

January 8, 1981

LB 20-30

many in today as you can prior to the time of our recess until this afternoon. Proceed, Mr. Clerk.

CLERK: Read LB 20-30 for the first time as found on pages 80-82 of the Legislative Journal. Read LR 1 as found on pages 82-83 of the Journal. Mr. President, pursuant to our rules LR 1 will be laid over.

PRESIDENT: The Chair recognizes Speaker Marvel.

SPEAKER MARVEL: The first motion I would like to make is that committee chairmen please get with the members of your committee before ten o'clock tomorrow morning at which time you can turn in a report to the Clerk as to who the other officers of your committee may be, by ten o'clock tomorrow morning. You can do it now if you want to. Is that enough of that?

PRESIDENT: All right, are there any questions by any of the committee chairpersons on that? As I understand it, Mr. Speaker, you are asking the committee chairpersons to call the committee together between now and tomorrow morning to get that done?

SPEAKER MARVEL: Yes.

PRESIDENT: Okay, any questions? Anything further, Mr. Speaker?

SPEAKER MARVEL: Now do you want me to read the escorts for this afternoon?

PRESIDENT: That will be fine if you would like to do that. If the members of the Legislature would listen. The Speaker is going to advise you as to who will be selected to escort the various people on the ceremonies this afternoon.

SPEAKER MARVEL: The green sheets indicate the inaugural ceremonies and if you will turn to that particular sheet we will give you the recommendations that we have for escorts. So we start with the Board of Education and Senator Landis will escort his father. Senator Koch will escort Mr. Monahan. Senator Goll will escort Mr. Thompson and Senator Warner will escort Mrs. Greene. The second category, escorting Mr. Payne led by Senator Cope, also including Senator Chronister and Senator Pirsch. So there will be three escorting Mr. Payne and of the three escorts, since Senator Cope comes from Kearney he will lead the parade. The third category has to do with Public Service Commission and Eric Rasmussen will be escorted by Senator Maresh and Jack Romans will be

Mr. President, I have a lobby registration report for the interim period covered by April 19, 1980, through January 6, 1981. That will be inserted in the Legislative Journal. (See page 94 of the Journal.)

Mr. President, I have a reference report from the Executive Board referring legislative bills 1-36. That is signed by Senator Lamb as Chairman. (See pages 94-95 of the Legislative Journal.)

Mr. President, I have in my possession proposed lease renewals as supplied us by the State Building Division. Those will be on file in my office. I also have a report from the Nemaha Natural Resources Districts regarding payment of attorney fees. (See page 95 of the Journal.)

Mr. President, Senator Hefner would like to announce that Senator Barrett has been elected as vice chairman of the Miscellaneous Subjects Committee.

Mr. President, Senator Labedz would like to announce that Senator Pirsch has been elected vice chairman of the Constitutional Revision and Recreation Committee.

Mr. President, Senator Marvel would once again like to announce a meeting or a chairperson's caucus for Monday, January 12 at 9:00 a.m. in Room 1520. It is a chairperson's caucus for Monday, January 12 at 9:00 a.m. in Room 1520.

PRESIDENT: The Chair will recognize Speaker Marvel once more for additional announcement concerning procedure.

SPEAKER MARVEL: I think, Mr. President, the first thing we need to note is the fact that we are using valuable time that we may wish we had at the end of this session. I guess I am going to repeat this every day for a while and so would you please put on the Clerk's desk whatever legislation you have so that we can once again begin processing this legislation which means that the Exec Board needs to meet and refer the bills as soon as they have been processed by the Clerk and, therefore, I remind you first of all, get the bills in and, secondly, that the Exec Board then will have to meet to refer the bills. Now this process has to go on even if we may only meet until noon. Now, Mr. President, is that the... Pat, is there anything else to say about the reference of bills?

CLERK: No, sir, not that I am aware of. I think Senator Lamb might want to make a...

February 20, 1981

LB 17, 22, 86, 123, 151,  
155, 169, 171, 190,  
220, 247, 294, 482,  
537-540, 175

and February 19.

Your committee on Urban Affairs reports LB 175 (sic. 171) to General File with amendments; LB 220, General File with amendments, (Signed) Senator Landis.

Government Committee reports LB 247 to indefinitely postpone; 29<sup>th</sup> indefinitely postponed.

Your committee on Miscellaneous Subjects report LB 482 indefinitely postponed.

The Appropriations Committee reports LB 155 advanced to General File with amendments.

Your committee on Revenue whose chairman is Senator Carsten reports LB 17 to General File with amendments; 169 to General File with amendments and LB 86 indefinitely postponed.

The Public Works Committee whose chairman is Senator Kremer reports LB 22 to General File with amendments; 190 to General File with amendments; 123 indefinitely postponed.

Your committee on Revenue reports LB 151 to General File with amendments. (See pages 612-615 of the Journal.)

Mr. President, Senator DeCamp makes a motion to withdraw LB 537, 538, 539 and 540 and cancel the public hearings on those bills. So in order to do that we will need to suspend rules to cancel those hearings which were scheduled for next week and I understand we are going to lay that motion over.

SPEAKER MARVEL: We will lay the motion over until next Monday. Senator DeCamp. Senator Marsh, for what purpose do you arise?

SENATOR MARSH: I have misplaced my black purse briefcase. Thank you.

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

SENATOR DeCAMP: Mr. President, members of the Legislature, you all heard what the motion was. Senator Marvel asked that we take it up next week rather than today and I would agree to that. I would simply point out that a couple of these hearings are set for next week and so I would hope that we could take it up right away Monday morning and at that time detail the future of the Task Force and so on and so forth.

March 9, 1981

LB 22, 169, 171

workloads placed on members of the boards of public works and county hospital boards of trustee members by allowing the members the convenience of the facsimile signature. With today's increasing public pressure on utilities and health care institutions to control and limit their costs, we should not block them from using the most cost efficient operating methods available to them. This bill would also delete some language in Section 16-691 which is obsolete since it refers to Section 16-690 which has been repealed for quite some time. We have indicated on a handout to you the provisions of the bill, the intent and the current list of those authorized to use the facsimile signature, and have also included a sample of one of our own checks which means so much to us as salary with two facsimile signatures shown thereon. I move that LB 171 be advanced for E & R Initial.

SENATOR CLARK: The motion before the House is the advancement of LB 171 to E & R Initial. All those in favor vote aye. All those opposed vote nay.

ASSISTANT CLERK: Senator Clark voting aye.

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

ASSISTANT CLERK: 28 ayes, 0 nays on the motion to advance, Mr. President.

SENATOR CLARK: The bill is advanced. I would like to take this opportunity to introduce Miss Nancy Wicks of North Platte, a University of Nebraska student, a constituent and personal friend of the family of Senator Myron Rumery. Where are you? Welcome to the Legislature. We will now take up LB 169 by Senator Hefner.

SENATOR HEFNER: Mr. President, I ask unanimous consent to pass over this bill. I think you have the note up there.

SENATOR CLARK: All right, the bill is passed over. LB 22 by Senator Landis.

CLERK: Mr. President, LB 22 was a bill offered by Senator David Landis. (Read title.) The bill was read on January 8 of this year. It was referred to the Public Works Committee. The bill was advanced to General File. There are committee amendments pending by the Public Works Committee, Mr. President.

SENATOR CLARK: Senator Kremer, the committee amendments.

March 9, 1981

LB 22

SENATOR KREMER: Mr. Chairman and members, the committee amendments are rather simple. All the committee amendments do, they make clear that the funding of motorcycle safety education comes solely and only from the motorcycle owners and operators and those that are participating in the educational program, and in no way jeopardizes the driver safety education fund. That's all it does. I move the adoption of the committee amendment.

SENATOR CLARK: Is there any discussion on the committee amendments to LB 22? If not, all those in favor vote aye, opposed nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted on the committee amendments to LB 22? Senator Landis, you are not getting very much cooperation. Record the vote.

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

SENATOR CLARK: The committee amendments are adopted. Senator Landis, on the bill itself.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, LB 22 establishes a mechanism for funding motorcycle safety courses offered throughout the State of Nebraska by private organizations, by schools, or by public groups. It allows for a prorated return for successful completion by students up to \$42 per successful completed graduate. LB 22 is the response over two years to the concern for motorcycle safety that this Legislature has seen. Last year I introduced two bills, one on motorcycle training, one on the mandatory use of motorcycle helmets. A lot of mail was generated. As you know, there are a lot of drivers out there that are very interested in this topic. The Public Works Committee killed the motorcycle helmet bill and from the shards of that political controversy arose the coalition to support LB 22. I was very genuine when I introduced those bills last year and as the most appropriate mechanism to continue that concern, I met over the summer with all kinds of interested people, including motorcycle drivers, organizations, training instructors and the like. We worked together jointly to outline the provisions of LB 22 and we all agree as to assumptions that we make for the reasons behind LB 22. Number one, the motorcycle is inherently more dangerous of a vehicle to operate than a car. Evidence will indicate that that is seven times more dangerous than a car, that the

accidents are that more often and the fatality likelihood is much greater on a motorcycle than it is on an automobile. Now that doesn't mean that the drivers themselves are unsafe. That means the driving in the open air on a two wheel vehicle is not as safe. In fact, in most fatalities the automobile driver is responsible because of a failure to yield in about 70 percent of the cases. However, the motorcycle is more dangerous. It is more likely for a very serious injury when there is an accident and the very best way to see to it that we can reduce the numbers of fatalities and injuries is by prevention. Prevention in this case and the only acceptable means of prevention that most everyone can agree on is a method of good solid training. Such a training course exists. It is the Motorcycle Safety Foundation standard examination of classroom hours and at the same time an integrated approach of on-bike training. Essentially, the Department of Education which now has a driver education function is prepared to administer this mechanism of reimbursing and approving motorcycle courses offered throughout the state. They have a firsthand knowledge and their rules and regs powers will be used to, in fact, pass the Motorcycle Safety Foundation standards into the approved course. The funding mechanism is self-contained in the bill. It is an additional registration fee of \$2.50 per registered motorcycle. That will yield about \$130,000 per year. That is to be set aside under the Motorcycle Safety Foundation...or Safety Fund, rather, to be administered by the Department of Education and that is the basis on which local approved programs will be reimbursed for successful completions and graduations. There is at the same time LB 22 goes forward an integrated approach of trying to increase motorcycle safety and that is an attempt in the Appropriations process to fund a more stringent, difficult motorcycle license test to be offered throughout the state. I don't know if any of you have any firsthand information or experience with motorcycle licensure, but right now the on-bike test amounts to getting on the bike, driving around the block. If you come back alive, you have got your motorcycle license. The MSF or Motorcycle Safety Foundation has also endorsed a very difficult operator's skill test. That skill test, hopefully, will be implemented in ten counties throughout the state, in the most populace counties, and it will make for a very, very difficult test. The failure rate can be expected to skyrocket if that operator's skill test is put into place, and it will take a very skilled, a very trained driver to pass it, and that will be the incentive for people to take an approved Motorcycle Safety Foundation course approved and implemented in one of the

March 9, 1981

LB 22

places throughout the state. We can expect the technical colleges in this state to utilize this bill. We can expect them to have in place next year a motorcycle safety course. Hopefully, private enterprise which is by no means limited or restricted by the bill will also offer such an approved course with an approved instructor and, of course, schools if they wish may also offer an approved course. An approved course means meeting the standards outlined by the Department of Education and having an approved instructor. Approved instructors are those that meet the Motorcycle Safety Foundation's approval standards. Those standards will be written into law by the Department of Education. We have approximately a hundred of those trainers right now in the state. The Kearney Safety Center is in a position to train and to continue to turn out as it has trained, approved motorcycle safety instructors. So we have a body of people now able to train. Now they are out there and all they need is a successful course. We find that the difficulty from those courses is overhead. We find the difficulty is being certain there will be a financial return and so this money up to \$40 per student will be reimbursed to the program after they turn out a graduate. There is an additional incentive in this bill to allow for people to sign up and want to sign up for the course and that is because instructors who offer... or rather driver's license examiners are capable and allowed under the bill of exempting successful graduates from the on-bike portion of the motorcycle course. Those are the provisions of LB 22. It springs from a two-year study in the area of motorcycle safety. It has the support, if you look on the committee amendments, which have those people that were there in person and there were also letters from all portions of the motorcycle operating public. The Offstreet Motorcycle Association supports it. ABATE supports it. The Department of Education has spoken in favor of the bill. We have been hard at work for two years and the result of it is LB 22. I hope you will support the bill.

SENATOR CLARK: Senator Haberman, on the bill itself.

SENATOR HABERMAN: Mr. President and members of the Unicameral, a question of Senator Landis.

SENATOR CLARK: Senator Landis, will you respond?

SENATOR LANDIS: Yes.

SENATOR HABERMAN: Senator Landis, do you have to take the course to get a license?

March 9, 1981

LB 22

SENATOR LANDIS: No, you do not. The group that met together over the summer numerous times argued that issue and there is only one state that has mandatory training prior to licensure. We felt that there were incentives in the bill that were sufficient and therefore we did not make it mandatory.

SENATOR HABERMAN: Do you anticipate in the future they might make it mandatory that you take the course?

SENATOR LANDIS: Well, we didn't want to make it mandatory at this point because we didn't know how available the training would be throughout the state.

SENATOR HABERMAN: Senator Landis, thank you, that's just my point. Out in the western part of Nebraska if the schools choose not to offer the course, there won't be enough people for a commercial outfit to offer the course, and if it is ever mandated that you have to take the course to get a license, then we are in trouble. Where in the populace areas, in the City of Omaha and the cities there will be enough people who buy bikes and ride bikes that possibly there will be a private outfit offer the course and/or the schools. So the reason I asked the question and Senator Landis just said they didn't consider it this year but possibly in the future or next year they will consider making it mandatory and when you make it mandatory you are going to hurt these sparsely populated parts of the State of Nebraska. This is opening up the door. This is slipping it in, having the course, it's self-sufficient, it's being paid for by the license and it just looks beautiful. This bill just is fine, it isn't taking tax dollars and...but you have got to look on down the road. You've got to look down the road two years or a year or three years and see what happens to bills like these and others if it's mandated. Now it's mandated that you have to take a driver's license course to get a driver's license, or to take an exam, and to drive, and they offer driver's education in schools. It's up to \$80 a head now I believe. There is nothing to say that this some day wouldn't go on the tax rolls, and I believe that we are just opening up Pandora's Box, and personally I would like to have us not advance this bill and just take another look at it. Thank you, Mr. President.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. President and members of the Legislature, I just have a couple of questions for Senator



March 9, 1981

LB 22

Landis, please.

SPEAKER MARVEL: Senator Landis, do you yield?

SENATOR LANDIS: Yes.

SENATOR NICHOL: Could you run that by me again about the \$40 credit? I didn't quite get that.

SENATOR LANDIS: Okay. The money is raised by registrations on motorcycles. It is put into the Department of Education fund. Programs throughout the state are carried on. Individuals sign up for courses. Upon successful graduation, the course forwards that information to the Department of Education. The Department of Education will give up to \$40 per student to that course for the carrying out of that function.

SENATOR NICHOL: Okay, so it doesn't matter whether they have one student or ten....

SENATOR LANDIS: That's right.

SENATOR NICHOL: ....they get the \$40 and that goes to the instructor, I assume.

SENATOR LANDIS: It goes to the organization sponsoring the course. For example, there are private organizations, among them motorcycle groups like ABATE who do offer this as an organization. It would have to be a business, an organization or a school. It can't be just one private individual out there who holds himself out as an instructor. It would have to be in the form of a business.

SENATOR NICHOL: And I assume that there is no public tax money going into this.

SENATOR LANDIS: There is no general tax fund dollars going into it. That's right. It is raised by motorcycle registrations, spent for motorcycle safety.

SENATOR NICHOL: Would it be possible for the motorcycle organizations to do this without having a bill and just do it on their own?

SENATOR LANDIS: They have done it in the past. They have a difficult time with the financing. However, they have done it on a couple of occasions. What they haven't been able to do is get a cost benefit that will allow

them to do it throughout the state. They are very committed to the idea of safety, but when they have instructors donating time over and over again they burn out their instructors and they have got to be able to...you know, they have got to get some money out of the deal.

SENATOR NICHOL: If I wanted to take this course it would cost me \$2.50. Is that right?

SENATOR LANDIS: No, sir. Any program out there may be tuition free. There may be a tuition attached to it. I would expect the technical colleges to offer the course and if they do, they are mandated not to lose money. So it would be on a at-cost basis. I understand from other states that an at-cost for this kind of a course is roughly \$45.

SENATOR NICHOL: Is the \$2.50 paid for me when I.... paid by me when I buy my motorcycle license?

SENATOR LANDIS: Yes, sir.

SENATOR NICHOL: That's the only income?

SENATOR LANDIS: That's right.

SENATOR NICHOL: All right. Now one last thing. I understand that most motorcycle accidents happen when a person first acquires a motorcycle or when they go from a small bike to a bigger bike. Is that true, do you know?

SENATOR LANDIS: That's true.

SENATOR NICHOL: Now is there anything....

SENATOR LANDIS: The inexperienced driver probably is from three to six times more likely to have an accident than an experienced driver.

SENATOR NICHOL: But there is nothing in the bill that faces this at all, or addresses this at all?

SENATOR LANDIS: No, it's not aimed at any particular age. The course will be open to anyone who wants to take the course.

SENATOR NICHOL: Thank you, Senator Landis.

SPEAKER MARVEL: Senator Lamb. We have Senator Lamb,

March 9, 1981

LB 22

Senator Cope, Senator Vickers and Senator Goll.

SENATOR LAMB: Mr. Chairman and members of the Legislature, this bill, of course, was heard before the Education Committee of which I am a member, and I will have to state at the outset that I have serious reservations about the bill, not that there are any concerns about safety, I mean there are concerns about motorcycle safety. This is a very dangerous form of transportation. I think we all realize that. But the problem comes through the manner in which this education would be offered. In the first place, I am not sure that this is a real viable function of the schools as we hear more and more about the problems of the schools and how they get farther and farther away from the very essential educational processes, and although this program is supposed to be financially selfsupporting, it still, I believe, puts an added burden on those schools which would opt to take part of the system. Now the other part of it is that this by the very nature of this program it will be available in some parts of the state, it will not be available in other parts of the state. So we have the old problem of some people subsidizing other people in the state. There are certain...out at Kearney and I am sure Senator Cope will speak to this, they have the facilities that probably can be adapted to this sort of a program, but those are very limited around the state. The number of places where this will be offered will be minimal, I believe, and so the number of people who will be able to take advantage of the training will also be minimal, and so you have, in effect, other people in other areas of the state subsidizing the program for those people who happen to be in a situation where they can take advantage of it. Thank you.

SPEAKER MARVEL: Senator Cope.

SENATOR COPE: Mr. President and members, a question of Senator Landis.

SPEAKER MARVEL: Senator Landis, do you yield?

SENATOR COPE: Senator Landis, one slight correction to begin. You mentioned Kearney State and this is the Nebraska State Safety Center.

SENATOR LANDIS: That's right.

SENATOR COPE: That is working with motorcycle safety as well as other types of safety.

SENATOR LANDIS: Right.

SENATOR COPE: Now what I want to ask, what qualifications must an instructor have? Where do they receive the training to be instructors?

SENATOR LANDIS: The qualifications are generally outlined by the bill and will be more specifically outlined by the rules and regs of the Department of Education. They essentially mean, however, someone who has met an approved training course. That approved training course is a rigorous course of study of I believe well over a hundred classroom hours, years of experience on the bikes as well who are familiar with...who has driven or has ridden a motorcycle for a couple of years, and so they have both training and experience in the area of education on motorcycle training.

SENATOR COPE: Well, that's what I wanted to be sure. The Nebraska Safety Center are doing that very thing now. They are training instructors and I wanted...and especially I am interested in the free enterprise aspect and nobody believes in free enterprise more than I do, but I am wondering if the instructors that are associated with the groups, the free enterprise, must have the same qualifications.

SENATOR LANDIS: Everyone must meet the same standard of qualification. They do not have to meet like for example in a high school where you have to have a college degree or something like that, those kinds of qualifications aren't there. We are talking having passed an approved course, having experience on motorcycles. Those same standards will apply across the board for whoever teaches this class in whatever context. Those standards would have to be met by a private business organization, by somebody teaching in a school, somebody teaching in a tech college.

SENATOR COPE: Well, that's what I wanted to know for sure. Now who does the checking up and watching the various groups, that is to be sure that this is carried out like it should whether it be for enterprise or state?

SENATOR LANDIS: The Department of Education has the responsibility for administering the program and in the event that a course is not working out, they can take away an instructor's permit in the event that instructor is not simply meeting adequate standards and doing a good enough job, is not training people well enough.

March 9, 1981

LB 22

So the Department of Education is the enforcer of the act.

SENATOR COPE: I am sure you know that at the present time the Nebraska State Safety Center are working through the tech colleges particularly and other groups, but particularly the tech colleges to train instructors and work with them which is what the Nebraska State Safety Center should be doing and will do, so I would hope, Senator Landis, that the Nebraska State Safety Center will be asked and requested even to work with the Department of Education and any other to make this a going situation, and, of course, I am going to endorse this bill.

SENATOR LANDIS: If I could just respond for a moment to that, if that was in the form of a question... Dick Ashman of the Nebraska Safety Center in Kearney worked very closely in conjunction with the rest of the group drawing up the bill, so I would expect a very close relationship between those two organizations.

SENATOR COPE: Thank you.

SPEAKER MARVEL: You have one minute left. Senator Vickers.

SENATOR VICKERS: Mr. Speaker and members, I served on the Public Works Committee last year when Senator Landis had a bill designed to head this direction, if I remember correctly, also a mandatory helmet bill which met with some disapproval by many people, and I commend Senator Landis for his concern in this area. I would indicate though that as part of the hearing, if I remember correctly, a year ago it was pointed out that many of the accidents involving motorcycles are not caused by the motorcycle driver but, in fact, are caused by the driver of the automobile because of the fact that they are difficult to see and many automobile drivers are not aware of the motorcycle being in the area that they are encroaching on. But the problem that I have with Senator Landis' bill is one that I think has been mentioned before. The money is going to be coming from the motorcycle riders, those that hold motorcycle licenses, which, in effect, will raise the motorcycle license fee for many motorcycle riders that are out there now and when we consider motorcycle riders I guess we most of us think of those machines that go up and down the highways of this state, but there are a lot of motorcycles that are used in rural Nebraska that hardly ever

March 9, 1981

LB 22

see a hard-surfaced highway. Many of those people are farmers or their children that probably have not had too much formal training as far as safety is concerned on motorcycles, and the problem that I have with it if this bill would become law, I don't think they would still have that formal training even though they would be paying for it. As Senator Landis pointed out, probably the technical schools would provide a lot of this training and the tech schools do a good job and they cover a lot of the State of Nebraska but there is a lot of the State of Nebraska that is not covered by them in a close proximity also. So it seems to me that what we would have then would be people paying additional fees through their licensing that were, in fact, unable to avail themselves of the opportunity to get this safety training from their local schools. Many of the small schools would not be able to afford to provide this, and even though Senator Landis has a very good idea and certainly one that nobody can argue with, is provide safety, the realities of the situation are such that in my opinion, at least, that it would be very difficult to administer in rural Nebraska and would, in fact, wind up with costing some people some money that wouldn't have any way of benefiting from it. Therefore, I guess I would have to oppose LB 22.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Cope.

SENATOR COPE: Mr. President and members, I'm taking my minute I had left from the last. Two things, first of all, it is not mandatory and second, the cyclists, the Motorcycle Association do approve of this bill and this is, I think, very important because they fought the helmet bill like crazy and I truly believe that they are going to cooperate and not all of them, of course, but a good share of them will take this training, and it is going to be offered around the State of Nebraska. Nebraska State Safety Center will in itself, if there is enough of a class in any part of the state, they will have an instructor for this class, whether it is a tech college or not. They will do it on weekends, short courses, so that people can attend. So keep that in mind and there isn't a person in this room but what will agree that it is going to save lives and save a tremendous amount of money for the taxpayer, because if this man or woman is killed riding a motorcycle, the cost to the state could be great. They have perhaps a family to support. We have problems plus, so remember that when you vote.

March 9, 1981

LB 22

SENATOR CLARK: Is there any further discussion on LB 22? Do you want to advance the bill, Senator Landis?

SENATOR LANDIS: I would like to close.

SENATOR CLARK: Go right ahead, advance it.

SENATOR LANDIS: Well, good. If that's the only result I can get, I will be happy to advance it. There have been a couple of arguments on the floor today that I would like to address and perhaps if you gave them your attention at that time perhaps you will give them your attention now and let me respond to them because there really are answers to those issues. One of the problems that Senator Haberman indicated was, well, gosh, isn't this a foot in the door? What happens if it becomes mandatory? How long have we had driver's education in this state? Has it become mandatory? Have we ever attempted to make driver's licenses based on driver's training? We haven't, have we? Is there any reason to expect we will do the same here? I doubt it. It requires us to delay saving lives, delay implementing a program that motorcyclists want and accept for fear that down the road some place we will have a weak-kneed Legislature that won't have the brains to figure out that we shouldn't mandate training prior to a driver's license for motorcyclists. That delays a present good on the basis of some abstract future weakness of judgment by the Legislature. I don't think that is a very fair reason to vote against the bill. This measure will save lives. Now let's think about that when we're talking about the value of LB 22 vis-a-vis the delivery system and its applicability in the rural areas. How many of you have gotten letters from rural motorcyclists saying, I resent the \$2.50 because I don't think they will be training in my area? I don't think many of you have. I would be interested in seeing those letters if you have got them on your desks. Do you have them? Do you have motorcyclists telling you they resent that \$2.50? I don't think you do. And the reason you don't is because motorcyclists as organizations are very responsible. They were consulted early on in this bill and they have supported this bill down the line. There are representatives of that. There are motorcycle riders right now out in the rotunda that support this bill. They want LB 22. They understand motorcycle training and they endorse the idea. So don't do it for their sakes that you are going to save them \$2.50. They support the idea. Will it be available in rural areas? If there is demand. We can't put a college education into every rural town. Does

March 9, 1981

LB 22

that mean we can't support education in Lincoln and Omaha? Certainly not. There has to be a reasonable availability, and what I am telling you is that every tech college will offer such a course in this state. That means this state is blanketed with this course starting next year. To that will be added whatever private organizations or schools wish to add a motorcycle training safety program. That means the state will be covered additionally, wherever demand is there, there will be these kinds of courses. Out of this then you have no public desire to be free from this owner's burden of \$2.50. In fact, you have those people who will be paying that money asking for this bill. We are not saving them something from a fate worse than death. They support this bill. The program will be available throughout the state in every one of the tech college areas, and additionally whatever areas wish to add it. This is not mandated to the schools. No school system has to add this to their program. They can if they wish. They will receive in return \$40 remuneration for successful graduates. Most accidents are caused by cars, it's true, but this can have a salutary effect on motorcycle training and safety because motorcyclists can be trained to avoid dangerous incidents. They can be trained to watch for drivers particularly at those kinds of places where car drivers are likely....

SENATOR CLARK: You have one minute.

SENATOR LANDIS: ...to fail to yield the right of way. On your desk is a study of the findings of a survey of those who take motorcycle riders under courses, they say significantly fewer accidents, motor traffic violations are reduced substantially with the passage of a training course. This simply makes it available, it doesn't mandate it and the cost is born by those people who are willing to bear the cost, who support the bill and who want the availability of the training. I hope you will save lives. I hope you reduce dangerous situations and I hope you will take a step for safer highways and streets and vote for LB 22.

SENATOR CLARK: I would like to take this opportunity to introduce 16 students that are Seniors from Coleridge High School, half of probably which are motorcycle riders from Hefner's District, Keith Potter is their teacher. They are in the north balcony. Will you stand and be recognized, please? Welcome to the Legislature. The question before the House is the advancement of LB 22. All those in favor vote aye, all those opposed vote nay. Have you all voted? Once more, have you all voted?



March 9, 1981

LB 22

Senator Landis.

SENATOR LANDIS: Gosh, this is the first day of the week, how bad to have to offer a request for a roll call vote and a Call of the House, but I guess I have got to do it.

SENATOR CLARK: A Call of the House has been requested.

SENATOR LANDIS: Perhaps some of the people would like to call in votes.

SENATOR CLARK: You can take call in votes after we get a Call of the House. All those in favor of a Call of the House vote aye, opposed nay. Record the vote.

CLERK: 18 ayes, 1 nay to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. All unauthorized personnel will leave the floor. All Senators will register in, please. We will take call in votes when you get... (interruption).

CLERK: Senator Wesely voting aye.

SENATOR CLARK: Thank you, Cal. There are only 29 that haven't registered in yet. How many are excused, Pat?

CLERK: There are 8 excused, Senator.

SENATOR CLARK: Eight are excused. We are looking for ten of them. Senator Kremer, will you register in, please? Senator Wiitala. If you are sitting in your seats, will you register in, please? Senator Howard Peterson. Senator Newell and Senator Chambers are the only ones we are waiting for for a roll call vote, unless you want to call in. Senator Landis, do you want to start with the roll call vote? Senator Landis, do you want to start with the roll call vote? We are short Senator Newell and Senator Chambers.

CLERK: Senator Sieck voting aye.

SENATOR CLARK: Senator Goodrich voting aye.

CLERK: Senator Goodrich voting yes. Senator Fitzgerald voting aye.

SENATOR CLARK: Record the vote.

CLERK: 25 ayes, 6 nays on the motion to advance the bill, Mr. President.

March 11, 1981

LB 4, 9, 22, 24, 34, 38,  
54, 124, 171, 178, 275,  
276, 288, 292, 345,  
368, 460, 475, 517

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Pastor David L. Erdman, Plains Baptist Church.

PASTOR ERDMAN: (Prayer offered.)

SPEAKER MARVEL: Record your presence.

CLERK: Mr. President, Senator Vard Johnson would like to be excused until he arrives; Senator Goll, Barrett and Waitala until they arrive.

SPEAKER MARVEL: Have you all recorded your presence? Record the vote. Yes. Senator Marsh, for what purpose?

SENATOR MARSH: I ask for this to be a recorded vote for those who are here at 9:05 a.m.

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

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

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined LB 475 and recommend that same be placed on Select File with amendments; 171 Select File; 22 Select File with amendments. (Signed) Senator Kilgarin, Chair.

Mr. President, your committee on Government reports 292 to General File with amendments; LB 460 to General File; LB 276 Indefinitely postponed; 517 Indefinitely postponed. (Signed) Senator DeCamp, Chair.

Mr. President, LB 288, 275, 54, 38, and 24 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LB 24, LB 38, LB 54, LB 275, LB 288.

CLERK: Mr. President, a communication from the Governor addressed to the Clerk. (Read. Re: LB 9, 34, 124, 178 and 345.) (See page 844, Legislative Journal.)

Two Attorney General's opinions, a first to Senator Koch regarding LB 368. The second to Senator Beutler regarding LB 4. They also will be inserted in the Journal, Mr. President.

Finally, Mr. President, Senator Maresh asks unanimous consent

March 13, 1981

LB 22, 171, 475

CLERK: -There are E & Rs, Senator.

SENATOR BEUTLER: Mr. Speaker, I would move the E & R amendments to LB 475 be adopted.

SENATOR CLARK: All those in favor of the E & R amendments say aye, opposed. The amendments are adopted.

SENATOR BEUTLER: Mr. Speaker, I would move that LB 475 be advanced to E & R for engrossment.

SENATOR CLARK: Those in favor of advancing LB 475 to E & R engrossment say aye, opposed no. The bill is advanced. LB 171.

CLERK: No E & R, Senator.

SENATOR BEUTLER: Mr. Speaker, I would move that LB 171 be advanced to E & R for engrossment.

SENATOR CLARK: The move is 171 to E & R. All those in favor say aye, opposed. The bill is advanced. LB 22.

CLERK: There are E & Rs, Senator.

SENATOR BEUTLER: Mr. Speaker, I would move that the E & R amendments to LB 22 be adopted.

SENATOR CLARK: All those in favor of the E & R amendments on LB 22 say aye, all opposed no. The amendments are adopted. Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, I move that LB 22 be advanced to E & R for engrossment.

SENATOR CLARK: All those in favor of advancing LB 22 say aye, opposed. The bill is advanced. LB 190. The Clerk has a motion on the desk.

CLERK: Mr. President, Senator Cullan moves to suspend Rule 5, Section 5 so as to permit the introduction of a new bill, Req. #915.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I ask your indulgence to suspend the rules and introduce a new bill which I hope the Public Works Committee could expedite. The bill, the statement of intent or a brief notice has been placed on your desk. The purpose of Req. #915 is to enact a uranium mining code for the State of Nebraska. The uranium mining code sets up a regulatory process for

March 16, 1981

LB 328, 477, 35, 112,  
245, 206, 206A, 22, 50,  
74, 89, 89A, 171, 194,  
425, 475, 500, 550,

SPEAKER MARVEL: The motion is the adoption of the Beutler amendment to the committee amendment. All those in favor of the motion vote aye, opposed vote no. Have you all voted? Have you all voted? Shall the House go under Call, all in favor of that motion vote aye, opposed vote no.

CLERK: 13 ayes, 2 nays to go under call Mr. President.

SPEAKER MARVEL: The House is under Call. All Legislators should be in their seats. Record your presence. Unauthorized personnel please leave the floor. Senator Fenger, Senator Koch, Senator Cope, Senator Kilgarin, Senator Kremer, Senator Schmit, Senator Vard Johnson, Senator Sieck, Senator Landis, Senator Newell, Senator Chambers, Senator Pirsch. Do we have them all now? Senator Vard Johnson and Senator Sieck. Will all legislators please be in their seats before we start the roll call. Senator Beutler everybody is accounted except Senator Vard Johnson. He is across the street. This is a roll call vote on the Beutler amendment to the committee amendment. Are you all in your seats? Okay, call the roll.

CLERK: Roll call vote. 15 ayes, 28 nays, 1 present and not voting, 4 excused and not voting, and 1 absent and not voting. Vote appears on pages 940-941 of the Legislative Journal.

SPEAKER MARVEL: Motion lost. Do you have another item?

CLERK: Mr. President, I have certificates and letters accompanying certificates regarding the overrides of LB 206 and 206A. (See pages 941-42 of the Legislative Journal).

Your committee on Enrollment and Review respectively reports we have carefully examined LB 22 and find the same correctly engrossed, 50, 74, 89, 89A, 171, 194, 425, 475 and 500, all correctly engrossed. (Signed) Senator Kilgarin, Chair.

Your Enrolling Clerk has presented certain bills to the Governor on this day. (See page 943 of the Legislative Journal).

Have a reference report referring LB 550.

Government Committee will meet in Executive Session on Thursday at 1:30 in Room 1113.

Judiciary reports 328 to General File as amended and 477 to General File with amendment.

Public Works reports 35 to General File and LB 112 indefinitely postponed. (Signed) Senator Kremer, Chair.

May 12, 1981

LB 317, 317A, 22, 22A

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The bill is declared passed on Final Reading. The next bill 22? 317A.

CLERK: Read LB 317A.

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass. Those in favor vote aye, those opposed vote no. 317A. Have you all voted? The bill needs 30 votes. Have you all voted? Record.

CLERK: 30 ayes, 17 nays, 2 present and not voting. Vote appears on pages 1954-55 of the Legislative Journal.

SPEAKER MARVEL: The bill is declared passed on Final Reading.

CLERK: Mr. President, Senator Warner offers explanation of votes for 317 and 317A.

SPEAKER MARVEL: LB 22, the Clerk will read.

ASSISTANT CLERK: Read LB 22 on Final Reading.

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass. Those in favor vote aye, those opposed vote no. LB 22 on Final Reading. Record.

ASSISTANT CLERK: 30 ayes, 14 nays, 5 present and not voting. Vote appears on page 1956 of the Legislative Journal.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read LB 22A on Final Reading.

CLERK: Read LB 22A on Final Reading.

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass. Those in favor vote aye, those opposed vote no. LB 22A. Record.

CLERK: 31 ayes, 12 nays, 6 present and not voting. Vote appears on page 1956-57 of the Legislative Journal.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read on Final Reading LB 158.

May 12, 1981

LB 22, 22A, 157, 157A, 158, 158A,  
168, 168A, 197, 197A, 245, 245A,  
253, 253A, 292, 292A, 317, 317A,  
427, 427A, 529

RECESS

SPEAKER MARVEL PRESIDING

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

SPEAKER MARVEL: The Clerk has some items on the desk that need to be read in for the record.

CLERK: Mr. President, I have for your signature LBs 197, 197A, 245 and 245A, LBs 168, 168A, LB 157 and 157A, LB 427 and 427A, LB 292, 292A, LB 317 and 317A, LB 22 and 22A, and LB 158, 158A, and 253 and 253A, Mr. President.

Mr. President, Senator Chronister would like to print amendments to LB 529 in the Journal. (See page 1963 of the Legislative Journal.)

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign engrossed LB 197, engrossed LB 197A, engrossed LB 245, engrossed LB 245A, engrossed LB 168, engrossed LB 168A, engrossed LB 157, engrossed LB 157A, engrossed LB 427, engrossed LB 427A, engrossed LB 292, engrossed LB 292A, engrossed LB 317, engrossed 317A, engrossed LB 22, engrossed LB 22A, engrossed LB 158, engrossed LB 158A, engrossed LB 253, engrossed LB 253A. Before we begin with some other bills, it is my privilege to introduce a number of visitors from Senator Cope and Kahle's Districts, ten students, 1st to 10th Grade, First Church of God Christian Academy, Kearney, Pastor Larry Lautaret, Jane Perry, teacher and Chester Trew, sponsor. In the north balcony. Will you hold up your hands so we can see where you are? Okay. From Senator Howard Peterson's District, eight students K through 12th Grade, Calvary Academy, Grand Island, Nebraska, Agnes Rich, Louise Bonne and Bonnie Skala, teachers. Where are you located? Okay. From Senator Chronister's District, eleven students from District 9, District 43, Wisner, Nebraska. Miss Koester and Miss Kansier, teachers. North balcony. Where are you located? Okay. From Senator Dworak's District five students, 3rd and 7th Grade from Christian Liberty Academy, Leigh, Nebraska, Susan Turvy, teacher, also Barbara Hall, in the south balcony. Are you in the south or north? From Senator Beutler's District sixteen 4th Graders, Hawthorne Elementary School, Lincoln, Nebraska, Mrs. Stephenson and Mrs. Anderson, teachers, in the north balcony. Where are you located? From Howard Peterson's District seven students K through 12th Grade, York Christian Academy, York, Nebraska, Edward Moray, Irene Moray, teachers. Where are you located? Okay. From

May 12, 1981

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

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

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

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

SENATOR CLARK: Senator Schmit.

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

May 14, 1981

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

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

CLERK: I have nothing further, Mr. President.

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

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

SENATOR NICHOL: Senator Cullan.

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

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

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

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Motion carried. The bill advanced.

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

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

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

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