

May 20, 1981

LR 181, 182, 185, 186

CLERK: 26 ayes, 0 nays on adoption of LR 181, Mr. President.

SPEAKER MARVEL: The motion is carried. The resolution is adopted. The next resolution, LR 182.

CLERK: Mr. President, LR 182, offered by Senator Cope and forty-six other members is found on page 2033. (Read.)

SPEAKER MARVEL: The Chair recognizes Senator Cope.

SENATOR COPE: Mr. President, members, I want to thank everyone for, practically everyone for signing this resolution. I think we all know about the American Red Cross and the 21st is the anniversary and that will be it for today.

SPEAKER MARVEL: The motion is LR 182. All those in favor vote aye, opposed vote no. Have you all voted? Record.

CLERK: 26 ayes, 0 nays, Mr. President, on the motion to adopt the resolution.

SPEAKER MARVEL: The motion is carried. The resolution is adopted. Next, LR 185.

CLERK: Mr. President, LR 185 offered by the Speaker. (Read.) Mr. President, the Resolution is found on page 2073 of the Journal.

SPEAKER MARVEL: Those of you who were freshmen this last term will recall that we had a member of the Eagleton Foundation at the Center and that was Al Rosenthal and the Eagleton Foundation has been active in the political arena for a number of years and this simply calls it to the attention of people in this state and surrounding states. So the motion is the adoption of the resolution, 185. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of LR 185.

SPEAKER MARVEL: The motion is carried. The resolution is adopted. Now we move to LR 186.

CLERK: Mr. President, the first item I have with respect to LR 186 is a unanimous consent request to add names of Senators Vickers and Wagner as coinroducers.

SPEAKER MARVEL: Hearing no objection, so ordered.

CLERK: Mr. President, LR 186 offered by Senators Haberman, Kremer and Rumery. (Read.) Mr. President, the resolution is found on page 2092 of the Journal.

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LR 186

SPEAKER MARVEL: The Chair recognizes Senator Haberman.

SENATOR HABERMAN: Mr. President and members of the Unicameral, they have been working on this project for nine years. The bids were \$19,738,560 below the engineers estimate and if a decision is not made before May 30 the ratepayer plans to lose or will lose \$4,600,000 that has already been spent. One of the turbine generators is already being manufactured and it seems as though there are certain parties who are dragging their feet and I would call it nitpicking. This is far too important of an issue to everybody in the State of Nebraska as we know that there is a shortage in energy and it is going to continue to get worse and the reason we are introducing this resolution is to call to the attention of this body and to call to the attention of the citizens of the State of Nebraska and to call to the attention of the central Nebraska Public Power and Irrigation District and the Nebraska Public Power District, to ask them to sit down at the table and quit their fussing and get the issue done before the May the 30th and get it settled. That is the purpose of the resolution. They have done a fine job. Now we are down to the last few days and I think they should continue and I feel that this resolution, and I ask for your support in voting for it, will give them just a teeny-weeny, maybe push that they will sit down and get it straightened out and get the contract signed. Thank you, Mr. President.

SPEAKER MARVEL: Senator Kahle and then Senator Kremer.

SENATOR KAHLE: Mr. Speaker and members, I was not aware that this resolution was coming up or had been presented. I am highly in favor of it. I think that this is a generation of electricity that will take place at the time of the year when the waters from the reservoir are being used for irrigation and they are going down the penstock anyhow. I understand the dam was built with a penstock in it ready for hydro application if that time ever came and I think the time is here. So I think this is an excellent resolution. I support it 100% and hope that they go ahead and get this generating facility installed. Another thing that is good about it, it is not too far from the Gentlemen power plants and the power lines that come from them so they can hook into the grid system very easily and it would provide electricity at the time of the year when our peak is the highest. I think it is very necessary that this project be fulfilled and that they go ahead with it so I do support the resolution.

SPEAKER MARVEL: Senator Vickers, do you have an amendment to the resolution?

CLERK: Mr. President, Senator Vickers would move to amend

LR 186 and his amendment is on page 2114 of the Journal.

SENATOR VICKERS: Mr. President and members, the amendment that I am offering on 2114 very simply is one that I want to offer to this body as part of the resolution. I think Senator Haberman mentioned when he was discussing the resolution that he felt that a point needed to be made to bring it to the attention of the people of the State of Nebraska as to the way that our power districts are addressing this situation, the fact that there is some, I think he called it nit-picking. I guess I would call it a conflict of personalities within two different districts as to how they are going to address the power supply situation in the State of Nebraska. The amendment that I am offering simply says that you are all working for the same people. You are all working for the people of the State of Nebraska. Furthermore, it indicates that if the agreement is not reached, then we should have binding arbitration implemented by the Nebraska Power Review Board. Now this sounds real good but the problem is as I am well aware of and as most of you are, the Nebraska Power Review Board does not have the teeth or the muscle to act in this capacity even though they certainly should be able to and I am offering this motion only to point out to the body this is the way it should work, this is the way it ought to be but at the present time it is not set up that way. So, Mr. Chairman, with those thoughts in mind I would like to ask for unanimous consent to withdraw this motion and move on to the next one.

SPEAKER MARVEL: Hearing no objection, so ordered. Now, Senator Kremer, do you wish to speak to the resolution?

SENATOR KREMER: Yes, sir, Mr. President, I do. Of course some of us have been aware of this proposed project for many years. There have been many many hurdles to cross and finally those hurdles have been crossed. Now, what do we see before us again? We see the power industry itself fighting between themselves. I personally have made telephone calls to their legal department, to those involved and pled with them that they get their differences straightened out simply because we have a project here. While it is not a large project, it is fifty megawatts, but it is hydro power. It is a clean power. It is a renewable power and we are looking for more of these projects. There are not very many of them in Nebraska. Now if they do not get their differences settled, I can well see that the project is going to cost much more. They do have an attractive bid from Allis-Chalmers and from another company, will build a house, and I think it would be a good move on the part of the Legislature to pass this resolution. We have already warned them the Legislature, many members are getting rather disturbed because of the continued

quarreling in the industry itself. I think it is time for this to stop. I think if we approve this resolution with a good vote I think it is going to bring some results. So I strongly support this particular resolution. Thank you.

SPEAKER MARVEL: Senator Wagner, do you want to close?

SENATOR WAGNER: I would like to speak on this resolution. Mr. Speaker and members...

SPEAKER MARVEL: I will recognize you to speak and also to close.

SENATOR WAGNER: All right, will do. I think I have the concerns of Senator Kremer, Senator Vickers, Senator Kahle and Senator Haberman...

SPEAKER MARVEL: I'm sorry. Go ahead.

SENATOR WAGNER: ...this state and our nation is getting in kind of a serious energy problem. We do have some sites in the State of Nebraska where we can put in hydro facilities. This one here is a very unique one. The dam is in place. The penstock is in place and basically this unit would support about 8% of one of those six hundred and fifty megawatt units sitting out there at Gerald Gentlemen and we need to develop things like this in the State of Nebraska and it is really kind of frustrating to me to think that we have two of our political subdivisions fighting back and forth who cannot kind of get together and resolve this crisis as far as these negotiations are concerned. I think it is a good resolution. I support it and hope we can resolve this problem.

SPEAKER MARVEL: Senator Vickers, do you wish to be recognized?

CLERK: Mr. President, Senator Vickers has a second amendment that is on page 2119.

SENATOR VICKERS: Mr. President and members, this amendment I am offering to this resolution in a little more serious vein than the last one although the last one I was deadly serious with also because of the fact that a point needed to be made. The point needs to be made here also I think. The problem with public power in the State of Nebraska as many of us are well aware of and as many members of the public are well aware of, is the fact that one entity cannot get along with another entity. We have lawsuits between entities when, in fact, they are all working for the same people, all trying to provide the same goals. Now, the proposed hydro plant at Lake McConaughy

is going to be owned by the Central Nebraska Public Power District. It is on their dam but at the present time what is the hang-up as I understand it, is over trying to figure out who is going to be responsible for the construction, who is going to take over the overrides of cost if there are any and at the same time all the power that comes out of that plant is going to be sold to one other entity, the Nebraska Public Power District, who in turn will turn around and sell it to some other people. Now this is viewed as being a rather ridiculous situation in many areas in the State of Nebraska I can assure you. So the amendment that I have offered here simply says that if NPPD and Central Nebraska cannot get together, then Central Nebraska, we are going to encourage you to go ahead and construct the plant and sell the power directly to the Nebraska Electric Generation and Transmission Cooperative which winds up, which is the cooperative made up of the rural electrics. Now I think the other people that have spoke on this issue have been very eloquent in the need for this project and the ridiculousness of having these two entities battling with one another but again, realizing the force that a legislative resolution has, which is just about the same as writing a letter, and realizing that we can talk all day and take up a lot of time and not really convince anybody of anything, if they intend to have their little petty differences which is what I think is going on, they are going to continue to do it at the rate-payers' expense, at the irrigators' expense and everybody, all the people of the State of Nebraska's expense. So with all that in mind, rather than take up any more of our valuable time, Mr. Chairman, I would ask for unanimous consent to also withdraw this amendment.

SPEAKER MARVEL: Hearing no objection, so ordered. Mr. Clerk, I guess we are ready to proceed with the vote on 186. Senator Marsh, do you wish to be recognized?

SENATOR MARSH: Please, I have a question I would like. Is it a fair evaluation, and I don't care who responds, that if the two parties having disagreement do not settle it, that this would be fair warning that next year there probably will be legislation?

SPEAKER MARVEL: Senator Vickers, for what purpose do you arise?

SENATOR VICKERS: I would respond to Senator Marsh if...

SPEAKER MARVEL: Okay.

SENATOR VICKERS: ...she asked a question of anybody that would respond. I would be happy to respond, Senator Marsh.

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I can assure you that next year there is going to be legislation, whether or not this agreement is reached by May 30th.

SPEAKER MARVEL: Senator Kremer, do you wish to close on the resolution? Okay. All those in favor of the adoption of LR 186 vote aye, opposed vote no. Have you all voted? Record.

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

SPEAKER MARVEL: The motion is carried. The resolution is adopted. Now we go to LR 187.

CLERK: Mr. President, LR 187 offered by Senators Fowler, Wesely, Vard Johnson, DeCamp, Wagner, VonMinden and Fitzgerald is found on page 2109. (Read.)

SPEAKER MARVEL: Senator Fowler.

SENATOR FOWLER: This resolution was brought to me and the other legislators by a Vietnam veteran's organization that is working across the state to gain attention for the issues that are raised in this resolution. This resolution would be a statement of support for the issues of concern indicating that the Legislature finds these to be important and significant public issues that Congress should review. The Vietnam veteran has often been called the forgotten veteran. I think that more attention now is being focused on the needs, the issues that surround the Vietnam veteran and their families. With that, I would move for adoption of the resolution.

SPEAKER MARVEL: The motion is the adoption of LR 187. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of LR 187.

SPEAKER MARVEL: The motion is carried. The resolution is adopted.

CLERK: Mr. President, while we are waiting, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 134 and find the same correctly engrossed; 224 correctly engrossed; 326 correctly engrossed and 360 correctly engrossed, all signed by Senator Kilgarin, Chair.

Mr. President, one other item, I have a request from Senator Wesely to add his name to LB 98 as coinroducer.

SPEAKER MARVEL: No objections, so ordered. Will the Legislature please, will you return to your seats so that we can

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LB 12, 273, 404

SPEAKER MARVEL PRESIDING

REV. MYRON J. PLESKAC: (Prayer offered.)

SENATOR NICHOL PRESIDING

SENATOR NICHOL: Would you record in please so we can get on with the show? Record please.

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

SENATOR NICHOL: Let's go to item #3 please.

CLERK: Mr. President, I have a Rules Committee report offered by Senator Wesely for the Legislature's consideration.

Mr. President, Senator Schmit would like to print amendments to LB 404.

Mr. President, I have a message from the Governor. (Read. See pages 2166 and 2167, Legislative Journal. Re: LB 12.)

SENATOR NICHOL: We are ready for #4 and we will go into Final Reading, LB 273 with the emergency clause.

CLERK: Mr. President, Legislative Resolutions 181, 182, 185, 186 and 187 are ready for your signature.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LR 181, LR 182, LR 185, LR 187. Okay we are ready for item #4, Final Reading. The Clerk will read LB 273 with the emergency clause attached.

CLERK: Mr. President, I have a motion on the desk. Mr. President, Senator Vickers moves to return LB 273 to Select File for specific amendment. The amendment reads as follows: (Read Vickers amendment found on page 2167, Legislative Journal.)

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Yes, would you read that again, Pat. I want to make sure I have got the right lines here.

CLERK: (Reread amendment.)