

January 6, 1982

LB 563 - 584

Any discussion? All those in favor then of Senator Clark's motion will vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 44 ayes, 0 nays to cease nominations, Mr. President.

PRESIDENT: The motion carries and Senator Barrett...Senator Bill Barrett, would you like to say a few words. You are elected unanimously, congratulations, and say a few words. The Chair recognizes Chairman Barrett.

SENATOR BARRETT: Thank you, Mr. President and members, I simply wanted to thank the body for the vote of confidence placed in me today. I will certainly attempt to represent the office and this body with integrity and a certain amount of dignity. Thank you very much.

PRESIDENT: Thank you, Senator Barrett. We are now ready for agenda item #9, introduction of new bills. Yes, proceed, Mr. Clerk, reading of new bills.

CLERK: Mr. President, new bills, LB 563 offered by Senator Lamb as Chairman of the Exec Board. (Read title for the first time). LB 564 offered by Senator Lamb as Chairman of the Executive Board. (Read title for the first time). LB 565 offered by Senator Lamb as Chairman of the Executive Board. (Read by title for the first time). LB 566 offered by Senator Lamb as Chairman of the Executive Board. (Read title for the first time). LB 567 offered by Senator Haberman. (Read title for the first time). LB 568 by Senator Haberman. (Read title for the first time). LB 569 offered by Senator Haberman. (Read title for the first time). LB 570 offered by Senator Haberman. (Read title for the first time). LB 571 offered by Senator Clark. (Read title for the first time). LB 572 offered by the Education Committee and signed by its members. (Read title for the first time). LB 573 offered by Senator Clark. (Read title for the first time). LB 574 offered by Senator Koch. (Read title for the first time). LB 575 offered by Senator Rumery. (Read title for the first time). LB 576 offered by Senators Koch and Wesely. (Read title for the first time). LB 577 by Senator Koch. (Read title for the first time). LB 578 offered by Senator Koch. (Read title for the first time). LB 579 offered by Senator Koch. (Read title for the first time). LB 580 offered by Senator Koch. (Read title for the first time). LB 581 offered by Senator Koch. (Read title for the first time). LB 582 offered by Senator Kilgarin. (Read title for the first time). LB 583 offered by Senator Warner. (Read title for the first time). LB 584 offered by Senator Warner. (Read

February 8, 1982

LB 139, 413, 573, 633,
647, 681, 696, 744,
767, 779, 827

Senator Wagner would like to print amendments to 696.

Your committee on Education whose Chairman is Senator Koch reports LB 827 to be advanced to General File with committee amendments. Signed by Senator Koch.

Your committee on Government reports 647 advanced to General File; 696 General File; 767 General File; 681 General File with amendments; 744 General File with amendments. All signed by Senator Kahle.

Mr. President, Senator Marsh would like to print amendments to LB 139 in the Journal.

Senator Chambers moves that the body reconsider its Final Reading vote on LB 413. That will be laid over.

Your committee on Rules gives notice of hearing.

Your committee on Public Works reports LB 573 advanced to General File with committee amendments; 633 advanced to General File with amendments. Signed by Senator Kremer.

SENATOR CLARK: LB 779.

CLERK: Mr. President, LB 779 (read title). The bill was read on January 12, referred to the Banking Committee. The bill was advanced to General File. There are committee amendments pending, Mr. President.

SENATOR CLARK: Senator DeCamp, committee amendments.

SENATOR DeCAMP: Mr. President, since the committee amendments are nothing more than putting in four words that were left out by the bill drafter when the bill was drafted which coordinate with the rest of the bill, what I thought would be proper then would be to explain the whole bill or attempt to and deal with the whole bill rather than just deal with the amendment separately. LB 779 has several sections and several purposes and once again it was a bill introduced at the request of the Nebraska Bankers Association. It deals with matters in banking. As everybody knows, banks also need on occasions to borrow money to meet day to day reserve and other requirement. Okay, Section 1, in line 5, in other words, Section 1 of the bill eliminates a term called "rediscounts and bills payable". The reason this is eliminated is because it is obsolete and nonapplicable language and we substitute instead the modern language of "direct borrowing". Now this section broadens, so everybody understands, I am broadening the

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LB 208, 573, 587, 568,
626, 647, 807, 875

SENATOR DeCAMP: Mr. President, just to say that in the interest of saving time I will not attempt my amendment today. I do repeat that I will attempt it if and when, and I do believe these conditions will occur, the State Patrol, alcohol people, agree to support that amendment. I think they have been studying it and they think it may be a workable approach and if it is, I am going to offer it on Select File. I urge you to take the time to read it. It has been in the Journal quite a while, and I think it is a little different approach that may be more workable.

SENATOR CLARK: The question before the House is the advancement of LB 568. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted on the advancement of the bill? Have you all voted? Record the vote.

CLERK: Mr. President, Senator Kilgarin requests record vote. (Read the record vote as found on page 1097 of the Legislative Journal.) 34 ayes, 4 nays, Mr. President, and 10 not voting.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The Clerk has some items to read into the record.

CLERK: Mr. President, Senator Vickers would like to print amendments to LB 647. I have a Reference Report on gubernatorial appointments. Senator Schmit and DeCamp to print amendments to LB 626; Senators Wesely and Kremer to LB 573; Senator Koch to 208. (See pages 1098 through 1104 of the Journal.)

I have a gubernatorial appointment letter appointing Mr. Roy Smith to the State Highway Commission. (See page 1106 of the Journal.)

Your Committee on Education whose Chairman is Senator Koch instructs me to report LB 587 as indefinitely postponed, Mr. President.

Mr. President, Senators Landis and Remmers would like to print amendments to LB 875, and Senator Landis to 807. (See pages 1106 and 1107 of the Journal.)

SPEAKER MARVEL: At this time I would like to welcome the

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LB 573

CLERK: Mr. President, LB 573 is a bill offered by Senator Clark. (Read title.) The bill was read on January 6 of this year. It was referred to Public Works for hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending by the Public Works Committee.

PRESIDENT: The Chair recognizes Senator Kremer.

SENATOR KREMER: Thank you, Mr. Chairman. The committee amendments actually are the white copy. I think everyone has a copy of them. It does not change the intent of the bill. Senator Clark will explain the bill. It has to do with small telephone companies, those that have less than 5,000 subscribers, and it provides a method whereby they can request a rate increase without going to the Public Service Commission. The committee amendments actually do not change the intent of the bill. It only provides that if a subscriber wishes, he can circulate a petition and see that the rate increase does go through the Public Service Commission and it provides a method by which they can circulate that petition. That is the intent of the committee amendments. Virtually the committee amendments do not change the intent of the bill. It only provides a way so the subscriber can provide a method and a route to go to the PSC should they so desire. I move for the adoption of the committee amendments.

PRESIDENT: Any further discussion then on the committee amendments to LB 573? Hearing none, Senator Kremer, I guess we are ready then unless you have any additional on it.

SENATOR KREMER: I think, Mr. Chairman, there is one more thing it provides. It provides the request for rate change cannot be submitted more than once per year, should they fail.

PRESIDENT: Any further discussion then? Then the question before the House is the adoption of the amendments on LB 573. All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of the committee amendments.

PRESIDENT: Motion carries. The committee amendments are adopted on LB 573. The Chair recognizes Senator Clark for purposes of explanation.

SENATOR CLARK: Mr. Chairman and members, I hope you will listen closely to this bill. What this does is to allow

the telephone companies with 5,000 customers or less to put in a rate change without going before the Commission. We have 43 telephone companies in Nebraska. Many of them have a hundred, two hundred, three hundred subscribers. It takes at least \$5,000 to go before the Commission. The reason it does is because you have to set your basic cost of everything you own, all your operating costs. You have to get an accountant to do that. You have to get an attorney to do it. It costs at least \$5,000 and you can imagine if you are going to ask for a \$5 increase in rates, and it is going to have to happen, believe me, that would be \$50 a telephone just for the privilege of going before the Commission to ask. The separation formula that has been before all of these people is not going to be there anymore due to the deregulation. Most of these companies are getting seventy or eighty percent of their operating cost now from that separation formula. They are not going to get that. There is going to be a separation formula but it is going to be way, way down. They are not going to get it, they are going to have to increase the cost of telephone service. Now as they do that, it certainly is not wise to have them go before the telephone commission and the Public Service Commission has certainly agreed to this that it is not wise for them to have to go before them and spend that kind of money when it would take them ten years to get just the money back that it cost to try to get the increase. So what they could do, would do this once a year at the most, they couldn't do it any oftener than that. Right now they can file every three months if they wanted to if they could get a hearing on it, but at that time what is going to really happen outstate is these people that have five and a half, six dollar rates right now are certainly going to have to raise those rates up. If five percent of the people, of subscribers, would protest this, under any condition, they would still have to have a hearing. Chances are they wouldn't. They probably would just go out of business and you wouldn't have any telephone. So this bill is very, very important to the State of Nebraska and I would certainly urge you to support the bill and put it to E & R. I will answer any questions you might have on it.

PRESIDENT: Any questions? Senator Beutler, you are next in speaking order.

SENATOR BEUTIER: Senator Clark, I would just get a few things on the record if I may and I do have a couple of questions. First of all, as I understand it, there are about 45 telephone companies in the State of Nebraska.

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LB 573

SENATOR CLARK: I think right now about 45, yes.

SENATOR BEUTLER: Did I say 35...45? Okay, and this bill would effectively deregulate about 40 of those 45, is that correct?

SENATOR CLARK: I think about 38, Senator Beutler, you are right.

SENATOR BEUTLER: 38?

SENATOR CLARK: Right in that area.

SENATOR BEUTLER: Okay, now with regard to the procedures that are set up, as I understand at this point in time and I am a little unclear on one of them, that is why I am asking you, if the people object to the rates, then five percent of them can petition and the Commission then will decide what the rate will be, if that petition is properly submitted, is that correct?

SENATOR CLARK: Yes. They would still have to go to a hearing at that time.

SENATOR BEUTLER: Okay. The petition affects only the rates that are in question at that particular point in time. The petition does not put them back under the control, does not put the company back under the control of the Commission permanently, is that correct?

SENATOR CLARK: It would everytime they asked for a rate increase, yes, I mean if five percent of the people objected to it.

SENATOR BEUTLER: Okay. Well, let's take an example, if one time five percent of the people objected to a rate increase and then let's say the Commission went ahead and set the rate that year, then the next year the telephone company came in with another rate increase, does the Commission still have control or do we need a new petition for five percent?

SENATOR CLARK: You need a new petition, yes.

SENATOR BEUTLER: Need a new petition.

SENATOR CLARK: Only on every hearing (interruption).

SENATOR BEUTLER: So one petition applies to one application for a rate increase?

SENATOR CLARK: That is right.

SENATOR BEUTLER: Right. Is there any mechanism on the bill whereby the subscribers of a company could bring the company back under Commission regulation on a permanent basis if they so choose?

SENATOR CLARK: No, there isn't anything under there now that will do that, no.

SENATOR BEUTLER: Okay, thank you, Senator Clark.

PRESIDENT: The Chair recognizes Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, Senator Beutler asked some of the questions I wanted to ask. I would like to ask how many subscribers are impacted by this, Senator Clark?

SENATOR CLARK: How many what?

SENATOR SCHMIT: How many telephone subscribers would be affected by this proposal of yours?

SENATOR CLARK: Oh, about eight percent of the subscribers in Nebraska.

SENATOR SCHMIT: Meaning numerically, how many telephones?

SENATOR CLARK: I couldn't tell you that. I don't know how many subscribers there are. You see, this does not affect the bigger companies, LT&T, General United of the West, Northwestern Bell, they are not affected by this. They are in the next bill but not this one.

SENATOR SCHMIT: But it does impact upon many subscribers in those outlying areas who have objected to us in the past because of some of the poor service they have received, does it not?

SENATOR CLARK: Actually these small companies have not asked for an increase, Senator Schmit. It has never been feasible for them to go before and ask and they haven't had to because they got their operating cost from the separation formula.

SENATOR SCHMIT: Can you explain again why this cost is so prohibitive? What is the cost for a rate hearing, increase hearing for one hearing?

SENATOR CLARK: You would have to get an accountant to set your basic cost of everything you own including the central office, the trouble equipment, your telephones, your lines, everything has to be on a cost and then the PSC sets a return on that including your operating costs, sets a return on that, seven percent or whatever the cost is going to be, they set that on that at that time.

SENATOR SCHMIT: All right, if they do not go through the regular rate review procedure, how are they going to determine what kind of a rate increase to ask for if they don't do this anyway.

SENATOR CLARK: Well, Senator Schmit, I will tell you what is going to happen the way I look at it and I have been in on this a long time, of course. Some of those companies are five and a half, six dollars, six and a half for their rate right now. They are going to have to make that eighteen or twenty dollars because they are not going to get any money to operate that company with. The separation formula will not be there. Do you know what the separation formula is now? Senator Higgins says she doesn't know. Let me explain that to you.

SENATOR SCHMIT: Go ahead.

SENATOR CLARK: All long distance services, I don't care who generates the money, goes into one fund. AT&T has that fund. That is given back to those companies on a formula basis of what it costs them to operate the company and what their company is worth. Now some of them are getting seventy, eighty percent of their operating cost from that formula. That is because the long lines are very profitable and they have subsidized small telephone companies. The communications act of 1934 which you are amending now is the one that says that everyone can have a telephone in the State of Nebraska at the least possible cost (interruption).

SENATOR SCHMIT: Senator Clark, I would just like to break in here. First of all, I think that Senator Clark ought to perhaps explain this in more detail for us. I would hope he would do it in a further explanation of the bill. I would just like to say at this time, Senator Clark, that, number one, what we are doing, we are in effect taking away all regulation of the small telephone companies in the State of Nebraska.

SENATOR CLARK: No, not if five percent of the people can petition for it, that is all it takes.

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LB 573

SENATOR SCHMIT: After the rate increase has been imposed on them?

SENATOR CLARK: After the rate has been imposed, they have to notify the people sixty days ahead of time on a form that is prescribed in the bill and five percent of the people, if you have got a hundred subscribers, five people can do that, can make them go to a hearing before the Public Service Commission. It isn't feasible to do it.

SENATOR SCHMIT: Then you have changed the language and is there an amendment for the bill that I have not seen?

SENATOR CLARK: Yes, if you read the white copy, that is the bill that came out of the Public Works Committee. That is the bill now.

SENATOR SCHMIT: I would like to have you explain in a little more detail about the principle you were just explaining, Senator Clark, and at this time I am going to withhold my judgment on the bill. Thank you.

PRESIDENT: Was that a question for you? You have exactly two minutes left on this bill.

SENATOR CLARK: All I want to do is advance the bill...

PRESIDENT: Four minutes left at this time.

SENATOR CLARK: That is right. I kept track of the time, too. I would just like to have the bill advanced. If Senator Schmit wants any more detail, I will be glad to give him all the detail he wants.

PRESIDENT: Go ahead, Senator Schmit.

SENATOR SCHMIT: Yes, I would like to know how long this has taken to develop the process. You know, telephone companies I understand are in jeopardy but so is every other business in the State of Nebraska and I think that we ought to know just how extensive this is going to be. As he has just said, we are looking at a three hundred percent increase perhaps in rates in some of these companies. I am not saying it is not justified and not needed but I think it is going to come as a tremendous shock to a lot of the people and I think that we ought to know the background behind it and why it has taken place. I am not trying to hold up your bill. I just want to know what I am voting on.

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LB 573

SENATOR CLARK: Let me tell you, in the first place, Senator Schmit, this, in Iowa it is 15,000 or less and they have got about 85 telephone companies in Iowa because they are more populous than we are. What is happening out here in these small...take Keystone-Arthur, for instance, they have 200 subscribers out there. It would cost them \$25 a telephone to come in on a \$5,000 rate that it would cost them to go before the Public Service Commission. It would cost them \$25 a telephone just to go before the Public Service Commission to get a \$5 increase. You can see that is not feasible. It would take them five years to get their money back just for the cost of going to the Public Service Commission and they need the money. They are not going to get their money from the separation formula and they have to increase this. I am not for the telephone companies. I am from the people out there, the people need that service. The people need a telephone even if it is going to cost them. Now if it is going to cost \$20, it is \$6.50 now, you may have people out there saying I can't afford it. I am going to have to eat and I am not going to have a telephone. That is the chance we are going to take and I hate to see that. The rural people in Nebraska are going to suffer from it and I hate that.

PRESIDENT: A half a minute on Senator Schmit's time.

SENATOR SCHMIT: One question yet, Senator Clark, what about the complaints we receive on service. I have had numerous complaints from that part of the country because of absolutely rotten service. In fact they usually have to write me a letter because they can't get me by telephone.

SENATOR CLARK: All they have to do now is go to the Public Service Commission with that complaint. That has nothing to do with this.

PRESIDENT: Okay, time is up. Senator Newell. We have now just over a minute.

SENATOR NEWELL: Yes, I have a quick question and I hope you will hold it because I am not intending to hold this bill up (interruption).

PRESIDENT: All right, go ahead, Senator Newell.

SENATOR NEWELL: Senator Clark, you have a five percent, if five percent of the subscribers petition, they can and can be reviewed. Is there any percentage requirement? If it exceeds twenty-five percent, it will be reviewed? Is there any such provision?

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SENATOR CLARK: Five percent and it will be reviewed.

SENATOR NEWELL: If the increase is over such a percent it will be reviewed?

SENATOR CLARK: No, regardless of what the increase is, if five percent of them object to it, it will be (interruption).

SENATOR NEWELL: Okay. How do you feel about such a provision?

SENATOR CLARK: That is fine. I like it.

SENATOR NEWELL: Okay. So in other words if I offer on Select File a provision that says that if the increase in any one year is over twenty percent it will automatically be reviewed, you would be acceptable to that?

SENATOR CLARK: Over what?

SENATOR NEWELL: Twenty percent. If the increase in any one year is over twenty percent, it shall be reviewed?

SENATOR CLARK: You can try that. I will argue that on Select File.

SENATOR NEWELL: You are a very compromising man, Robert, but I will let your bill go to Select File.

SENATOR CLARK: I don't think you know what you are asking for, Senator Newell, right now, but I will argue that on Select File (interruption).

SENATOR NEWELL: And I do know what I am asking for.

PRESIDENT: Time is actually up. We have one more speaker that wished to speak, Senator Wesely, but the time is up so we really can't take a vote on it I guess then.

SENATOR CLARK: I would move that the bill go to E & R. Any amendments I am sure we can take on Select File.

PRESIDENT: Senator Wesely, do you wish to....otherwise, as I understand the procedure, if there is still speakers in fifteen minutes we just drop it at that so if you want to take it up on Select File and let him have a vote why we could go ahead and do it. You would? Senator Beutler, do you have some further questions? You don't want it to proceed to a vote at this time? We can't go on....

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LB 573, 795

SENATOR BEUTLER: I have no objections, Mr. President, to this particular bill proceeding to a vote but I have kind of a gut level reaction to the procedure of discouraging people from speaking on a bill and thereby discouraging debate on General File for ten minutes of debate. I think that is a real problem and I don't....

PRESIDENT: Yes, it is a problem with the consent calendar whenever you use it. There is no doubt about it. You're right, no doubt. Senator Higgins, what...?

SENATOR HIGGINS: Mr. President, I just have a question to clear something in my mind. Does this rule mean that every bill on the consent calendar, if people get up and discuss it for fifteen minutes or more, then we aren't going to vote on it or if they go right to fifteen minutes there won't be a vote on the bill? I'm not asking it for Senator Clark but all bills.

PRESIDENT: I'll ask the Clerk if that is not the procedure. Mr. Clerk, is that not the procedure with the way the Speaker has them placed this tight? This is not the kind of consent calendar that we had when I was Speaker. This is a consent calendar that if there are still speakers wishing to speak at the end of the fifteen minutes, as I understand it, we just go on to the next bill unless everybody is willing to allow the mover to move it to take a vote.

SENATOR HIGGINS: Then what happens to these consent bills? Do they go to the bottom of the General File?

PRESIDENT: No, they retain their position and then the Speaker must put them back on again.

SENATOR HIGGINS: Okay, thank you, Mr. President.

PRESIDENT: So are we agreed then? There is no further lights so we will go ahead and take a vote. There will be no closing, Senator Clark, as I understand it. Take a motion to advance LB 573 to E & R initial. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 27 ayes, 2 nays, Mr. President, on the motion to advance the bill.

PRESIDENT: The motion carried and LB 573 is advanced to E & R initial. Do you have some things to read in?

CLERK: Yes, sir, very quickly, I have four Attorney General's opinions, the first to Senator Kahle on LB 795; one to Senator

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LB 573, 633, 668, 708, 751,
875, 714, 790, 766, 890A,
579, 662, 677

SENATOR CLARK PRESIDING

SENATOR CLARK: The prayer will be given this morning by Monsignor Charles Keenan, Blessed Sacrament Church, from Lincoln.

MONSIGNOR KEENAN: Prayer.

SENATOR CLARK: Roll call.

RECORDER MALFUNCTION - (Inaudible)

The following information was taken from the Legislative Journal dated March 17, 1982.

LB 573 placed on Select File as amended. LB 633 placed on Select File as amended. LB 688 placed on Select File. LB 768 Placed on Select File as amended. LB 751 placed on Select File as amended. LB 875 placed on Select File as amended. LB 714 Placed on Select File as amended. LBs 790, 766, 890 All placed on Select File.

LB 579 was passed with the emergency clause. Vote appears on page 1211 of the Legislative Journal. 39 ayes, 0 nays, 3 present and not voting, 7 excused and not voting.

RECORDER NOW OPERATING

CLERK: Read LB 662.

SENATOR CLARK: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

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

CLERK: 43 ayes, 1 nay, 5 excused and not voting. Vote appears on page 1212 of the Legislative Journal.

SENATOR CLARK: The bill is declared passed on Final Reading. The Clerk will read LB 677.

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LB 522, 568, 688, 652, 480,
428, 626, 571, 573,

CLERK: (Roll call vote.) 27 ayes, 18 nays, and 4 excused and not voting. (Vote appears on pages 1311-12 of the Legislative Journal.)

PRESIDENT: Motion carries and LB 522 is advanced to E & R for Engrossment. Next bill is LB 568. Senator Nichol, are you ready? Not ready, so there are some amendments being worked on, as I understand. Do you want it just passed over until you get those amendments?

CLERK: Mr. President, Senator Beutler would like to print amendments to LB 688 in the Journal. Senator Fowler amendments to LB 652. Senator's Hoagland, Beyer and Sieck to LB 480. Senator Hoagland to 687.

Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed LB 428 and find the same correctly engrossed. 571, 626 all correctly engrossed.

PRESIDENT: Before we get started on the next bill, one announcement from Senator Lamb that we will work up till 4:00 p.m., just so you know about what time we are planning on adjourning. Secondly, Senator Wiitala would like us to greet some friends of his from Senator Dworak's district, Darrel and Judy Nelson and their son's John and Darren. They are located under the north balcony. Would the Nelson's stand up and be recognized. Welcome to your Legislature. Welcome, Nelson's. We are ready now, Mr. Clerk, for the next bill on Select File. Are there any E & R amendments?

CLERK: There are E & R amendments to LB 573, Mr. President.

PRESIDENT: Chair recognizes Senator Kilgarin.

SENATOR KILGARIN: I move we adopt the E & R amendments to LB 573.

PRESIDENT: Motion to adopt the E & R amendments to 573. Any discussion? All those in favor of adopting the E & R amendments on LB 573 signify by saying aye, opposed nay. The E & R amendments are adopted. Are there other amendments, Mr. Clerk?

CLERK: Senator's Wesely and Kremer would move to amend the bill, Mr. President. The amendment is on page 1099 of the Journal.

PRESIDENT: A Wesely-Kremer amendment. What page is that on?

CLERK: 1099.

PRESIDENT: 1099 of the Journal, all right. Chair recognizes Senator Wesely. Are you going to speak to the amendment?

SENATOR WESELY: Yes. Mr. President, members of the Legislature, this amendment is brought to you by Senator Kremer and I after it was called to our attention several weeks ago when the bill was up on General File but rather than take the time at that point to discuss it we thought we would wait until Select File. Whether you know it or not the present statutes read that you have to be between the ages of 30 and 68 in order to serve on the Public Service Commission in the State of Nebraska. I hadn't realized that until about two years ago when I was contacted by some individuals who were under the age of 30 and interested in running for the Public Service Commission, however, the law precluded them from that opportunity. I also heard from individuals who were over the age of 68 who wanted to run for the Public Service Commission and were too old to run under the statutes as presently constituted. So I got to thinking about it over the last couple of years and I kind of waited for the right opportunity and it seemed to appear this session to raise the question about whether or not it made any sense to have that provision in the law. I understand the background, I hadn't realized it before that there were some concerns years ago when those guidelines were originally adopted and perhaps there was some legitimate concern at that point. I can't speak to that issue. All I can talk about is that in 1982 looking at the different offices that this state offers individuals to serve in you find very few that have this sort of restrictions on their age that the Public Service Commission has. One example is the Legislature and this Legislature if you are 21 years of age or older you can run for office. Now it seems to me that you have had individuals who have been elected, a number of them, under the age of 30 and you have individuals who are over the age of 68 serving in this body and I think they are doing a good job. I don't think that the age factors is the real illuminating light, so to speak, as to whether somebody will be a good legislator or not. More important factors are involved, an individual's personality and the background and abilities and what have you. Age is one factor but it is not the predominant factor. Yet, with the Public Service Commission figures between the ages of 30 and 68 being the only ones in which you can run for that office or serve on the Public Service Commission, you

preclude individuals who are younger or older than that who may do a good job on that commission from ever even having the opportunity to run. I think ultimately it is the voters who will have the opportunity to decide who will be qualified and who will not to serve on the Public Service Commission. All that we are saying is that an individual older or younger than that might have a chance to run. At that point people can decide through the ballot box whether or not they want to elect that individual. I think that is a fair reason to adopt this amendment. I think it also should be clear that it is past the filing deadline, it doesn't apply to anybody concerned with the Public Service Commission offices of this year. I'm talking philosophically, I'm talking just about practical statutory guidelines that it doesn't make a whole lot of sense to keep this provision in. Let's go to 21 years and older. If it's good enough for the Legislature which controls a lot of activities of the Public Service Commission, it should be good enough for the Public Service Commission. The co-sponsor of the amendment with me, Senator Kremer, I guess, I don't know if he wants to talk to it, but we have talked it over and thought that it would just make sense to allow people the opportunity to at least run for office at an age over the age of 21. That is the background and that is the amendment.

PRESIDENT: Chair recognizes Senator Clark.

SENATOR CLARK: Mr. President, members I object to this amendment. I object to it on the fact that it has not had a public hearing. It was never brought up under this bill on the public hearing that we had on the bill. Why they have to be 30 years of age and 68 I don't know. I know that it has been in the law a long time. Now, there was also a bill up, Senator Carsten has it, 803, to appoint the commissioners instead of electing them. They have decided to hold that for an interim study. That is fine. This should also be in that interim study. I don't know, I'm sure that Senator Wesely doesn't know why you have to be 30 years of age and you can't run if you are over 68. There must be a reason because it has been in there a long time, in the law. But this has not had a public hearing, I don't think that it should ever be amended on the floor, you are changing the whole law. It has been there a long, long time. I don't think it is right to do that. It has been said on this floor, I don't know how many times, do not rewrite the whole law on the floor. Have a public hearing on it. This has not had a public hearing. I would certainly suggest that you do not vote for this amendment. Thank you.

PRESIDENT: Seeing none, I guess Senator Wesely or Senator Kremer, whichever one of you wants to close, you may close on the amendment.

SENATOR WESELY: Mr. President, I'll be very brief. I understand Senator Clark's objection but all I can say is there really is not much of a need for a hearing because it is a simple concept. What we are saying is that if you are 21 years or older you should have the opportunity to run for office. The voters will decide whether you are qualified and whether they want you to represent them. Although there may have been reasons in the past, I don't see them now as to why we should continue to allow only people between the ages of 30 and 68 to serve on the Public Service Commission. People like Senator Rumery, Senator Kremer and many of the younger senators here would not be able to serve in this legislature if the same restriction was placed on this body, but it isn't. It only makes sense in my eyes to allow people a chance to run for office if they are over the age of 21. So that is the amendment.

PRESIDENT: Motion is to adopt the Wesely-Kremer amendment to 573. All those in favor vote aye, opposed vote nay. Have you all voted? Senator Wesely, what do you wish to do. You know how many are excused.

SENATOR WESELY: I would like to get this on record if possible. I would like a roll call vote after a Call of the House.

PRESIDENT: All right so you are asking . . . record what is on the board and we will get to a vote for a Call of the House again. All those in favor to put the House under Call vote aye, opposed vote nay. Have you all voted on the motion for a Call of the House. Record the vote.

CLERK: 16 ayes, 15 nays, Mr. President to go under Call.

PRESIDENT: We are under Call. Sergeant will bring in the members of the Legislature, once again the House is under Call. All members will register your presence. Have you all registered your presence? Senator Wesely, we are ready I think, we have all but six. Six are excused. Do you want to proceed with the roll call vote?

SENATOR WESELY: Yes, I think if the Clerk would read the amendment first and then I'll . .

CLERK: Let's let the Clerk read the amendment (GAVEL) again, let's pay some attention so you know what is before the House.

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LB 573

Clerk will read the amendment and then we will have a roll call vote on this amendment.

CLERK: Mr. President, the amendment is on page 1099 of the Legislative Journal. Do you want me to read it, Senator? (Read Wesely-Kremer amendment).

(Roll call vote.) 17 ayes, 21 nays, 5 present and not voting, and 6 excused and not voting. (Vote appears on pages 1317-18 of the Legislative Journal.)

PRESIDENT: Motion fails. Any other amendments on LB 573?

CLERK: Mr. President, Senator Beutler would move to amend the bill.

PRESIDENT: Chair recognizes Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, my amendment is fairly simple in concept and I am having copies of it reproduced which will be passed around to you very shortly, I hope. At any rate the concept is this. It says basically that the subscribers of any telephone company that is being deregulated by 573, if 51% of them petition to come back under the Public Service Commission they may do so simply by virtue of 51% of them signing a petition saying that they want to be regulated. LB 573 as you may recall is a very major deregulation bill and it deregulates most of the telephone companies in the state. It deregulates those basically with 5,000 subscribers or less. It is something that perhaps needs to be done. It does provide for a petitioning process for the subscribers to object to a rate increase in any one year, but it has no provision to allow for the petitioning back in under the Public Service Commission and that basically... I want to give another incentive to the telephone company to deal fairly and intelligently with the subscribers and that is the purpose of the amendment which I hope is acceptable to Senator Clark. Thank you.

PRESIDENT: Do you have any further discussion on the Beutler amendment? Senator Clark.

SENATOR CLARK: I will certainly accept this amendment. I think it is a very fair amendment. 51% is a lot of people to get and if 51% of the people do agree to that, I certainly agree to it. I'm not against the democratic process.

March 19, 1982

LB 573

PRESIDENT: Any further discussion on the Beutler amendment? Senator Beutler, do you have any closing? Anything further in closing? The motion then is the adoption of the Beutler amendment to LB 573. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 29 ayes, 0 nays on adoption of the amendment, Mr. President.

PRESIDENT: The motion carries and the Beutler amendment is adopted. Any further amendments, Mr. Clerk?

CLERK: Mr. President, Senator Newell moves to amend the bill. (Read Newell amendment).

PRESIDENT: Chair recognizes Senator Newell.

SENATOR NEWELL: Mr. President, I am proposing here an amendment that would add 30% increase, anything over 30% increase in any one year would automatically be regulated. Now the purpose here is simply to say, is to try to encourage the companies to phase in the tremendous increases or the significant increases that they think will be coming. Originally I was going to propose 20%, but in order to get along with Bob Clark, I propose 30.

PRESIDENT: Chair recognizes Senator Clark.

SENATOR CLARK: I will certainly agree with the amendment.

PRESIDENT: You are a most agreeable man, Senator Clark. Very agreeable. Any further discussion? Senator Newell, you may close on your amendment. That is it? Okay, the motion is the adoption of the Newell amendment to LB 573. All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 25 ayes, 0 nays on a motion to adopt the amendment, Mr. President.

PRESIDENT: Motion carries, the Newell amendment is adopted. Any further amendments, Mr. Clerk?

CLERK: Nothing further on the bill, Mr. President.

PRESIDENT: Senator Clark.

SENATOR CLARK: I would move the bill be advanced to E & R.

PRESIDENT: Motion is to advance LB 573 to E & R for Engrossment. Any discussion? All those in favor signify by saying

aye, opposed nay. LB 573 is advanced to E & R for Engrossment. We are ready, Senator Nichol, are you ready yet? No? We will go on to the next bill then, LB 633.

CLERK: Mr. President, LB 633, there are E & R amendments.

PRESIDENT: Chair recognizes Senator Kilgarin.

SENATOR KILGARIN: I move we adopt the E & R amendments to LB 633.

PRESIDENT: Motion is to adopt the E & R amendments to 633. Is there any discussion? If not, all those in favor of adopting the E & R amendments to 633 signify by saying aye, opposed nay. The E & R amendment to 633 are adopted. Any further amendments?

CLERK: Nothing further on the bill, Mr. President.

PRESIDENT: Senator Kilgarin, would you wish to advance the bill?

SENATOR KILGARIN: I move we advance LB 633.

PRESIDENT: Motion is to advance 633. Any discussion? All those in favor of advancing 633 to E & R for Engrossment signify by saying aye, opposed nay. LB 633 is advanced to E & R for Engrossment. Next bill is 668.

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

PRESIDENT: All right, Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 668.

PRESIDENT: Motion is to advance LB 668 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye, opposed nay. LB 668 is advanced to E & R for Engrossment. Senator Nichol.

SENATOR NICHOL: Mr. Chairman, LB 708, instead of taking the time of the body to work out amendments, we are doing this on the side and I think that we have it worked out but they won't be printed and we will have to pass over this today.

PRESIDENT: So you are asking that it be passed over. All right, 708 will be passed over. We will go on to LB 751, Mr. Clerk.

March 23, 1982

LB 208, 573, 633, 668, 693,
739, 751, 766, 790, 816,
869, 875, 892, 952

Would they also be recognized and welcome to your Nebraska Legislature to you. Yes, the Clerk will now, before we commence Final Reading, read some matters in.

CLERK: Mr. President, Senator DeCamp would like to print amendments to LB 816; Senator Carsten to 693. (See pages 1368-1369 of the Legislative Journal.)

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 573 and find the same correctly engrossed; 633, 668, 739, 751, 766, 790, 869, 875, 892 and 952 all correctly engrossed.

PRESIDENT: All right, we're ready then if all the members are at your desks, we're still on Final Reading. Mr. Clerk, will you commence on Final Reading, LB 208.

CLERK: (Read LB 208 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 208 pass. All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: (Read record vote as found on page 1370 of the Legislative Journal.) 30 ayes, 17 nays, 2 excused and not voting, Mr. President.

PRESIDENT: LB 208 passes. The next bill on Final Reading, Mr. Clerk, is LB 383.

ASSISTANT CLERK: (Read LB 383 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 383 pass. All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read record vote as found on page 1371 of the Legislative Journal.) The vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

PRESIDENT: LB 383 passes. Before we go to the next bill, I notice that we have some rolls being passed out. If you want to know what that is for, why we'll have to all recognize Senator Howard Peterson's birthday. It was March 22, Howard, and we say "happy birthday" to you and join in. Happy birthday, Howard. The next bill on Final Reading while you're celebrating Senator Peterson's birthday is LB 421.

ASSISTANT CLERK: (Read LB 421 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure hav-

March 31, 1982

LB 428, 571, 573, 626

PRESIDENT LUEDTKE PRESIDING

DR. AL NORDEN: Prayer offered.

PRESIDENT: Roll call. Senator Hoagland, would you honor us by letting us start. Thank you. Record the presence, Mr. Clerk.

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

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

CLERK: I have no corrections this morning, Mr. President.

PRESIDENT: The Journal will stand as published. Any messages, reports or announcements?

CLERK: Mr. President, the only items I have are the bills that were read on Final Reading yesterday 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 reengrossed LB 428, reengrossed LB 571 and reengrossed LB 626. We are ready then for agenda item #4, Final Reading. The Sergeant at Arms will secure the Chamber, see that all unauthorized personnel leave the floor and all members are at their desks. As soon as everyone returns to his or her desk we will commence with Final Reading this morning. Okay, is everybody ready for Final Reading? I notice at ten-thirty we have a Mother of the Year ceremony, Nebraska Mother of the Year ceremony so we would like to move along as rapidly as we can. We are still kind of waiting to get everybody situated at his or her desk and then we will commence. One more time, if everybody would assume their desks we're ready to go. Okay, we can commence then, Mr. Clerk, with Final Reading of LB 573.

CLERK: (Read LB 573 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 573 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on page 1511 of the Legislative Journal.) 40 ayes, 2 nays, 6 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 573 passes. The next bill on Final Reading is LB 633.

April 1, 1982

LB 761, 790, 817, 852, 869
875, 892, 751, 766, 807,
573, 633, 668, 739,

SENATOR CLARK: The motion carried. Yes, Senator Warner.

SENATOR WARNER: Well, I was wondering if it was too late to change a vote.

SENATOR CLARK: Yes, it is now. He has announced the vote.

SENATOR WARNER: I was just going to vote no for purposes of reconsideration.

SENATOR CLARK: You did vote no, I think.

SENATOR WARNER: I mean yes so I could move.

CLERK: Mr. President, while we are waiting your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 807 and find the same correctly engrossed.

Mr. President, the bills read on Final Reading yesterday 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 LBs 573, 633, 668, 739, 751, 766, 790, 817, 852, 869, 875 and 892. Did I hear somebody raise the Call? The motion is to raise the Call. The Call is raised.

SENATOR NICHOL PRESIDING

SENATOR NICHOL: Mr. Clerk.

CLERK: Mr. President, I have a motion. Senator Wesely would move to reconsider the vote just taken on adoption of Senator Koch's amendment.

SENATOR NICHOL: Senator Wesely.

SENATOR WESELY: Thank you, Mr. President. I would like to yield my time to Senator Warner. He didn't get much of a chance to discuss the situation with that amendment. Although I support the concept, I understand there is an alternative perhaps we ought to take a look at, and so I am asking you to reconsider that vote and I will yield the rest of my time to Senator Warner, please.

SENATOR WARNER: Thank you, Senator Wesely. Mr. President and members of the Legislature, if the body wishes to increase

April 1, 1982

LB 875, 892, 893
LB 127, 573, 633, 668, 739, 751,
761, 766, 790, 816, 817, 852, 869

and nail him then and we can go on with the proceedings so that we can proceed with the business.. Would that be okay with you?

SENATOR HIGGINS: I don't know whether I want to vote to stay here or not because I don't know if it is going to do any good, because I don't know what might be on special order tomorrow and the next day.

SENATOR NICHOL: Well, I don't know that we are going to resolve that by debating that and I would really strongly suggest that we stick to the procedure that we are in right now. If you don't get a.....

SENATOR HIGGINS: I wish we would have stuck with the procedure we voted on two weeks ago.

SENATOR NICHOL: Let's get in our seats, please, so we can continue with the roll call vote and we will get going here. You have been very patient and I appreciate it but let's try to hang on there a little bit longer. Maybe we can get this bill passed or on its way. Proceed with the roll call, please. Please go to your seats.

CLERK: (Read the roll call vote as found on pages 1592 and 1593 of the Legislative Journal.) 23 ayes, 15 nays, Mr. President, on adoption of the amendment.

SENATOR NICHOL: The amendment is not adopted. Shall we move on to the next one, Pat? Do you want to read something in first?

CLERK: Very quickly, Mr. President. I have an Attorney General's Opinion addressed to Senator DeCamp, one to Senator Sieck and one addressed to Senator Warner. (See pages 1593 through 1597 regarding LBs 816, 127 and 893 in the Legislative Journal.)

Your Enrolling Clerk has presented to the Governor the bills that were read on Final Reading yesterday, Mr. President. (Regarding LBs 633, 790, 573, 668, 739, 751, 766, 817, 852, 869, 875 and 892.)

Mr. President, the next amendment I have is one offered by Senator Burrows.

SENATOR NICHOL: Senator Burrows.

SENATOR BURROWS: Mr. Chairman and members of the Legislature, this amendment simply strikes the language that

April 5, 1982

SENATOR CLARK: The motion is to advance LB 488A. All those in favor say aye...all right, a machine vote has been requested...vote aye, those opposed vote nay.

CLERK: Senator Clark voting yes.

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

CLERK: Mr. President, Senator Cullan requests a record vote. (Read record vote as found on page 1633 of the Legislative Journal.) 18 ayes, 24 nays, Mr. President.

SENATOR CLARK: The bill does not advance. We will now take up LB 417A, LB 714A. The Clerk wants to read some things in.

CLERK: Mr. President, a communication from the Governor addressed to the Clerk. (Read re: LB 573, 668, 751, 817, 869 and 875.)

Your committee on Enrollment and Review reports LB 835A advanced to Select File and LB 953A advanced to Select File.

Mr. President, new resolutions, LR 304 offered by Senator Wagner. It commends the Ord Quiz on the occasion of its centennial for its past 100 years of service in the business of Journalism and that will be laid over. LR 305 by Senator Fowler calls for an interim study regarding adequacy and constitutional provisions of the current Dental Practice Act. LR 306 by Senator Fowler calls for a study of LB 567 as passed by the 1975 Legislature relating to parole. LR 307 by Senator Fowler calls for a study concerning the issue of nuclear waste transportation. LR 308 by Senator Fowler calls for a study and the procedure for estimating general fund revenues for the state. LR 309 offered by Senator Fowler. (Read. See pages 1634-1638 of the Legislative Journal.)

Finally, Mr. President, Senator Wagner asks unanimous consent to withdraw LR 262 which is a study resolution. (See page 1638 of the Legislative Journal.)

SENATOR CLARK: No objections, so ordered.

CLERK: Mr. President, I have nothing on LB 714A.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 714A.