

January 9, 1981

LB 72-80

PRESIDENT: Okay, Mr. Speaker, we will read these bills and then we will recognize you for the motion.

CLERK: Read LB 72-79 by title for the first time as found on pages 102-103 of the Legislative Journal.

Mr. President, a final item of business is that Senator Wesely would like to announce that Senator Sieck has been selected as vice chair of the Rules Committee. I guess I have one more that came up.

Read LB 80 by title for the first time as found on page 104 of the Legislative Journal.

Mr. President, that is all I have.

PRESIDENT: The Chair recognizes Speaker Marvel.

SPEAKER MARVEL: I will once more remind the chairmen that we are going to meet at nine o'clock, Monday. The chairmen's meeting is at nine o'clock in Room 1520 and we adjourn until ten o'clock, Monday. With this motion in mind we will also check with the bill drafter and report to you on Monday as to any problems that come up and Senator Lamb and I will be in contact with the bill drafter's office and we will have a report for you on Monday.

PRESIDENT: You have heard the motion of the Speaker to adjourn until ten o'clock, Monday morning. All those in favor signify by saying aye, opposed nay. We are adjourned until ten o'clock, Monday morning.

Edited by *LaVera M. Benischek*
LaVera M. Benischek

February 18, 1981

LB 5, 49, 72, 73, 74, 124,
128, 176, 279, 419, 462, 476.

to whom was referred LB 128 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File, LB 462 to General File. (Signed) Senator Fowler as Chair.

Your Committee on Business and Labor whose Chairman is Senator Maresh to whom was referred LB 176 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File, 279 General File. (Signed) Senator Maresh, Chair.

Mr. President, your Committee on Constitutional Revision and Recreation whose Chairman is Senator Labeledz to whom was referred LB 5 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 476 to General File with amendments; 49 indefinitely postponed and 419 indefinitely postponed; LB 72 General File with amendments; LB 73 indefinitely postponed, and LB 74 advanced to General File with amendments. (See pages 559 and 560 of the Legislative Journal.) (Signed) Senator Labeledz, Chair.

SPEAKER MARVEL: The next order of business is LB 124.

CLERK: Mr. President, LB 124 offered by the Miscellaneous Subjects Committee and signed by its members. (Read title.) The bill was first read on January 13. It was referred to the Miscellaneous Subjects Committee. The bill was advanced to General File. There are no amendments, Mr. President.

SPEAKER MARVEL: Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, I move to advance LB 124 to E & R Initial. This is a Miscellaneous Subjects Committee bill and this bill consists of four sections. The first section, if you are following along, establishes legislative intent in relation to liquor control. It also establishes that it is the Legislature's intent to control and regulate all liquor transported into the state with the same regulations affecting liquor produced within the state. The second section establishes conditions which must be met before a retail or a bottle club liquor license can be obtained from the Liquor Commission. An applicant must be fit, willing and able to provide the service proposed as described in the application. An applicant must conform to all provisions, requirements, rules and regulations. The premises for the proposed service are or will be required by present or future public convenience and necessity.

introduced by the committee raises the cost of permits necessary to fish commercially in the State of Nebraska. Most commercial fishing is done on the Missouri River and the fees would be raised as follows: The first five hundred feet of net, the resident from \$25 to \$65, the nonresident from \$60 to \$130. Each additional five hundred feet of net, resident \$5 to \$20, nonresident \$10 to \$40. For additional hoopnets, wing nets, fish traps, or other devices permitted by the Commission the resident will be raised from \$5 to \$2 each and the nonresident from \$10 to \$4 each. LB 73 also creates a nonresident bait vendors permit which as amended would cost \$150. A bait vendors permit allows a person, and we are talking about a nonresident, to harvest and sell minnows, crayfish, salamanders and striped and leopard frogs. A higher price is proposed for the nonresident bait vendors permit because nonresidents are coming into Nebraska and harvesting large amounts of bait, especially salamanders and are taking it out of Nebraska to sell. At present there is no price difference between resident and nonresident bait vendor permits. Both cost \$25. LB 73 would also allow the Games and Parks Commission to regulate the taking of nongame fish by spearing or bow and arrow. Games and Parks, on this regulatory power, is the same degree of power that is overregulating the taking of other classes of animals. This provision is needed because the present statute merely states that the taking of nongame fish by spearing or bow and arrow may be done between sunrise and sunset. Thank you very much and I urge the members of this Legislature to advance LB 73 from General File to E & R initial.

SENATOR CLARK: The question before the House is the advancement of LB 73 to E & R. Is there any discussion? All those in favor vote aye, opposed nay. Record the vote.

CLERK: 30 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: LB 73 is advanced. LB 74.

CLERK: Mr. President, LB 74 was introduced by the Constitutional Revision and Recreation Committee and signed by its members. (Title read.) The bill was read on January 9 of this year. It was referred to the Constitutional Committee for public hearing. The bill was advanced to General File. There are committee amendments pending, Mr. President.

SENATOR CLARK: Senator Labedz.

SENATOR LABEDZ: Thank you, Mr. Chairman. Again we are going to go first into the committee amendments that were adopted. We have three of them on LB 74. The first one, LB 74 was amended to allow one to purchase only one duplicate permit for each annual park entrance permit purchase. Under present law one can purchase a limitless number of duplicates. Because this system has been greatly abused this limitation to one duplicate was adopted by the committee. The duplicate permit allows one to bring an extra vehicle into the park, state park, without having to buy another annual permit at full price. In its original form, and this is the second amendment, LB 74 had earmarked three quarters of all the revenue from the park entry permits to go to the state park fund and one quarter of the revenue to go to the state game fund. There was testimony, especially from the camping groups which objected to this setup. So LB 74 was amended so that all the revenue from the park permits would go to the state park fund only, the same setup that exists now in present law and so that was taken out of the bill. The price of the annual park permit was lowered from \$10 to \$7.50. The original bill asked for a \$10 increase for the annual permit. The committee felt that an increase to \$10, a doubling of the present cost of \$5 was far too great an increase and therefore it was amended down to \$7.50. I urge the members of this body to accept the committee amendments to LB 74.

SENATOR CLARK: Is there a motion on the desk?

CLERK: Mr. President, Senator Nichol moves to amend the committee amendments. (Read Nichol amendment as found on page 761 of the Legislative Journal.)

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, we have been concerned about the cost to poor people. This would leave the permit, I am talking now about the resident annual permit for people who go to Nebraska parks, and this has been \$5 in the past and the bill called for \$10 raise and wound up amended to \$7.50. Now the reason I am doing this is for a specific reason brought to my attention by the sportsmen and what they say is happening is that someone will go in and buy a permit and get from ten to fifteen duplicates and give those to his friends. I don't know that that has happened but they tell me it is done very much. Well, if we are to leave this at \$5 per permit and not have any duplicates, in other words, if you wish to have more than one vehicle with a sticker on it then pay \$5 for each car or pickup, whichever you want, but most poor people buy one annual permit and that would be \$5. That would take care of that. Secondly, if we did away with the duplicate,

this would do away with the dishonesty, if you will, of people buying a one permit and having several other permits. In addition to this we would be picking up almost 66,000 duplicates at \$5 instead of \$1 which would be an additional amount of almost \$66,000 so it should be that this would work out better with doing away with these duplicates and having a regular \$5 fee as it is now rather than raising it to \$7.50 with the lesser amount of the duplicate. Now I understand the duplicate amount is now amended to an amount more than \$1 which would help some but it still wouldn't do away with this dishonesty that is being practiced in some areas. I move for the adoption of this amendment to the amendment.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, maybe I can get this answer from Senator Nichol. Senator Nichol, does your amendment touch this temporary permit which was raised by the bill from a \$1.50 to \$3?

SENATOR NICHOL: No, that doesn't but I would hope that my amendment would retain all permits at the original amount rather than having any duplicates at a lesser amount than what the original cost.

SENATOR CHAMBERS: Well, here is what I am asking you. So your amendment does not touch the temporary permit?

SENATOR NICHOL: That is right.

SENATOR CHAMBERS: Members of the Legislature, I have a motion up there to kill the bill but I doubt that I would feel the same way if Senator Nichol's amendment were adopted but I would seek in addition to that, to leave this \$1.50 fee where it is. Okay, and Senator Nichol doesn't object so I am not going to seek any action on the kill motion. I went to a park for the first time last summer where you had to pay some money and I had an old road map and didn't realize I had to pay the fee, but fortunately it was \$1.50 so after driving...it was Indian Cave State Park which is quite a distance from Omaha. Had I not taken any money, then I would have had a nice long ride down and a nice long ride back and I had two youngsters with me who looked at a picture on the road map and said, this is the place I would like to go for a ride so we went and as it turned out I also underestimated the distance. So, a situation can arise where people who ordinarily don't frequent the parks will go there and after having seen it I decided that I would go back again but I am one of those people who does not have large amounts of money even though I sit in the Legislature and get that monstrous \$400 a month salary. I don't have a lot to spend

for these things and the greatest expenditure to me naturally would be the cost of gasoline to get wherever I am going. I can see where doubling the fee could make a difference as to whether some people would go to the park or not. I think with the other bills that have been passed, I mean that have been acted on favorably this morning, Game and Parks is taking in considerable cash. I get along very well with Senator Mahoney but that doesn't mean that I have to go for everything that he says. I get along very well with my ten year old son but I don't go along with everything he says and I like him better than I do Gene Mahoney. So, I am opposed to continuing to raise these fees for every single thing that relates to the use of the parks. That particular commission ought not to become primarily a generator of revenue to the greater glory of whoever happens to be the commissioner, whoever happens to sit on the commission or for whatever grandiose plans somebody might have in mind. These fees really are in the nature of a tax. Anytime you take something from the public to use that which should belong to the public can be considered a tax and I am opposed to doubling this amount. To be frank about it, the park out there was very clean but there was nothing in it to justify me paying that money except that it might cost something to maintain, to cut the grass and things like that. I thought I would see a vulture or turkey buzzard. I think they were advertised. I didn't see a single thing. The biggest bird that I saw was one that I could see in Omaha on the road to the state capital here because it was a hawk. My kids like hawks and I like to watch them but I didn't go all the way down there just to see a hawk. The kids wanted a ride but I thought I would see something that ordinarily I wouldn't. They can't even guarantee that I will see what is advertised as one of the features in the park, but in all seriousness, I am opposed to the raising of any of these fees. What Senator Nichol says about the duplicate, I can't comment on it too much but if in order to keep these present fees where they are it would be necessary to support what he is suggesting, I could do that reluctantly because I don't have enough information and knowledge about how that works to be strongly opposed to it as I am against the raising of these fees. So I am going to withdraw my kill motion. I think Senator Labeledz has already said that the money will continue to go where it has traditionally been going so that will be amended out of the bill, that new language on page 3, and I hope that you will act favorably on Senator Nichol's motion or at least the part of it that will keep the fees where they are. But since we cannot amend his amendment to the committee amendments, I guess we would have to take it the way he offered it and then go from there but I will support his amendment now.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, we are going to come full circle on the matter of fees for the vehicles in state parks pretty soon and get back to the \$10 one of these days, I would predict. I would just like to have to say...I have to agree in some respects with what Senator Chambers has said about the temporary fee. I know a number of people who like to go out for a drive and of course that is getting to be more and more of a luxury any more but they are not even aware of the fact that to drive through a state park requires a fee and so it comes as somewhat of a shock to them that to drive their automobile through a state park would require a fee. I think I would much prefer to have the temporary fee left at the lower level but to retain the fee as it is in the bill at the \$10 level for the major vehicle. I still believe as I said a number of years ago that if an individual can invest thousands of dollars in a camping vehicle, they can certainly pay the \$10 fee for that major vehicle. I know that we have had occasion to use one upon a very few occasions and to me the facilities provided are certainly worth a considerable amount to those families who use that vehicle. So, I would have to say that I oppose the, a portion at least, of Senator Nichol's amendment but I would think that if there is a way that we could keep the temporary fee at a lower level but raise the other fee and I am sure you don't like that, Senator Nichol, but I think that the \$10 sticker fee for the recreational vehicle is not too much when you are looking at the thousands of dollars that that vehicle costs. But I would like to see something done about that temporary pass because I think there are some people there who would use the facilities who would not otherwise use them. In fact, you know I would not be, and I'm afraid our good friend Senator Mahoney will not smile when he hears this, but I would not be opposed to letting people just drive through the parks. I think that that would encourage some use and some utilization but when you drive that \$30,000 camper vehicle in there, then I would not be at all upset about charging a \$10 fee on that vehicle.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I am going to support the Nichol amendment and because... and I guess if the Nichol amendment is adopted, I would support the bill but if the Nichol amendment fails to receive the support of this body, then I will have to leave the kill motion which I placed on this bill on the desk. I don't mind eliminating the duplicate permits as far as Senator Nichol is concerned. I understand the potential for abuse and I also understand the need for revenue but I do think...we just came back from \$7.50 a couple years

ago and we've got to quit pricing people out of the recreation, people who can't afford tremendous amounts of money for recreation, there should be a place that is available for them to go. That is what the state parks is for. \$5 is not unreasonable but I certainly cannot support anything beyond \$5. I will support eliminating the duplicate because I do see the need for...to stop the abuse that Senator Nichol talked about but if his amendment fails to be adopted, then I will have to ask you to kill the bill.

SENATOR CLARK: Senator Cope.

SENATOR COPE: Mr. President, members, here we go again. Did you ever hear of a discriminatory tax? That is what we have if we don't raise the cost to the people that use the parks. It is discriminatory because then the balance, and there is a lot of balance of funds that it takes to take care of these parks, the taxpayer pays. We all say we want to take care of the poor. We want to do everything for them and they are the ones, a lot of them, that are going to pay the tax on and have no choice because it is general funds and don't ever kid yourself, that is how a good deal of the state parks are funded. This \$10 the people pay is only a very small part of it and they use it. Again, the people that use it should pay for it. I don't think there is any question about it. We've overlooked tourists. Tourists get off mighty easy in Kearney and that is great. We want them, but they pay taxes to use parks in other states much higher than this and I just can't see the reasoning of at least the people that use the parks should help pay for them more than the average taxpayer.

SENATOR CLARK: There is a motion on the desk.

CLERK: Mr. President, I understand Senator Nichol wishes to alter the amendment that we are considering. Is that true, Senator?

SENATOR NICHOL: Mr. Chairman, the amendment was written in haste and the middle section that I put there was not concerning the annual resident fee which was the only portion I wish to address in that amendment. Mr. Clerk, if you will read the middle sentence of my amendment, that is the one that I would like to strike out if I may.

CLERK: Senator, what I would do, is I will just strike it and then read the remainder of the amendment.

SENATOR NICHOL: Fine.

CLERK: That way everybody will know what we are considering, all right.

SENATOR NICHOL: Yes, that is right.

CLERK: Mr. President, Senator Nichol's amendment to the committee amendments reads as follows: "Page 2, line 8, strike "10" and insert "5". Page 3, line 5, strike "two dollars" and insert "five dollars."

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, that is correct and that is what I wish to do. I am addressing only the annual resident fee and the annual resident duplicate and that will be \$5 for either one. What it really amounts to is if you pay \$5 for the fee, if you have another one you pay \$5 for it and the second section has nothing to do with what I wish to or intend to do. I think perhaps Senator Chambers is addressing this other portion.

SENATOR CLARK: Senator Labeledz, did you want to talk on the amended amendment?

SENATOR LABEDZ: Yes. In discussing the amendment with Senator Nichol, and I would like to explain why we believe that we can accept Senator Nichol's amendment, the Commission must depend on over 1,100 commercial permit vendors located throughout the state for sales of a large amount of the duplicates and that is where all the problem began, with the duplicate. For instance, these vendors receive only twenty-five cents retainer fee for the sale of the duplicate permits. Many of these sales people simply do not have time to check each and every type of proof required for a purchase of a duplicate. Buyers must show proof of purchase of an annual permit and valid registration in his or her name for all vehicles to receive the duplicate. It is only a matter of human nature that there is some cheating in the purchase of duplicates. For example, the Games and Parks Commission sold 59,448 duplicates in fiscal year '79. During the fiscal year '79-'80 the number of duplicate sales skyrocketed to 81,349 and this figure rose to over 85,000 in '80-'81. Considerable revenue that is much needed is being lost as a result of persons taking advantage of the duplicate permit. The Commission had heard of instances where people had been able to buy a number of duplicates and then sell them to their friends. The Commission officers face difficult circumstances in trying to trace a situation such as this because the park permits are not recorded as to name and address of the purchaser. It seems logical and fair then to eliminate the duplicate permit as Senator Nichol is suggesting and keep the park entry permit at \$5 with no duplicates and if there is a van or something going in with two cars, then it would be a \$5 permit for each one and a total of \$10 for two cars and that, of course, was

the amount of the bill in the first place, to raise it to \$10 for one car. We are willing to leave it at \$5 and let two cars go in for \$10 if the family owns another car and the husband has to go off to work and I think that was discussed many times over and over when we first put the duplicates into the bill in 1978 or '79. I do believe that Senator Nichol's amendment is fair and I urge the members of the body to accept Senator Nichol's amendment. Thank you.

SENATOR CLARK: Senator Lamb, on the amendment to the amendment.

SENATOR LAMB: Mr. President and members, a question of Senator Nichol. I have a bit of a problem in that some ranchers that live near parks, to cross the park...maybe Senator Labedz or whoever wants to answer but if this rancher has several vehicles and I believe now they can get duplicates so that their vehicles can cross the park. They are not really interested in being in the park. The only thing is they have to get across the park to get from one side to the other. If this amendment is adopted, then as I see it, that will be increasing their fee which they don't want to pay in the first place because they are just travelling across and I wonder if that is going to cause a problem in that area. Senator Labedz.

SENATOR LABEDZ: Thank you, Senator Lamb. I'm sure, Senator Lamb you are talking about a very few people that have to do that, a few farmers but we are talking about 81,000 duplicates that were issued last year for \$1 each and I think it is unfair to the people that have to pay and in this case in the last year, \$5 to go to the park when 81,000 people, and I'm not saying they are all violating it so I can't say 81,000, but a number of those people are getting a park permit, an annual park permit for \$1 and I'm sure that if you have one farmer or two farmers, I don't know how many you are talking about, but we are talking about considerable more than that when we are talking about 81,000 that obtain duplicate permits.

SENATOR LAMB: Well of course I am sympathetic to the proposal that is being offered here and I realize the problem but also if there is not some way to modify it, some modification of it so that these people who are just merely trying to conduct their businesses are further penalized, I would not be supportive of it. I would hope that there would be some way, some exemption so that these people who are just by the very nature of their business have to travel across the park could be issued a special permit of some sort. Thank you.

SENATOR CLARK: Is there further discussion? The question before the House is the amendment to the amendment. All

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LB 74

those in favor vote aye. All those opposed vote nay.

ASSISTANT CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

ASSISTANT CLERK: 29 ayes, 1 nay on the amendment, Mr. President.

SENATOR CLARK: The amendment is adopted. Now the committee amendments as amended. All those in favor vote aye. All those opposed vote nay. Record the vote.

CLERK: 28 ayes, 1 nay on adoption of the committee amendments, Mr. President.

SENATOR CLARK: The committee amendments are adopted. It is the advancement of the bill as amended. Do you have a motion? How many? There is a motion on the desk.

CLERK: Mr. President, Senator Chambers moves to amend the bill. "Page 2, line 12 strike the new language and insert fifty cents."

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, the purpose of this amendment is to deal with people who, like myself, will not spend a lot of time in a park but if it would be possible to drive to the park and just sometimes go through it on the way to someplace else, this fifty cents would defray the cost of printing some little sticker or tab to put on the vehicle to make certain that this person is not going to be allowed to stay in the park under the guise of just driving through. You would have to have some kind of a sticker or notation as to how long you were going to be in the park. With this fifty cent fee it would take care of paying for a sticker that could be put on your car and it would be clear to whoever was checking the vehicles that this is a person that is just going to be here for a very short time. I think it is reasonable. I don't think it will take from the state any money that it is entitled to have but as I said before, the parks represent what you might call common domain that people feel they have a right to enjoy without paying for because other taxes they could tend to feel will pay for the upkeep of those parks. So if you are talking about people who are going to spend an amount of time there and create expenses, you've got that taken care of with Senator Nichol's amendment. This particular one would deal with maybe the very large numbers of people who currently will not drive through a park even because it would cost too large an amount for that purpose. I think it is reasonable. I don't think it would cause the state to lose any money and it could encourage more people to make

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LB 12, 59, 74, 168, 177,
284, 352, 392, 501

use of the parks and actually result in a net gain but whether it did that or not, I think the parks should be accessible to everybody and this would ensure that that would occur. So the amendment would strike the new language in the bill which raises this temporary fee from \$1.50 to \$3.00 and have the effect of reducing the current amount from \$1.50 to \$.50 and if you take this amendment, I will support the bill for sure.

SENATOR CLARK: I think we are going to stop right here. Senator Remmers, would you like to adjourn us until tomorrow morning at nine o'clock? We have something to read in first.

CLERK: Mr. President, your committee on Urban Affairs whose chairman is Senator Landis reports that LB 501 is reported to General File and LB 392 to General File with amendments, (Signed) Senator Landis. (See page 761 of the Legislative Journal.)

Mr. President, your committee on Revenue whose chairman is Senator Carsten reports LB 12 to General File; LB 352 to General File; LB 59 to General File with amendments; LB 168 to General File with amendments; LB 284 to General File with amendments; LB 177 indefinitely postponed. (Signed) Senator Carsten as Chair. (See pages 762-766 of the Legislative Journal.)

Mr. President, your committee on Miscellaneous Subjects give notice of hearing for gubernatorial appointments.

Mr. President, Senator DeCamp would like to have a meeting of the Banking Committee in Executive Session at 1:00 p.m. today in his office, 1:00 p.m.

SENATOR CLARK: Senator Remmers.

SENATOR REMMERS: Mr. Chairman, I move the body adjourn until March 6, Friday morning at nine o'clock.

SENATOR CLARK: You heard the motion. All those in favor say aye, all those opposed. We are adjourned until 9:00 a.m. tomorrow morning.

Edited by Arleen McCrory.
Arleen McCrory

March 6, 1981

LB 21, 74, 260

CLERK: Mr. President, a communication from the Governor addressed to the Clerk. (Read. Re: LB 21 and 260. See page 772, Legislative Journal.)

Mr. President, Senator Koch asks unanimous consent to be excused Monday, March 9 and Tuesday, March 10.

PRESIDENT: We are ready then for agenda item #4, General File, commencing with, the first bill on General File this morning, LB 74, Mr. Clerk.

CLERK: Mr. President, LB 74 was last considered by the body yesterday. At that time, well...(Read title.) Yesterday, Mr. President, the Legislature adopted the committee amendments as well as an amendment to the committee amendments offered by Senator Nichol. I now have pending, Mr. President, an amendment from Senator Chambers to amend the bill on Page 2, line 12, strike new language, insert fifty cents.

PRESIDENT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I stated yesterday what this amendment is for and what it does but I will be very brief in repeating that. This would relate to a situation where a person were going to go through the park or be in the park for a very brief period of time, less than a day. The fifty cents would defray the cost of any kind of little sticker or slip of paper that a person would have to have to show that he or she were there legitimately. I think the parks do belong to the public. I think they should be accessible to everybody and considering this amendment I had had it suggested to me by one of the Senators that a little slip of paper just be given and no fee assessed at all. But because it might cost something to administer the giving of a piece of paper or whatever they use, I would be willing to have the fifty cents fee attached. So I am hoping that you will consider this amendment and add it to the bill. That is all I have to say but I would answer any questions that you might want to ask.

PRESIDENT: The Chair recognizes Senator Labedz.

SENATOR LABEDZ: Thank you, Mr. Chairman, members of the Legislature, I will certainly have to stand and disapprove of Senator Chambers' amendment of fifty cents. For one thing not all the people would honestly just drive through the park. Many would stay, and charging only fifty cents for a temporary or a daily permit would mean that many people

would not buy the annual permit. For the \$5 that the annual permit costs, one could buy ten temporary permits. Since more total tickets would be sold, there would also be an increase in the cost of handling and selling the tickets. Also a fifty cents charge would not justify the cost of printing the tickets besides the vendor that would be selling them. They, of course, get a fee for that. I do have some figures here on the current fee level. At 88,230 permits sold or estimated to be sold at \$1.50, the revenue would be \$132,345. At a \$3 permit, it would be raised to \$264,690. Senator Chambers amendment for 88,230 permits would bring in only \$44,115. Now I do have an amendment up there amending Senator Chambers bill...amending Senator Chambers amendment and raising it from 50¢ to \$2.00.

PRESIDENT: Do you want to take that up right now?

SENATOR LABEDZ: Yes, I would like to have that taken up right now.

PRESIDENT: Mr. Clerk, I guess that we will take up the Labedz amendment then. She wants to. An amendment on the desk.

CLERK: Mr. President, Senator Labedz moves to amend the Chambers amendment appearing on page 761 of the Journal by striking "fifty cents" and inserting "two dollars".

PRESIDENT: All right, now, speaking to the Labedz amendment to the Chambers amendment. Senator Labedz.

SENATOR LABEDZ: Thank you. What we are doing here, the original bill, LB 74 was \$3 for a daily permit. Senator Chambers amended it to 50¢ and I am amending Senator Chambers amendment to \$2. That is a fifty cents increase of the present daily permit. \$2 is a very, very low, as far as I am concerned, fee for a whole carful of people to go through the park. The \$3 would have looked a little bit extraordinary since we are keeping the annual permit at \$5. It seems only right that we lower it from \$3 to \$2 and I urge the members of this Legislature to reject Senator Chambers amendment and go for this amendment which would be amending his. Thank you very much.

PRESIDENT: Senator Lamb, did you wish to speak to the Labedz amendment to the Chambers amendment?

SENATOR LAMB: I might as well. Mr. President, members of the Legislature, I liked Senator Chambers amendment as it was before and I would just like to point out what does happen

in some of these parks. In our area we have Victoria Springs Parks which is a very popular one about ten miles east of Anselmo, and when they have the high school annual reunions, they like to have a picnic out at the park. So you have people coming from other states, all over the countryside, and it has gotten to be that they just won't go to the park any more because they don't want to pay that either the \$1.50 or the \$5 for an annual fee because they are only going to be there one day, one time. Another group that it affects is the, well, retired groups that like to go out to the park for a picnic maybe once or twice a summer. Now I am going to admit that the people that use the parks continuously can well afford and should be charged a stiff fee. If you got that \$30,000 camper that everybody is talking about, they should be paying the fee and they are willing to pay the fee, but the problem is when you have a bill like this with an across the board fee, it hits everybody. It hits the person that only uses that park once or twice a year and it really does them an injustice. The people that use the parks week after week really like this fee because it keeps down the traffic. It keeps the other people out but I would support Senator Chambers amendment without the Labeledz amendment.

PRESIDENT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I think my amendment as offered, it has merit or I wouldn't have offered it. So in order to conserve time, I am going to ask that you defeat Senator Labeledz' amendment to the amendment and let us consider the proposition of the fifty cent fee. So I am asking that you defeat Senator Labeledz' amendment to the amendment.

PRESIDENT: The Chair recognizes Senator Cope, speaking to the Labeledz amendment to the Chambers amendment.

SENATOR COPE: Mr. President and members, I certainly can support Senator Labeledz' amendment. I have never seen \$5 look so big in the last fifty years. \$5. Do you know how much gas that will buy at \$1.40 a gallon? 3.6 gallon. 3.6 gallon which most people will spend, use to go to the park, one trip, and this is for the whole summer, \$5, or \$2. Senator Lamb, I got tears in my eyes when you were telling about all the people coming in from near and far, probably Los Angeles, New York, spending thousands of dollars to get there probably, and they couldn't afford \$2. Man! I could hardly talk. I think this is getting absolutely silly. \$2 to use the park and we are making a big deal. Please support her amendment.

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PRESIDENT: Senator Labeledz, you may close on your amendment to the Chambers amendment.

SENATOR LABEDZ: Thank you very much, Mr. Speaker. As I mentioned before, if we kept it at 50¢, as Senator Chambers amendment, it would result in a \$88,230 reduction in revenues from the current rate, not a lesser increase from the original LB 74 but an actual reduction from existing rates. You must also note that there will probably be a reduction in revenues from the annual permit. For example, at a 50¢ temporary fee, an individual could go to a park ten times for the price of the current annual permit, fifteen times at the \$7.50 rate and twenty times at the \$10 rate and I believe many people will probably just buy the temporary permits rather than the annual. If they want to go to the parks every other week from May through August, it would be cheaper to just use the temporary permit. In that instance, our Games and Parks would lose \$2 if the individual used the temporary permit rather than the annual permit, and, Senator Lamb, at Victoria Springs where they had 72,500 people that visited the park, there has been a new shower and a new latrine building put up and a new water system and all of this was done out of the park entry permit. Now I mentioned yesterday on several occasions that it is unbelievable that people will go out to play golf or go bowling or spend a day in a city park or go to a movie and have to pay \$7 to \$8 for entertainment. \$2 to go and spend the whole day in a state park and take advantage of all the beautiful wonderful things that are happening in our parks today, I don't think that \$2, and I might mention for Senator Lamb, this is for a whole car of people, you take a station wagon with eight to ten people getting into a state park for \$2 a day is not asking too much. It is not per person, it is \$2 for every vehicle and I don't think that we are being outrageous or asking for too much to raise that from \$1.50 at the present time to \$2 and I urge the members to approve of this amendment to LB 74. Thank you.

PRESIDENT: Motion before the House is the adoption of the Labeledz amendment to the Chambers amendment on LB 74. All those in favor vote aye, opposed nay. Have you all voted? Have you voted? Record the vote.

CLERK: 25 ayes, 5 nays on the adoption of Senator Labeledz amendment, Mr. President.

PRESIDENT: The Labeledz amendment to the Chambers amendment is adopted. Now Senator Chambers, what do you want to do?

SENATOR CHAMBERS: Mr. Chairman, members of the Legislature,

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what I would like to do is take Senator Labedz by the throat and choke her until dead but I won't do that. I am going to do what I am supposed to do which is to offer an amendment to, now that that amendment has been adopted, I can amend the amendment because I am not amending an amendment to it, and what I would ask the Legislature to do then is at least not raise the fee from what it is. So the amendment that I have written and I am signing now would be to strike \$2 and insert \$1.50 which will be the fee as it stands now and I have reason to suspect that everybody involved in trying to raise these fees will feel that if they maintain the fee schedule where it is they have not really lost anything, and based on the mood that seemed to be in the Legislature yesterday, it will be considered in the nature of a victory. So what I am asking to do now is to amend my amendment which now says a \$2 fee to one which will say \$1.50. That will be a retention of the temporary fee where it is already and that temporary fee means that you come into the park for any brief period of time and I don't think that you ought to have to pay more than \$1.50. So I am asking that you adopt this amendment to my amendment.

PRESIDENT: All right. The amendment is on the desk. Mr. Clerk, do you have the amendment?

CLERK: Mr. President, Senator Chambers moves to amend his amendment as amended by striking \$2.00 and inserting \$1.50.

PRESIDENT: All right, Senator Chambers, you have already addressed your amendment to the amendment. Senator Labedz, do you wish to now address the Chambers amendment to the Chambers amendment?

SENATOR LABEDZ: I am almost afraid after that threat. I hope Senator Chambers was kidding and I am sure he was because he was laughing when he said it.

PRESIDENT: He kind of looked like it, yes.

SENATOR LABEDZ: He wouldn't do that to a lady nohow. I could sing the song there, Ernie, but I am not very good at it. I think that the members of the Legislature should remember that there is a very possible chance that there will be a tremendous loss of federal funds that will be affected by the Games and Parks Commission. As in I read you the, a short time ago on my other amendment, the dollar and a half would bring in \$176,000...I mean \$2 permit would bring in \$176,460 and there is a possible chance of a loss of federal funds close to \$1,200,000 that we receive and 40% of that, it would just be impossible for the parks to stay open as much as they do now and I am sure that we don't

want to see any of the parks closing sometime in August because the Games and Parks Commission cannot no longer meet the expenses. Asking for a fifty cent increase, raising it from \$1.50 to \$2 is not a very big increase. Lowering it back to \$1.50, as I said, would be a loss and with the threat of the federal funds that we may be losing in the future, and it is not definite, but the way things are going in Washington, there is a very good possible chance that we will be losing some funds, and I urge everyone to reject again Senator Chambers amendment, leave it at \$2 as it is now, \$5 for the annual permit, and I believe Senator Nichol is going to make a correction in the language on his amendment so it will read that there are no duplicates, \$5 for an annual permit, \$2 for a daily permit, and I think that is not asking too much of anyone and we have got to remember that the users are the ones that should help pay for our state park system and I urge you to reject this amendment.

PRESIDENT: The Chair recognizes Senator Cope.

SENATOR COPE: Mr. President, members, we are now down to a third of a gallon of gas, 50¢, one third of a gallon of gas approximately. That won't even get most cars backed out of the garage and put in again. Please, 50¢, we have had inflation. It costs a great deal more to keep the parks up in repair, in shape, and I would bet that most people that are fighting a little raise in the park entry permit are going to be the ones that complain the loudest if every bit of paper isn't picked up or the latrines are not clean or a dozen other things. Please, let's leave it at \$2. That is not enough but at least let's don't pass Senator Chambers amendment.

PRESIDENT: Senator Chambers, do you want to close on your amendment to your amendment?

SENATOR CHAMBERS: Just briefly, Senator Labeledz wasn't able to point out that federal funds are cut off or that there is any loss to the parks and to leave the fee where it is for another year I don't think will hurt anything. There were a number of fees raised yesterday in two other bills. There is a fee increase when you read the way this bill exists now, so for the casual user of the park, I think it is reasonable to leave the amount at \$1.50. That is my close and I hope you will adopt this amendment.

PRESIDENT: The question before the House if the adoption of the Chambers amendment to the Chambers amendment. All those in favor vote aye, opposed nay. Have you all voted? Record.

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CLERK: 7 ayes, 23 nays on adoption of Senator Chambers amendment, Mr. President.

PRESIDENT: Motion fails. Now, Senator Chambers, what do you wish to do? We still have the amendment before us as amended.

SENATOR CHAMBERS: Mr. Chairman.

PRESIDENT: Yes, Senator Chambers.

SENATOR CHAMBERS: I move that the amendment as amended be adopted.

PRESIDENT: All right, motion to adopt the amendment as amended. Any further discussion? Senator Labedz, do you have anything further? Do you wish to discuss the amendment now as it stands?

SENATOR LABEDZ: No.

PRESIDENT: Motion then is the adoption of the Chambers amendment as amended. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 30 ayes, 0 nays on adoption of the Chambers amendment, Mr. President.

PRESIDENT: The Chambers amendment as amended is adopted.

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

PRESIDENT: Before we proceed with the bill, the Chair would like to introduce some guests from Senator Marvel's District, four students. One of them is a foreign student from Mexico from Roseland High School, Roseland, Nebraska, Mrs. Lawrence Brown, Sponsor, up here in the North balcony, and we welcome you folks to your Legislature. We also want to at this time recognize Mr. and Mrs. David Kolb from Senator Vard Johnson's District in Omaha. Senator Maresh has a very special reason for welcoming Mr. & Mrs. David Kolb because Mr. Kolb and Senator Maresh have not seen each other since 1944, which is quite awhile, when the both of them served as airplane mechanic instructors in the Air Corp stationed at Shepherd Field, Texas. So this is kind of a reunion for the Mareshes and the Kolbs so welcome to the Legislature to the Kolbs. Will you stand up and be recognized? We will now proceed with LB 74. Senator Labedz.

SENATOR LABEDZ: I move to advance LB 74 from General File to E & R Initial, but I would like to mention that Senator Chambers mentioned that we did increase the hunting license, the fishing license, I think there was fourteen of them that we increased but there is not one dollar of those, of those funds, that we can use in the state parks system. We have to rely on the entry fees for most of the revenue. I would also like to mention that in 1981 to 1982 we are expecting at least 8,202,500 people visiting our state parks and we certainly want, especially the Nebraskans, when they visit our state parks, that they are going to find a park that is beautiful, well equipped, that everything is kept clean and I am sure that if any of you like I did take one of the "Know Nebraska" tours, the year before, and I should say it was in 1979, I was just amazed at what we have in the State of Nebraska and I have heard it from many, many other people that have gone on these tours or that have gone to individual parks and they are very proud of our parks system and I am very proud of it. There are many, many people that use the parks that have not...have written me any letters or have complained to me about increasing the fees even when we had it at a \$10 annual permit and raising the daily to \$3. Now we have the annual at \$5, the daily at \$2 and, of course, we have corrected the situation in the wrongful doing of the duplicate permits and all the people that were obtaining as high as five and ten at a time and selling them to their friends or getting away with using the park system for a whole year on a \$1. So I urge the members of this Legislature to advance LB 74 from General File. Thank you.

PRESIDENT: Senator Chambers, did you wish to speak on the advancement of LB 74?

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, although the amount of money may seem piddling, even trifling, I think there is a principle involved here. There is such a thing as a public domain. We, who sit in the Legislature, want to put a fee or tax on anything that we can where we think the public will not make a great outcry but the public often wonders why they have to pay to go someplace where nothing is really being offered. There are no entertainment facilities at any of these parks and they are not thinking about the fact that latrines are there, that the grass is cut or paper is picked up. All they know is that the parks are supposed to belong to the state which means they belong to all of the citizens, that they are being charged a fee before they can even set foot or set tire on the park's property. They cannot drive through it without paying for it so they can sit on the outside and look at it. Yet we see situations where maybe we will come into the Capitol

Building and see tables and chairs and whatnot filling the rotunda and some of the corridors for certain groups to have social functions but they are not charged for that and they are not charged because they are friends of the politicians of this state. So if you know the right people, you can use state facilities without paying, but when it comes to the ordinary citizen who, in fact, has no voice in this Legislature on most issues, then they have it stuck to them and we will say it is only another 50¢. But if I tried to get a 50¢ increase for the poor children of this state, the bill is killed. There is no understanding. There is no consideration and suddenly 50¢ looms larger than the sun. I think there is hypocrisy here and this bill is being pushed through in this fashion as a favor to Senator Mahoney, and I am not condemning people for liking Senator Mahoney enough to do that, what I am saying is that the public interest ought not be sacrificed in the process and we ought not listen to these hypocritical arguments about it is just 50¢. I am not going to support this bill and I am not going to support it because of a principle. If it is wrong to do a thing, then whether the wrong is a penny's worth or a hundred dollar's worth, it is not the amount. It is in the principle and the idea that it should not be a cost at all. The only time these people who call themselves conservatives become liberal when it comes to handling money is when they are going to take it from people who are not organized and will not make a political outcry. That is how you tell a conservative from a so-called liberal. I think it is wrong what is being done on this bill. Unfortunately, a wrong that only costs the public 50¢ a piece is not one worthy of the Legislature's consideration but it is worthy of mine. When I see a principle, it does not take effect only if more than 50¢ is involved. The idea of the citizen in this state not being able to have any access to a park without paying \$2 I think is a prostitution of the public property. Of course, maybe there is a kind of symbolism here. It used to be that the going price for prostitution services was \$2. So maybe that is what the state is starting at and telling the public what the state is and that is what I think the state is when it does these kinds of things. You don't find Senators going out giving talks to their constituents and saying openly, "We are going to charge you more money to use the parks." They don't talk about that. They say, "I have done this. I have done that. This is what I am." But on any issue that sticks it to the public, they avoid that like the plague. So I am going to watch and listen to Senator Cope especially and see how many times I can persuade him to go for something that benefits people who need to help themselves by equating it with how much gasoline you could purchase for the amount of money involved.

And if I seem somewhat distressed this morning on this issue, I am, because I must see it in context with other things. The total work of the Legislature during the session is like a spiderweb. If you hit it one place, it shakes things other places. I tie this in, believe it or not, even with our discussion of abortion because while we discussed that there was a discussion accompanying it of the value of children. Then the Public Health Committee kills a bill that would give assistance to the family with dependent children. Then we turn right around and are going to raise the fees to use the parks where some people might be able to take their children and it might be the only place they can afford to go, but those who can't afford \$2 don't need to go to the park. Like Senator Hayakawa said raise the price of gasoline to \$3.50 a gallon because the poor have no business driving anyway. I have read statements like that when I was a child in school but they were made in other countries that purportedly had no concern for the well being of human beings and now I am hearing those statements made on the floor of this Legislature and on the floor of the U. S. Congress and I am wondering what this country is coming to. Unfortunately those people who are condemned most by its contemporary society are the ones on the cutting edge of trying to push for benefits....

PRESIDENT: One minute, Senator Chambers.

SENATOR CHAMBERS: ...to the public, and after they are long gone and the society has been forced against its will to accept equitable standards in dealing with its citizens, the society then claims those victories as though they were voluntarily done after mature deliberation. Well I am going to do all I can to persuade the Legislature to do the things that are right and I may not succeed the first time I try but I am going to continue and I am going to continue, and at some point Senator Mahoney may not have the friends locked up in the Legislature that he has now, and the very 50¢ that was gained today may turn out to be very costly in the future because I have a long memory. And I may not be able to protect the public interest the first time around but maybe I can do some cutting in the future that will make it equal.

PRESIDENT: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President, I was not going to talk on this issue and I was going to...and I am going to go along with Senator Labeledz for awhile but I think if you weren't listening you should have because what Senator Chambers said is doggone well the truth and we had better start realizing, every one of us, and we had better all make some internal

pledges that we are going to do something about it, if we price our parks out of the range of the ability of the average individual, and particularly, particularly a large group of people that have that as maybe their only form of recreation, the only thing they can afford, then maybe we have fallen down in one of the most fundamental duties of government. I think if you start looking at government, really, what is it? You provide police protection. You provide roads, national level of postal service and things like that. But, holy mackerel, from the very beginning, government has maybe had that one responsibility of having some places to go, some things for the average person to go, where he doesn't need to worry about getting mugged, robbed, raped, hopefully, and the parks in this day and age of inflation are so critically important and I am hearing talk from a lot of people that used to be able to afford it and they say they can't now. I know the financial problem of keeping them, but I tell you before the end of this session, I am going to be one of those looking and saying, "Look! If there is a four or five million dollar cost that we can get out of the general fund, by golly, that has got a heck of a lot of priority over gymnasiums and things like that in a limited area." I am supporting the bill at this point but I am making a pledge and a threat that I am going to try to get the four or five million somewhere else and cut the prices down because I think we have reached a point where we have got one heck of a great park system. It could be, two, three years from now, it could be about the only form of recreation anybody is going to have available that they can financially afford and we have got to keep it affordable. So I agree with what Senator Chambers says just about in total, and the only reason I am going along with the bill is to get the money to keep our park systems, but I repeat, I think we had all better figure a way to say that this is a high priority, and I am going to go so far as to say, maybe it is so high, maybe higher than some of the things that are sacred at the University, maybe some of the things that are sacred to us in agriculture. This is a "numero uno" in the real sense of the word. So let's see if we can't get some money out of that general fund before July 30th.

PRESIDENT: The Chair recognizes Senator Cope.

SENATOR COPE: Mr. President, members, I, too, have a principle and I will say right off that Gene Mahoney hasn't said one word to me about this bill. If you check the records since we started the parks system charge, I have been for it entirely. And the reason I have and will be is that I believe sincerely that the people who use the park system should help pay for it rather than the people who never go near. Now, Senator Chambers, I think that that is where

we are together. I am not charging, it is my thought, the so-called poor people by taxing them for something they never use and I think that is wrong. So in that case, we are alike. I think we overlooked something this morning that hasn't been mentioned and that is tourists. We are going to have a lot of tourists in Nebraska as we always do. Let them help pay for the upkeep of the parks. There is nothing wrong with it and that brings in a lot of dollars. I think we are overlooking that. We are spending more money in promotion to get people into the state. Let's let them help a little. The way we are doing now they are not, only in a very small way. Let's keep at least what we have up.

PRESIDENT: The Chair recognizes Senator Clark.

SENATOR CLARK: Mr. President, members, I said yesterday that I was against the bill. I am still against the bill, probably always will be against the bill. My boy comes over here, my grandson comes over here and hunts ducks once a year. You are asking him to pay \$55, each one of them, to come over here and hunt once a year. You are asking me to pay \$32.50 if I go out and hunt ducks once a year, twice a year or all year, whatever it is. It just doesn't make sense. Now we had a bill in the other day on gasoline tax. They are trying to get ten million dollars out of the general fund to put on the roads. Why? Because the gasoline tax at 13½¢ right today is counterproductive. The minute that gasoline tax went into effect they started buying the diesel fuel in Iowa and in Colorado. Consequently our sales have gone way down. Our collections have gone way down. You cannot kill that goose that lays the golden egg and that is exactly what you are doing in this bill. You are talking about just park entry fees. You are raising all these fees. When you are raising the resident hunting and fishing to \$17.50, people have told me and I have almost a hundred and fifty letters, I presume, and I am guessing because I may have more than that, against raising these fees. They are not going to hunt in Nebraska in my territory. They are going to hunt in Colorado because it is cheaper even when they have to pay the out of state license. What you are doing here is asking them to pay a hunting and fishing license, a \$7.50 habitat stamp and \$7.50 for a duck stamp. It just doesn't make sense that you are going to make more money. It is going to be counterproductive. Some of these fees are doubled completely. When you start doubling fees on people, nonresident antelope, a hundred dollars, I don't know how many have ever been antelope hunting but you had better go out and buy a quarter of beef. You are going to get about forty pounds of meat that you don't want to eat in the first place hunting antelope. Nonresident deer hunting, a hundred

dollars. Mahoney must have his head in the sand someplace. I don't know what is happening but I know that the people of the State of Nebraska don't want it, and I know if they don't want it, I don't want it. Thank you.

PRESIDENT: The Chair recognizes Senator Lamb.

SENATOR LAMB: Well, Mr. President, members, I don't want to belabor this but this is a position I have held for some time and I am saying that these big campers that come out to the parks and stay day after day after day are getting by too cheap and the people that want to go out there for a picnic are paying too much and that, basically, is the whole problem. I think we could set up a system, we should work on a system where these \$30,000 campers do pay a higher fee and I think they would be happy to do it but under the present system you require the same number of dollars for this person that is going to be there day after day after day all summer that you do for the person that wants to use the park two or three times and I submit that is not quite fair. I would hope that we could come up with a more equitable solution.

PRESIDENT: The Chair recognizes Senator Labeledz for closing.

SENATOR LABEDZ: Thank you, Mr. Chairman. I suggested to Senator Chambers that next session he may possibly want to go on the Appropriations Committee because I think he is very effective and could possibly go into the Appropriations Committee and come out with \$4 million that the state parks would need to run the system and then we could do away with all the fees because I, for one, would like to see everybody be able to go into the parks without having to pay anything, but there is no possible way we can keep up the parks and come up with \$4 million from appropriations from the State of Nebraska. Right now, in the City of Omaha, for instance, their budget for the city parks is \$5.4 million and Lincoln is \$4.4 million that comes out of their general fund, and if Senator Chambers, Senator Clark, Senator Lamb can come up with \$4 million from the general fund, I am sure that it will make the 8 million people that visit our state parks very happy because they can come and go as they please without paying. But right now there are eighteen states that charge \$7.50 or more for an annual permit to go into their state park system and we do now have eight historical parks and twenty-three picnic areas and camping areas that these people can go to that cannot afford to that is absolutely free. There is no permit fee and those, of course, come out of the general fund, not the general fund money, but out of the

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LB 74, 56, 269, 407,
489, 500

permit fee money that we collect from others but they do have the opportunity to go to these parks without any charge. They can go to their city parks. Of course, I know there is a swimming fee if there is a swimming pool but, anyway, the City of Lincoln and the City of Omaha obtain their funds from the general fund. There is no possible way that we can get \$4 million from our general fund to pay for our park system. So for the present time and until we do find the money, as Senator DeCamp says, to give the people of the State of Nebraska the opportunity to come and go as they please and yet find the clean and all the equipment in the state parks that we have today, then we are just going to have to charge a fee and hopefully someday we can do what Senator DeCamp and Senator Chambers mentioned, get the money from other sources to keep up the park system and I urge the members of this Legislature to advance LB 74 from General File. Thank you.

PRESIDENT: The question before the House is the advance of LB 74 to E & R Initial. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 28 ayes, 6 nays, Mr. President, on the motion to advance the bill.

PRESIDENT: Motion carries and LB 74 is advanced to E & R Initial.

CLERK: Mr. President, may I read a few things?

PRESIDENT: Yes, you may read some matters in.

CLERK: Mr. President, first of all, Senator Von Minden would like unanimous consent to add his name to LB 269 as co-introducer.

PRESIDENT: Any objection? If not, so ordered.

CLERK: Mr. President, Attorney General opinions addressed, one to Senator Lowell Johnson regarding LB 489; the second addressed to Senator Kahle regarding LB 407.

Mr. President, your committee on Public Works whose Chairman is Senator Kremer reports LB 56 to General File with committee amendments attached.

PRESIDENT: Ready then for the second bill on General File, LB 500. Mr. Clerk, you may read.

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LB 9, 34, 50, 74, 89,
89A, 124, 174, 178,
194, 345, 425, 500

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: I take great pleasure in introducing my own pastor, Pastor Harold Hamilton from First Lutheran here in Lincoln.

PASTOR HAROLD HAMILTON: (Prayer offered)

PRESIDENT: Roll call. Senator Marsh.

SENATOR MARSH: Mr. President, for all who are within my range of my voice, I would like to give notice that tomorrow I am going to ask for a recorded vote on those who are here by 9:05 a.m.

PRESIDENT: Thank you, Senator Marsh. Senator Nichol.

SENATOR NICHOL: Mr. President, I will make sure to be here tomorrow but I wonder if that is going to be an occurrence every day, Senator Marsh. I am sorry, she is talking. I was just curious about what the rule would be.

PRESIDENT: Have you all recorded your presence? It is now 9:05 a.m. Has everybody recorded your presence? Record the presence, Mr. Clerk.

CLERK: A quorum present, Mr. President.

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

CLERK: I have no corrections, Mr. President.

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

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports that we have carefully examined LB 74 and recommend that same be placed on Select File with amendments; LB 500 Select File with amendments; LB 425 Select File with amendments; LB 194 Select File with amendments; LB 174 Select File with amendments; LB 89 Select File with amendments; LB 89A Select File with amendments; LB 50 Select File with amendments.

Mr. President, your Enrolling Clerk respectfully reports that she has presented to the Governor at 2:10 p.m. yesterday LBs 9, 34, 124, 178, and 345.

Mr. President, your committee on Enrollment and Review

LB 51, 63, 74, 94, 106, 113A, 150, 154,
190, 195, 225, 261, 272, 281, 284A, 351,
409, 418, 421, 426, 466, 229

March 12, 1981

Mr. President, some items to read in, LB 113A by Senator DeCamp. (Read LB 113A for the first time by title.) LB 284A by Senator DeCamp. (Read LB 284A for the first time by title.)

Your Enrolling Clerk respectfully reports that she has on this day presented to the Governor LB 51, 150, 195, 272, 409 and 154.

Your Committee on Education reports 63 indefinitely postponed. (Signed) Senator Koch.

Your Committee on Public Works reports 229 to General File and 94 General File with amendments. (Signed) Senator Kremer.)

Your Committee on Banking reports 421 to General File with amendments. (Signed) Senator DeCamp.

Your Committee on Public Health reports 261 and 466 to General File with amendments.

Mr. President, Senator Nichol would like to print amendments to LB 74 in the Journal. Banking, Commerce and Insurance Committee sets hearing. Senator Koch would like to print amendments to LB 190. Senator Kilgarin asks unanimous consent to be excused tomorrow. I have notice of priority bill designation of the Speaker. Your Committee on Banking, Commerce and Insurance reports 426 to General File with Amendments. (See pages 882 through 896 of the Legislative Journal.)

Mr. President, Senator Schmit would like to have the Ag and Environment Committee tomorrow morning at eight o'clock in Room 1520, Ag and Environment Committee tomorrow morning.

Mr. President, your Committee on Government, Military and Veterans Affairs reports 281 to General File with amendments; LB 351 General File; LB 418 to General File; LB 106 as indefinitely postponed; and LB 225 as indefinitely postponed. Those are all signed by Senator Kahle as Chairman.

Mr. President, the Business and Labor Committee will have an Exec Session at 1:00 p.m. today in Room 1019; Business and Labor at 1:00 p.m. today.

Mr. President, Senator Vard Johnson asks to be excused tomorrow.

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LB 74

SPEAKER MARVEL: We are now ready for item #6 on the agenda, Select File.

CLERK: Mr. President, there are E & R amendments to LB 74.

SPEAKER MARVEL: E & R amendments to LB 74.

SENATOR WESELY: Mr. Speaker, I move the E & R amendments to LB 74.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried. The E & R amendments are adopted.

CLERK: Mr. President, Senator Nichol has an amendment to the bill and the amendment is on page 893 of the Legislative Journal. Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, this amendment was brought up the other day and this was reworded to make it fit better. It has to do with the second permit or the, what do we call it, Bernice? Alternate permit, substitute, duplicate, that is it, the duplicate permit on the annual permit to enter the state parks and what this does is to do away with the duplicate entirely so that all fees or all permits issued for entrance to the state parks would be five dollars and there would be no duplicates issued. I move for the adoption of this amendment.

SPEAKER MARVEL: All those in favor of the adoption of the amendment as read by Senator Nichol...Senator Lamb, do you wish to speak before we vote?

SENATOR LAMB: Did he say...? A question of Senator Nichol. Did you say this amendment would eliminate all duplicate permits?

SENATOR NICHOL: Yes.

SENATOR LAMB: The original bill or as it was before, you would have one duplicate.

SENATOR NICHOL: No, there will be no duplicates under this amendment and under the bill.

SENATOR LAMB: But the way the bill was before you would have one duplicate. Right?

SENATOR NICHOL: Well as the law stands now you can have any

number of permits. As the committee amendments stood which did not pass, they would have had one duplicate.

SENATOR LAMB: But those did not pass?

SENATOR NICHOL: That is right. That is correct.

SENATOR LAMB: Then your amendment....

SENATOR NICHOL: This amendment is in accord with what was passed the other day whereby all permits for entrance, for yearly entrance to parks would be five dollars each so if you have an automobile it is five dollars. If you have a pickup it is five dollars. If you have two more motorcycles they are each five dollars instead of any permit. It would do away with the duplicates.

SENATOR LAMB: In other words if I have a car and a pickup I have to pay ten dollars?

SENATOR NICHOL: That is correct.

SENATOR LAMB: What about that situation we were discussing the other day where a rancher has to go across part of the park in order to get to his other pasture. He would have to buy a sticker then for each pickup that crosses. Is that correct?

SENATOR NICHOL: I did not address that. Perhaps Senator Labedz could answer that better than I but this amendment I am talking about does not address that at all, Senator Lamb.

SENATOR LAMB: Well indirectly it does in that duplicate permits are involved here. Could I ask, if I have some time left, a question of Senator Labedz, please?

SPEAKER MARVEL: Senator Labedz, do you yield?

SENATOR LABEDZ: Yes.

SENATOR LAMB: What is the situation in regard to the rancher who has to cross park property in order to gain access to some of his land?

SENATOR LABEDZ: Okay, under Section 37-1104, Section 6, it says motor vehicles being operated by the holders of easements across permit areas or their agents, employees or contractors and the Games and Parks interpret this to mean that to allow the farmers to cross Game and Parks property to get to their own land plus the farmer can

apply to Games and Parks for a formal easement. Senator Lamb, what we did when we introduced the bill it was at ten dollars for a park entry permit. The committee amended it to seven-fifty and then Senator Nichol came in with an amendment to reduce that to five dollars as it is now and do away with the duplicate permit because of the abuse that was being done in the eighty some thousand duplicates that were filed. So what is happening now is we are keeping it at five dollars for the annual permit plus anybody that has two cars would pay ten dollars and that is the way the bill was in the first place, was ten dollars for an annual permit plus the duplicate, one duplicate and he amended it to five dollars as it is now which means that two cars would have to pay ten dollars, one for each, but the farmers do come under this section here and can apply to Games and Parks.

SENATOR LAMB: Thank you. Mr. Chairman, if it is in order I have an amendment to Senator Nichol's amendment which would allow one duplicate permit under the present schedule. What does that cost? I'm not well prepared as you may see.

SPEAKER MARVEL: The Clerk will read the amendment.

CLERK: Mr. President, Senator Lamb moves to amend the Nichol amendment by providing for one duplicate permit.

SPEAKER MARVEL: Any other discussion on that amendment? Senator Labedz.

SENATOR LABEDZ: I would have to oppose the amendment. We supported the Nichol amendment because he dropped it down from, we dropped it down from the original bill in committee to seven-fifty and then dropped it down from seven-fifty to five because we took out the duplicates. So I really will have to oppose this amendment of Senator Lamb's to...and he did not state what you wanted the duplicate permit at. How much?

SPEAKER MARVEL: We have several lights on. Did you complete your remarks?

SENATOR LABEDZ: I wanted to know how much he was putting the duplicate at. He didn't say.

SENATOR LAMB: At the same as the price right now, at the same price.

SENATOR LABEDZ: Well right now it is at one dollar, the present law.

SENATOR LAMB: Okay, it would be five dollars for the permit and then one dollar for one duplicate permit but you are tightening it down, I might add, in that under the present law you have unlimited duplicate permits and under this amendment you would only be allowing one duplicate permit at the one dollar fee.

SPEAKER MARVEL: Senator Vickers, are you speaking to the bill as a whole now or the amendment? Are you speaking to the bill as a whole?

SENATOR VICKERS: No, to the amendment. This is Senator Lamb's amendment, right? Senator Lamb's amendment to the Nichol amendment, is that correct?

SPEAKER MARVEL: Yes.

SENATOR VICKERS: Okay, really I guess I am speaking to the... about a problem that Senator Lamb brought forth and I understand that concern but I would point out, I think Senator Labeledz attempted to, but I am not sure she had the right section and Section 73-1103, motor vehicles are required to have a permanently attached sticker except those motor vehicles that fit under this statute and it mentions motor vehicles being operated by the holders of easements across permit areas or their agents, employees or contractors. So that does give the rancher the authority to drive through without a permit if he has an easement to get across the park area. I know I had some problem with this in a portion of my district where some of the farmers needed to get across so I think that does satisfy that concern. I sympathize with those people that attempt to get duplicate permits and as Senator Labeledz pointed out we did in the committee attempt to have one duplicate permit. It has in the past been misused by some people we were told that had a number of duplicate permits and there was no way to tell how many but I did want to simply point that out, Senator Lamb, and others that might be concerned with that area, that it was possible to get an easement across for those people involved with agriculture or ranching and needed to get across state park land.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I rise to oppose the Lamb amendment to the amendment. When it was agreed on a few days ago that all permits would be five dollars and I understood Senator Labeledz at that time to say that it is possible to get an easement across there without paying anything. I saw nothing wrong with that and still don't oppose the idea of farmers and ranchers being

allowed to go across these parks without paying for it but in bringing the price down to five dollars I don't think it is out of reason, if we are trying to protect the poor people, it is going to cost them five dollars and those of us who want to have a half a dozen stickers can afford the five dollars if we can afford four or five vehicles. So I really think the amendment and the bill is in good shape the way it is. If we should adopt Senator Lamb's amendment to the amendment then I would suggest that we go back up from five to seven-fifty perhaps or the original because the amount of money that this would deplete from the Game and Parks, I feel would be unreasonable. I oppose the Lamb amendment to the amendment.

SPEAKER MARVEL: Senator Cope, do you wish to speak to the Lamb amendment?

SENATOR COPE: Mr. President, members, I would like to ask Senator Labedz to listen and be sure I don't make a misstatement and that is simply this. It is impossible to police the extra stickers for the one dollar and I didn't understand. I can't imagine people doing it but the increase from around 27,000 one dollar stickers the first year up to in the neighborhood of 80,000, am I correct, Senator Labedz?

SENATOR LABEDZ: That is right, Senator Cope.

SENATOR COPE: All right, right there proves that people are taking advantage of the one dollar sticker and there is no reason, if you wanted to I could go into a park, show my credentials, get another sticker or I could go to another park, show the fact that I have a sticker. You could pick up the same thing whether it is one sticker the law says or a half a dozen stickers and I must say, Senator Lamb, that one sticker is five dollars. It is about 3.6 gallons of gas just what most cars take to back in and out of the garage. I've just got to remind you of that.

SPEAKER MARVEL: Senator Lamb, do you wish to close on your amendment?

SENATOR LAMB: Yes, Mr. President, members of the Legislature, under the present statute you buy a sticker, park entry sticker for five dollars but you can get an unlimited number of stickers, duplicate stickers at one dollar and the Game and Parks Commission is objecting to that and I think rightly so. I think that is too wide open. There should not be that many allowed but my amendment would in

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effect, bring that from an unlimited number down to one. So if a nearby rancher has a car and a pickup he can for that extra dollar take in either the car or the pickup. It is a convenience to him and I think it is logical and it will be a convenience. There will not be that much revenue lost because if he has to pay five dollars for that extra sticker for his pickup he is not going to take it in there. That is all there is to it. He is going to make sure that the car is available. He goes all the time in the same vehicle and I think it is a reasonable amendment and I ask that it be adopted.

SPEAKER MARVEL: The motion before the House is the adoption of the Lamb amendment to the Nichol amendment. All those in favor vote aye, opposed vote no, the Lamb amendment to the Nichol amendment. Have you all voted? Okay, record the vote.

CLERK: 5 ayes, 16 nays on adoption of Senator Lamb's amendment, Mr. President.

SPEAKER MARVEL: Now we are back to the Nichol amendment. Senator Nichol.

SENATOR NICHOL: Mr. Chairman, there are no other lights on, are there?

SPEAKER MARVEL: No.

SENATOR NICHOL: This just does what we voted on to do the other day in the correct language. I move for the adoption of the amendment.

SPEAKER MARVEL: This is the Nichol amendment now. The motion is the adoption of the Nichol amendment to LB 74. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 26 ayes, 1 nay, Mr. President, on the adoption of the amendment.

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

CLERK: Mr. President, Senator Chambers now moves to amend the bill. Senator Chambers moves to amend the bill by amending the Labeled amendment adopted on March 6 by striking two dollars and inserting one dollar and fifty cents.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, so you will know where the bill is being amended, it is on page two of the green copy, line twelve; and you should ignore the language in line twelve because where you see three dollars in the green copy that now reads two dollars. What I want to do is restore the amount to what it was originally, which is a dollar fifty cents. And this would be the temporary permit which would allow the casual user of the park to get in for the same amount that these types of people had been paying to get into the parks up to this point. And when I say, "these types of people," I include myself. Since this bill had been debated the last time I have had a number of people talk to me and say that they had witnessed the debate on television; and I was reminded that the sessions are carried during the day as they occur--and a number of these feel that the only thing they can afford to do is to go to the park. And believe it or not, for some of those of you who are very well-heeled, fifty cents can make a lot of difference when it comes to recreation. So I think since the parks anyway should be free and open to the public when all they want to do is go there and spend some time or have a picnic and they are not using any hookups or whatever, the parks ought to be free under those circumstances. It is not unreasonable to leave the unjust fee at its original unjust amount of one dollar fifty cents instead of compounding the injustice, Senator Labeledz, by adding another unjust fifty cents on the original unjust dollar fifty cents. So what I am hoping the members of the body will do is to think about this amendment and think about the people who will be involved. It is not the ones who I have had, I have heard described as having \$30,000 campers. And even on that issue, one lady talked to me in the halls of the Capitol the other evening and she said when the bill first started out, her camper was worth about \$15,000. A couple of days later when the bill was debated again it was worth \$30,000 so she had to go out and see if somebody had been replacing her poor broken down camper with these high priced luxurious models that were being discussed on the floor of the Legislature. So what we have done in discussing this bill, in a lot of instances, is to create circumstances that don't really exist for the generality of the people who want to use the parks. If somebody is very, very wealthy I don't think they are going to spend that much time in the parks anyway; but if a bill is going to be enacted that is going to establish fees, it should be based on what the majority of the people can afford to pay who will be using the park, not the occasional well-heeled fish; and I know that is a mixture of metaphors, that would happen to come through. So while the Legislature is in a very distracted mood and not paying too much attention, I hope you will vote yes on this amendment. I guarantee you that it will be something beneficial to the public. You will be

condemned by nobody except Eugene Mahoney who is the Director of the Game and Parks Commission, and he will not be too angry because he understands and he is concerned about what he often refers to as the little people. I was talking about this type of bill with another Senator, and we agreed that the problem we have in dealing with Game and Parks is that Senator Mahoney does too well what he does; and he is going to be so effective in what he does that like the silver tongued orator, some day his silver tongue may turn and cut his own throat. He can have so many fees piled on so many fees and it will happen that he will get these fees for a short period of time but then the system will break down of its own weight. Then what will be the set of circumstances that Senator Mahoney will have to try to deal with? I hope, on this one principle you will yield. I hope that the hardness of your hearts may be softened at least fifty cents worth and we'll open the parks to a few more of the public who ordinarily would be denied access to them.

SPEAKER MARVEL: Senator Labeledz and then Senator Vickers.

SENATOR LABEDZ: Thank you, Mr. Speaker, and I certainly agree with Senator Chambers on a few of his points especially when he talks about Senator Mahoney and the job he is doing and I think as legislators we are obligated to support some of the things that he is trying to do and make the parks, and as I mentioned in the last debate, if each and every one of us would take a tour through the state parks like I did, and incidentally I paid my own way on a "Know Nebraska" tour and it was something beautiful to behold and to see the accomplishments of what is happening in our state parks system is unbelievable and it does cost money and I would like to remind Senator Chambers that we do have ninety-two state park facilities. This includes the historical sites and so forth, the wayside parks and out of the ninety-two there are only fifty that are the fee areas so there are many places that they can go, the historical sites, the state wayside parks and even the Schramm Aquarium down near Omaha that there is no fees charged, yet it does cost a lot of money to keep these places up. We need the two dollar daily entrance fee. Actually it has only been raised fifty cents as Senator Chambers mentioned but the economy, the impact on the programs that are planned and the cost of even printing the tickets and the vendors, the cost for the vendors that we have to pay the vendors for selling the permits. I don't think two dollars for a daily permit and we are speaking of a vehicle now. We are not speaking of individuals. A station wagon with eight, ten people can go through for two dollars for the entire day or a car full of four or five people or even a busload of people can go through for a dollar, right now it is a dollar

and a half. We are asking for an increase of two dollars. I am going to have to oppose Senator Chambers' amendment and urge you to keep the bill as it is. It is in very good shape. It is five dollars for an annual permit, two dollars for a daily permit and it has even been suggested to me it might not be a bad idea that some of the recreational vehicles should be more than five dollars and more than two dollars for a daily permit. I suggest that the members of the Legislature think very hard on this one because two dollars for a daily permit is certainly not too much to ask. Thank you very much.

SPEAKER MARVEL: Before we go to Senator Vickers it is my privilege to present, first of all, several Kiwanians on both sides of the balcony and we welcome you officially to the Unicameral and specifically as guests of Lowell Johnson in the North balcony, members of the Fremont Golden K Club and under the South balcony, Mr. Henry Lubker of Nickerson, Nebraska. Where are you folks? Would you raise your hands so we can welcome you. And from Senator Wagner's district, 25 students from Sargent High School, Scott Heller, Don Seifried teachers. Where are you folks? Are they over there? Okay and last but not least, from Grant, Nebraska, as guests of Senator Haberman, Larry, Marlene, Troy and Travis Prichett from Grant, Nebraska. We welcome all of you to the Unicameral. Senator Vickers.

SENATOR VICKERS: Mr. Speaker and members of the Legislature, I rise to support Senator Chambers in his motion. I would point out that what we are doing is, as the bill is right now, is leaving the permit fee the same for the annual permit but we are doing away entirely with the duplicate permits so it seems to me we are going to raise considerable number of dollars already because we were told that the duplicate permits were the ones that were the problem. There were a considerable number of them being issued. So we are changing from one dollar to five dollars, a considerable number. These people that are just going into the park to enjoy the beauty of the park for a short period of time, one day, it seems to me that it is reasonable that we leave it at a dollar and a half. I don't see it is necessary to raise that fee. I would also like to remind Senator Chambers that there are other members of this body that are not, as he put it, too well-heeled either. As a matter of fact, my boots, I am going to have them fixed one of these days. I am not sure I can afford it anymore but I think it is important that we realize that there are a lot of people that go out for Sunday drives, elderly people many of them, many of them just plain old poor people like ourselves, that perhaps don't have a whole car load as Senator Labeledz pointed out or if they do that they are a family, mother and dad and the kids, and to charge

them any more than a dollar and a half just for the privilege of driving through one of the beautiful areas that we have in the State of Nebraska that has been designated as state parks seems to me is rather cruel and unnecessary. I would agree with Senator Labeledz, however, that we do have some beautiful state parks and the Game and Parks Commission has done a great job in putting them together and in administering and I supported the five dollar raise for the duplicate or permit which, as I indicated, will give them considerable numbers of extra dollars. So I urge the body's support for Senator Chambers' motion to leave the duplicate permits at one dollar and a half. Thank you.

SPEAKER MARVEL: Senator Cope, we are speaking to the Chambers amendment.

SENATOR COPE: Mr. President, members, we are overlooking one thing and that is tourists. There is a lot of tourists come through Nebraska in a year and there is a lot of tourists that stay at our parks and visit our parks for one day and there is a lot of money that we are going to lose if we charge them fifty cents. Now I am all for tourists. I think it is great but I think they should pay at least a little for using the fine parks we have, our roads, all of our facilities. They pay for it in other states and they pay more in a lot of states, I can assure you, and as much as two dollars in most states, probably all, I'm not sure. But let's don't forget. Let's cash in and get paid for some of the problems that we have in keeping parks up to people that go through the state.

SPEAKER MARVEL: Senator Burrows.

SENATOR BURROWS: Mr. Speaker, members of the body, I would urge you to support Senator Chambers' amendment. I think he put it very well that he may...we need to protect the Game Commission from its very capable but very ambitious ways and there is going to be a loss of revenues each step you take and raise that daily permit, whether it be by only fifty cents or not. So the additional revenues have some question marks before them when you raise that daily entry permit for people that are wanting to just drive through the park. This is the area of permits that I have received the most flak on over the years is that person and those people that go out to the park and find that they are being charged for a tax supported park to go in there one day, maybe for just a couple hours and tour it. It is not like a theater. It is tax supported. I think this is the one area we can cut the bill back and make it acceptable, provide more funds yet for the Game Commission but take off the flak that many of us will get from raising that daily

entry fee. It is a very reasonable amendment and I urge your support for the Chambers amendment. Thank you.

SPEAKER MARVEL: Senator Dworak.

SENATOR DWORAK: Mr. President and colleagues, I have hesitated talking on this issue but I think we are losing sight of some fundamental facts. The facts are is that the Game and Parks Commission, our Parks Department are suffering from the ravages of inflation like anybody else. Now whether we use these parks for an hour or whether we use them for fifteen minutes or whether we use them one time a year or five times a year or fifty times a year they have to be paid for. Somebody has to pay for them. Now either we are going to have the people using the parks pay for them through fees or we are going to assess everybody in the State of Nebraska to pay for them whether they use them or not and it just seems to me that recreation, and it is important, there is no question about it, but recreation should be paid for by those people that recreate, those people that elect to use these parks. I see no difference in this and any other concept. The people that use it should pay for it. Why put that burden on the people that don't desire to use it? I can't understand the logic. Now if we were talking about a necessity of life, we were talking about an area like that I could go along with the argument because I think somebody, I think it is our obligation, it is not their entitlement, but it is our obligation to help those less fortunate but in this area when we are talking about recreation I think these fees should bear the load. I think to reduce these fees as being proposed by this amendment would be wrong. If anything, they are inadequate now and we are not putting an exorbitant fee on these people. We keep talking about the people with the big campers and et cetera, et cetera, we are talking about a dollar or two. That is what we are talking about. Everybody using chip in a dollar or two and so I urge that you reject this amendment. Start thinking in terms of relativity. First of all, it is not essential to life, number one. Second, we are not talking about that great amount of money, number two. Third, the people that use the parks should pay for them.

SPEAKER MARVEL: Senator Higgins. The question has been called for. Do I see five hands? Okay, the question before the Legislature is, shall debate cease. Shall debate cease? Record.

CLERK: 26 ayes, 5 nays to cease debate, Mr. President.

SPEAKER MARVEL: The Chair recognizes Senator Chambers to close on his motion.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, we have another example of what continuing to load up fees and taxes can do. A variable gas tax was passed, and Nebraska currently has the highest tax on gasoline in the country and it is thirteen point something per gallon. And when they did that, everybody in the Department of Roads and those who would gain money from this tax, I think were ecstatic; but what they saw happening was that the revenue began to decline because people bought less gas and they drove less. So they picked it up on one end and lost more on the other. Now when Senator Dworak, and he is not the first one to say it, indicates that those who use the parks ought to pay to support them, he should realize that the parks belong to everybody; and in the same way that everybody contributes to the upkeep of the schools whether they have children who use the schools or not; everybody does, in fact, contribute to the upkeep of the roads and the streets even if they don't drive because if a person has to ship things to market and use gasoline as fuel and the fuel costs are high, those costs are passed on ultimately to the consumer. So the cost of gas taxes will be passed on and everybody, even those who don't use the roads will have to pay for them. The police services and the fire services are not paid for by those who use them. There are some things which are considered essential to the well-being of a society and the society as a whole underwrites the cost. The only thing the parks have to offer really is beauty and a bit of solitude on occasion. And beauty in and of itself is useless. It has no utilitarian value whatsoever. The only purpose it can serve is to give solace to the spirit and to the mind. You can't quantify beauty and it is something different to everybody. But a place in a society like the one in America that you can find some of nature uncorrupted, undefiled by large factories would be the parks. And if you are going to take the parks and put a price on them, I say to Senator Dworak, Senator Labeledz and Senator Mahoney that the wrong is not in the amount that is charged. The wrong is in the fact that an amount is charged at all. So even if a penny or two pennies were charged, it would be wrong. In the early days of this country they had a slogan, "millions for defense, but not one cent for tribute." It was the principle and not the amount, and that is what I think we are dealing with here today. Senator Labeledz mentioned that some of the places in the state are available without cost. I would venture to say they are the places that not many people go to so the Game and Parks will throw that in as a sop to give arguing ammunition to Senator Labeledz against people like me who try to keep the fees down. When we talk about the tourists, then Senator Cope is willing to strike out at the

residents of the State in order to hit an occasional tourist; and I think that is one of the most fallacious arguments given at all. If you insist on raising these fees, then I think, instead of just having signs to lure people into the parks and talk about what a great state Nebraska is and you praise the Game and Parks Commission, you ought to have a large sign, fifty feet by fifty feet, blaring to the public the cost of going to the parks and stating that it is the policy of Nebraska and the belief of Nebraska that the parks do not belong to the public. They ought not be able to be open to everybody unless you can pay. Senator Dworak, you know what this reminds me of? It reminds me of people who eat sumptuously in the richest restaurants anywhere in the world and they look out and it is cold outside and they see a tiny little face with sunken wistful eyes pressed against the window pane looking at those who do eat sumptuously--cannot even come in to take the scraps off the table--and the people who are sitting there eating and it doesn't bother them, they say, "Well it doesn't cost that much. If they can't eat bread, let them eat cake." Oh, we have a terrible philosophy being espoused here this morning and, Senator Marvel, Senator Marvel, I would like to yield the rest of my time to Senator Lamb who is not a wolf in lamb's clothing this morning.

SENATOR LAMB: I support the Chambers amendment which would put the price at a dollar and a half for one day which it is now. Now as the bill is progressing now we are going to leave the yearly fee at five dollars but we are going to jack up the daily fee from a dollar and a half to two dollars and I don't see how that is equitable because you have people going in there day after day after day all summer long for five dollars. You know, really not a great amount of money per day, they are probably getting by for ten or twenty cents a day but we are going to increase the fee for those people that want to go there just on a very few occasions like once or twice a summer. The price structure is getting out of line, conceding that there should be a price structure. We should have a structure there that these big campers that go in there and park for days at a time should probably be paying twenty-five dollars a season. There is no reason that should not happen and I don't think they would object to that but I certainly object to increasing that daily fee from a dollar and a half to two dollars when we are not going to increase the seasonal fee for those people who buy the sticker and who use the facilities day after day. That certainly is not equitable. I certainly support Senator Chambers amendment which would leave the fee at a dollar and a half per day as it is now because the yearly sticker is going to be left at five dollars. There is no really justice in increasing the daily fee. Thank you.

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SPEAKER MARVEL: Okay, the motion is the adoption of the Chambers amendment to the bill. All those in favor vote aye, opposed vote no.

SENATOR CHAMBERS: (mike not activated)...House. I think that is the only way I can get what I need.

SPEAKER MARVEL: The question before the House is shall the House go under Call. All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 26 ayes, 4 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators should be in your seats. Unauthorized personnel should be off the floor. Senator Cullan, Senator Lamb, would you record your presence please. Senator Maresh, would you record your presence. Senator Hefner, please record your presence. Senator Clark, please record your presence. Senator Haberman, Senator Pirsch, Senator Newell. Senator Cullan.

SENATOR CULLAN: I just wonder if you could restate the question so that we know what we are going to vote on.

SPEAKER MARVEL: Senator Cullan, we are voting on the Chambers amendment to the bill, LB 74. Senator Clark and Senator Newell. Senator Goll, for what...?

SENATOR GOLL: (mike not activated)...what this amendment is.

SPEAKER MARVEL: The amendment is the adoption of the Chambers amendment to the bill and the Chambers amendment adds, reduces the two dollars to a dollar fifty cents. Is that right?

SENATOR GOLL: So if we vote aye we vote for a dollar and a half. If we vote no we vote for two dollars. Is that right?

SPEAKER MARVEL: Yes.

SENATOR GOLL: Thank you.

SPEAKER MARVEL: Everybody is present except Senator Newell. Call the roll.

CLERK: (Read roll call vote as found on page 908 of the Legislative Journal.) 20 ayes, 25 nays, Mr. President.

SPEAKER MARVEL: The motion lost.

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

SPEAKER MARVEL: Do you wish to move the advancement of the bill, Senator Labedz?

SENATOR LABEDZ: I move LB 74 from Select File to E & R for Engrossment.

SPEAKER MARVEL: The motion is the advancement of the bill. All those in favor of that motion say aye...a machine vote has been requested. Senator Chambers, do you want to speak?

SENATOR CHAMBERS: Yes, I do, Mr. Chairman. I recognize and realize that some people are tired of this issue. And I have wrongly been characterized as being tenacious on issues, but here is what you have to realize. The only reason I continue to take the position I do on an issue is because other people take the opposite view so really they are the tenacious ones and I am merely responding in kind. But I am not going to let this bill move any faster than it is moving. In other words, I am going to do everything I can to hinder it. I know it has the votes to go, but I am not going to vote for it. I am not supporting it. And in view of the greed that I see developing with reference to how things are done by Game and Parks, my attitude is changing because I do not think the primary aim is to prepare facilities for the welfare of the citizenry but rather to create a certain image for the Director and maybe even a little kingdom; and I think that is wrong. If private industry does it you expect it because profit is the motive and almost anything can be done for profit. But where we are talking about looking after the common good and dealing with those things that are to belong to everybody, we have a different set of circumstances to consider and should set a different standard for judging. I think this bill is wrong. I think it is immoral. I will not vote for it. And I know my speaking against it won't make that much difference but it will purge my soul. And that is what I need this morning. And I want the Legislature to bear with me these last few moments. It is like a man who is about to be executed and they let him say anything he wants to say. They let him eat anything he wants to eat because in a very short time he will be done with forever, and that is the least amount of indulgence that can be granted; and it is not granted for him. It is a convenience to those who want to hurry up and dispatch him. So grant me that boon this morning to say these things for my benefit and not yours. But they will exist in the record from now on. And I believe issues are going to arise in the future. I do have a long memory. I remember the positions that we take and then I compare that to positions taken on other issues. And sometimes we see that legislators share one trait in common with the chameleon, that is,

the ability to change, share another trait in common with the crocodile, that is, to be able to shed tears on cue. Now those might be considered desirable traits when politicians are dealing with each other because you want to disguise exactly what your true motive is. But when we are dealing with the public and for the public they ought to be able to determine what manner of person we happen to be. So, when on the one hand, certain bills come up and I hear arguments given that a certain bill is what they call a "people" bill or to benefit the common good, I listen to that. But then I watch votes that deal with issues that concern a very large proportion of the population and all of that concern for "the people" goes out the window. This is such a bill. It is not being enacted in the public interest. It is not enacted with the public good in mind. It is done to take care of the greatest number, and the greatest number is Number One; and the number one in this instance happens to be Senator Eugene Mahoney. I have to say this. Senator Labedz is a magnificent standard bearer. She has a certain charm about the way she presents her arguments that makes it difficult to vote against her issue because you get the impression and feeling you are voting against her. That is why, like when you were dealing with the Medusa and you look upon it and turn into stone, you have to cover your face or avert your eyes when you are dealing against Senator Labedz's issue. Don't let her beguile you. Don't let her charm you. Don't be, members of the Legislature, like that rope in the wicker basket which can be made to rise by the notes from a flute.

SPEAKER MARVEL: You have one minute

SENATOR CHAMBERS: Think about what your obligation and responsibility is. Many times the issues that seem small are the ones that we are judged by and characterized by. I know this doesn't deal with a charge for a bank, what they can charge for using their card. It doesn't deal with a water issue. It doesn't deal with interest rates but it deals with the rate of interest that we have for the public welfare. I will not vote for this bill and I know Senator Mahoney, wherever he is, is chuckling saying, so what. I've got to do what is right for me to do and I hope without the expectation that enough of you will not vote to advance so this bill will stay right where it is. Thank you.

SPEAKER MARVEL: The motion is the advancement of LB 74 to E & R for engrossment. All those in favor of that motion vote aye, opposed vote no. Excuse me? Have you all voted? Record the vote.

CLERK: (Read record vote as found on pages 908-909 of the Legislative Journal.) 25 ayes, 9 nays, Mr. President, 15 not voting.

SPEAKER MARVEL: The motion carried. The bill is advanced. Are you ready for the next item? We are going to continue on Select File. What we are trying to do in the meantime between now and noon we hope to have the priority list as promised for you. So we hope that everybody who possible will stick with us until we adjourn. Go ahead.

CLERK: Mr. President, Revenue Committee will meet in executive session Tuesday, March 17, at one-thirty in Room 1520.

Your committee on Judiciary reports LB 126 to General File with amendments; 129 to General File with amendments; 228 to General File with amendments and 242 to General File with amendments. (See pages 909-913 of the Journal.)

Senator DeCamp would like to print amendments to LB 273 in the Journal. (See pages 913-194 of the Journal.)

Your committee on Revenue reports LB 486 to General File and 412 to General File with amendments. (See pages 914-916 of the Journal.)

Mr. President, a new resolution by Senator Fenger and others. (Read LB 37 as found on pages 916-917 of the Legislative Journal.) That will be laid over.

I have a report of registered lobbyists. Your Enrolling Clerk has presented certain bills to the Governor. (Re: 55, 114, 128, 217, 246, 279, 388, 434, 462. (See page 917 of the Journal.)

Your committee on Miscellaneous Subjects recommends approval of certain gubernatorial appointments. (See page 918 of the Journal.)

Mr. President, LB 500, there are E & R amendments to the bill. Mr. President, there are E & R amendments to LB 500.

SPEAKER MARVEL: Before we proceed with that I want to introduce some guests who are underneath the South balcony from Chadron State College, 6 students, Angie Kolar from Neligh, Jim Stewart from Omaha, Laura Larson from Wauneta, Casey Frye from Lander, Wyoming, Gene Mohr of Stratton, Rhonda Hernandez of Scottsbluff. They have ridden four hundred and thirty miles on bicycles. If you would like to talk to them or see their equipment it is in the rotunda after 1:00 p.m. We welcome you to the Unicameral. Senator Beutler.

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.

April 15, 1981

LB 44, 74, 87

take care of your area so we can proceed with Final Reading? Thank you. The Clerk will read on Final Reading LB 74.

CLERK: (Read LB 74 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, opposed vote no. LB 74 on Final Reading. Have you all voted? Record the vote.

CLERK: (Record vote read. See page 1478, Legislative Journal.) 35 ayes, 5 nays, 9 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is passed on Final Reading. The Clerk will now read LB 44.

CLERK: (Read LB 44 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass on Final Reading? Those in favor vote aye, opposed vote no. Have you all voted? The Clerk will record the vote.

CLERK: (Record vote read. See pages 1478 and 1479, Legislative Journal.) 39 ayes, 1 nay, 9 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read on Final Reading LB 87.

CLERK: (Read LB 87 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, opposed vote no. LB 87 on Final Reading. Have you all voted? Record the vote.

CLERK: (Record vote read. See page 1479, Legislative Journal.) 36 ayes, 3 nays, 9 excused and not voting, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. Permission has been requested to temporarily pass over LB 173 until the introducer gets here. Is there objections? If not, so ordered. Senator Beutler, what were we doing on the next bill?

SENATOR BEUTLER: Since Senator DeCamp is not here and there

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LR 21
LB 44, 74, 87, 173, 271

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by the Reverend Gifford Myers from the First Evangelical Free Church, Lincoln.

GIFFORD G. MYERS: (Prayer offered.)

PRESIDENT: Roll call. Have you all registered your presence? Record the presence, Mr. Clerk.

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

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal will then stand correct as published. Any other messages, reports or announcements.

CLERK: Mr. President, LB 74, 44, 87, 271, and 173, as well as LR 21 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign: LB 74, LB 44, LB 87, LB 271, LB 173 and LR 21. Anything further, Mr. Clerk?

CLERK: I have nothing further, Mr. President.

PRESIDENT: The Chair recognizes at this time for a very special explanation and presentation, Honorable Senator Marsh.

SENATOR MARSH: Thank you very much, Mr. President. I am very pleased, ladies and gentlemen, members of the legislative body, to share with you some of the excitement which has been going on at our house the past few months. The State Treasurer as a member of the Plant Two Trees Committee of Lancaster County has made the little gift available to you which you found on your desk this morning. This is some of the night hours put in by the State Treasurer delivering these in person last evening and this committee through the leadership of the State Treasurer has made available to every fifth grade school child in the County of Lancaster County a tree to be planted on Arbor Day. I urge you to plant this tree or give to someone who will plant it. It is a blue spruce and there is attached to the package some interesting facts regarding trees and the State of Nebraska. I wish

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LB 506, 44, 74, 87, 266,
173, 226A, 271, 483

propriated in this bill, there is some question about the continued operation of the Eppley Institute. This would be a shame. I urge the body's support of 506.

SPEAKER MARVEL: Senator Cullan, do you wish to close?

SENATOR CULLAN: Mr. President, members of the Legislature, I appreciate all the support that has come and I appreciate Senator Warner's constructive amendments to LB 506. Senator Wesely just asked a question about what the scope of the bill now is with respect to research. The \$1.2 million which we appropriated to the Department of Health will be available for research, not only for cancer related research, but for research related to any disease or medical problem that it would be caused by smoking. There are a tremendous number of smoking related diseases and so I do not believe that is an excessive amount of money for that research. I think it really is just a start and I really hope that you will join me in advancing the bill. I would, however, have to correct Senator Hefner who urged Senator Koch to start chewing tobacco instead of smoking. Senator Dworak was recently advised by his dentist not to do that and so in light of that I wouldn't suggest Senator Koch taking that habit up either. As to why we have not increased the tax on chewing tobacco and cigars, that is something that the Revenue Committee or somebody may want to look at, but if you have as many ranchers in your district as I have in mine, that is not something you want to be involved in initiating. Thank you very much and I would urge you to advance LB 506.

SPEAKER MARVEL: The motion is to advance the bill. All those in favor vote aye, opposed vote no. Record.

CLERK: 30 ayes, 1 nay, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: Motion is carried. The bill is advanced. Go ahead.

CLERK: Mr. President, your Enrolling Clerk respectfully reports she has presented to the Governor for his approval LB 74, 44, 87, 271 and 173.

Mr. President, a new A bill, LB 226A offered by Senator Haberman. (Title read.)

Mr. President, LB 483 is 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 reengrossed LB 483. We are now ready for LB 266.

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LB 44, 74, 87, 113, 271, 298,
327, 328, 331, 404, 478, 486,
252, 241, 483

not going to be built for a variety of reasons, environmental costs, eminent domain and many other reasons. You start talking about building a project and immediately you have a whole group of people that rise up in arms to it. We all know that, but yet it is nice to stand up on the floor and make glowing speeches about how we need to store more water. But now when we are talking about an issue where we might be able to save some of that water in the State of Nebraska although it might not be in your area, it might not be in your basin, you might have to drive a couple hundred miles to go fish in it, suddenly you don't want to do that and you want to put language in the statutes that I assure you is going to prohibit it from happening. I suggest that reasonable people that are of conservative nature should agree with me to remove the language in lines 13 and 14.

SPEAKER MARVEL: Okay, the motion is on the second half of the Vickers amendment, is the adoption of that amendment. All those in favor vote aye, opposed vote no. Have you all voted? Senator Vickers, where are you? Oh, there you are. Eight are excused, Senator Vickers.

SENATOR VICKERS: Record the vote. Oh, make it...I want a record vote.

SPEAKER MARVEL: Okay, record.

CLERK: (Read the record vote as found on page 1519 of the Legislative Journal.) 10 ayes, 23 nays, Mr. President, on adoption of the amendment.

SPEAKER MARVEL: The Clerk has some items to read in.

CLERK: Your Enrolling Clerk has presented to the Governor LB 483.

I have a communication from the Governor addressed to the Clerk. (Read communication regarding the signing of LBs 44, 74, 87, 271 and 483 as found on pages 1520 and 1521 of the Legislative Journal.)

Mr. President, Senator Fowler would like to print amendments to LB 404. (See pages 1521 and 1522 of the Journal.)

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 241 and find the same correctly engrossed; 298, 327, 328, 486, 113, and 331 and 478, all correctly engrossed, Mr. President. (See pages 1524 and 1525 of the Legislative Journal.)