

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

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

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

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

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

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

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

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

SENATOR DeCAMP: Oh, okay.

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

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

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

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

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LB 215, 304, 353, 408, 431,
608, 641, 653, 688, 702,
852, 873, 896, 938, 953, 969

if it readvances we will be done with the issue for the day. To reacquaint the members, this is where we allow... the District Court does not appeal the issue of whether or not it is the appropriate forum on child termination cases as described earlier in today's session.

SPEAKER MARVEL: The motion is to adopt the Landis amendment. All those in favor of that motion vote aye, opposed vote no. Record the vote.

CLERK: 39 ayes, 0 nays on the motion to adopt the amendment.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. Okay, the motion is to readvance the bill to E & R for Engrossment. All in favor of that motion say aye. Opposed no. The motion is carried. The bill is readvanced. Senator Nichol has a meeting underneath the south balcony, and the Clerk has several items to read in- to the record.

CLERK: Mr. President, Senator Newell would like to print amendments to 702 in the Journal. (See pages 879 and 880 of the Journal.) Senator Beutler to print amendments to LB 852. (See pages 878 and 879 of the Journal.) Notice of hearing from Public Works for LB 969 set for Thursday, March 4. Your committee on Education whose Chairman is Senator Koch reports 653 advanced to General File with committee amendments attached; 688 General File with committee amendments attached; 896 General File with committee amendments attached; 938 General File with committee amendments attached, and 641 indefinitely postponed. (See pages 873. (See pages 873 and 874 of the Legislative Journal.) Your Enrolling Clerk has presented the bills passed on Final Reading this morning to the Governor. LB 608 offered by the Public Works Committee has been advanced to General File. Senator Chambers would like to print amendments to LB 408. (See pages 875 and 876 of the Journal.) The Ag and Environment Committee reports LB 953 advanced to General File with committee amendments attached. (See page 876 and 877 of the Journal.)

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign engrossed LB 304, re-engrossed LB 353, re-engrossed LB 431. This announcement from the Nebraska Livestock Feeders Luncheon at the Airport Inn. Transportation for those who have made reservations will be at the west entrance. Senator Marsh, do you want to adjourn us to

March 17, 1982

LB 202, 953, 761, 208, 720, 591,
796

We have six excused. Will the Clerk please call the roll.

CLERK: (Read the roll call vote as found on page 1225 of the Legislative Journal.)

SENATOR CHAMBERS: (Microphone not activated)....changing to not voting.

CLERK: Senator Chambers changing from no to not voting. 25....do you want to change, Senator? Senator Newell changing from no to yes. 26 ayes, 16 nays, Mr. President, on the motion to indefinitely postpone the bill.

SENATOR LAMB: The motion prevails. LB 202 is indefinitely postponed. The Clerk has some items to read in.

CLERK: Mr. President, Senator Vickers would like to print amendments to LB 953, Senator Fowler to 761. Your Committee on E & R respectfully reports that they have carefully examined and engrossed LB 208 and find the same correctly engrossed, 720 correctly engrossed, 796 correctly engrossed, all signed by Senator Kilgarin.

Again, Mr. President a reminder, the Revenue Committee will hold an Executive Session at noon today in Room 1517. That is offered by Senator Carsten, Chair.

SENATOR LAMB: LB 591

CLERK: Mr. President, LB 591 offered by Senator Landis, (read title). The bill was read on January 6th, referred to Revenue, Mr. President. The bill was considered yesterday by the Legislature. At that time there was an amendment from Senator Howard Peterson that was adopted to the bill. I now have pending Mr. President, an amendment offered by Senator Vickers. I think Senator Vickers wants to withdraw the amendment he had yesterday. Temporarily withdraw it, Mr. President.

Mr. President, Senator Vickers would now move to amend the bill by striking the Peterson amendment adopted yesterday.

SENATOR LAMB: Senator Vickers.

SENATOR VICKERS: Mr. President, members, the Peterson amendment adopted yesterday expanded the one-half percent additional sales tax to all first class cities in this state. As you know, the amendment that I just got through laying back until after this one would expand that to all

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LB 208, 408, 602A, 753,
760, 761, 953, 953A

SENATOR CLARK: No, not that I know of.

SENATOR HIGGINS: Thank you.

SENATOR CLARK: I think we will stop right here. I think Senator Wiitala...well, he already announced the vote though. He was excused. The Clerk has some things to read in.

CLERK: Mr. President, new A bill, 602A offered by Senator Cullan. (Read LB 602A title.) 953A by Senator Schmit. (Read 953A title.)

Senator Schmit would like to withdraw his name as co-introducer of an amendment to LB 760. That is Request 2842, Mr. President.

Mr. President, Senator Schmit would like to print amendments to LB 953; Senator Koch to 761; Senator Landis to 753. (See pages 1458 and 1459 of the Legislative Journal.)

Mr. President, there will be inserted in the Journal a communication to the Governor from the Clerk regarding the delivery of LB 208. (See pages 1457 and 1458 of the Journal.)

SENATOR CLARK: Senator Wiitala. Senator Wiitala. Senator Wiitala, would you like to adjourn us until tomorrow morning at nine o'clock.

SENATOR WIITALA: Yes, Mr. President. I move that we adjourn until nine o'clock, March 30th, with reluctance.

SENATOR CLARK: You heard the motion. All those in favor say aye. Opposed. We are adjourned. I had to check the date to be sure he hadn't set it up a day.

Edited by:

Marilyn Zank
Marilyn Zank

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LB 602A, 522A, 953, 970

Senator Cullan, the Clerk tells me we do have a mechanical problem here because we have recorded the votes. Either take call ins or have a roll call vote.

SENATOR CULLAN: Okay, go ahead and take call ins.

PRESIDENT: All right, take callins, Mr. Clerk.

CLERK: (Began reading call in votes.) He says call the roll.

PRESIDENT: All right, it is getting to be rather confusing to do the total number so, Senator Cullan, we will have a roll call vote then. Let's proceed with it. Would everyone please....let's wait until everybody returns to their desk. We will wait until everybody is at their desks because the House is under Call. While we are waiting for everyone to get back to your desks the Chair would like to introduce guests of Senator Rumery, Diane Miller from North Platte, son, Myron, of North Platte and granddaughter, Kristen. Where are these folks from North Platte? Right over here. Welcome to Myron, Kristen and Diane Miller. Okay, Mr. Clerk, let's proceed. The motion is the advance of LB 602A to E & R initial. Proceed with the roll call vote.

CLERK: (Read roll call vote as found on page 1523 of the Legislative Journal.) 26 ayes, 12 nays, Mr. President, on the motion to advance the bill.

PRESIDENT: The motion carries and LB 602A is advanced to E & R initial. We are ready then for the next bill on General File, Special Order, LB 953.

CLERK: Mr. President, right before that if I may, I have three Attorney General's opinions addressed...

PRESIDENT: Yes, you may read into the record.

CLERK: ...the first to Senator Wesely regarding LB 970; the second to Senator Warner regarding LB 970 and the third to Senator Vard Johnson regarding LB 522A. (See pages 1523-1529 of the Legislative Journal.)

PRESIDENT: All right, Senator Beyer, yes, the Call is raised.

CLERK: Mr. President, LB 953 was a bill introduced by the Ag and Environment Committee and signed by its members. (Title read.) The bill was read on January 19, referred to the Ag and Environment Committee for hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending by the Ag and Environment Committee.

PRESIDENT: The Chair recognizes Senator Schmit for purposes of handling the committee amendments. Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I have an amendment to the committee amendments which I would like to describe briefly and ask that it be attached to the committee amendments. First of all, it provides that a person voting shall sign an affidavit at the time of voting that they are of age and are qualified to vote and the second thing it provides for is that the election expenses shall be apportioned where ever possible and shall be charged back to the fund. The Secretary of State and the county officials shall make those decisions and they shall be paid by the checkoff fund. I ask that the amendment to the committee amendment be adopted. (See page 1529 of the Legislative Journal.)

PRESIDENT: All right, speaking to the Schmit amendment to the committee amendment. Any discussion? Hearing none, Senator Schmit, that will be your opening and your closing. All those in favor of adopting the Schmit amendment to the committee amendment vote aye, opposed nay. Have you all voted? Have you all voted? Record the vote.

CLERK: 25 ayes, 0 nays on adoption of Senator Schmit's amendment to the committee amendments, Mr. President.

PRESIDENT: The motion carries. The Schmit amendment to the committee amendment is adopted. Senator Schmit.

SENATOR SCHMIT: Mr. President, members of the Legislature, the committee amendments as they are listed in your bill book provide for these purposes. Number one, on page 2, line 27, it provides that cattle that are subject to slaughter do not move through a recognized market, shall also be subject to the sale. The second portion of the amendments provide and describe the six districts that make up the areas of the state that are represented by a member of the board. On page 5, the third point of the amendments change the terms from three years to four years so that the terms will coincide with the terms of the general election, thereby saving the money of not having to have a special election. Also on page 15, line 7, provides for reimbursement of the expenses that are incurred by the association to the Secretary of State and the county officials who are advancing the cost of the election. On the last and final amendment provides that those checkoff fees that are collected by the brand inspectors shall be submitted by a separate check. We checked with the Brand Committee, the brand inspectors, there is no objection to that amendment. I move for the adoption of the committee amendments.

PRESIDENT: Any further discussion on the committee amendments

as amended? Senator Schmit, I guess that is again, your opening and your closing. The question then is the adoption of the committee amendments to LB 953. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 28 ayes, 0 nays on the adoption of the committee amendments, Mr. President.

PRESIDENT: The motion carries. The committee amendment is adopted. Any further amendments now? All right, first, Senator Schmit, you may proceed to explain the bill but we do have some amendments on the desk so why don't you go ahead at this time and explain the bill.

SENATOR SCHMIT: Thank you, Mr. President. Mr. President, members of the Legislature, I will try to be brief because I am sure there will be other discussion but I will briefly run through the bill and ask that you follow through with me. Section 3 of the bill describes the legislative intent. I'll skip the first couple of sections which are definitive in themselves. Section 4 creates the Nebraska Beef Industry Development Board composed of seven members who are residents of Nebraska, at least 21 years old, have been actively engaged in the beef industry for at least the past five years, derive a substantial portion of their income from the beef industry. Section 5 divides the state into six districts for election of one member from each. The seventh member is appointed by the six elected members. Section 6 empowers the Secretary of State to conduct an election 60 days after the effective date of this act. Candidates may have their names placed on the ballot by submitting a petition signed by at least 200 qualified voters as defined in Section 2. Section 7 provides for subsequent elections and the filling of vacancies. Section 8 provides for removal of members by a two-thirds vote of the board for inefficiency, neglect of duty, misconduct or failure to meet the qualifications for election to the board. Section 9 provides for expenses for the board members. Section 10 provides for the initial special and regular meetings of the board at least once every three months, keeping of records, election of officers and appointment of an at large member at the initial meeting. Section 11 allows the board to appoint an executive director and fix his salary. Provision is also made for other employees as may be needed, delegation of powers and duties to the executive director, expenses for office space, furniture and other operational costs. Section 12 outlines the duties of the board in implementing this act to include the following: Number one, to develop programs consistent with the purposes of the act. Number 2, foreign market development. Number three, domestics market development. Number four, address transportation problems and other trade impediments. Number five, to procure and

evaluate necessary data. Number six, to prepare and approve a budget. Number 7, to issue the rules and regulations. Number 8, to employ personnel and contract for services. Number 9, to allow industry input on at least an annual basis. Number 10, to authorize the expenditure of funds. Number 11, to bond the executive director and other employees if necessary. 12, to prohibit the expenditure of funds to promote or oppose candidates for public office. 13, to make refunds for overpayment of fees and 14, to exercise all incidental powers necessary to carry out this act. Section 13 provides that there be paid a fee of twenty-five cents per head on all cattle sold in the state during the first year of the program. After the first year the board may raise or lower the fee as needed and after public hearing but shall not exceed one dollar per head. This section also makes provision for collection of fees for both commercial and noncommercial sales. Section 14 provides for record keeping collection, retention and remittance of fees. Section 15 requires the board to prepare an annual report detailing revenues, expenditures, actions and operations of the board during the preceeding year. Such reports shall be available to the public upon request. Section 16 establishes the beef industry cash fund in the state treasury for accrediting of fees collected under the act. Section 17 as amended by the committee amendments. Section 18 establishes a Class IV misdemeanor for a violation of this act. Section 19 amends the brand laws to allow employees of the Brand Committee to assist in the collection of certain fees as provided in Section 13 (a). Section 20 establishes the operative dates. 21 is a repealer and 22 is the emergency clause. I would be glad to answer any questions. I'm sure there are some and I would encourage the membership of the body to ask those questions. I or other members of the committee or other interested persons on the floor who are interested in the livestock industry will be glad to answer those questions.

PRESIDENT: I guess we are ready, Mr. Clerk, for the first amendment to LB 953. Amendment on the desk. Read the amendment.

ASSISTANT CLERK: Mr. President, the first amendment is offered by Senator Vickers and that amendment is found on page 1225 of the Journal.

PRESIDENT: The Chair recognizes Senator Vickers.

SENATOR VICKERS: Mr. Speaker and members, this amendment is the amendment that I understand that all livestock producers are supposed to be opposed to but I've got a little bit of it on my boots too, and I'm not opposed to it and I don't think

some other livestock producers are. All this amendment does is make the provisions in the beef checkoff program consistent with all the other checkoff programs that we have and that provision is that these funds, these dollars collected to be used for promotion of the product, advertising and so forth, are not used to influence legislation. So the amendment would add on page 11, line 13, following the word, "office", or to influence legislation, period. And that is the exact language that is in the other check-off programs. It seems to me that when dollars are collected from a mandatory program such as this they are a tax dollar that I really have no choice as to whether to contribute or not and I believe that I should contribute them and I believe that they should be mandatory and I do support that concept as a beef producer. But I do believe that dollars that I contribute to an organization or organizations to influence legislation or to lobby for me as a producer should be dollars that I contribute voluntarily to those various organizations. So for that reason I feel very strongly that I need to get this language in this bill so that the stockgrowers, the livestock feeders, the Farm Bureau, the Farmers Union and various other farm organizations that I may or may not belong to at my discretion can continue to do the job of lobbying and influencing legislation as they should be doing, it seems to me. Now I know one argument that I have heard is that but we're not planning on using these dollars on the state scene, we're planning on using these on the national scene. Well I happen to personally be a member of the National Cattlemen's Association and my membership in that organization is basically for that purpose so that that organization can serve as my lobbying voice in Washington, D.C., or various other places and I believe very strongly the same philosophy should apply there that I donate those dollars voluntarily at my own discretion and that these dollars then that are taken to be used for promotion and development of the product should be used strictly for that. So with that simple explanation, Mr. President, I would move for the adoption of my amendment.

PRESIDENT: The Chair recognizes Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I would just indicate that I visited with a large number of ranchers about this bill and I have also discussed with a large number of individuals this concept of lobbying and I think most of them concur, most of the ones I visited with, concur that this amendment should be adopted. The one point I would make is that this bill allows for a maximum of \$9.2 million to be raised according to the fiscal note in the future. Of course it doesn't start off that much

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but the tax could be raised to bring in that amount of money and that could fund a tremendous lobbying effort and I, again, concur with the philosophy Senator Vickers espoused that the bill should not be used for lobbying purposes and I urge you to adopt the Vickers amendment.

PRESIDENT: The Chair recognizes Senator Sieck.

SENATOR SIECK: Mr. President and members of the body, I am going to oppose this amendment. I feel that the livestock industry wants to have a mandatory checkoff program and I feel we need this authority in the bill in order to work with the Congressional delegation in legislation that could affect the livestock industry in a tremendous way. I feel if we are going to have some money from this industry itself we should protect it. If there is an embargo upon our industry to not allow us to sell meat to other countries or if the export embargo language in some country is detrimental to us, I think we have to work on that and if we have this type of language in the bill it will kind of hamper the operation of the beef industry. So I am going to oppose the amendment. Thank you.

PRESIDENT: The Chair recognizes Senator Barrett.

SENATOR BARRETT: Mr. President and members, I rise in total support of Senator Vickers' amendment. I believe it is a good amendment to 953. In the brief research that I have done I have found absolutely no checkoff board which doesn't have the amendment which, or the language that Senator Vickers is offering on 953. The Grain Sorghum Development Board, the Wheat Board, the Soybean Board, the Corn Board, all of them have this prohibition in the language which prohibits funds from being used to influence legislation. I think Senator Vickers has a very good amendment. I would urge the body to support the amendment.

PRESIDENT: Senator Schmit, you are next up. No further discussion so, Senator Schmit, you are next.

SENATOR SCHMIT: Mr. President, members of the Legislature, I would just like to point out that the Wheat Board operated for twenty-five years without the restriction that is provided by the Vickers amendment. It had no problems and I am sure there were no complaints. I never heard them if there were. I want to point out that there is a specific provision in the statute, in the bill as we have drafted it that prohibits participation in an election but I want to point out a very excellent example of why I think we need or we cannot have the Vickers amendment. Many of you will

recall the time back in the early '70s when the Republican president by the name of Nixon placed a freeze on the retail price of beef. It was an administrative action. If you have this provision in the bill the industry cannot protect themselves. They can't even go back and argue before the Congress or the administration about the terrible inequity that that caused. I need not point out to you or to any of you the chain of events that have taken place since that time that have caused untold havoc in both the livestock and the commodity interests and which has now spread to business and industry and labor. I think we have to point out also that when we say we are not supposed to influence legislation we have not denied the cities, the counties, school districts, we have not denied the Natural Resource Districts, we have not denied the agencies of government the opportunity to come before this body and express their opinion or, in fact, to travel to other areas and express their opinion. The major adverse impact upon the industry today is that which has been caused by improper government action, action that was detrimental to the industry at one time or another. I will give you one more example. I spent some time about a month ago, I went back to Chicago. I met with some representatives of the Japanese Beef Import Industry. They told me very frankly, they said there are several things that we need that if we are about to increase the importation of beef into Japan. Number one, we need help from your industry. We've got to have your industry cooperating with us and with the Japanese government. Number two, your industry needs to convince the State Department, the Department of Agriculture of the terrible inequity that exists by the denial of access to the Japanese market. Number three, you need to have some kind of industry contact with representatives of the Japanese government to convince the Japanese that it is in their interest to import more U.S. beef into the country of Japan. The consumption of beef has dropped dramatically in the last few years, partly due, in fact, also to some of the improper government advice that was issued relative to red meat in the diet. Are we to tell this industry which is gathering funds for the purpose of promotion, dissemination of information, et cetera, that they cannot take efforts to counteract that kind of bad publicity. I do not think you want to do that. I think Senator Sieck made some excellent points. I concur with him 100%. The committee members wrestled with the problem. We are aware of the problem but I just think it is inadvisable at this time to adopt Senator Vickers amendment. I would like to have you give it a try to adopt the 953 as it is drafted with this legislation. I assure those of you who will oppose the amendment and I told members of the industry that if any time, any time the public doesn't like what is being done by one of these boards they, of

course, have complete access to this body and it only takes 25 members to change the bill, to change the statute.

PRESIDENT: One minute, Senator Schmit.

SENATOR SCHMIT: I assure you that will happen. It has happened in the past and it will happen again. Therefore, I must oppose the Vickers amendment and ask that it not be adopted.

PRESIDENT: The Chair recognizes Senator Wagner.

SENATOR WAGNER: Mr. Speaker and members, I rise, too, to oppose the Vickers amendment. Last Friday night I met with I think about five farm bureau organizations, five different counties, and one of the bills that we talked about was 953 and I told them where I stood because I supported the bill the way it is and I gave them kind of a shot at me. But I think what came out of this was the fact that those counties, after discussing it with them and my concern about the embargo and if you can't kind of like halfway defend ourself against some of this legislation that may come out on the federal level, that it was my consensus there that these people really didn't have much for a feeling in relation to really opposing 593 (sic) in its original form. So after that discussion and so forth like that, I would...it is my feeling that I very definitely will support the bill and I would certainly oppose the Vickers amendment.

PRESIDENT: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, I rise to support Senator Vickers' amendment. I think it is just simply patently wrong on a mandatory tax on the livestock industry as any checkoff is and I appreciate you can argue that the governmental subdivisions may do it but a fund that is established for the development of markets, use of the product I think ought to be limited to that and as a livestock grower if I want the lobby, and certainly I would agree the need is there, but if I want to lobby then I ought to be providing those monies voluntarily through the various organizations that exist. I might look differently on the provision I suppose if there was a refund where you could object through a refund with the lobbying activities that might go on but neither would I support a refund. Let me make it that clear because I understand the complications that would result from that that it should be mandatory. So since it is mandatory then I think it only is right, proper and fair that the Vickers amendment is attached and the funds are truly utilized for what all checkoff funds were initially always envisioned to be and that is the development of market for those agri-

cultural products. In fact, without the Vickers amendment I would find it hard to support the bill at all and I suspect others feel that way too. Certainly as has been pointed out, if times change and it is necessary to do it, well with 25 votes we can put that into the law at some time in the future if that is what becomes necessary. But I just cannot accept the thought that we are going to mandate this collection from individual growers, livestock, and then turn around and perhaps have it used for lobbying efforts for...you know it doesn't limit it to exports or embargoes. It could be used for a whole host of things and as agriculture as competing within itself as it is, I think it would be patently wrong to permit that kind of activity with mandated checkoff funds so I would hope the body would keep this bill for the purpose that it ought to have and support the Vickers amendment and keep the political implications of the checkoff clean as it ought to be.

PRESIDENT: The Chair recognizes Senator Koch.

SENATOR KOCH: Mr. President, I move the previous question.

PRESIDENT: Yes, we don't have any furthermore...we had the one on and the light went off so I guess, Senator Koch, thank you but we won't need any. Senator Schmit, did you want to speak again? All right so we are ready for closing anyway so, Senator Vickers, you may close.

SENATOR VICKERS: Thank you, Mr. President. Mr. President and members, perhaps one of the differences is that there are some of us that are in the livestock industry that understand a little more about politics perhaps than some of us that are not involved in politics and also in the livestock industry. Senator Schmit mentioned what happened back in the '70s and I well remember that. I'm not quite recovered yet, and as a matter of fact, perhaps getting even worse. But I also recall back in the '70s there were members of the industry went back to Washington. I looked back back at the glass doors a little bit ago and there were some people back there that were there as a matter of fact. They were there representing this industry, not using dollars that were raised with a tax but using dollars that were donated by members who voluntarily became members of various organizations representing this industry. It seems to me that if we, the members of this industry, need this money or need this provision so that we can use these dollars to influence legislation, then I guess I would ask the question, what are all these people doing back of the glass doors today. They are down here representing that industry, some of them down here on their own obviously, some of them here representing specific organizations but, nevertheless, they are here lobbying

for a specific piece of legislation which is right and proper. That is the way it should be done and I expect that is the way it will continue. As a matter of fact, I want it to continue that way. I suggest to you that if we do not have this language in this bill that in a few years there is going to be a lot more dollars available in this fund than there might be to the Stockgrowers or the Livestock Feeders, Farm Bureau or various other organizations and it would seem to me that there is not much need for these other organizations then. Now as I indicated earlier, some of us understand how politics works a little more than others perhaps. Even though these people are all producers and they are down here in good faith to try to make some influence on legislation, if there was almost an unlimited and it is of course not unlimited, but if there is a large sum of dollars available to another entity to use for lobbying this same purpose, maybe on the other side, who knows? You can hire some pretty high powered lobbyists out back of those glass doors if you've got enough bucks, I can assure you. That is, I think, what could happen without this language in this legislation and I don't think the average producer of livestock out there in the State of Nebraska wants that to happen. I think they want control of their organizations that do lobbying for them more than there is control here. Now I do happen to know how the Stockgrowers are set up and I do know that you have area meetings and that there is a representative from each area that is involved in their decisions as how they affect legislation and those areas are not as large I suggest to you as the areas that will be represented in this bill. There are seven areas...

PRESIDENT: One minute, Senator Vickers, one minute.

SENATOR VICKERS: ...six areas actually over the whole state but in the stockgrowers there are at least I think twenty of them, twenty areas and it is not the whole state either. So you are much closer to the person that is actually carrying out your wishes in those types of organizations than you will be here. I believe 953 is a good bill and I think I am making it better. As a matter of fact, I'm a little bit like Senator Warner. I'm not sure I can support this bill if this amendment doesn't get on it and I think it is very, to me as a producer, to me as representing people that are producers, it is very, very important to me that I get this amendment on LB 953 and I urge its adoption by this body. Thank you, Mr. President.

PRESIDENT: The motion before the House is the adoption of the Vickers amendment to LB 953. All those in favor vote aye, opposed nay. We have about four excused, Senator

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Vickers. Senator Vickers.

SENATOR VICKERS: Mr. President, in order to save time I will just ask for a Call of the House and a roll call vote.

PRESIDENT: All right, we will have a Call of the House, Mr. Clerk, so all those in favor then of a Call of the House will vote aye, opposed nay. Record the vote.

CLERK: 20 ayes, 0 nays to go under Call, Mr. President.

PRESIDENT: The motion carries. The House is under Call. The Sergeant at Arms will see that all members are returned to their desks. All unauthorized personnel leave the floor. All members of the Legislature please register your presence. The House is under Call. While we are waiting for the members to return the Chair would like to introduce some guests of Senator Clark, Cindy, Matthew and John Kunz from Hastings. They are under the South balcony. Would the Kunz family please stand and be recognized. Where are you? There you are. Welcome to your Legislature. Senator Chambers. Senator Burrows is here. Senator Burrows, do you want to put your light on so we can... Senator Hoagland is here. He just hasn't put his light on. There he comes. Senator Chambers is one. Senator Vard Johnson and Senator Stoney and Senator Wesely. Wesely, Vard Johnson, Stoney and Chambers. Senator Stoney is coming here. Senator Vard Johnson then. Senator Wesely I guess should still be here. Senator Wesely and here is Senator Vard Johnson so Senator Wesely I guess is the only one we are waiting for. Senator Vickers, do you wish a roll call vote then when we get...Senator Wesely seems to be the only one not here.

SENATOR VICKERS: Where is Wesely at?

PRESIDENT: I don't know.

SENATOR VICKERS: He is not excused?

PRESIDENT: There, the Sergeant at Arms indicates he is... You're going to wait, all right. All right, the Legislature will be at ease until Senator Wesely arrives. Then you want a roll call vote? Roll call vote, all right. Would everyone please stay in your seats so we don't have to go do this all over again in a few moments. The Legislature is under Call. Sergeant at Arms, please see to it that we don't start it all over again. Here is Senator Wesely so if everyone will please remain at your seats. Senator Wesely is here. And now, Mr. Clerk, maybe you should repeat for those who have just arrived, what the question is.

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LB 953

CLERK: Mr. President, the motion before the Legislature is adoption of Senator Vickers' amendment. Senator Vickers amendment is on page 1225 of the Journal and would read as follows. (Read Vickers amendment.) It is on page 1225 of the Journal.

PRESIDENT: On LB 953. So the Clerk will call the roll on the motion to adopt the Vickers amendment.

CLERK: (Read roll call vote as found on page 1530 of the Legislative Journal.) 23 ayes, 21 nays, Mr. President, on adoption of Senator Vickers amendment.

PRESIDENT: The motion fails. There is another amendment on the desk. Before we do, Mr. Clerk, let me introduce some guests of Senator Dworak, 50 fourth and fifth graders from the Genoa Public Schools, Mrs. Green and Jerry Voboril and six sponsors. There are two teachers and six sponsors. They are up here in the North balcony. Would they kind of wave to us so we know where they are. Welcome to your Legislature. Motion on the desk. Mr. Clerk, do you want to go ahead.

CLERK: Mr. President, I have an amendment from Senator Schmit that is on page 1458. I believe he wants to withdraw that, Mr. President.

PRESIDENT: All right, the motion is withdrawn. Any further amendments?

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

PRESIDENT: All right, Senator Burrows, did you have....? Senator Burrows has an amendment so read the amendment.

CLERK: Mr. President, Senator Burrows would move to amend the bill. (Read Burrows amendment as found on page 1530 of the Legislative Journal.)

PRESIDENT: Senator Burrows, go ahead.

SENATOR BURROWS: Mr. Chairman, members of the Legislature, I find my vote on this bill a very frustrating one because I realize the merits of many of the commodity checkoff programs but the take and the dollar tax that we are putting out here under the existing language in the bill I think is going way big in a first year appropriation. The first year take if we go with twenty-five cents a head will be \$2,310,000 in a program that is not established. That is with a startup of twenty-five cents and then it allows this six member elected board of which we don't know really what direction they are

going to go with the program, I am sure they will have a lot of good ideas, to go as high as over \$9 million take without further authority from this Legislature and I think to kick off an untested program with this volume of dollars is not a responsible action. If...I will have to vote against the measure on that kind of dollars in a kickoff if we don't bring it downwards somewhat at least. I would support the measure if we brought it down to ten cents on that first year which would produce over \$900,000 and eventually allow it to go to twenty-five cents per head which would produce \$2,300,000 on the decision of that board. Now this is not peanuts we are talking about. We are talking about bringing the limit down from over \$9 million down to \$2,300,000 and that is a lot of dollars to authorize on a program that we really don't know how it is going to work and what the responsibility will be of the people. I believe that the beef industry needs help. I sincerely believe that but I don't think just large volumes of dollars can solve it and I think over \$900,000 is a significant amount and that is what I am asking you to bring the checkoff down to which is really, in effect, a tax because there is no refund provision. This is a marginal issue amongst farmers. Farmers voted down a beef checkoff, a mandatory beef checkoff just a few years ago in a statewide vote. It is a no win really whichever way we go but I would like to see us moderate this approach and go with the bill with a ten cent per head checkoff on the first year of implementation and allow the board to go to a twenty-five cent which would be a \$2,300,000. We never set up agencies to kick off with over \$2 million in other areas here in the state and this is downright unreasonable in the total amount I feel.

PRESIDENT: The Chair recognizes Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I respect Senator Burrows' concern. We have discussed it a number of times and I can tell you very frankly that Senator Burrows as a livestock person is concerned about the wide utilization of funds and I recognize that. I will have to say that I do, however, have to oppose his amendment because the industry has already drawn plans to utilize funds to the extent of the twenty-five cents per head for the first year and to adopt the amendment at this time would severely restrict that program. Now I do not believe that they will use the one dollar maximum for a long time. In previous programs we have authorized greater amounts than were utilized for a number of years and I very frankly, Senator Burrows, if I thought that it would go to the dollar right away I would be concerned about it. I don't think it will but at this time because principally

the major backers of the program, the Nebraska Livestock Feeders Association and the Nebraska Stockgrowers have asked for this level of funding, then I would have to oppose the amendment. As I said earlier and I have told the members of those associations, other persons have contacted me that if the funds are not used wisely I am sure this body will reconsider what has happened and take measures accordingly. But I think it is important that if we are going to adopt the bill that we give them a level of funding that is commensurate with the responsibility which they have and that responsibility is substantial. The livestock industry has been through very many ups and downs in the past number of years and someone says only the fittest can survive but we have seen a loss and erosion from the beef industry market in the last few years that is serious, and very frankly, those of us who produce both commodities and livestock recognize that the principal market for feed grains is livestock and without developing a market for the beef that we produce we are not going to have a market for the feed grains. Without producing a high value product we are not going to turn this Nebraska economy around. We are not going to turn the national economy around and very frankly, that is what we are trying to do. I would hope that at this time, although I share Senator Burrows concern, I respect his concern, and as I have said earlier the amendment does not come as a surprise to me and Senator Burrows was good enough to come to me and tell me he was going to offer it, I would have to ask you to reject Senator Burrows amendment.

PRESIDENT: The Chair recognizes Senator Koch.

SENATOR KOCH: Mr. President, I move the previous question.

PRESIDENT: All right, the question has been called for. Do I see five hands? I do. The question is, shall debate cease. All those in favor vote aye, opposed nay. The question is, shall debate cease. Let's vote on either you want it to cease or you don't. Let's make up our minds. We are voting on ceasing debate. Would you vote, please. Record the vote.

CLERK: 25 ayes, 1 nay to cease debate, Mr. President.

PRESIDENT: The motion carries. Debate ceases. Senator Burrows, you may close on your motion.

SENATOR BURROWS: Mr. Chairman, members of the Legislature, I hope everyone will listen exactly to what I am attempting to do.

PRESIDENT: And let's have some...it is getting louder and louder in here and it is very difficult to hear. Go ahead, Senator Burrows.

SENATOR BURROWS: The amendment changes the first year's implementation from twenty-five cents a head to ten cents and the limitation eventually that the board could impose without coming back to the Legislature from a dollar down to twenty-five cents a head. Now this would give a start up of \$924,000 for the start up year, the first year of implementation and allow the board to go to \$2,300,000 without coming back to the Legislature. Now some of the conclusions that I feel have been drawn by some of the people and I think they are wrong. First of all, the beef industry will not necessarily decide who is on this board. This board is an elected board by regions and the membership of the board is not established until after the election and they will have control of these funds. There may be various ag groups working to get various individuals on this board and the direction it will go will depend upon that election. That is why I feel it is extremely important we don't overload it with funds because you can't say that the beef industry as such has plans because those plans, and they may well and do have plans, but those plans may not be accepted by that six member board that is going to be elected by regions. These are the questions that hang out in front of this piece of legislation. We need help in the worst way in the beef industry but I think it would be a mistake to move in this far and this fast until we see what the activities are and if the board a year or two from now has proven that they can use the funds and we need to go to a dollar a head, I might well support that dollar a head at that time because our beef industry in this state is a really major industry and the dollars we take from it could well offset if we can help the price structure out of a lot of our tax problems here in the Capitol and a lot of the total economic problems of the state. I have no scraps with these people on this relationship. We need better beef prices. Our industry is in trouble but I think we ought to move at it more modestly and I think the farmers of the state, nobody may be real happy with this but I think nobody should be too angry. It is a lot of money even with the reduction in it. I am reducing from twenty-five to ten cents the first year and the eventual possibility from a dollar to a quarter and that still leaves the eventual possibility of \$2,300,000. I would urge you to support the amendment. I would like to see this bill go over it but not with the large amounts that are incorporated in the bill.

PRESIDENT: The motion is the adoption of the Burrows amendment to LB 953. All those in favor vote aye, opposed nay.

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LB 953, 604A, 626, 952, 531

Have you all voted? Record the vote.

CLERK: 6 ayes, 25 nays, Mr. President.

PRESIDENT: The motion fails. The Clerk will have some matters to read in and then we will...the Chair will recognize Senator Clark for recessing us.

CLERK: Mr. President, Senator Pirsch offers an explanation of vote. (See page 1531 of the Legislative Journal.)

Mr. President, a new resolution LR 281 offered by Senators Vickers and Barrett. (Read. See page 1531 of the Legislative Journal.)

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 531 and find the same correctly engrossed; 604A correctly engrossed. (See page 1532 of the Legislative Journal.)

Mr. President, I have a motion from Senator Beyer and Cullan to reconsider the vote on Final Reading of LB 952 and a motion from Senator DeCamp to reconsider the vote on Final Reading of LB 626. (See page 1532.)

And, Mr. President, Senator Koch would like to remind the Education Committee that they are having a public hearing at twelve noon. That is the Education Committee, a public hearing at twelve noon. That is all that I have, Mr. President.

PRESIDENT: The Chair recognizes Senator Clark.

SENATOR CLARK: Mr. President, I move that we recess until one-thirty this afternoon.

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

Edited by

L. M. Benischek
L. M. Benischek

March 31, 1982

LB 953, 428, 571, 754, 942
LR, 282, 283, 284,

SENATOR CLARK PRESIDING

RECORDER MALFUNCTION

The following information is taken from the Legislative Journal dated March 31, 1982.

LB 953 was advanced to E & R for Review with 38 ayes, 3 nays and 8 excused and not voting (Journal page 1543).

Legislative Resolutions 282, 283, 284 were all read and referred to the Executive Board.

The Enrolling Clerk presented the following bills to the Governor: 428 and 571.

LB 754 was advanced to E & R for Engrossment.

LB 942 the E & R amendments found in the Journal on page 1412 were adopted.

Senator Schmit offer an amendment to 942 (see page 1536 of the Journal). The Schmit amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

RECORDING BEGINS:

SENATOR RUMERY . . . touching this highway fund. I hope you will go along with that idea.

SENATOR CLARK: Senator Vickers, did you wish to close?

SENATOR VICKERS: Very briefly, Mr. President. Mr. President and members, just so nobody is misunderstands what I am... where I am coming from and what my position is, as I indicated earlier I would have liked to have set the sunset date for this \$3.75 in 1981, which means I am not in favor of the \$3.75, in case anybody didn't catch that. I'm not in favor of keeping that tax on the registration. I would rather fund the state patrol from the sales and income tax as they have been funded. I was one of the thirteen, remember, back last November that voted to raise the income tax. All I'm saying with this amendment is that it would seem inevitable to me that we are going to, in fact, assess a \$3.75 charge to the registration of vehicles. All I'm saying is that we

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LB 761, 378, 408, 953

of the building. So I would hope you reject it.

SENATOR CLARK: Senator Cope.

SENATOR COPE: Mr. President and members, Senator Warner explained it very well. I think that Senator Newell explained it very well when he said that A. O. Thomas was desperately...desperately in need of repair. He is absolutely right. No one has any more interest in 309 than I do. I have told you that before. But of the two, the renovation of A. O. Thomas is much more important. I would ask that you oppose Senator Newell's recommendation or amendment.

SENATOR CLARK: Senator Newell, do you wish to close?

SENATOR NEWELL: Very simply. I can appreciate points that A. O. Thomas is necessary. It absolutely is. But I think we can delay it for one year and do a few more projects and most of those projects average a smaller amount, so we can do a few more projects this next year with 309 and A. O. Thomas can be done next year and it needs to be done. I won't feel terrible bad if I lose this but I think it is the more appropriate place to spend those hard dollars that we can't afford to spend.

SENATOR CLARK: The question before the House is the adoption of the Newell amendment. All those in favor vote aye, opposed vote nay. Did you want a roll call vote, Senator Newell?

SENATOR NEWELL: (Microphone not on)....about that amendment anyway.

SENATOR CLARK: Record the vote.

CLERK: Zero to 30, Mr. President.

SENATOR CLARK: I don't think I have ever seen an amendment go zero to 30. The next amendment, please.

CLERK: Mr. President, the next....may I read a couple things in. Mr. President, Senator Wesely would like to print some amendments to LB 378. (See pages 1577 through 1582 of the Legislative Journal.) Senator Higgins (sic) to LB 953. (See page 1582 of the Journal.) Senator Cullan to LB 408. (See pages 1582 through 1584 of the Journal.)

Your committee on Enrollment and Review respectfully reports they have carefully examined LB 953 and recommend

April 16, 1982

LB 401, 754, 761, 953

SENATOR LAMB PRESIDING

SENATOR LAMB: The Prayer this morning will be offered by the Reverend James Cooke of the Fourth Presbyterian Church of Lincoln and this church will celebrate its seventy-fifth anniversary on Sunday, April 18.

REVEREND COOKE: Prayer offered.

SENATOR LAMB: Thank you, Reverend Cooke. Roll call. Have you all recorded your presence? Have you all recorded your presence? Record, Mr. Clerk.

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

SENATOR LAMB: Item #3, messages, reports and announcements.

CLERK: Mr. President, first of all, page 1945, line 31, correct the spelling of the word "peace." Mr. President, I have messages from the Governor that were received in my office on April 14. The first pertains to LB 754. (Read.) Mr. President, the second message addressed to Dear Mr. President and Senators. (Read message Re: LB 761. See pages 1951-1954 of the Legislative Journal.)

Mr. President, I have an Attorney General's opinion addressed to Senator Vickers regarding LB 953 and one addressed to Senator Lamb regarding LB 401. Both will be inserted in the Journal. (See pages 1957-1961 of the Legislative Journal.)

I have the annual report filed by the Department of Correctional Services. That will be on file in my office; a report from the Department of Roads pursuant to Statutory Section 66-476, and Mr. President, I have a series of auditor reports submitted by the State Auditor. Those two will be on file in my office.

SENATOR LAMB: Item #4, motions. Senator Rumery, for what purpose do you arise?

SENATOR RUMERY: Mr. President, members of the Legislature, I would like to rise for a point of personal privilege.

SENATOR LAMB: Please state your point to the Chair.

SENATOR RUMERY: The Pages are going to hand out an invitation to each one of you to attend the Nebraskaland Days held in North Platte and we want to emphasize the fact that you are all invited and they are going to attempt to have antique cars for all of the legislators to ride in in the parade. You will be extremely welcome and we hope you can attend.