

January 12, 1981

LB 81-91

since the death of one such as this, a certain amount of time must elapse before a commemorative stamp can be issued. It is also my understanding that this time has now passed and I would urge that the Nebraska Legislature immediately proceed with whatever action is necessary for the issuance of a commemorative postal stamp. Thank you.

PRESIDENT: Senator DeCamp, do you wish to speak on your resolution?

SENATOR DeCAMP: Mr. President, I think Senator Goll has said everything that needs to be said and I urge you to support the resolution.

PRESIDENT: Any further discussion on LR 2? Senator Goll, is there any closing then?

SENATOR GOLL: No, there is none, sir.

PRESIDENT: All right, the matter before the House is the adoption of LR 2 found on page 96 of the Journal. All those in favor signify by voting aye, opposed nay. Has everyone voted? Record the vote.

CLERK: 39 ayes, 0 nays on adoption of LR 2, Mr. President.

PRESIDENT: Motion carries and LR 2 is adopted. We are ready for agenda item #6, introduction of new bills and those of you who have not brought the bills up to the Clerk's desk might do so now so again we can process as many today as possible so, Mr. Clerk, you may proceed with the reading of the new bills.

CLERK: Mr. President, new bills: Read LB 81-86 by title for the first time as found on pages 113-114 of the Legislative Journal.

Mr. President, while we are waiting for bills, I have a new resolution, LR 3. Read LR 3 as found on pages 114-115 of the Legislative Journal. Mr. President, it is offered by Senator Beutler and that will be laid over.

Mr. President, Senator Fowler would like to have a meeting of the Retirement Committee upon adjournment underneath the North balcony, Retirement Committee underneath the North balcony, upon adjournment.

Read LB 87-91 by title for the first time as found on pages 115-116 of the Legislative Journal.

January 30, 1981

LB 7, 20, 28, 42,
43, 46, 81, 429.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Reverend Henry Bradshaw, Ralston United Church of Christ, Ralston.

REVEREND BRADSHAW: Prayer offered.

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

CLERK: Quorum present, Mr. President.

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal will stand as printed. Any other messages, reports or announcements?

CLERK: Yes, sir. Mr. President, your Committee on Judiciary whose Chairman is Senator Nichol to whom we referred LB 28 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 429 advanced to General File with amendments; LB 42 to General File with amendments; LB 43 to General File. (Signed) Senator Nichol, Chairman. (See pages 368 through 370 of the Legislative Journal.)

Mr. President, your Committee on Public Works whose Chairman is Senator Kremer to whom we referred LB 7 instructs me to report the same back to the Legislature with the recommendation it be indefinitely postponed; LB 46 reported to General File with amendments; LB 81 General File with amendments. Those are signed by Senator Kremer. (See pages 371 through 375 of the Legislative Journal.)

Mr. President, your Committee on Business and Labor whose Chairman is Senator Maresh to whom was referred LB 20 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments. (Signed) Senator Maresh, Chairman. (See page 375 of the Legislative Journal.)

Mr. President, hearing notices: Your Committee on Public Works gives notice of public hearing for March 11. That is signed by Senator Kremer as Chairman. Your Committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp schedules a hearing for February 9, and your Committee on Government, Military and Veterans Affairs schedules public hearings for

February 3, 1981

LB 46, 81

CLERK: Mr. President, Senator Rumery would like to move to amend his bill by adding the emergency clause.

SENATOR CLARK: Senator Rumery.

SENATOR RUMERY: Yes, Mr. Chairman or President, I would like to add the emergency clause. We think this is important. I know people that need it right soon. I would move we would add the emergency clause.

SENATOR CLARK: The motion is the adoption of the emergency clause. All those in favor vote aye, all those opposed vote nay.

CLERK: Senator Clark voting aye.

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

CLERK: 28 ayes, 0 nays on the adoption of Senator Rumery's amendment, Mr. President.

SENATOR CLARK: Motion carried and the emergency clause is added. Senator Rumery.

SENATOR RUMERY: Mr. President, I move we advance the bill to E & R Initial as amended.

SENATOR CLARK: The motion is to advance LB 46 to Initial as amended. All those in favor vote aye, all those opposed vote nay.

CLERK: Senator Clark voting aye.

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

CLERK: 29 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: Motion carried and the bill is advanced. We will now take up LB 81.

CLERK: Mr. President, LB 81 is offered by Senator Harold Sieck. (Read title.) The bill was first read on January 12 of this year. It was referred to the Public Works Committee for public hearing. It was advanced to General File. There are committee amendments pending, Mr. President.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Cullan. Okay, the Chair recognizes

Senator Kremer first and then Senator Cullan.

SENATOR KREMER: On the committee amendment?

CLERK: Yes, sir.

SENATOR KREMER: LB 81 prolongs the life of the ground water conservancy districts for an additional five years. Presently they are allowed to tax up to one mill. We were informed on the day of the hearing that they actually were taxing only about fifteen one hundredths of a mill so a member of the committee felt that it was unnecessary to authorize the taxing of one mill when they are not coming even close to taxing that much. So the amendment states, and converting it to cents, it would drop the authorization of taxation from 3.5 cents to 1 cent, pretty close to a quarter of a mill. That is the amendment. I move the adoption of the amendment. I may not support it but I move it.

SPEAKER MARVEL: Senator Cullan, do you wish to talk to the committee amendments? Senator Sieck, do you wish to talk to the committee amendments?

SENATOR SIECK: Mr. Chairman, members of this distinguished body, I stand opposed to this amendment. I feel that it is a slap on the wrist for some good conservative directors out there that are doing an excellent job in conserving our water resources in an area that we are having problems with. Senator Maresh and Senator Kremer and myself did visit with the Board of Directors of the Blue Valley Association of Groundwater Districts and we requested them to do additional work in their particular area. We do have a problem of nitrate in that particular area. Gresham...not Gresham but Bradshaw, McCool Junction, and Fairmont are having difficulties with nitrate in their water, their municipal water. We feel that we need to know more knowledge of what is happening to the groundwater. They did take some studies on the domestic wells and we found several domestic wells that did have problems but we also felt that the water that is in the lowest aquifers should be also studied and we also feel that we need to know how fast this nitrate is infiltrating through the ground and so we would like to have a soil profile of the nitrate within the soil structure itself. They agreed that they would do this and this may take more funds and I feel it is a real difficulty for me to accept a cut in the mill levy when these individuals have never used the full mill levy and have never abused it. They are very conservative. These individual directors are working unpaid. They are just paid for their expenses and I feel they are doing a tremendous job. So I stand opposed to this amendment.

SPEAKER MARVEL: Senator Wesely, did you wish to speak to the bill?

SENATOR WESELY: Yes, Mr. Speaker, members of the Legislature, I stand in support of the amendment. The amendment was adopted at my request. It was my motion and the point of the amendment is pretty clear I think. We are extending the life of these conservation districts and there is some controversy about that. Senator Maresh isn't here but he has attempted to discontinue those districts for some time. The concern he had and which other people had was the problem that you have two taxing authorities essentially doing the same thing in certain areas of the state where these conservation districts exist and the feeling was that we had attempted years ago when we adopted the NRD concept to merge all water resource subdivisions of government into one body so that they could in a coordinated effort deal with water resource problems in this state. However, we did leave the one exception, that being the conservation districts to continue in existence to this coming year, actually this summer they would discontinue, but we are attempting to extend their life and I think that isn't a slap on the wrist. In fact we are giving them a pat on the back encouraging them because they have done a good job but I think that the problem that Senator Maresh was concerned about and other individuals were concerned about, about the taxing authorities what this amendment deals with. The taxing authority now is about one mill. From the testimony we had at the hearing, they are using approximately seventeen percent of the taxing authority, maybe twenty percent, but in any event, they are not using their full taxing authority and that is a good indication, I think, of the work they are doing because they are doing a good job and they are not spending all of their money that they could. Great! Terrific! So let's recognize the fact that they are able to function and do their job and to carry out their responsibilities at a lower mill levy authority than they now have and so this amendment decreases their authority down from 3.5 cents to 1 cent and the whole focus of that is to say that they have been able to function at that level or less in the past, we are extending their life but we shouldn't let them grow in strength, grow in taxing authority, that we should keep them at the level that they are at now to carry out the functions they are doing so well at this point. But I don't want to allow them the chance, and this is my concern, I couldn't support the bill in extending their life if I thought they had the funding authority to expand their operation. I think that we allow them to continue the good work that they are doing now but we shouldn't allow them to expand an operation which this mill levy authority would provide them that opportunity to do, not that they would do it, but that they would have the option

to do when, in fact, we have tried to shift to the NRDs more and more of the authority with water resource development and water resource management. I think this without this amendment runs counter to that effort and quite frankly if the amendment isn't adopted, I will not support the bill and I would encourage others not to as well because I think the point of the bill is good, that is they are doing a good job. Let them continue that good job and I agree with that. This amendment would allow them to continue the job they are doing and I think encourage them in that effort but it would not allow them to expand and I think that is a point that is very important. I don't think we need to see taxing authorities granted that aren't needed and I don't think we want to encourage subdivisions of government to tax more than they need and I think that is what this amendment tries to recognize.

SPEAKER MARVEL: Senator Cullan, your light is on. Do you wish to speak to the bill?

SENATOR CULLAN: It is on the bill.

SPEAKER MARVEL: Sir?

SENATOR CULLAN: On the bill, Mr. President.

SPEAKER MARVEL: Okay. Go ahead, Senator Cullan.

SENATOR CULLAN: You are on the committee amendments now, aren't you? Do you want me to wait until the bill comes up?

SPEAKER MARVEL: Does anybody wish to speak to the amendments before we go to the bill as a whole? Okay, the Chair recognizes Senator Sieck. We are now speaking to the amendments to the bill.

SENATOR SIECK: Yes, I will still speak on the amendments to the bill. I would like to counteract Senator Wesely's actions here. He mentioned that Senator Maresh has in the past had several amendments here to reduce the mill levy. I want the body to know that this levy is taxed on the agriculture area of the groundwater districts. I also want you to know that if we wouldn't have the groundwater districts, the Natural Resource District would have to expand their board or their administration considerable to accomplish the same thing that this groundwater district is doing and I also know that the Natural Resource District and the groundwater district are working hand in hand. They are trying to coordinate their activities so that one is not duplicating the other. The Natural Resource District is having problems with the amount of money that is levied towards them and with the groundwater district operating they are able

to accomplish a lot more in their particular areas than they would if it would be within the Natural Resource District itself. So for this reason I do feel that we need to continue the mill levy that is now present with the groundwater district and I am just positive that we have enough trust in those individuals out there that they will not abuse it and will use it in the proper fashion. Thank you.

SPEAKER MARVEL: Okay, the motion is on the adoption of the amendment. All those in favor of that motion vote aye, opposed vote no. Senator Wesely.

SENATOR WESELY: How many members are absent, Mr. Speaker?

SPEAKER MARVEL: There are five excused.

SENATOR WESELY: I hate to have a Call of the House but a lot of people aren't voting.

SPEAKER MARVEL: All those in favor of the House going under Call vote aye, opposed vote no. Is that what you want? Okay. Record the vote.

CLERK: 24 ayes, 6 nays to go under Call, Mr. President.

SENATOR WESELY: I will accept call in votes. That is fine. We don't need to have a roll call.

SPEAKER MARVEL: Okay, the House is under Call. All legislators will return to your seats, record your presence. All legislators must be in your seats. We will not proceed with the roll call until you are. Senator Kremer, will you record your presence please? Senator Dworak, will you record your presence please? Senator Wagner, Senator Newell, Senator Chambers, Senator Labedz. Senator Wesely.

SENATOR WESELY: Mr. Speaker, it would be fine with me if the Clerk would read the amendment and have call in votes but if you would prefer a roll call that would be fine, too. It doesn't matter to me. Call in votes would be accented but I don't know if people understand the amendment.

SPEAKER MARVEL: Okay, the issue is the committee amendments. They are about five pages long and the Chair will accept call in votes. Okay, one page, it seems like five.

CLERK: Senator Fitzgerald voting aye. Senator Barrett voting aye. Senator Labedz voting aye.

SPEAKER MARVEL: Record the vote.

CLERK: 25 ayes, 12 nays on the adoption of the committee amendments, Mr. President.

SPEAKER MARVEL: The amendment is adopted. Before we go to the next items, in the North balcony it is my privilege to introduce 35 students and 15 adults from many areas of the state and Lyle Hermance and Doug Briggs are the adults who are in charge of the adults and the group is the vocational student organizations throughout the state and they are up in the North balcony. So we welcome you to the Unicameral Legislature. Senator Sieck, do you wish to explain your bill?

SENATOR SIECK: Yes, I do, Mr. Chairman, members of this body. I am disappointed in what happened to the committee amendments but I am sure that the people out there will live with it and will do the utmost to accomplish what they are set out to do. Now from my personal research and analysis of the groundwater conservation districts plus my visits with county agents and NRD directors and various farmers and others close to the operation of the groundwater districts, I have discovered a very positive attitude toward the operation and successes of the districts. I have found that the districts are responsible for the monitoring of the irrigation runoff, studying of the nitrate levels, and many other water related practices but it is not the studies alone that make the districts profitable. It is the accomplishments of the districts through using advisory oriented and farmer member boards to enhance the communication of practical groundwater usage throughout the districts. For example, if excess runoff is discovered on the end of a farmer's field, one of the members of the groundwater district who will be a farmer will contact that owner of the field and educate him on how to prevent such losses. This practice is successful because it is farmers talking to farmers. I strongly support the groundwater districts for the above reasons alone. The districts have five board members each. Each implements a task force of twenty-five farmer board members to educate other farmers on water conservation. Taxation as cited in Section 46-631, groundwater districts may assess a tax of up to one mill of a dollar of the assessed value of all taxable real property within such district. Individual groundwater districts then earmark a certain amount of tax dollars for the support of the Blue River Association of Groundwater Districts. This district was created in 1959. The groundwater conservation districts have played a vital roll in water management. Currently, all six of the districts are within the Natural Resource District control areas, five of which are within

the Upper Blue Natural Resource District. These are the districts of York, Seward, Clay, Fillmore and Hamilton Counties. It is important to point out the Upper Blue NRD has endorsed LB 81 with full consent. The Blue River Board of Association has ten members, two selected from each county of the Blue River Association. These members receive no salary other than the expense compensation which amounts to about a hundred dollars a year. Funding of the Blue River Association is by a rate determined by the districts of so many dollars paid for the number of irrigation wells in that individual district. The budget for the 79-80 year was \$70,400 or 7,464 wells of \$7.50 a piece. They actually used only \$59,925. Their full administrative staff is \$30,000. I feel they are very conservative and have done a tremendous amount of work because they actually have delayed the implementation of controls which is very important. This past year we had a tremendous drouth and used a terrific amount of water and yet we only had a drop of about eighty-seven hundredths of a foot. This tells me that we have people that are conscientious of how to use their water and we need to continue to do this. I don't feel any type of regulation that we put upon these people, it is going to take that much water to produce a crop, so whatever they can do to conserve this water in their tillage methods, in their conserving of the water, in the proper use of the water, in the scheduling program that they have used, these are all tools that these individuals can use. So I highly support this bill and I move for the adoption of the bill.

SPEAKER MARVEL: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, Senator Sieck, I appreciate very much your comments about the operation of the districts in question, but I would have some questions of Senator Sieck and Senator Kremer concerning the background of these districts. Senator Kremer, of course, led the fight several years ago to establish the Natural Resource Districts, and at that time it was my understanding from reviewing the establishment of the Natural Resource Districts that it was the intent to eliminate other political subdivisions throughout the State of Nebraska that carried on the same function and my first year on the Public Works Committee I believe we established the life or reestablished these districts and allowed them to continue in existence beyond what was originally the case and now I see that they are back again asking for another five years of operation. And I guess I have some philosophical problems with allowing two competing political subdivisions, two political subdivisions with the same functions to continue to operate and I wonder why

the Natural Resource District in this particular area could not handle the functions that the groundwater conservation districts are handling now. I wonder, Senator Sieck, if you might be willing to address that?

SPEAKER MARVEL: Senator Sieck, do you yield?

SENATOR SIECK: Yes. Senator Cullan, I also was opposed to having the groundwater districts a part of the Natural Resource District, but after seeing the groundwater district in operation in this particular area, I have to admit and change my philosophy that they are doing their job, and if we tried to get the Natural Resource District in this particular area to do the same things that this groundwater district is doing, it is going to cost a lot more money than the Natural Resource District can ever come up with. So I feel this is the cheapest way and the best way to accomplish this, and another thing that I want you to know is that this board has addressed themselves for five years, and they requested this five years. They could have said, let's go on continually but they actually wanted just the five year limitation because they felt with this in mind they could step up their program and get this job done and the job in that area is so important and we need every tool that we can use.

SENATOR CULLAN: Thank you, Senator Sieck. I appreciate the fact that you raise the concern about finances. I understand that that really is one of the key concerns in this area, that the seven percent spending limitation and the mill levy limitation which we have on Natural Resource Districts is perhaps the main reason that you want the groundwater conservation districts to continue to carry on these functions. Of course, the lid will be expiring soon, so I am not sure we still have the same financial press to have these districts continue in operation. The Legislature, I think, needs to decide today whether we want to continue to have political subdivisions with the same functions to continue to operate. In this particular area, it appears that they are operating in harmony now but that may not always be the case and there may be a time when the existence of two political subdivisions with the same functions creates conflict rather than harmony and I see no reason for us to continue to have two political subdivisions carrying on the same function. I think that the Natural Resource Districts has this responsibilities now. If we take out the spending lid and allow the Natural Resource Districts to address these functions, then it would be unnecessary for us to continue with the operation of two subdivisions with the same function. So I would urge the Legislature at this point in time to oppose the continued existence of these

subdivisions. The Natural Resource Districts clearly have the responsibility. It is not good government to have two political subdivisions in the same area with the same responsibilities. Further, I think we need to recognize the problems with the spending limitation has caused and that really is the gist, the impetus to keep this alive so that there is additional taxing authority to carry on additional water related functions but let's not allow the need to remove the spending lid to be a part of the effort to keep two conflicting and competing political subdivisions in existence. I urge your opposition to this bill.

SPEAKER MARVEL: Senator Vickers, speaking to the bill as a whole.

SENATOR VICKERS: Mr. Speaker, members, I, too, rise in opposition to LB 81. As Senator Sieck pointed out the functions being performed by the groundwater conservation districts are I believe, to use his terms, to control water runoff, to monitor water quality and another reason for their existence that he mentioned was that the directors are farmers themselves so we have farmers talking to farmers which raises the level of concern on the farmer's part as far as the use of water is concerned. I would suggest to this body that that is exactly what the Natural Resources Districts are doing. We have a problem with water runoff out in my part of the state also. The Natural Resources Districts are doing a good job in that area. We are also developing a problem with water quality in the Republican Valley. Again, the Natural Resources Districts in that area are monitoring it very closely. Most of the directors, I will agree not all of the directors, but most of the directors of the Natural Resources Districts are also farmers. I think they have also raised the level of awareness of the farmers in my area of the need to conserve and to preserve the natural resources including water. I agree with Senator Cullan. I think this is another one of those many bills that we have this session that is an indirect attempt to circumvent the lid. They have a problem and I am certainly not going to stand here and tell you that they don't have a problem. They do have a problem with the seven percent lid, but if we advance this, then we are saying that certain Natural Resources Districts have a way to get around that lid or a way to address that problem while others don't. If the groundwater conservation districts are such a great thing, why weren't they all over the state. Why did the Legislature in its wisdom decide to abolish them after the Natural Resources Districts were started? I think what we have here is a perfect example of the way government works. Once you get an entity started, I don't care what it is doing, even if it is doing the same thing another entity is doing, it is

almost impossible to get rid of it because the general feeling within government is hang on to each little domain, if you will, build up each kingdom. I see no reason whatsoever for this extension of time. We had a bill a year ago of Senator Kremer's or two years ago to extend the life for a few years and at that point in time it was ~~arrived~~ that because the control areas were being established in these areas where the groundwater conservation districts are then Natural Resources Districts needed all the assistance they could get from more people involved to get the control concept across to the people. The idea of having more directors in the groundwater conservation districts working in conjunction with the Natural Resources Districts seemed at that point in time to be somewhat valid. I suggest to you that by the end of this year, by January 1st, 1982, that concern is no longer still valid. The control areas are established. The lines are drawn. I think the people out in those areas are beginning to be aware of it. I believe that philosophically we have got the Natural Resources Districts and I think we should give them the job and not try to have another layer, another level of government trying to do the same job. I oppose LB 81.

SPEAKER MARVEL: Senator Kremer and then Senator Dworak. Senator Kremer.

SENATOR KREMER: Mr. Chairman and members, I want to make two corrections. When I spoke to the amendment, I used the word "conservancy" district. It is "conservation" and I want to make that correction for the record. Secondly I want to correct a statement made by Senator Cullan that I sponsored a bill that extended the life and now we are doing it again. It is true that I did but that bill got out on General File, moved to the top and then dropped back for several proposed amendments during last session and then it died because we went home sine die and left a number of bills hanging on General File and that was one of them. I continue to support the bill. Now some of the things that Senator Vickers and Senator Cullan said, of course, are true. Our problem in this particular area is somewhat unique. The Blue River or the Big Blue NRD district is unique in that this is an area, the largest area of the state, where we are depleting our groundwater resources to the extent that I think we can with a reasonable degree of honesty look forward in the future and make a statement that we feel there will be large areas in this particular area of our state that is going to run out of water. When this happens, it is going to have a significant effect on the economy of this state because of the vastness of this area. Now in a lot of other parts of the state this is not true but in this area it is true. Now the groundwater conservation districts do have a place in public relations

that is awfully important at this time. We are under control in that area which means there is a management program put out that is going to have to be followed that may require the allocation of water and public relations is important. Now these two groups are working together and, Senator Vickers, I would have to say the argument that I produced several years ago is still valid. They are working in harmony. When Senator Sieck and I met with this group in York prior to the session, they agreed that the time that they should stay in operation is limited and they could well live with the five year extension. By that time we hope we have the NRD control and management system functioning and working properly but it is going to take time, it is going to take the effort of a lot of people. They are filling that place and I go back again to the lid bill. We still have the lid law, not bill, law. We may have it and we may not, but if the law is changed and we lift the lid, then it is time to address this thing another year, but for now, I strongly support the continuation of the groundwater conservation districts for a period of time and the bill says five years. We can always change that. I do support the bill and I hope because of the uniqueness of that area of our state you will support those of us that are supporting the bill.

SPEAKER MARVEL: Senator Dworak.

SENATOR DWORAK: Mr. President, colleagues, I rise in opposition to LB 81. I think most of the arguments have been given pro and con, been given over and over again but it still boils down to the fact that it is fragmentation, it is lack of accountability, it is lack of a direct line of control. Senator Kremer just admitted that in fact it had a lot to do with the lid and it was a way to circumvent the lid, and for this body to tell the people of Nebraska that we have a lid and now we are going to vote for a device, a scheme, to circumvent that lid, in my estimation is unconscionable. We are still tapping the property taxpayer. Sure, it is not significant, a small amount, just like the NRDs, just like the ESUs, just like the weed control authority, just like the cemetery boards, and the long list of other little insignificant taps on the property tax owner. I think we need to change the direction. Even though in this case it is not a major amount, it is a change of direction. I think our constituency, the people of the State of Nebraska have made their wishes clear on property taxes and this would be in direct opposition to those wishes. In relation to the Blue Valley, this bill is not going to put one drop more water in the Blue River, Big Blue or the Little Blue. The only thing this bill is going to do is fleece some more dollars out of that property taxpayer's pocket. I think it is time to stand up to the reality of 1981, that we have had Natural

Resources Districts for several years now. They are proven. We are not going to change that. They are accepted and this archaic structure that has existed in the past is no longer needed. Over and over again it is very easy, not much trauma, to give birth to new program but to try and eliminate any type of governmental agency seems next to impossible. Here is an opportunity to do that. I think we ought to accept this opportunity and eliminate this no longer needed function.

SPEAKER MARVEL: Senator Lamb.

SENATOR LAMB: Mr. President, members of the Legislature, it was last year or the year before I had an amendment which did put this sunset clause on there. However, at this point I am supporting the bill as it has been amended since the funding has been reduced considerably, and at the hearing the other day, it was brought out that this conservation districts, they are using fourteen hundredths of a mill, fourteen hundredths of a mill. I believe that is correct. And the NRD is well below its mill levy limit so added together they are still less than the amount that the NRD could be levying for these purposes. I frankly have changed my position on this. I think this is a special situation where there is a group here that are doing a good job for the local situation and we even had the manager of the NRD come in and testify that this conservation district group should be continued and there was no opposition to the bill. So what I am saying at this point is the amount of money we are talking about is very small, that the money is not in excess of what would be spent if we did eliminate the conservation districts so I believe that these districts should be continued under the present situation. So I support LB 81.

SPEAKER MARVEL: Senator Cope.

SENATOR COPE: Mr. President, members, I support LB 81. The reasons have been given, let me quickly reiterate. We are not starting anything new. This has been in existence a long while. It is a group of people who are dedicated and are doing a good job. No one in this room believes in NRDs more than I do but I certainly would hate to discourage anyone from assisting in the same effort and these men evidently are doing it. I am not on the committee. I haven't talked to any of them, but after hearing this testimony, I certainly do support and I hope you do support LB 81.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker and members of the body, I think it is only fair that a member of that committee who heard this bill had some reservations about the conservancy district, endorsed it to come to this floor and I am not going to change my endorsement. I think that is in good faith and integrity. I am a little concerned about the amount of money we are going to allow them to spend particularly in view of the seven percent issues that we face today whether or not they under this kind of restriction in terms of finances can carry out the intent and purpose of the research which they advised us they were doing under the best wishes of the NRD. Just because the whole state doesn't have this type of a district doesn't mean there in some areas they don't recognize the value. We often hear it proclaimed the right of local determinations and local government. Here we are about to take away from certain people, commissioners who reported to us and others, that indeed this conservancy group in this area was performing a good service to the farmers and those who have a direct interest. For us now to suddenly abort the issue, I think one more time we are showing something to the public, we speak of forked tongue, and I would hope this body does not desert Senator Sieck nor the committee. He reduced the levy, now let's see whether or not they can reduce the results. If they can't, then in future years you may want to sunset that organization.

SPEAKER MARVEL: The motion before the House is the adoption of...advancement of LB 81. Senator Sieck, do you wish to close?

SENATOR SIECK: A few comments to make, I have heard a little opposition here but I feel that it is in the wrong direction. They say that the NRDs are ready to take this and they are capable of doing this. I don't think there is an NRD in the State of Nebraska that hasn't had an advisory board. I consider these people out here such as an advisory board. I spoke to the NRD directors at their conference just a week ago and admonished them to get more people involved because it is so important and I saw the advantage of having these type of people involved within this particular district and it is advantageous and I was one of the originators of the NRD law in the first place. I think most of you realize this and I was one of the people that felt that the rural water districts should not form new districts but the NRDs should have that control and I still feel this way. But herein is a very specific case that I feel that they are doing the job and I also feel that the NRD directors are going to see what is going on and are going to set up these type of people so that they get more people involved in getting this job done. If we expect that Board of Directors and a big bureaucratic machine to get that job done, we have got another think a

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LR 14
LB 81, 30

coming, and if we deny this bill to our people out there, we sure give them a slap in the face, I should say that. With this I will close and hope that we advance this bill.

SPEAKER MARVEL: The motion is the advancement of LB 81. All those in favor vote aye, opposed vote no. The motion is the advancement of the bill. Record the vote.

CLERK: 27 ayes, 5 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The Clerk has some items to read into the...there will be a Chairmen's meeting tomorrow morning at 8:15 a.m. in Room 2102.

CLERK: Mr. President, LR 14. (Read. See page 400, Legislative Journal.) That will be laid over, Mr. President.

Senator Newell would like to print amendments to LB 30 in the Legislative Journal.

I have a reference report from the Reference Committee referring LBs 536 through 542.

Your committee on Urban Affairs gives notice of public hearing for February 11, February 25, March 4 and 11 and March 18.

Your committee on Education gives scheduling of public hearing for February 9 and your Banking, Commerce and Insurance Committee gives notice of public hearing in Room 2230 for February 10, 17, 23 and 24. Signed by the respective Chairmen.

SPEAKER MARVEL: Senator Newell. Senator Newell, do you want to adjourn us until nine o'clock tomorrow morning?

SENATOR NEWELL: Mr. President, I move we adjourn until nine o'clock tomorrow morning.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. Motion carried. We are adjourned until nine o'clock tomorrow morning.

Edited by:

Marilyn Zank
Marilyn Zank

February 6, 1981

LB 1, 2, 43, 46, 57, 60,
70, 81, 141.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT LUEDTKE: Prayer by Dr. Edward Kolbe, Pastor of First Christian Church here in Lincoln.

DR. EDWARD KOLBE: Prayer offered.

PRESIDENT: Roll call.

CLERK: Mr. President, Senator Marsh would like to be excused until she arrives. Mr. President, Senators Dworak, Carsten and Newell excused for the day. Senators Burrows, Hoagland, Fowler and Pirsch until they arrive.

PRESIDENT: Have you all registered your presence?

CLERK: Senator Labedz and Senator Vard Johnson would like to be excused until they arrive.

PRESIDENT: Record the presence.

CLERK: Quorum present, Mr. President.

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

CLERK: I have no corrections.

PRESIDENT: The Journal will stand correct as printed.

CLERK: I'm sorry, I do have....(See page 451 of the Legislative Journal for correction.)

PRESIDENT: Any messages, reports or announcements, Mr. Clerk.

CLERK: Yes, Mr. President, there are.

PRESIDENT: Proceed.

CLERK: Mr. President, your Enrolling Clerk respectfully reports that she has on this day at 1:58....on February 5 at 1:58 presented to the Governor for his approval the following bills: 1,2, 60, 71, 57, and 141.

Your Committee on Enrollment and Review respectfully reports that we have carefully examined and reviewed LB 43 and recommend that same be placed on Select File with amendments; 46 Select File with amendments; 81 Select File with amendments. (See pages 453 and 454 of the Journal.)

February 9, 1981

LB 42, 43, 46, 81

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

CLERK: Right, the motion is to advance, Senator.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move LB 42 be advanced to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced as amended. LB 43.

CLERK: There are E & R amendments, Senator.

SENATOR KILGARIN: I move the E & R amendments to LB 43.

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

SENATOR KILGARIN: I move LB 43 be advanced to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. Next bill, LB 46.

CLERK: There are E & R amendments, Senator.

SENATOR KILGARIN: I move the E & R amendments to LB 46 be adopted.

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

SENATOR KILGARIN: I move LB 46 be advanced to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. Next bill, LB 81.

CLERK: There are E & Rs, Senator.

SENATOR KILGARIN: I move the E & R amendments to LB 81 be adopted.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The amendment is adopted. Do you want to move the advancement of the bill?

February 9, 1981

LB 81, 143, 207

SENATOR KILGARIN: I move LB 81 be advanced to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion carried. The bill is advanced.

CLERK: Yes, sir. Mr. President, Senator Koch would like to have amendments printed to LB 207 in the Legislative Journal. (See pages 471-472 of the Journal.)

SPEAKER MARVEL: No objection, so ordered. We now move to item #6, General File. The first bill is LB 143.

CLERK: Mr. President, LB 143 was last considered by the membership this past Friday. (Title read.) The bill was read on January 14. It was referred to the Public Works Committee. It was advanced to General File with committee amendments. The committee amendments were discussed last Friday. Senator Chambers had an amendment to the committee amendment that was adopted. I now have amendments to the committee amendments offered by Senators...well first of all Senator Labeledz wants to add her name as coinroducer to the offer of these amendments, Mr. President.

SPEAKER MARVEL: No objection, so ordered.

CLERK: The amendments then, Mr. President, are found on page 406 (sic) of the Journal and they are offered by Senators Labeledz, Koch and Hoagland and they are amendments to the committee amendments.

SPEAKER MARVEL: Senator Stoney, your light is on. Do you wish to be recognized? Okay, Senator Hoagland.

SENATOR HOAGLAND: Mr. Speaker and colleagues, Senators Labeledz and Koch and I are offering an amendment to Senator Chambers bill that would exclude from any increase in the speed limit the interstate system around Omaha. Now let me say at the outset, speaking for myself only, I am against any increase in the speed limit at all in Nebraska. In addition to my own views on the subject I have talked to about five constituents over the last four days, and to an individual, those persons are against increasing the speed limit and I have really been surprised at the unanimity of the constituent response that I have gotten. It confirms my own feelings that for safety reasons, for energy conservation reasons and because of the possibility of our losing up to \$70,000,000 of federal funds it simply doesn't make any sense at this point to increase the speed limit. One particular individual, a minister at Dundee Presbyterian Church gave me what I thought was the most cogent reason

February 11, 1981

LB 1, 2, 18, 41, 43, 46, 45,
57, 60, 71, 81, 141.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: (Microphone not on)....this is by the Reverend Gale R. Baldrige, First Baptist Church, Lincoln, Nebraska.

REVEREND GALE R. BALDRIDGE: Prayer offered.

SPEAKER MARVEL: Record your presence, please.

CLERK: Mr. President, Senator Witala, Kilgarin, Kremer, Vard Johnson, Stoney, Labedz, Higgins, Sieck, Carsten, and Chambers until they arrive. Quorum present, Mr. President.

SPEAKER MARVEL: Okay, item #3, messages, reports, announcements.

CLERK: Mr. President, communication from the Governor addressed to the Clerk. (Read communication relating to engrossment of LB 1, 2, 57, 60, 71 and 141, as found on page 491 of the Journal.)

Mr. President, Attorney General's Opinion addressed to Senator John DeCamp regarding LB 45. (See pages 492 through 494 of the Legislative Journal.)

Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 43 and find the same correctly engrossed, 46 and 81 correctly engrossed. (Signed) Senator Kilgarin, Chair.

SPEAKER MARVEL: Senator Nichol, do you want....Senator Nichol, do you want to follow Select File for us? Item #4 is Select File and the first bill is LB 41.

CLERK: There are no E & R amendments.

SENATOR NICHOL: Mr. Chairman, I move the advancement of LB 41 to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion carried. The bill is advanced. LB 18.

CLERK: No E & R amendments, Senator.

SENATOR NICHOL: Mr. Chairman, I move LB 18 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All those in favor of that motion say aye. Opposed no. The motion carried. The bill is advanced. LB 121.

February 20, 1981

LB 45, 46, 81, 82

are off the floor of the Legislature, all legislators are at their desks, and as soon as everyone is at their desk, we will commence with Final Reading. As soon as we get everyone at their desks, we will commence with Final Reading. We have a quite a bit of it this morning. Okay, Mr. Clerk, you may begin then with the first bill on Final Reading, LB 45.

CLERK: LB 45 (Read on Final Reading).

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 45 pass? All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: (Record vote read. See page 594, Legislative Journal.) 43 ayes, 0 nays, 4 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 45 passes. The next bill on Final Reading is LB 46.

CLERK: Mr. President, LB 46 (Read on Final Reading).

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 46 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See page 595, Legislative Journal.) 47 ayes, 0 nays, 1 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 46 passes with the emergency clause attached. The next bill on Final Reading will be LB 81.

CLERK: LB 81 (Read on Final Reading).

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 81 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See page 596, Legislative Journal.) 42 ayes, 5 nays, 2 present and not voting, Mr. President.

PRESIDENT: LB 81 passes. The next bill on Final Reading is LB 82.

CLERK: Mr. President, LB 82 (Read on Final Reading).

LB 14, 18, 20, 27, 28, 29, 30
37, 41, 42, 43, 45, 46, 81
110, 121, 125, 130, 140,
143, 155, 164, 188, 188A,
207, 207A, 214, 234, 82, 64
234A

February 20, 1981

SENATOR DWORAK: I wish to close, Mr. President. I just reiterate that LB 125 be advanced to E & R initial.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed vote no. Okay, record.

CLERK: 33 ayes, 9 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The Clerk has some items on the desk before we adjourn.

CLERK: Mr. President, before we leave Senator Kremer would like to remind the Public Works Committee that they have a hearing at noon today in Room 1517 on Gubernatorial appointments for the public roads classification for motor vehicle licensing board. That is in Room 1517.

Mr. President, I have legislative bills ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I am about to sign and I do sign LB 121, LB 64, LB 41, LB 18, LB 14 and engrossed LB 140, engrossed LB 130 and engrossed LB 82, engrossed LB 81, engrossed LB 46 and engrossed LB 45. Okay, Mr. Clerk.

CLERK: Mr. President, I have an Attorney General's opinion addressed to Senator Goodrich. It will be inserted in the Journal. (See pages 608-610.)

Your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 110 and find the same correctly engrossed; 188, 188A, 207, 207A, 214, 234 and 234A, all correctly engrossed.

Mr. President, your Enrolling Clerk respectfully reports she has at 10:37 a.m. presented to the Governor for his approval the following bills: 28, 42, 156, 20, 27, 29, 30, 37 and 43.

Mr. President, Senator Chambers moves to reconsider the action in voting to indefinitely postpone LB 143. That will be laid over.

I have explanation of votes from Senator Haberman and Senator Sieck. (See page 611 of the Journal.)

I have a report of registered lobbyists for February 12

February 24, 1981

LB 14, 24, 31, 33, 41,
45, 46, 64, 81, 82,
85, 96, 120, 121,
130, 14, 158, 213

SPEAKER MARVEL PRESIDING

REV. JOSEPH A. MROCZKOWSKI: Prayer offered.

SPEAKER MARVEL: Will you please record your presence?
Record.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Underneath the North balcony, it is my privilege to present visitors to Nebraska sponsored by Partners of the Americas and the sponsors are Mrs. Ben Schulze and Gilbert Erickson and the visitors are coordinated with Dr. Fortes and his wife Maranna and the technical title is the Coordinator of Congressional Affairs for the Ministry of Education and Cultural Affairs from Brazil. Would you folks please stand so we can welcome you to the Unicameral. Okay, there is some items on the Clerk's desk and we will start with those.

CLERK: Mr. President, a communication from the Governor addressed to the Clerk regarding signing of LBs 14, 18, 41, 45, 46, 64, 81, 82, 121, 130 and 140. (See page 639 of the Legislative Journal.)

Your Enrolling Clerk respectfully reports that she has on February 23 at 2:37 p.m. presented to the Governor the following bills: 31, 33, 85, 96 and 120.

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined LB 24 and find the same correctly engrossed.

Your committee on Appropriations whose chairman is Senator Warner to whom is referred LB 158 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendment, (Signed) Senator Warner, Chair.

Mr. President, I have a report from the State Employment and Training Council. It will be on file in my office.

Mr. President, Senator Cullan asks unanimous consent to add his name to LB 213 as coinroducer.

SPEAKER MARVEL: Do you have any other items?

CLERK: No, sir.

SPEAKER MARVEL: Okay, item #4, resolutions.