

January 20, 1981

LB 389-433

SPEAKER MARVEL: Senator Higgins.

SENATOR HIGGINS: Mr. Chairman and Senator Chambers, I merely want to state the fact that your very presence here and the fact that we are listening to you is a contradiction of your remarks that you do not have freedom. Thank you, Mr. President.

SPEAKER MARVEL: Senator Burrows.

SENATOR BURROWS: Mr. Speaker, members of the body, I would like to request permission we lay over the resolution until the hostages are in the air.

SPEAKER MARVEL: Any objection? If not, so ordered. We will go to item #6 now, introduction of bills.

CLERK: Mr. President, new bills. (Read by title LB 389-432. See pages 271-280 of the Legislative Journal.)

SENATOR CLARK PRESIDING

SENATOR CLARK: Could I have your attention just a moment, please? The AP has reported that the American hostages will fly out of Iran in the next thirty minutes. (applause).

CLERK: (Read by title LB 433. See pages 280-281.)

SENATOR CLARK: Senator Nichol, for what purpose do you arise?

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I wanted to say something but I don't want to say it if we have urgent business to do. This will take about two or three minutes.

SENATOR CLARK: Continue, we don't have any business right now.

SENATOR NICHOL: Okay, Senator Marsh has a bill in having to do with mammals and I wanted to tell you the story of the three mammals if I may. May I do that, sir?

SENATOR CLARK: Go right ahead if it is funny.

SENATOR NICHOL: Well, I don't know about that but once upon a time there were three mammals who lived happily in Mammalary Land. There was a papa mammal that we called Pappy and mama mammal that we called Mama and baby mammal we called Babble and the reason we called baby mammal Babble was because he talked a lot and asked embarrassing questions.

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LB 113, 113A, 125, 174,  
LB 179, 291, 328A, 331,  
LB 257, 379, 392, 400,  
LB 478, 479

as previously explained. All those in favor of adopting the amendments vote aye, opposed vote no. Have you all voted? Senator DeCamp. Have you all voted?

SENATOR DeCAMP: Mr. President, how many are excused? And who might they be? I just wondered. Mr. President, I change from aye to nay for purposes of reconsideration.

CLERK: 16 ayes, 22 nays, Mr. President, on the adoption of the DeCamp, Fowler, Wesely amendment.

SPEAKER MARVEL: Motion lost.

CLERK: Mr. President, may I read some material in?

A communication from the Governor addressed to the Clerk. (Read. Re: LB 125, 174, 291. See page 1358, Legislative Journal.)

Senator Landis offers explanation of vote.

Senator Carsten would like to print amendments to LB 179.

A new A bill, LB 328A. (Read title. See page 1359, Legislative Journal.)

Your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 113 and find the same correctly engrossed; LB 113A correctly engrossed; 331 correctly engrossed; 379 correctly engrossed; 392 correctly engrossed; 478 correctly engrossed; and 479 correctly engrossed. All signed, Senator Kilgarin.

Public Works reports LB 400 to General File with amendments, Mr. President.

Mr. President, the next motion I have on LB 257 is to indefinitely postpone the bill and that is offered by Senator Beutler.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. President, I would like to withdraw that. I ask unanimous consent to withdraw that motion.

SPEAKER MARVEL: Hearing no objection, so.....

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

SPEAKER MARVEL: Senator Warner, your light is on. Do you

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LR 61  
LB 394, 134, 400

SENATOR MARESH: Mr. Speaker, I hope the body adopts the amendments. As I said this will be phased in gradually. The first year there is no change so that we will be back into session if need be. I am sure the Business and Labor Committee after a study will find out the impact. Probably we should have an independent study, not have the Labor Department giving us figures which we don't believe in, to have some other agency study this issue and give us their thinking on this. And I am sure by reducing the payments for those that quit voluntarily and otherwise that are laid off, that this will save quite a bit of money and that we will see a net saving there of probably \$6 million and these people will maybe cause to even have a bigger saving because seasonal workers instead of receiving fifty percent of their payment if they quit voluntarily will look for other work and won't be draining the accounts. So probably it will help the seasonal employers to have this provision in the bill and I can't see why the Labor Department would want to build up a reserve of \$20 million just because the law says they could. I think we need to adopt this amendment to have a solvency rate to help the small business people. I move that the amendment be adopted.

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

CLERK: 28 ayes, 3 nays...28 yes, 3 no, Mr. President, on adoption of the Maresch amendment.

SPEAKER MARVEL: The motion is carried and the Maresch amendment to the committee amendment is adopted. Do you have some items to read in?

CLERK: Yes, sir. Mr. President, Senator Marsh would like to print amendments to LB 134; and Senator Vickers to print amendments to LB 400.

And, Mr. President, LR 61 offered by Senator Wagner. It calls for an interim study for purposes of clarifying statutes relating to per diem allowance for all public officers and employees and make necessary suggestions which resolve problems or conflicting sections of law. That will be referred to the Executive Board.

SPEAKER MARVEL: Okay, I would remind you again that this afternoon we will be discussing appropriations bills. And the motion now, Senator Remmers, will you recess us until one-thirty?

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LR 86  
LB 209, 242, 95A, 400

CLERK: 27 ayes, 12 nays, Mr. President, on the motion to indefinitely postpone the bill.

SPEAKER MARVEL: The motion is carried. The bill is indefinitely postponed.

CLERK: Mr. President, Senator Nichol would like to print amendments to LB 242.

A new study resolution, LR 86 (read).

Mr. President, a new A bill, LB 95A. (Read title.)

SPEAKER MARVEL: Okay, the next bill, LB 400.

CLERK: Mr. President, LB 400 (read title). The bill was read on January 20, referred to the Public Works Committee for hearing. The bill was advanced to General File. There are committee amendments pending by the Public Works Committee, Mr. President.

SPEAKER MARVEL: Senator Lamb.

SENATOR LAMB: Mr. President, members of the Legislature, LB 400, I would like to explain the bill. LB 400 is a bill which is designed to use excess power which is available in the State of Nebraska, excess power which is now shipped to other states to be used by and sold to other utilities in other areas. This bill would make this power available to irrigators in the State of Nebraska at the same price that's been used in other states. Now a number of utilities have had a number of meetings in regard to this bill. Much of the concern about the bill stems from the fact that they think their particular utility or their class of utilities may be harmed by the bill, that they may be picking up more than their share of the cost. Repeatedly from the first introduction of this bill, I have assured the people that this is not the intent of the bill. We are building in all of the safeguards possible so that does not happen. The only thing that is to happen is to make the excess power available to these users in the State of Nebraska at the same price it is being used in other states by other utilities. The most recent meeting in regard to this bill was yesterday morning when a number of utility persons met to discuss the bill. Their suggestion was that the bill be held over until next year to give them time to work out the contractual arrangements in regard to the bill. My first inclination is not to go along with their thinking because I think the bill is necessary and could be passed on the floor of this Legislature. However, these people

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LB 400

have made promises. They have given Senator Kremer and myself assurances that they will be able to work out the problems in regard to the bill, in regard to the bill which mainly are contractual problems if given a little more time. So we are taking them at their word. The thinking of Senator Kremer and myself at this point is to pass over the bill and leave it for consideration early in the next session. If at that time the utilities have not accomplished the purpose of the bill, then it will be our intention to bring the bill back, get the bill passed with the emergency clause so that it will be effective for the irrigation season in 1982. At this point, I believe before we withdraw the bill Senator Kremer would like to comment.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Kremer. Senator Lamb, was it your purpose to hold this bill over until next year? Senator Lamb, was it your purpose to hold the bill over until next year?

SENATOR LAMB: Yes, but before I would pass over it (interruption).

SENATOR CLARK: I will let him talk. Go ahead, Senator Kremer.

SENATOR KREMER: Very briefly, Mr. Chairman, Senator Lamb and I discussed the position we have taken at the present time at some length and at different times. We did meet with the various segments of the industry yesterday and we found there was a great deal of disagreement in the industry itself because they felt at this time they were not in a position to iron out the problems that may be before us. We had a long discussion with them. Senator Lamb and I both feel that we have something here that is going to be needed as we recognize what is happening in the field of development and what could happen to the peak loads in the summertime and the experience that the irrigators have with the ratchet provision, and unless something can be done to relieve that, we think that we might be in some difficulty at least to some extent in the way of lifting this water and applying it to the land. So this excess power that is being shipped out of the state at a cost less than to the ratepayers today in many cases could just as well be kept in the State of Nebraska that would benefit the State of Nebraska. We want to be fair with all segments of the industry and I think what we are doing here is about the same as what we did with LB 132 when we asked the industry, "Now you get in that room and stay there and

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LB 400, 529

don't come out until you resolve your problems", and they did on that bill and they can on this and they have pretty much assured Senator Lamb and I that they would do that. Consequently, I support Senator Lamb's motion. I think it is a motion that we pass over the bill at the present time, not kill the bill but pass over it, and let them have a chance or an opportunity to get their marbles together and then we will play the game. Thank you.

SENATOR CLARK: Senator Wesely, did you want to talk on this?

SENATOR WESELY: Mr. President, members of the Legislature, I think probably that Senator Lamb and Senator Kremer have done the best thing possible under the circumstances in deciding to hold the bill over. However, I think the problems with this bill are terminal. I think it is one of the worst pieces of legislation this Legislature has seen this session. It runs so against the philosophy of our power industry and the power decisions we have made in the past, that it probably could not be in worst shape than it is. What we do is we take a problem and we identify the problem with ratchet charges which is caused by summer peak and then we make the problem worse with this bill which is supposed to correct that problem. There is nothing...I have talked to a number of Senators here and, quite frankly, there are a lot of problems with this piece of legislation. It would be best probably just to kill this bill, but considering the decision by the reintroducers to hold the bill over, I think it is only right that we do that. Nevertheless, I think that each and every one of us have to keep this bill in mind over the period of time between now and next session and keep in mind that what we are trying to address here, the problem we are trying to address actually makes that problem worse, I think leads to greater problems in the future, and quite frankly this is a very bad bill, and to hold it over will only I think have a stay of sentence of execution for this legislation because I think quite frankly the problems that it has are too severe to be worked out but to give the time that they need to try and work out the problems, well, that is fine, but we will have to consider next session whether or not it is salvageable and I doubt it will be.

SENATOR CLARK: The motion is unanimous consent to hold the bill over until next year. Is there any objection? If not, so ordered. We will take up LB 529.

CLERK: Mr. President, LB 529 (read title). The bill was read on January 20, referred to the Ag and Environment Committee for hearing. The bill was advanced to General File.