that is what I am getting at.

SENATOR WARNER: This is to buy gas and provide drivers.

SENATOR NICHOL: In your honest opinion, what is the fiscal note on this bill? Is it \$250,000, is it \$400,000 or is it \$650,000?

SENATOR WARNER: I think based upon the amendments that were adopted by the committee which has some impact of reducing its cost, I am guessing around \$125,000 give or take, and it is a guestimate in any event because no one really knows how many might apply for it but I think that is a reasonable guess and the only issue is that if there is an A bill with it that adds the money, why then Omaha and Lincoln are left whole in terms of what they currently receive. If you do not put the A bill in, then the cost whatever it is will come out of what Lincoln and Omaha are currently getting under the current appropriation and they would be reduced. So if the A bill goes, Lincoln and Omaha are left whole. They are not fully reimbursed because we never have fully reimbursed them but that is another issue. That is not a part of this issue.

SENATOR NICHOL: Okay, thank you, Senator Warner. I hate to talk at this hour of the day because I know everybody wants to get out of here and they are leaving but I think we should be aware of what is maybe happening. I can't imagine ever Lincoln and Omaha losing any money to the rural areas on transportation. In the first place, I don't think they should and I don't think they would and I don't think they would allow that to happen. So we may be talking about something here that we are not aware of, and in talking to the silver-haired daddy, the silver-haired person in my area, he said, "Yes, we would like to have the bill but we don't want to have to pay for it any more than we have been because we are taxpayers, too", and they are. So just because we are doing something for the elderly doesn't mean it may be good. I really think we ought to look at this a little further.

SPEAKER MARVEL: Senator Burrows.

SENATOR BURROWS: Mr. Chairman, members of the body, I would like to explain a couple of things. We really need the bill. You can't change route, if you are going to go through the Public Service Commission, to pick up some elderly person

that wants to be picked up by the bus. You can't wait thirty days. You can't go to the Public Service Commission to get the right to change the route and pick that person up to make the program workable and I really would like to advise the body on one thing. I think this is a poor time to get into an urban-rural split. The urban areas are getting eighty-five percent of the funds. The \$2.7 million is not yet appropriated. The fifteen percent of the funds that the rurals presently get will have first draw if later a million dollars were lopped off the urban side. I would like to see this bill funded and go along with the urbans and take care of both adequately, but if it comes to an urban-rural, I would find it very difficult to justify a vote for \$2.7 million, eighty-five percent of it going to the urban areas if we can't have a workable rural program. So this is the one that is up front right now and the appropriation bill is going to come later and I am just appealing that we don't turn into an urban-rural split because the rurals actually have the upper hand if it turns into a split like this. It is a poor time. I think we ought to work together and I ask for this. Thank you.

SPEAKER MARVEL: Members of the Legislature, the debate is going to continue and you aren't going to have any time to eat so I suggest to you that you adjourn and that we take this up tomorrow. Will somebody make a motion that we adjourn. Senator Landis. Okay, the motion is that we adjourn until nine o'clock, Friday, February 27th. All those in favor say aye, opposed no. We are adjourned.

Edited by:


Mary A. Turner

February 27, 1981

LB 34, 58, 114, 125, 144,
195, 205, 246, 272, 273,
273A, 325, 355, 359, 388,
409, 491, 546

the motion is the suspension of the rules to introduce a bill as explained by Senator Newell. All those in favor of suspending the rules vote aye, opposed vote no. Record the vote, Mr. Clerk.

CLERK: 30 ayes, 11 nays to suspend the rules and offer introduction, Mr. President.

SPEAKER MARVEL: The motion is adopted.

CLERK: Mr. President, a new bill, LB 546. (Title read.) While we are waiting, your committee on Urban Affairs whose Chairman is Senator Landis to whom we referred LB 58 reports the same back to the Legislature to General File with amendments; 359 General File with amendments; 491 General File with amendments. (Signed) Senator Landis.

Senator DeCamp would like to print amendments to LB 34 in the Journal.

Mr. President, your committee on Enrollment & Review respectfully reports they have carefully examined and reviewed LB 205 and recommend that same be placed on Select File with amendments; 409 Select File with amendments; 195 Select File; 272 Select File; 273 Select File with amendments; 273A Select File; 355 Select File with amendments; 114 Select File; 246 Select File, 325 Select File, 388 Select File with amendments. (Signed) Senator Kilgarin, Chair.

SPEAKER MARVEL: May I have your attention to discuss item #6 and item #6 has to do with the continuation of the discussion on LB 125. There is a request that the bill be laid over until Monday. I have contacted two of the introducers. They are amenable to laying it over until Monday. If we do this, I think we must do it with the understanding that we are not establishing a precedent. But anyway, is there objection to laying over 125 until Monday? Senator Higgins.

SENATOR HIGGINS: Mr. President, who requested that we lay it over?

SPEAKER MARVEL: Senator Haberman.

SENATOR HIGGINS: Thank you.

SPEAKER MARVEL: Any other discussion? Okay, the bill will be laid over until Monday. We now move to General File, LB 144, Mr. Clerk.

February 27, 1981

LB 144

CLERK: Mr. President, LB 144 is a bill introduced by Senators Maresh, Clark and Burrows. (Title read.) The bill was referred to the Urban Affairs Committee for public hearing. It was considered yesterday at which time the committee amendments were adopted and there was an amendment from Senator Warner as well as amendment from Senator Maresh that were adopted. I now have, Mr. President, amendments from Senator Maresh and Senator Johnson, Senator Vard Johnson.

SPEAKER MARVEL: Senator Maresh.

SENATOR MARESH: Mr. Speaker and members of the Legislature, what this does, it strikes the language that gives the rural area the first whack at this money. It will treat the urban area and the rural area on an equal basis, that we won't be designating that fifty percent of the money first go to the rural areas. So I move that this amendment be adopted. I think this is going to probably solve the problem that the urban area Senators have with this bill, that it might take some of the money away from them which I wasn't intending to do. So I move that this amendment be adopted.

SPEAKER MARVEL: Is there any further discussion on the Maresh amendment to LB 144? Senator Maresh, do you want to close on your amendment or do you want to...all those in favor of the Maresh amendment to LB 144 vote aye, opposed vote no. Have you all voted? Record.

CLERK: 27 ayes, 0 nays on adoption of the Maresh-Johnson amendment, Mr. President. I have nothing further on the bill, Mr. President.

SPEAKER MARVEL: Senator Maresh, do you wish to discuss the bill as a whole now?

SENATOR MARESH: Mr. Speaker, this bill now takes this transportation system with twenty passengers or less from the Public Service Commission that they have to have a hearing when they change their routes and there is a \$50 fee to conduct one of these hearings. So this is probably the most important part of the bill. It makes it easier for rural areas to organize a system, transportation system. Presently, it has to be the local subdivision of government has to be the sponsor. Now all they do is just approve this. It could be the VFW, the American Legion or whoever wants to sponsor this transportation system so it allows either the city or the county to okay the system which applies for the grant and so we are going to see more transportation systems being organized in rural Nebraska. It gives the

February 27, 1981

LB 144, 354

Department of Roads direction to work with the local organizations to promote transportation for our senior citizens. I think this is one of the most important things that we can do for the rural area senior citizens. Presently there is many areas that don't have any transportation. With this bill I think we are going to see groups organized with local service organizations such as the VFW or the American Legion. We will see this bill, I think, is going to provide these services for our elderly people. I move that the bill be advanced to E & R Initial.

SPEAKER MARVEL: Any further discussion? Senator Maresh was closing. All those in favor of advancing LB 144 to E & R for review vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 30 ayes, 2 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK PRESIDING

SENATOR CLARK: We will now take up LB 354.

CLERK: Mr. President, LB 354. (Title read.) The bill was originally read on January 19 of this year. It was referred to the Urban Affairs Committee for public hearing. It was advanced to General File. There are committee amendments pending by the Urban Affairs Committee, Mr. President.

SENATOR CLARK: Senator Landis, do you want to take the committee amendments to LB 354?

SENATOR LANDIS: Mr. Speaker, members of the Legislature, LB 354 was introduced by Senator Beyer and it was heard before the Urban Affairs Committee. We did make two amendments, as I recall. I will have to open my book here. The first thing we did was to make this applicable actually to metropolitan class areas and the term that we used was city of the metropolitan class. We also indicated, and this was consistent with a request by Senator Beyer, that this act would apply in those areas outside the territorial limits of the zoning jurisdiction, or rather not the territorial limits, that is in the bill, but rather the zoning jurisdiction of a city of the metropolitan class. The zoning area includes that several mile radius around a city of the metropolitan class for which they may plan and zone, and with those two amendments, number one, changing the territorial limits to zoning jurisdiction, and number two, applying this to cities of the metropolitan class and their surrounding areas, the bill was advanced. I would move the adoption of the committee amendments.

March 3, 1981

LB 5, 55, 76, 83, 128,
136, 144, 150, 217, 279,
354, 379, 457, 462

CLERK: Mr. President, Senator Kahle voting aye, Senator Wiitala voting aye, Senator Barrett voting aye.

SPEAKER MARVEL: Senator Goodrich, would you record your presence.

CLERK: Senator Vard Johnson voting aye.

SPEAKER MARVEL: Record the vote.

CLERK: 25 ayes, 13 nays on adoption of Senator DeCamp's amendment to the Beutler amendment, Mr. President.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. Do we have other amendments? Senator Beutler.

SENATOR BEUTLER: (Mike not turned on.) ...now, I would move the amendment be adopted.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of the Beutler amendment as amended.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. The motion is the advancement of the bill to E & R for engrossment. A machine vote is requested. All those in favor of advancing the bill vote aye, opposed vote no. Record.

CLERK: 27 ayes, 13 nays, Mr. President, on the motion to advance.

SPEAKER MARVEL: The motion carried. The bill is advanced. Items on the Clerk's desk before we go to the next bill. I would suggest to you that in ten or fifteen minutes we will move into General File as per the agenda.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 144 and recommend that same be placed on Select File with amendments; 354 Select File; 55 Select File 76 Select File with amendments; 83 Select File with amendments; 217 Select File; 457 Select File; 136 Select File; 128 Select File; 462 Select File with amendments; 279 Select File and LB 5 Select File with amendments. (Signed) Senator Kilgarin. (See pages 728-730 of the Legislative Journal.)

Mr. President, your committee on Public Health and Welfare whose chairman is Senator Cullan reports LB 379 to General

March 4, 1981

LB 144, 354, 434

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion carried. The bill is advanced. LB 434.

CLERK: I have nothing on the bill, Senator.

SENATOR KILGARIN: I move LB 434 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion carried. The bill is advanced. 144.

CLERK: There are E & F, Senator.

SPEAKER MARVEL: 144.

CLERK: 144.

SENATOR KILGARIN: I move the E & R amendments to LB 144.

SPEAKER MARVEL: All those in favor of that motion say aye. Opposed no. The motion carried. The E & R amendment's adopted.

SENATOR KILGARIN: I move LB 144 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion carried. The bill advanced. LB 354.

CLERK: Mr. President, there are no E & R amendments to LB 354 but I do have amendments from Senator Landis. Mr. President, Senator Landis has amendments found on page 735 of the Journal which I understand he wishes to withdraw.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, I do have some amendments which have been placed on the Clerk's desk and I am hoping he will read them. They are a substitute and seek to accomplish exactly the same goals as those amendments which appear in the Journal. However, the language of them has been improved by the bill drafting staff and that is why the substitute amendments are offered. At the conclusion of this introduction to that language, I hope that the Clerk will read that language. It accomplishes two things, number one, by reference to the territorial jurisdiction and the zoning limits and the way that we are currently doing

March 10, 1981

LB 32, 76, 83, 136, 144,
206, 206A, 354, 457, 492

respectfully reports and examined engrossed LB 76 and finds the same correctly engrossed; LB 83 correctly engrossed; LB 136 correctly engrossed; LB 144 correctly engrossed; and LB 354 correctly engrossed; LB 457 correctly engrossed. (Signed) Senator Kilgarin.

Mr. President, I have a message from the Governor. (Read. Re: LB 206 and 206A. See pages 818 and 819, Legislative Journal.)

Mr. President, I have an Attorney General's opinion addressed to Senator Vickers regarding LB 32.

Mr. President, Senator Kremer would like to have the Public Works Committee meet underneath the North balcony right now for purposes of an exec session, the Public Works Committee underneath the North balcony, Mr. President, right now if possible.

Mr. President, your committee on Government, Military and Veterans Affairs reports LB 492 to General File, (Signed) by Senator Kahle as Chairman.

PRESIDENT: The Chair recognizes Speaker Marvel for an important announcement. Speaker Marvel. Would the Legislature please pay some attention to the Speaker at this point.

SPEAKER MARVEL: I wish you would get out your paper and pencils because we are talking about deadlines for priority bills. You will find on page 137 of the Journal for the fifth day, January 13, 1981, Rule 5, Section 6 which talks about scheduling of bills and priority bills. Your individual priority selection as well as your committee selection, the deadline is March 13 which is Friday. The deadline for the Speaker is March 17 and the chairmen who met this morning, although the rule does create some misunderstanding, what would happen is that your bills designated by either yourself or the chairman of your committee or committees, those bills would be gathered in by the Speaker's office and we would set them up as priorities on the agenda. Now there is some discussion about a way to maneuver so you can get more priority bills than somebody else and I would assume that no one in this body would operate that way but March 13 is the deadline for priority bills individual and committee and March 17 is the deadline as far as the Speaker's office is concerned and we would implement this through the agenda. If anybody has any questions I will try to answer them, otherwise you can find on your worksheet for this morning the beginnings of a listing of priority bills. There are five listed this morning, 56, 245, 269, 290 and 404.

May 11, 1981

LB 273, 144, 144A

SENATOR CLARK: The bill is returned. Senator Warner.

SENATOR WARNER: Mr. President, I move adoption of the amendment as I explained it earlier.

SENATOR CLARK: Is there any discussion on... Senator DeCamp, and I am going to hold you to one thing, the emergency clause only. Senator DeCamp. That is the only thing we have before us.

SENATOR DeCAMP: Hmmm. Then I can't say what I was going to say about the bill, but it is real important. Okay.

SENATOR CLARK: All those in favor of adopting the emergency clause vote aye. All those opposed vote nay. Record the vote.

CLERK: 29 ayes, 0 nays, Mr. President, on the motion to adopt the Warner amendment.

SENATOR CLARK: The amendment is adopted. Senator Warner, will you readvance the bill?

SENATOR WARNER: (Mike not turned on.) ...Mr. President.

SENATOR CLARK: The motion is to readvance 249...273A. All those in favor say aye. All opposed. The bill is readvanced. The Clerk will now read 144.

CLERK: (Read LB 144 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall 144(E) pass with the emergency clause attached. All those in favor vote aye. All those opposed nay. It takes 33 votes. Have you all voted? Record the vote. Voting aye.

CLERK: Senator Clark voting aye. (Read record vote as found on pages 1921-1922 of the Legislative Journal.) 39 ayes, 7 nays, 3 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed with the emergency clause attached. The Clerk will now read LB 144A, with the emergency clause.

CLERK: (Read LB 144A on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass with the emergency clause attached. Well it says it on my sheet, there is an emergency clause but if there is no emergency clause on it,

May 12, 1981

LB 144, 144A, 188, 188A,
204, 204A, 207, 207A,
LR 79, 115, 116

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Pastor Martin Russert from Grace Luthrean Church in Norfolk, Nebraska, Senator Dick Peterson's district.

PASTOR RUSSERT: Prayer.

PRESIDENT: Roll call. Have you all recorded your presence? Record the presence.

CLERK: A quorum present, Mr. President.

PRESIDENT: Are there any corrections to the Journal?

CLERK: I have no corrections Mr. President.

PRESIDENT: The Journal will stand correct as published. How about any messages, reports or announcements?

CLERK: Mr. President, the first item I have is your Committee on Enrollment and Review respectfully reports that they have carefully examined LB 207 and find the same correctly enrolled.

Mr. President, LB 207, 207A, 188, 188A, 144, 144A, 204, 204A are ready for your signature. As well as LR 79, 115 and 116 Mr. President.

PRESIDENT: While the Legislature is in session and capable of doing business I propose to sign and do sign LB 207, 207A, 188, 188A, 144, 144A, 204, 204A, LR 79 and LR 115 as well as LR 116. Anything further Mr. Clerk?

CLERK: I have nothing further Mr. President.

PRESIDENT: We are then ready for agenda item number four but I understand there is a motion on the desk.

CLERK: Mr. President, Senator Warner would move to overrule the Speaker's agenda for May 12 by not reading any bills on final reading but only consider motions to return bills on final reading for specific amendment. That is offered by Senator Warner.

PRESIDENT: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. Chairman and members of the Legislatur, I assume that this is up hill but in keeping with what I believe ought to be.....the priority of the Legislature

May 12, 1981

LB 22, 22A, 144, 144A, 157, 157A, 158,
158A, 168, 168A, 188, 188A, 197, 197A,
204, 204A, 207, 207A, 243, 245, 245A,
317, 317A, 253, 253A, 292, 292A, 427, 427A

Mr. President, your committee on Enrollment and Review respectfully reports....your Enrolling Clerk reports that she has presented to the Governor those bills that were read this morning on Final Reading. (See page 1977 regarding LBs 207, 207A, 188, 188A, 144, 144A, 204, 204A, 197, 197A, 245, 245A, 168, 168A, 157, 157A, 427, 427A, 292, 292A, 317, 317A, 22, 22A, 158, 158A, 253, 253A, in the Legislative Journal.)

SENATOR CLARK: I would like to announce the guests of Phyllis Todd from Senator Beutler's District, Mr. Kim, Mrs. Kim and Mrs. Bae-Pusan from Seoul, Korea. They are under the south balcony. Will you stand and be recognized, please? They are in the south balcony. Welcome to the Legislature. LB 243.

CLERK: Mr. President, LB 243 was a bill introduced by Senator Schmit. (Read title.) The bill was first read on January 16, referred to Ag and Environment. The bill was considered by the body on April 10, Mr. President. At that time the committee amendments were adopted. There was an amendment from Senator Schmit that was adopted. The bill failed to advance on that date, Mr. President. I have nothing further on the bill.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I am going to ask you once again to consider LB 243. The bill was heard and discussed and debated at length. The previous time it was up it received 23 votes to advance on a Friday afternoon with about 27 or 8 people on the floor. I think that the fact that we have discussed the bill should perhaps wipe out any reason for a lot of lengthy debate. I know there are a lot of other bills that you want to get to today. I just want to say in reply to a piece of material that is lying on your desk, two and a half pages in length, which casts serious doubts about the problems that LB 243 can cause, I want to say this. You will recall that Senator Kremer and myself and along with several...at least 23 others in this body successfully added about \$2 million to the water development fund. There are rumors now that they may want to cut that back in the Executive Office to \$3 million from 4. That means that we will have about an additional \$800,000 in the water development fund, 50 cents per capita. Not exactly an overwhelming amount of public support I would guess for water development. My concern as I have indicated many times on this floor is this, if we are going to use funds that have been generated by a subdivision of government for

May 14, 1981

LB 22, 22A, 144,
LB 144A, 138, 188A,
LB 207, 207A, 253,
LB 466, 253A, 376, 548

SENATOR NICHOL: The amendment fails. Mr. Clerk, do you have anything else?

CLERK: I have nothing further, Mr. President.

SENATOR NICHOL: Senator Labedz, would you like to speak to the bill?

SENATOR LABEDZ: Thank you, Mr. President. I move for the advancement of LB 466 to E & R engrossing, and unless there is going to be some debate, I will offer further comments on my closing.

SENATOR NICHOL: Senator Cullan.

SENATOR CULLAN: Mr. President, just one thing for the record and that is I want to state for the record that I voted against the Marsh amendment, not because I believe that the concept of hospitalization is a bad one, but because we did not have adequate chance to review that amendment thoroughly and sufficiently at this point in time. We may very well sponsor some similar legislation in future years. Thank you.

SENATOR NICHOL: We are now voting on the advancement of LB 466. All those in favor signify by voting aye, opposed nay. Record, Mr. Clerk.

CLERK: 28 ayes, 9 nays, Mr. President.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Motion carried. The bill advanced.

CLERK: Mr. President, a few items to read in, if I may. I have an appointment letter from the Governor. That will be referred to the Executive Board for reference, Mr. President.

Mr. President, a communication from the Governor addressed to the Clerk. (Read: Re: LB 22, 22A, 144, 144A, 188, 188A, 207, 207A, 253 and 253A. See page 2049, Legislative Journal.)

Mr. President, Senator Maresh would like to print amendments to LB 548 in the Legislative Journal; Senator Dworak to print amendments to LB 376 in the Legislative Journal.

Your committee on Retirement gives notice of hearing on gubernatorial appointments for two, Thursday, May 12 (sic).