

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*
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LB 9, 34, 51, 78, 91, 124,
125, 133, 150, 178, 195,
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277, 317, 320, 321, 345
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PRESIDENT LUEDTKE PRESIDING

REVEREND GERALD LUNDBY: (Prayer offered.)

PRESIDENT: Senator Higgins, do you want to put your light on and then we will make sure we have got enough. Thank you. Record the presence, Mr. Clerk.

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

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

CLERK: I have no corrections to the Journal, Mr. President.

PRESIDENT: All right, the Journal will stand correct as published. Any messages, reports or announcements?

CLERK: Yes, sir, I do. Mr. President, first of all, your committee on Education whose Chairman is Senator Koch to whom was referred LB 78 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 317 General File with amendments; 320 General File with amendments; 321 General File with amendments; 91 Indefinitely postponed; 223 Indefinitely postponed; 363 Indefinitely postponed; 439 Indefinitely postponed. (Signed) Senator Koch, Chair.

Mr. President, your committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp to whom was referred LB 376 reports LB 376 to General File with amendments; LB 133 Indefinitely postponed; and 277 Indefinitely postponed. (Signed) Senator DeCamp, Chair.

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 51 and find the same correctly engrossed; LB 125 correctly engrossed; 150 correctly engrossed; 195 correctly engrossed; 205 correctly engrossed; 272 correctly engrossed; 273 correctly engrossed; 273A correctly engrossed; 409 correctly engrossed; and 459 correctly engrossed. (Signed) Senator Kilgarin, Chair.

Mr. President, LB 9, 34, 124, 178 and 345 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 9, LB 34, LB 124, LB 178, and LB 345.

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LB 78

CLERK: Mr. President, LB 78 (Title read.). The bill was first read on January 9. It was referred to the Education Committee for public hearing. The bill was advanced to General File. I do have committee amendments by the Education Committee, Mr. President.

SPEAKER MARVEL: Senator Koch, do you want to move the adoption of the committee amendments to LB 78?

SENATOR KOCH: Thank you, Mr. Speaker. I move the adoption of the committee amendments to LB 78.

SPEAKER MARVEL: The motion is to approve the committee amendments to LB 78. All those in favor...Senator Cullan, your light is on.

SENATOR CULLAN: Mr. President, members of the Legislature, it is customary on occasion at least for the introducer of the committee amendments to give us a little brief synopsis of what he might be doing and I would request Senator Koch to give us just a little bit of information before we move this thing along or don't move this thing along.

SENATOR KOCH: Thank you, Senator Cullan. What the committee did, we tried to establish a priority under which the public radio would be established. Since eastern Nebraska has several radios now that are public, that that area does not need to be of a priority. So what we said there was that we will begin in the areas where the need is the greatest and antennas are already in place and it can be put in place with some degree of, well, immediacy. That is all we are doing.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Kahle. Senator Kahle.

SENATOR KAHLE: I really want to talk on the bill but maybe I can talk on this, too. I have a real problem with public radio and have over the years. When I span across my radio dial, either FM or AM, there are enough stations to get just about any kind of a program you want and a few you don't. I think perhaps those that want public radio so bad should do as a group of farmers did a number of years ago and build their own radio station. You can put anything you want to out over it. You can even advertise and promote a vet school and nobody is going to stop you. So I think public radio is an unnecessary thing. I am really surprised that Senator Dworak is willing to spend the money and I know that they are going to tell me I am not talking about the amendments so I will quit for now.

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SENATOR CLARK: Senator Lamb. Senator Schmit. Senator Cope, you don't want to talk on the committee amendments. Senator Cullan, do you want to talk on the committee amendments again? Do you want to close on the committee amendments, then? The question before the House is the adoption of the committee amendments. All those in favor vote aye, all those opposed vote nay. Have you all voted? Once more, have you all voted on the committee amendments on LB 78? Record the vote.

CLERK: 20 ayes, 0 nays on the adoption of the committee amendments, Mr. President.

SENATOR CLARK: The committee amendments are not adopted. Do you have any amendments on the bill? Senator Dworak, do you want to explain the bill?

SENATOR DWORAK: Mr. President and colleagues, this bill may have an unprecedented time limit. I think there have been three kill motions up there already before the committee amendments even got heard. That may be a new record. It is kind of ironic. This is really not a new concept in this country. It is educational radio. I might point out very sincerely, very specifically and very much to the point this bill does not call for one dollar of funding. There has not been any request in the Appropriations Committee to fund it. It merely establishes the authority and gives educational television that authority to transmit, broadcast through airways in the medium of radio as well as television. Now my major concern and my major reason for supporting this bill is that I think the people of Nebraska have a right, have an opportunity to intelligent news viewpoint and I think our current airways are very, very seriously lacking in that kind of in depth public discussion. Now I know many of us in this room would prefer the public back home not to know what is going on. I know many of us realize that our power rests with an uninformed public and this bill would allow that public to be better informed. And I think that is a very important, very critical factor in a democratic society. Now the argument will be brought up and the argument has been made in the past, well, here is a chance for, the opportunity for government to editorialize a particular news point of view and I say to you and I say to the people of Nebraska that there is absolutely no point of view that is not editorialized. It is impossible not to editorialize any point of view. We have four or five or six reporters sitting up and writing the story on the same debate, on the same speech and everyone of those reporters have slanted that speech as to their own background and to their own perspective. They can't help but do that and the only way you can truly totally find out what is happening is to get perspectives

from different point of views. If you read only one newspaper, you are going to get a biased point of view. If you read two and if you read three, you are going to get a broader perspective. If you read the newspaper and watch television and listen to the radio, you are going to get an even broader perspective. If you use only one, you are going to get a narrow perspective. So this is not a narrowing or a censoring measure, this is a broadening measure. This is exactly what it means, it is educational radio. Now if you are satisfied with only a certain perspective, so be it, but if you want several perspectives, then you should support this particular concept. And I said before, we have a lot of the capital equipment in place across this state right now. We have nine towers built transmitting educational television signals, and these towers can be utilized for a few additional dollars if in the future we intend to go ahead with this, these towers can be utilized to enhance the educational opportunity of the citizens of Nebraska. Another thing that concerns me is there are two stations now, one in Omaha, one in Lincoln. Why not give the people of the greater Nebraska area the same opportunity those people have in Omaha and Lincoln. I don't understand why we would only allow this type of service, this type of broadcasting, this type of educational information in approximately one-third of the area of the state. So I urge you very strongly to put aside the emotionalism. Obviously, the radio industry, the radio people have been very intent on this. I can't really quite understand why because in one point they make the claim that it is government encroachment, going to take away their business, and then in the other statement they say that the listening audience is so small that it is not worthwhile. Now they can't have it both ways. Either there is a significant number of people out there desiring the kind of information, the kind of in depth reporting that is available through educational radio or there isn't. I had the opportunity several months ago driving between Lincoln and Columbus to pick up WOI of Ames and heard live from Washington, D.C. the hearings on Alexander Haig. Now I say there isn't a newspaper article, there isn't a television short, there isn't a five minute blurb on commercial radio that could as adequately presented the character, the depth, the intelligence, the forcefulness of this man than that live in full coverage from Washington of that Senate hearing on the confirmation of Alexander Haig. Commercial radio cannot do it. They cannot find the sponsorship to do it. The public has a right to know. I don't think any of us lament the fact that we have established educational TV in the State of Nebraska. I am not sure what the future will be. Federal funds for educational television obviously are going to be in short supply. We may well have to look at a

more economical alternative for the type of broadcasting now being utilized by educational television. That opportunity is before us today, a less expensive form of broadcasting, radio, and a lot of the services that are now being conducted by public television can as well and cheaper be conducted by educational radio. In discussing the extension division's budget with them in the Appropriation Committee, many of the expensive worthwhile necessary services they provide could be provided a lot more economical through the medium of educational radio. So if the extension division, if we can justify educational television, if we can justify the extension division, then we can certainly put in their hands a less expensive tool to get their message across to the State of Nebraska. I urge you very strongly to give this serious consideration, forget the emotionalism and the hysteria of the commercial broadcasters, take a look at the overall well being and benefits of the people you represent,...

SENATOR CLARK: You have about forty-five seconds.

SENATOR DWORAK: ...take into account their right to know, their right to understand, their right to hear public issues, public commentary in its completeness.

SENATOR CLARK: Motion on the desk.

CLERK: Mr. President, Senators Haberman and Hefner move to indefinitely postpone the bill.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, I am sitting here saying to myself, "Rex, don't get emotional. Please don't get emotional because Senator Dworak has asked you not to get emotional." But I ask you, fellow Senators, when you look at the sheet that I passed out, if you will look at the sheet that I passed out, the cost of educational TV since it was born some few fifteen years ago has gone up 18,000 percent. Now how can I sit here and not get emotional knowing that it has gone up 18,000 percent. And Senator Dworak says, "We have the towers in place and for a few additional dollars, for a few additional dollars the public will have a right to know." God, I hope they have a right to know it is going to be 18,000 percent. Then I pick up the fiscal note and Dworak, Senator Dworak says, "a few additional dollars", and it says right here \$1,638,000. Now that is just to start. What is it going to be in another five years? ETV only started out with \$23,000 and public radio wants to start out with a million some thousand. So I hope that I don't get too emotional because it is not good for me. I hope that you give

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serious consideration to this because I would hate to have to go home and explain to the people that this Legislature passed an addition to an \$18,000 ETV thing that is only going to cost a few additional dollars of a million some. So I ask you to please help me not get emotional over this and vote for the kill motion. Thank you, Mr. President.

SENATOR CLARK: Senator Kahle. Please don't get emotional, Senator Kahle.

SENATOR KAHLE: Okay, I will see if I can stick to the motion, Mr. President. I don't think it will be too hard this time. I just really can't for the life of me see when we talk about, as many of you have on this floor this session, about how hard up we are, you know we can't furnish two license plates, for instance, and a few other things, that we think we can have a special radio program for everybody. Now Senator Dworak has mentioned he has heard this program. When we had the hearing on this a few years ago a farmer came in which kind of surprised me because I thought they had all the radio they could stand and he said he was complaining because he couldn't get the Baltimore hog market. Now the Baltimore hog market doesn't buy any hogs in this area but they, I guess, do set the market on the east coast. Now what if he wanted that Baltimore hog market the same time they were having the hearings in Washington, how would he get it? I think right now if you don't like what you hear, and I am ready to kick in the TV tube at times myself when some dumb commentator comes on and tells me what the President is going to say when he makes his speech and then when he is through he tells me what he said and I am ready to kick the tube in, but you certainly can get any kind of information you want and just about any kind of program you want, and if you can't get it on the radio, you can sure as the dickens get a tape of it to play on your own machine at home. So I just can't imagine why we could possibly need more radio. Of course, maybe I am prejudiced because the only time I listen to the radio is when I am driving along in the car and that doesn't suit me very well so I usually play a tape. But there is certainly no problem getting the news from several sources and reading it from several sources as Senator Dworak said. I don't think we are starved for information. If we were, I would probably take a different attitude. If there are people that want a certain kind of a program, why don't they do as I suggested awhile ago, put up their own station and support it. As I watch ETV now, I understand they are selling things and having all kinds of fund raisers even though we put up the millions of dollars so I don't know how you are going to support public radio without the same thing. I am not going to carry this out. I think you understand from what I have

said that how I feel about it hasn't changed. I have given this speech every year since I have been down here. I support the kill motion. I think it is something we can get along without in Nebraska.

SENATOR CLARK: Senator Hefner.

SENATOR HEFNER: Mr. President, members of the body, I am not going to get as emotional as Senator Haberman. I am going to shoot directly from the hip. I don't call this "public radio". I call it "government radio". And the reason I am calling it government radio is because the taxpayers are picking up the dollars to support it. I think that in a free society as we have here that having public radio or government radio can be very dangerous. I oppose government radio because of three or four reasons and I just want to cite a few of these. The first one is added taxes. We all know that it costs money to run radio stations. This is true even if we do plug in on the ETV towers and through their mechanical means. All costs keep going up from year to year. Salaries go up. Repairs go up. New equipment goes up, and so public radio would certainly go up. Look at the impact, the fiscal impact statement in the front of your bill book. It is tremendous over a number of years and I am surprised that a staunch conservative such as Senator Dworak would even think about bringing this bill to us. If government radio budget is to come from the ETV budget as has been suggested, then the ETV budget would certainly have to be increased. And have you listened to our ETV station lately? They certainly are spending a lot of time appealing for more money. Another reason that I support the motion to indefinitely postpone this bill is additional bureaucracy that it will create. Here we have appointed officials, appointed officials that is controlling our ETV and would control public radio. Those on the ETV board will have a lot of power if they control both ETV and public radio. We realize that most federal agencies start small but in a few years they have grown out of proportion. Look at how much our ETV budget has grown. Senator Haberman said 18,000 percent. Well, I didn't figure it up but I know in the last decade that they have grown nearly 400 percent. Another reason that I oppose public radio is because it is in competition with the free enterprise system and the free enterprise system has made this nation great and so I think we want to look very carefully at it. The free enterprise businesses serves the public better and with less cost than any government agencies. Private business pays taxes. It does not cost the taxpayer. And so today I ask you to please support the kill motion on LB 78. We need fewer government agencies instead of more. We need lower taxes instead of

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higher taxes.

SENATOR CLARK: You have one minute.

SENATOR HEFNER: Thank you. Citizens of Nebraska are getting fed up with excessive spending. I think the public spoke loud and clear last fall when they said that we want less government, get government off of our backs. So with that closing I would like to say please support the kill motion.

SENATOR CLARK: Senator Lamb.

SENATOR LAMB: Mr. President, members of the Legislature, I rise to support the kill motion and one of the reasons is because of one of the arguments which Senator Dworak used in support of the bill. He says, "Look! There is no A bill. There is no funding." I say that "Shame on you, Senator Dworak, this is the back door approach." This just gives authorization without coming up with biting the bullet at the same time. I believe in committee the talk was that the funding would be about \$1.4 million. In the bill book it says \$1.6 million. Both of those numbers are fairly large and I say Senator Dworak should go all the way. If he wants a project, have the A bill come right with it so that we face the issue head on, we don't use this back door approach. I urge adoption of the kill motion.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I reluctantly arise to oppose...rather to support the kill motion and oppose the bill. I think it is important we have a wide range of media and we have varying degrees of competence or perhaps lesser competence or perhaps lesser competence among the media, and from time to time, I know not all of us I am sure feel we are not being adequately and fairly presented to the public but there is always some other radio station or some other TV station or reporter that is going to quote us as they think we ought to be quoted and probably one of these days somebody is going to put something out that I think accurately reflects what I had said. That is quite in contrast to a single public entity and I think you would have to borrow Senator Hefner's words and say "government entity". Remember that when it is paid for by the taxpayers, it is paid for by government and the secret of success in government is to grow but the secret of real success is to grow only so slowly that you don't become noticeable, a government man told me that one time, and that is the way it went and I think Senator Haberman has pointed out here that our educational TV has certainly

grown at a rather astronomical rate and I would think that when you look back over the years you will find that very often individuals who speak on the educational TV on any other issue are portrayed differently than if they are reported in the public press and I think it is important, it is important that you have a range and a variety of reporting. The most dangerous thing that could happen to this country, from my point of view and I may be borrowing a little bit from the drama of Senator Haberman, is to have any kind of a controlled press. I think it is dangerous. I think that we can look back in history and any time that you get into any kind of trouble you get there with a controlled press. The press once it is controlled gives you all kinds of trouble. The free press gives me trouble once in awhile also but I will still take the free press over that that is paid for by the taxpayer. I think it is a better average representation and do its job well and it has done its job well. It has protected this country well over the years and I think it will continue to do so. I know that Senator Dworak has fine motives for his bill and he wants to provide for us some of the finer things but I really think in this instance, Senator Dworak, that we can do without it. There may be a time and a place when it can be handled in a different manner but I am opposed to the public use of funds to extol the virtues of the Legislature or any other governmental body. A public media that is dependent upon this body for appropriation, unless they were completely stupid, would kowtow to this Legislature, makes us look like heroes to the people back home in the hopes that they would get more and more and more funds. It has worked that way in the past. It will work that way in the future. I don't think it is a good direction to move. I am opposed to it and I think we ought to kill the bill.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Cullan. The Chair recognizes Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I rise to oppose the motion to indefinitely postpone. I can only say after listening to Rex Haberman's speech that I am sorry that the Academy Award nominations are closed for this year. Certainly was deserving of recognition far beyond my mere ability to praise that performance, however, I will look to some of the other more substantial speeches to consider some of the reasons why the bill, LB 78, should be indefinitely postponed. Apparently it comes down to the burgeoning growth of government and the fact that we need to protect free enterprise from the tyranny of public radio and this from a body who just earlier today passed a long

provision designed in my mind's eye to be welfare for the rich young farmers of the State of Nebraska, this from a body who just yesterday bent over backwards to accommodate the Falstaff Brewing Company with a special law, this Legislature who has passed to the floor as I understand it a sales tax exemption for machinery for new young industries in Nebraska, who daily make all kinds of concessions, compromises and incentives for private industry, parts of it against other parts of it, who draw lines all the time, arbitrary and otherwise on behalf of free enterprise. It hardly seems that we need to defend the free enterprise system from this kind of tyranny in this instance. We are so often protecting it. We have used and abused the shibboleth of protecting free enterprise so much that it is no longer a policy with this body, it is a slogan. It is a slogan we all use day in and day out with absolutely no meaning as earlier actions by this Legislature evince clearly. However, if this body is so inclined to defend the free enterprise system, I guess what it means is that the only thing that we can see as the value of our airwaves is that it be filled with endless repetitions of songs like "Boogie, oogie, oogie. Shake your bootie. And if I said you had a beautiful body, would you hold it against me." Now I do not think that that is the sum total of the value of the airwaves to enlighten the public although apparently most of the members of this body seem to approve of that as the sum total apparently of the ability of radio to inform and to increase public understanding of difficult public policy issues. Daily this body suffers the sweltering heat of these lights so that the State of Nebraska can understand the legislative process and to know about what we are doing, and we do that not because of commercial television but because of public television. And if any of us think that largely the impression of the public is not, at least in the televised format, formed by that kind of experience, they are kidding themselves. We get watched very carefully because of the ETV programming that brings us to the public, and if we can do that with the case of television, if we can extend to the public the in depth knowledge of what we do in the legislative body, can we not open also up the airwaves of the radio to allow for deeper public understanding of controversial issues that absorb the complex society that we live in. For that reason I oppose the kill motion on LB 78, and I intend to, if I ever get a chance, to vote for its advancement.

SPEAKER MARVEL: Senator Dworak, do you want to speak?

SENATOR DWORAK: I yield my time to another light on the opposition side to the kill motion.

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SPEAKER MARVEL: I am at a loss to try to figure these out and that is what I am trying to do. Senator Chambers, are you on the same side with Senator Dworak? On this issue?

SENATOR CHAMBERS: Mr. Chairman, I have heard Senator Dworak defined as a conservative so I am on the right side. I mean I am on the side of right not the right side.

SPEAKER MARVEL: You are on the same side with him now. I am trying to get this worked out so we have the same number on each side.

SENATOR CHAMBERS: I am against the kill motion wherever that would place me.

SPEAKER MARVEL: All right. The Chair recognizes you.

SENATOR CHAMBERS: First I would like to take issue with something Senator Schmit said. He said that public radio would try to make the legislators look like heroes. Well, I have watched public television, I have sat in this body and there aren't many heroes no matter how you portray it so that can be dismissed with that. Senator Hefner, you surprise me. Where are you at? Thank you. You made a remark that I can't believe came out of your lips. This comment. "The free enterprise system made this nation great." You said that? Then you are opposed to doing anything to restrict Japanese imports. You believe in letting free enterprise have free play. Oh, he didn't say that. Senator Hefner did not...he is for free enterprise up to a point. When free enterprise enriches certain individuals, then he is for it but he is not for free enterprise, period. He is upset when somebody takes an idea which he says is good and takes it a step beyond and begins to enrich themselves, those who were not contemplated under the original concept. He also said that he is surprised that Senator Dworak, a conservative, would bring a bill like this. Well, I would have to say Senator Dworak is only a partial conservative and, Senator Hefner, in the land of the blind, the one-eyed man is king. So Senator Dworak is king in this discussion so far among the conservatives. Now, Senator Kahle, you said that there might be a farmer who wants to listen to the Baltimore hog market at the same time that the hearing from Washington is occurring. He could listen to one and get the benefits of both at the same time anyway. Now, Senator Hefner also mentioned excessive spending and now that he is at his mike I would like to ask him a serious question. Senator Hefner, are you in favor of cutting government spending where it can be done? Are you, Senator Hefner?

SPEAKER MARVEL: Senator Hefner, do you yield to the question?

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SENATOR HEFNER: Absolutely I am, yes.

SENATOR CHAMBERS: Now there was a bill to reduce the cost of making license plates to the state. Did you vote for that amendment or against it allowing one license place?

SENATOR HEFNER: I will have to check the record on that.

SENATOR CHAMBERS: Oh, my goodness. Thank you, Senator Hefner. See how these conservatives are. They cast votes and don't even know what they voted. Probably the last one who talked to him told him how to vote so you have got to check to see who he talked to last. Now commercial radio I would tell you is something that I listen to a lot of the time. I listen to it in the morning. I listen to it during the middle of the day. On Saturday I listen to it in the barbershop. I am inflicted...commercial radio is inflicted on me all day Saturday in the barbershop, listen to it at night and there isn't anything uplifting on it. Oh, ye of narrow vision, ye barren in spirit, barren in imagination. What we have to think about is what is going to be beneficial to the spirit of the public. It is clear that commercial radio, as commercial television, is inane. There is nothing challenging on it. The news is composed of a few one sentence statements in which they try to encompass an entire complex problem. There is no in depth coverage of news on the radio, and if you happen to get a newscast that covers a subject with two minutes, you hear the same thing all day long. So there is no imagination in commercial radio. There is no imagination in commercial television. There is a lust and a greed for money, Senator Hefner. Money is the ticket and they degrade people's intelligence at the same time. I can't improve on what Senator Landis did. Senator Landis has had training in acting, but he was not acting, he was facting a few minutes ago. Remember that little cartoon I gave you about "ring around the collar", why they don't wash the man's neck instead of scrubbing the daylights out of the shirt. They degrade the concept of the female intelligence. They walk into a laundromat and say I will give you \$50 for your towel. Why? I want to tear it in two. Then she is shocked and amazed and has to think whether she will take the \$50 for a towel. Commercial television is filled with violence.

SPEAKER MARVEL: You have one minute.

SENATOR CHAMBERS: It is filled with all of the things that would tend to degrade a society, and when they reach the point when they realize that certain ideas that ought to be presented are not, they are going to try an experiment whereby if you have enough money to pay the network you can buy commercial

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time to give as a commercial information that ought to be covered by news, if the commercial stations are going to do their job. There is not nearly enough time for me to say the things I want to say but I will make it clear that I am speaking in opposition to the kill motion and I think those who are saying "kill" have not thought the matter through at all. But, Senator Hefner, because some people think in labels, and I am not saying you do, but if being for public radio would make me a communist, then I am a communist, like I would be a communist or a socialist if I am for the Tennessee Valley Authority.

SPEAKER MARVEL: You are at fifteen seconds.

SENATOR CHAMBERS: I wish that you would not vote to kill this bill right at this point. Give those of us a chance to make a case who have not had that opportunity.

SPEAKER MARVEL: We are not going to be able to finish with all of those who want to talk today and we will have to start in the morning with two items. One is the bill that we have been talking about. I have a list of names here of those who have spoken and those who would like to speak, and in addition to this, I would like to visit for a minute about the consent calendar and it is now about twenty-five minutes after four. All right, then the consent calendar takes place... is the issue tomorrow and then these debates on LB 78, isn't it, Senator Dworak, would be on Monday. So that everybody is clear. Anybody have a questions? Yes, Senator Haberman.

SENATOR HABERMAN: Mr. President, may I respectfully ask that we finish this bill tonight? There is some Senators that are going to be absent tomorrow that were going to want to vote on this bill and now that we have gotten into it, why don't we just take the extra time and finish it one way or the other. Would you please do that?

SPEAKER MARVEL: No. No. You have the perfect right to overrule me. My job is to try to be fair with both sides which I am attempting to do, and at the same time, be certain that those that want to be heard are heard. Maybe you didn't hear what I said but we will not take this up again until Monday. Now let me explain for a moment, for those of you who have not...I am sorry but I can't speak over the (gavel) noise. For those of you who have not been exposed to the consent calendar, may I say that we have found in the past that this is one way to move legislation. Some think it moves too fast but this is one way to do it and I suggest that we will start at nine o'clock on a consent calendar and end at two. So if you will bear with us with this schedule, you will be out at

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Mr. President.

SENATOR CLARK: The motion carried. The bill is indefinitely postponed. We will now go to number 6, LB 78.

CLERK: Mr. President, while we are waiting, Government, Military and Veterans Affairs will hold an Exec Session underneath the north balcony at noon. Is that right, Senator? Government Committee at noon underneath the north balcony, Mr. President.

Mr. President, new A bill, LB 158A. (Read title.) Senator Carsten would like to print amendments to LB 168; Senator Labeledz to print amendments to LB 72. (See page 1186 of the Legislative Journal.)

Mr. President, LB 78 was a bill introduced by Senator Don Dworak. (Read title.) The bill was first read on January 9. It was referred to the Education. We last considered the bill on March 26, Mr. President. At that time there was a motion to adopt the committee amendments. That motion failed. There was also a motion from Senator Haberman to indefinitely postpone the bill, and that is presently before us.

SPEAKER MARVEL: Senator Dworak, do you want to go over the bill and then we will take up the Haberman motion to kill? But you are recognized now, first.

SENATOR DWORAK: Mr. Speaker, as much as I would like to take the time, it seems to me that the bill was introduced, which I did. Debate had commenced on Senator Haberman's kill motion, and we had a list of speakers that we were going to continue with after the Friday adjournment. Is that correct?

SPEAKER MARVEL: You don't want to be recognized now then, is that right?

SENATOR DWORAK: I thought that we would just commence with that list of speakers as though....(interruption).

SPEAKER MARVEL: Okay, may we have a list of those who wish to speak either for or against LB 78. Will you please punch your button. Okay, the Chair recognizes first Senator Vard Johnson.

SENATOR JOHNSON: (Microphone not on.)....motion on LB 78. A number of years I read the short story by

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Marie Sandoz entitled The Music Box. It's about her father, Jules Sandoz, and, as you may recall, Marie and her father live up around the Gordon, Nebraska area around Senator Lamb's area, and this was about 1915, 1920, and as Christmas approaches her father comes back from town with this large crate and he unpacks the crate and the crate contains a phonograph plus some cylinder records, and he puts it on, and to Marie Sandoz's amazement the phonograph pours out operatic arias, famous symphonies and other kinds of classical civilized music. And to Marie this is an extremely important point about her father. Though her father was carving a new life for himself and his family in the Sandhills of Nebraska, at the same time he had not abandoned the thousands of years of culture that marks civilized human beings. Now when we talk about public radio, we talk about civilization. We are talking about the kind of things that distinguish we humans in society from other primates in their own kinds of society. We are talking about culture. We are talking about music and ballet and drama, and the arts. And in my opinion, that is what public radio symbolizes. It brings to us over our air waves, over our air waves those values and those traditions that are the mark of our society and the mark of we humans in our joint endeavor to make a new world. Now when Senator Hefner spoke out against public radio, he liked to refer to public radio as government radio. I guess government radio is a pejorative whereas public radio is not. Well, it made me stop and think about the other government functions that we have. A hundred years ago if we wanted to read, we had to go to private rental libraries to get books to read. It was Andrew Carnegie that started the great movement in our country to make libraries available to us all, and what he did is he took thousands of dollars and gave those thousands of dollars to small towns to encourage them to build libraries and then support those libraries year in and year out with public tax dollars. Now you and I don't think of those libraries as government libraries, do we? They are public libraries, and they are the places where you and I can go and our children can go and get books of all stripes, all colors, all fantasies and all imaginations; get phonograph records, get periodicals and get information in our libraries as we control those libraries. Well public radio is the same because public radio essentially represents public ownership of a means of communication that will be bringing us the kinds of things that do distinguish us from the apes. You know, England has had public radio for many years. That's what the British broadcasting system is. It is publicly owned radio and television. It is

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owned by the Crown. England has an extremely lively sense of culture, history and continuity, part of which is fostered by public radio. I have no misgivings and no problem, frankly, about supporting public radio because I think in the end it appeals to some of our stronger virtues, it is not crass and it is not demeaning. It is the kind of thing that we really ought to support. Now earlier I commented on the air waves being public air waves. I want you to reflect on this, fellow members, we have to license radio and television stations right now because if we fail to so license radio and television stations, the cacophony of sound would quickly jam our air waves so that no radio station and no television station could get its signal and message through. There are a discreet number of bands available on the dial for private radio and television, and we have chosen as the public to recognize that the air waves do belong to the public and their use must be licensed. So already there is enormous governmental involvement in the air waves, and all public radio does is it in effect reserves a band for the public and it appropriates tax dollars to put on that band the kind of tradition, the kind of history, the kind of civilized patina that is important to us all. I think we have a chance at this juncture to do for the State of Nebraska somewhat what our forebears did when they commissioned a national architectural competition to build this State Capitol, to build a monument to the arts, to the ages, and look at the grandeur around them. The same can be true through public radio. I oppose the kill motion.

SPEAKER MARVEL: Senator Lamb. Senator Maresh. We are speaking on the kill motion as proposed by Senator Haberman.

SENATOR MARESH: Mr. Speaker and members of the Legislature, a question of Senator Dworak, please. Senator Dworak, why is it that your bill isn't treated the same way like other bills that have a fiscal impact statement attached to them? Why wasn't your bill....why didn't we have an A bill with your bill to call for a \$500,000 allocation?

SENATOR DWORAK: Senator Maresh, I am glad you asked me that question. I wanted an opportunity to speak to that. My bill, in fact, merely creates the authority. I have no intention of funding public radio in Nebraska at this time. That is the reason there is no A bill. You will note, however, Senator Maresh, that if public radio were to be funded, and I stress the word "if", there is a pink

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fiscal note in the bill book so that as Senator Lamb tried to imply the other day, we are not trying to pull the wool over anyone's eyes. As I said before, Senator Maresh, there is no appropriation before the Appropriations Committee, number one. Number two, there is no A bill. Number three, it is absolutely my sincerest and most honest intent not to spend one red, yellow, green or blue cent on public radio in the State of Nebraska. I think that a lot of the services being offered by Educational Television may more economically be able to be offered through public radio, if, and I am not saying they will, but I am saying if the ETV Commission would desire to utilize this, they would have the authority to do that. Not one red cent will be spent for public radio as far as this bill is concerned, as far as any appropriation in the Appropriation Committee is concerned. I am absolute, sincere, in that particular point of view, Senator Maresh. Thank you for asking me that question.

SENATOR MARESH: Why was there a fiscal impact of \$500,000 attached to your bill then for the first year and about a million and a half from then on?

SENATOR DWORAK: Because if you know what that pink sheet is, that is not necessarily saying that there shall, it is saying the possibility of this kind of fiscal impact if some things were to happen. Those things are not going to happen. There is not even a vehicle for them to happen. But it is to show you what the potential might be if you wanted that to happen. But that is not my intent. Consequently, you do not see an A bill. You see nothing in this year's budget or next year's budget to spend anything for this particular measure. It is just to create an authority, Senator Maresh, just to create an authority.

SENATOR MARESH: I really can't understand why this wouldn't have an A bill when I had a bill to allow these Handi Buses, the services to be formed more easily and they put on a \$124,000 A bill with my bill and yours where we can see what you are trying to do that you are trying to establish public radio and I can't see why the fiscal analyst didn't require that you have an A bill with yours. And I have a motion on the desk to take a vote on this if we feel that there should be an A bill or not. So that will be one of the motions that is coming if the bill doesn't get killed. But I feel that the bill should be killed. I can't see going into competition with these small radios. I have two in my area that provide a lot of local service. They have announcements of local

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functions and they provide fifteen minutes of their time gratis to me each Saturday morning to broadcast what is going on in this Legislature, and I can't see putting these people out of business by having competition, unfair competition with people that are paying taxes....

SPEAKER MARVEL: You have one minute.

SENATOR MARESH:and to buy, the merchants will hesitate to buy time on those radio stations if there is nobody listening to them during the time when they would be listening to public radio. And I think that we should support people that pay taxes and not go into competition. I can't see that the State of Nebraska would establish a newspaper with statewide circulation to compete with the newspapers. I am sure that the bill wouldn't get out of committee, but here we have a bill that's doing the same thing with the radio stations, and I certainly support the kill motion.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker and members of the body, this issue of public radio is not new to this Legislature. In fact, it is not new in this nation. There are 44 states that presently have public radio, and I am always amused at those who support free enterprise suddenly bring it up when it's advantageous, Iowa state that's not too far from us, and let me give you an example of some big radio stations, KMA, owned by Earl May, and you know Earl May is a large nursery distributor; WHO in Des Moines and a number of others, yet they have had public radio in that state for years and I don't see any of those private radio stations going out of business or being harmed. We all know that private radio is in business to make money. They have to have any number of commercials. They feature certain styles. We also know that they present a point of view that is not always given a counterpoint. It makes me somewhat angry when people say that we are going to have a controlled thought process if we go to public radio. That is not true at all because you have media which offers its own point of view in the private sector, both in television, both in radio and both in newspapers. We always talk about federal dollars. Now it's always nice to use federal dollars to support private enterprise. In fact, the other day Senator Goll showed me an article about General Motors. Whether the people knew it or not, the State of Michigan was helping them with the condemnation procedures. The amount of

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money that was going to General Motors out of federal tax dollars was \$370 million. Now here again this is all right, but we should never promote an intellectual approach to the media with federal dollars. You have all heard public radios. You have watched public television, and I can quote you some very good educational programs that come through public television that our young children watch and it received the accolades of the nation as a whole about how the format is presented. Here we are worried about dollars one more time in the private sector. Sure, 75 percent of the money going to public radio will come from federal funds. I read the President's budget message about reducing that amount, but we are not saying it is going to be done tomorrow. We are saying it is going to be done in phases, phase 1, 2 and 3, and this would be done over a period of years. It is not going to happen tomorrow but certainly there are areas in the State of Nebraska that could use public radio. Every person has a right to their opinion, but no person has a right to be wrong in their facts and I want you to remember that, because oftentimes views presented by the private sector, whether it be radio, television or newspaper, is an opinion. That's all it is, and seldom do you ever see the other side of it unless you write a point of view or you might appear or asked to be placed on a program to counter that point of view. I will suggest to you that this nation spends a great deal of dollars in sponsoring radio free Europe. We have been doing it for years. In fact, Edward R. Murrow, if you remember that great name in radio broadcasting, was one of those people who helped promote it, and that's... we're trying to get the truth to Europe as it relates to political, social and economic conditions. One more time we are about to take on public radio because we believe that it is going to present slanted news and that is not true. I read to you from the Kearney Daily Hub, a newspaper that we are all familiar with to some extent. Quoting from one of the editorials, they state: "Public radio programming is informative, stimulating and enriching. It's thorough news reports often deal with subjects not covered anywhere else. It's interviews and discussion provide special information on agriculture, business, government, culture, music and many other offerings generally not available to the general public." Many of us today are concerned about our elderly and people who are homebound. Here is one chance for us to help them, provide them with programs that are indeed enriching, give them a point of view they often do not get. And for us to stand here today and say we are willing to indefinitely postpone LB 78 without good cause I think is not to our

best interest nor to our best concerns. There is an old adage. You have all heard about it, and I am going to repeat it to you one more time. The little proverb goes like this: Don't confuse my facts, my mind is made up. And oftentimes that is what happens to us because the private sector, and we got a letter the other day from Lyle Bremser, and I love Lyle Bremser, especially when I am not at a football game, but I have also watched Lyle and heard him at the football games and sometimes I think he's given us another game from what I observed. I know though he is there to provide emotion and support for the University football team. That's fine. But I sometimes think that what he gives to the general public of what is going on on that field is not quite accurate. Because of the emotion and because of all of the attitudes that are present, Mr. Bremser has to sometime enhance the game in order to keep it interesting and alive and Nebraska homegrown and all that good thing.

SPEAKER MARVEL: Your time is up.

SENATOR KOCH: I am saying to you that what we need in this state today is public radio. We may not be able to fund it immediately, but I think this body has to go on record saying we believe in public radio because it can provide us with logical and with unbiased points of view programs for all of us, even though I am sure they will still listen to KFAB every morning to listen for the news and listen to certain things even when I am driving here to Lincoln and back, because that is my favorite station. But I also should be given the opportunity to have other stations in case I want to tune in and get a point of view I may not have had the privilege of listening to. So I support LB 78.

SPEAKER MARVEL: Your time is up. Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, I talked on this bill the other day and I was a cosponsor of the amendment for the kill motion, and I certainly support the kill motion, and I oppose public radio. Senator Johnson mentioned that it was not government radio. Well, I would like to ask this body if it isn't government radio, what is it? It is going to be fully supported by the government and therefore I would think that it is government radio. I feel that public radio would be dangerous to our society, and also, it is going to increase taxes. I realize that Senator Dworak is coming in the back door. He says, well, there's no A bill, there's not going to be any expenses, but I say

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that there is. This could go up and cost us millions of dollars. There is going to be added bureaucracy and also it is going against the free enterprise system. Last fall the people spoke loud and clear. They said, we want less government, we want less bureaucracy, we want to run some of these ourselves, just give us a chance, we want the free enterprise system to work. And I feel that the free enterprise system is working in private radio. These private radio stations are doing a terrific job, and who wants public radio? I didn't receive one letter from anybody in my district or over the whole State of Nebraska that wants public radio. All the letters, all the telephone calls that I received said, we don't want public radio, we want the private radio stations. And so, I would say to you here today, let's support the kill motion and get on with the other business.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I am wondering how people who just a few minutes ago took such a responsible, intelligent position can completely reverse their field and be on the opposite side of the issue that I am on now. This is a subject, Senator Haberman, where reasonable people can't even differ, and I am on the reasonable side. But in all seriousness, I do feel that public radio would be a great benefit to the people of the state, and regardless of whether somebody lives near bigtown Lincoln and Omaha, they should have access to a type of programming which may not currently be available to them. But at any rate, some of the subjects which could be explored on public radio which are not explored on commercial radio for whatever reasons should be something that we would give consideration to. I am afraid, as I listen to the debate, this bill may be in trouble, to say the least. But there is a provision in the law as it exists right now on page 3, subdivision 3, starting at line 7, where gifts and contributions from public and private sources can be given to help support public radio in the same way that money and other things are being given to try to support public television. I think what happens in a society is that there are a group of people, or there will be an institution on the cutting edge of social change, and that group or that institution must either have the courage, if that is what it takes, or the means to make somewhat of a departure from things being done the way they currently are being done. There will be inertia. There will be apathy, and there will be somewhat of a dread of change.

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Now I doubt that in a state like Nebraska public radio would be the kind of thing that would drive anybody up the wall except perhaps me who I'm supporting it. I might feel it ought to do certain things that it will not do, but we must crawl before we walk. And I think whenever a proposition comes before us whereby we can elevate the level of awareness of the citizens regarding the world around them, we ought to do that. I think even the discussion of creationism could occur on public radio. Why the support of that bill and myself would be very happy, I am sure, to kick off the first program with a discussion of that issue, and we could find similar matters which no commercial station, whether it is television or radio, would be willing to touch with a ten foot pole. There would not be money involved in it. There would be no sponsors. But on public radio, it's only reason for existing would be to serve the public good, and I think anything that improves the intelligence, that increases the awareness of the citizens, can only be considered a positive good. And for those who are conservative, think about what that word means, to save, to husband, to marshal, to conserve or preserve those ideas and principles that can help make a society great and strong. A people who are uninformed are people who can easily be duped and mislead. There is not much information going out to the public over commercial radio or television. The people in commercial news on television will say that news now is more like acting. They get people who have a pleasing appearance and then the stories that they give are just fluff. There is not enough time nor the inclination by any of the stations because they are seeking ratings to go into depth on issues that are of great concern to the people. So I think there are a lot of reasons why there ought to be public radio, but the greatest argument in behalf of it is the existence of commercial radio. Compare the two. And if we are seeking that which is the more excellent, public radio will win hands down. And, Senator Hefner, I will not deny that at some point public money must be spent, and maybe a considerable amount. But it is something like the amounts that are spent to find a cure for cancer. There are cancers of the mind. There are cancers of the spirit.

SPEAKER MARVEL: You have 30 seconds.

SENATOR CHAMBERS: They are not being adequately addressed in schools or any of the other places. So any tool that offers a possibility realistically of doing that, we ought to make use of that tool and I think public radio is such a thing. So I hope you will not support the kill motion.

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SPEAKER MARVEL: Senator Higgins.

SENATOR HIGGINS: Mr. President and Senators, I campaigned and pledged my support for the Senior Citizens throughout my district. I did not know Friday that the Senior Citizens were in favor of this until two Senior Citizens approached me Friday and asked me to vote for public radio. So I had to explain to them that there is only so much money in the state and as a representative of the Senior Citizens I think we ought to get our priorities in order, and I would rather see Nutrition Sites for those who are going hungry than free radio or public radio. I would rather see policies that will help the homemakers stay in their own homes when they are elderly and give them support in that way rather than force them into nursing homes because we don't want to give them an extra hundred dollars a month to keep up their own homes. And these two ladies I feel went back realizing that they have to get the priorities straight first, what is absolutely necessary to maintain body and soul, and I think the Senior Citizens if they stop and realize you cannot ask for everything, that you can only ask for those things that are really needed, that they too would change their minds about public radio. I know when I go back to my district I am going to tell the Senior Citizens I am voting against LB 78 and supporting the kill motion because I want to see Senior Citizens given the things that they need to survive and public radio is not one of them. In regards to Senator Chambers' argument that public radio is the only place where we will get programs that we do not get now on radio, many, many years ago I was a mail clerk at WOW radio and TV, and when the people in Omaha found out that Bishop Fulton Sheen was being televised in other states, they wrote letters to WOW TV asking if they would put him on in Omaha. As a result of public demand, Fulton J. Sheen was then on television in Omaha, and I maintain that the people that are saying today that we need public radio because it will be an educational thing, if there were a demand of it, commercial radio stations would realize the value of it. It would be a lot easier to sell advertising to business men, if they could walk in and say, here we have got a thousand requests for a program on Biology, or Science, or whatever it is public radio purports to put on to educate the masses. When it comes to radio free Europe, I think the value of that speaks for itself when you all reflect on what Europe thinks of the United States today. Thank you, Mr. President and Senators.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. Speaker and members, I rise to oppose the kill motion on LB 78, and I can tell you quite honestly I wouldn't if it did have a large A bill to it. Some concern has been raised here about the costs of public radio and I share those concerns as I think Senator Dworak does. But I would like to, for a minute, tell you about some of the thinking, some of the changes in thinking I guess, that has brought about my support of LB 78. First of all, those that are worried about the costs, many of them that are worried about the additional costs that might be incurred down the road, they realize there are no costs now. It was mentioned the other day that perhaps there should be a cost right now so we would understand exactly what we are spending. I raised that same issue on another bill the other day, a week or so ago, that we should know exactly what we are doing before we start down the road, and those same people were on the other side of the issue at that point in time. Now they don't want to do it even though there is no cost. At the public hearing of LB 78 there was a young farmer from up in the Norfolk area came in and told the story about how he would like to be informed as to what we are doing here in this body. And coming from a part of the state where we don't have any public radio whatsoever, I guess I could really relate to that, when he explained that in the spring of the year when he is busy with his farming operations, he doesn't get an opportunity to watch ETV at 10:30 at night. He is either out doing chores yet or is so tired that he has already gone to bed, which many people in rural Nebraska go to bed a little bit earlier than people down here in the urban areas of the state, I guess. Many of my constituents don't get to stay up and watch what television shows we have done. But this young man indicated that he could, by fine tuning his radio in his tractor, pick up the public radio station from Ames, Iowa, and he spent many an afternoon out there on his tractor in the spring of the year listening to what goes on in the Iowa Legislature, live from floor debate to committee hearings. And he told us that he knows a lot more as a result about what is going on in Iowa than he does in his own state. You know, that really brought a good point home to me. We have the Unicameral Update and I have made that available to a good many of my constituents and I think it is a good idea. Let's tell them...let's let them know the truth. Let's let them know what we are doing both pro and con. And I see nothing wrong with having a system whereby live floor debate could be broadcast to the people of the State of Nebraska if they so chose to listen to it. I, personally, would much rather have

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radio available and eliminate part of the television dollars, if necessary, which is I guess what Senator Dworak is suggesting and I would certainly support that. Senator Higgins mentioned that the elderly persons of this state are in a position where they would like to hold the cost down but at the same time they need some benefits for hunger programs and so forth. She mentioned the word "hunger". Well, I'll tell you, there are some people in this state that are hungering for the truth also. How many of you have ever been down to a committee hearing....I've done this a few times, been to a committee hearing during the interim, go back home and listen to it on the radio station or watch it on television, the news report, and wonder if you were at the same hearing as that reporter was to. I have done it several times. Now I am not saying that the news media slant the news in their fashion. I am not blaming them at all, but what it amounts to is that they have got a limited period of time that they have to condense it down to to present it to the public, and then in that condensation is where the danger is. It is very easily condensed into one area or the other, and it makes you wonder sometimes exactly what the truth is. And I think the people of the State of Nebraska many times are not aware of the real truth because of those condensations. If it takes a few dollars down the road, then so be it. But I don't think it is going to take nearly as much, at least I would never approve the appropriations of....

SPEAKER MARVEL: You have about 30 seconds left, Senator Vickers.

SENATOR VICKERS:a tremendous amount of money because the towers are already out there. The towers are there for the radio antennas to go on. ETV already covers the state, and as I indicated earlier I would be happy to take some of the dollars away from the television portion of ETV to supply it to public radio and I oppose the kill motion on LB 78.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Lamb.

SENATOR LAMB: Mr. President and members of the Legislature, I will be very brief and only reiterate my statements of the other day which indicated support for the kill motion opposition to LB 78. The reasons have been covered very well. I would reemphasize the fact

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that I think not having the money in an A bill is not the way to go about it. We should attack the problem directly. If there is an interest in public radio, we should provide the money up front, either vote it up or down. Another item I might mention is that the listenership of public radio in other states has been very poor. I believe the survey showed that in Wisconsin there is on the order of 1 percent of the population. So, when you get right down to the bottom line, you are going to finance a system which according to the fiscal statement would cost about \$1.6 million which would translate in a very high cost per listener. I urge the kill motion be adopted.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Dworak.

SENATOR DWORAK: Mr. Speaker and colleagues, a question of Senator Lamb, if he will yield.

SPEAKER MARVEL: Senator Lamb, do you yield?

SENATOR DWORAK: Senator Lamb, I know you are affiliated with a radio station in central Nebraska....

SENATOR LAMB: Yes.

SENATOR DWORAK:and I was wondering if you could tell me what the listenership percentage of the population of its coverage area that radio station enjoys.

SENATOR LAMB: It is very high, Senator Dworak, and....

SENATOR DWORAK: What percentage, Senator Lamb?

SENATOR LAMB: Oh, somewhere up around 50 to 60 percent, depending on the time of day, but it was financed by the farmers in the state.

SENATOR DWORAK: Of the population? Of the population? Sixty percent of the population?

SENATOR LAMB: Of the households involved, yes.

SENATOR DWORAK: And that encompasses as far as eastern Nebraska? I think I see their signs near Valparaiso which KFAB and WOW and KFOR and KLIN, but still this gets 60 percent?

SENATOR LAMB: In some areas.

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SENATOR DWORAK: That's tremendous. Thank you, Senator Lamb. I question those figures very strongly that any radio station would get 60 percent because a good, a very, very good, a very strong listenership is 2 or 3 percent. That is excellent. I stress the fact that there was no A bill, number one, so we can't talk about dollars in this particular issue. Number two, I think Senator Maresh made an excellent point. A radio station gives him 15 minutes, 15 minutes on Saturday morning to give his point of view, and I question whether there is 15 minutes equal time for another point of view. The point of the matter is that there is no way commercial radio is broadly, fairly, completely covering the political spectrum. Number three, I have argued before that there is no way you can help but editorialize the news to a certain perspective, and the danger comes when we start to narrow and restrict the options. This bill does not restrict the options, it opens the options and gives the public another point of view. The major priority of this particular bill is information and public knowledge. Public knowledge, that is the major priority. I share with Senator Higgins concern about the priorities of nutrition, the priorities of other measures of the elderly, but what is a greater priority than knowledge? What is a greater priority than the ability to learn the dissemination of knowledge, the ability to make judgments. As I said before, in any dictatorship the first thing they do is restrict sources. This is just the opposite, it opens sources. Yes, I have received pressure as many of you have received pressures. In fact, I am going to read from a letter I received from a radio station, and I am not going to disclose the source because it was a private letter, but I am going to take one paragraph out as the kind of pressures I have received personally from introducing this bill. And I know you, Senator Maresh, I know Senator Hefner, I know Senator Lamb and Senator Kahle, have received similar pressures. Quote: "Just for information, Don, your bill cost you a \$3000 annual insurance premium from this radio station because I had all but signed the papers with your agency." These are strong pressures. These are strong economic pressures. These are strong conflict of interest pressures, but I ask you people to vote for your constituency, resist pressures, do in this instance what is right, please vote against the kill motion.

SPEAKER MARVEL: Senator Haberman.

SENATOR HABERMAN: I call the question, Mr. Speaker.

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SPEAKER MARVEL: Well, I am going to use my prerogative of rejecting that at the moment because the Chair has tried very carefully to balance out the discussion. I think what I will do first of all...Senator Barrett.

SENATOR BARRETT: Thank you, Mr. Speaker and members of the Legislature. I rise in support of the kill motion. I very seldom find myself at cross purposes with Senator Dworak but in this case I feel that I must speak in favor of the kill. Senator Dworak reminds us to vote as our constituents would have us vote. My mail is overwhelmingly against LB 78. Senator Dworak has indicated that 78 would simply create an authority, simply create an authority for public or government radio. In my humble opinion, at least, this is a foot in the door to create the authority. I believe that Senator Chambers hit the nail right on the head when he said, public money must be spent, public money must be spent somewhere down the line. And this is my real concern. Despite the fact that we don't have an A bill on LB 78, why create the authority now? Why don't we wait? Why don't we wait until funding is perhaps more realistic? I urge you to support the kill motion. Thank you.

SPEAKER MARVEL: Senator Wiitala.

SENATOR WIITALA: Mr. Speaker and members of the Legislature, I rise in support of public radio, LB 78, and I am opposed to the kill motion. It has been mentioned on the floor today that public radio is government radio, and I would like to read from some of my correspondence that I have received, and in looking over all of my correspondence, I would say a good share of it that is against LB 78 has come from the private commercial radio networks and their people, but I have also received considerable letters in support of LB 78. This one letter says: "What LB 78 calls for is not government radio but radio that is an alternative to commercial broadcasting. It is not anti-enterprise. Indeed, under new rules of the Federal Communications Commission many of the restrictions under which commercial radio stations have operated have been eased. If there were a network of full service public radio stations in Nebraska, the commercial stations might have to worry even less about the need to carry public affairs and public service programs. This responsibility would be largely shouldered by public stations." When I took a look at LB 78 and what it proposes, I see that really we're setting up a mix in radio broadcasting that could be mutually complementary. As a youngster born in 1942 I grew up with radio, private radio at that

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time, and stayed with radio long before my family could afford a television set. At that time during the late forties and the early fifties, radio programming was of a broad mix. There were all kinds of programs to be listened to by my folks living in rural areas or myself as a youngster. In fact, radio was very powerful as far as presenting an image, probably much more powerful than TV because it allows so much for the listener to imagine. The sad thing about this though is that when TV was introduced it was a hot media and it almost ruined radio broadcasting in the United States, at least it became almost unprofitable, and I would like to compliment private radio for being able to make a comeback and making radio a success in America. But it had to do so largely by stylizing its format and presenting largely as you listen to the different stations popular music with spot news items, and that is pretty much what the program material is composed of. Public radio would broaden the format that is being presented. I would like to use as an example, and I think it's one of the best examples in the state, is a radio station that we have in Omaha run by Omaha Central High School, KOIS. And if you take a look at their schedule for the week, there is all kinds of things that you will never hear in private commercial radio. I would just like to read just a sampling of what they present during the week. We have got Kindergarten music. We have got Jazz Revisited. We have got Outdoor Nebraska. We have got Aging in America. We have got Fine Arts Forum. We have got World Report. We have got Mental Health Matters. Even for the rural areas coming out of Omaha, we have Rural Lives, Prairie Home Companion. When you take a listen to radio, sometimes set a stopwatch as to how long a song lasts. Usually a song only lasts for about 2 to 3 minutes. Very seldom will you ever hear a long play album on private or commercial radio largely because it is just too long and because they need to have sponsors in order to be a commercial success. What I am maintaining about LB 78 is that public radio will underwrite the most costly...the least cost effectiveness in terms of private radio programs, programs they couldn't normally pick up because they just couldn't afford to put it on the air because it is too time consuming.

SPEAKER MARVEL: You have one minute.

SENATOR WIITALA: In conclusion, I would like to read from another radio that I have that there are 44 states that presently have public radio, and one writer wrote me and said, "I have never heard of problems of governmental control

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of ideas in any of these states, have you? Neither have I read about it driving commercial radio stations out of business in those states." So in conclusion, I would urge your opposition to the kill motion and finally, your support of LB 78. Thank you.

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

SENATOR HABERMAN: Mr. President and members of the Legislature, I would like to have you stop and think in your minds for a minute of a lovely farm, and on this farm you have a beautiful chicken house and there is a nice fence around the chicken house and the chicken house is full of chickens, and they are clucking very happily, eating, having a good time. But you have some problems because there is a fox around and he has been getting your chickens. So you are pondered by this and you want to set a guard to help keep your chickens. Well, I will tell you something, fellow Senators, if we pass this bill, it would be the same thing as my getting the fox to guard the chickens and then providing him with the sack to carry the chickens off, because Senator Dworak says there will be no money this year. He would not vote any money this year. And they say that there is no fiscal impact. But if you will look in your book, it shows you that if we would have public radio, in '83-'84 it is only going to cost \$1,638,177. Well, if we weren't going to have public radio, why introduce the bill? So when they say it isn't going to cost anything, watch out because that is when it is going to cost quite a bit more. Senator Koch says 44 states have it. Senator Koch, 49 states have two-house Unicameral, we're the only one with one house. So I don't think that holds any power at all. Now also I would like to say in closing, read a letter. Okay, read a letter, Rex. "Good morning, Senator. Inasmuch as your colleague, Senator Don Dworak, introduced LB 78, the public radio bill, I often wondered about public radio just as I do now about public TV. What is being served up to the state at taxpayers' expense in the name of erudition. Being a former ETV Commissioner, being a former ETV Commissioner, I am continually amazed at how the educational function has been prostituted into an entertainment medium and how advertising is so skillfully disguised as mere mention. It just overwhelms me with the gullibility of the taxpayers, and I will add, and the gullibility of the Legislature if we don't kill this bill. I thought you might find the attached interesting just as I did. We little guys who try to buy this kind of thing are out-bid by the much larger budgets of the tax supported outlets.

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Thought you would like to know". Here's the program they are going to put on public radio in New York City. Vrrroooooomm! Star Wars. We're going to have a galaxy far, far away.....

SPEAKER MARVEL: Try that outside next time.

SENATOR HABERMAN:and we are going to have Star Wars on public radio. That's what they are doing there. Did you say something?

SPEAKER MARVEL: I said try that outside next time.

SENATOR HABERMAN: I would like to tell you one more thing that the general public really doesn't know, and I will give you an example of what can happen to a governmental agency or to a government radio or government TV. Did you know at the present time in Lincoln, Nebraska, if you buy Cablevision, you can have gavel to gavel coverage of what goes on in this Legislature live. And do you know what Cablevision pays for that? Not one penny. Yes, the citizens of Lincoln get, and who would want to watch it sometimes, they get it free from gavel to gavel. Cablevision goes in and they say, buy this for \$9 a month and look what you get and nobody else in the state gets it.

SPEAKER MARVEL: Thirty seconds.

SENATOR HABERMAN: Thank you. So, for the \$4 million that we are kicking into ETV we are kicking into private enterprise and giving them something free, and I think this is wrong and the same thing could happen in public radio, and I ask you to vote green on the motion to indefinitely postpone 78. Thank you, Mr. President.

SPEAKER MARVEL: The motion is the indefinite postponement of the bill. All those in favor of indefinitely postponing the bill vote aye, opposed vote no. It takes a simple majority. Have you all voted? Senator Dworak.

SENATOR DWORAK: Record vote, please.

SPEAKER MARVEL: Record vote has been requested. Record the vote.

CLERK: (Read the record vote as found on page 1187 of the Legislative Journal.) 28 ayes, 12 nays, 9 not voting, Mr. President.

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