

March 19, 1982

LR 249, 250, 256  
LB 480, 571, 602, 609A, 688,  
787, 799, 835, 854, 854A, 868, 909

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend John Ross, Pastor of Faith Lutheran Church in Seward, Nebraska.

REVEREND JOHN ROSS: Prayer offered.

PRESIDENT: Roll call. Record the presence, Mr. Clerk.

CLERK: There is a 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 published. Any messages, reports or announcements?

CLERK: Mr. President, LR 249 and 250 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LR 249 and LR 250.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 854 and recommend that same be placed on Select File with E & R amendments; 854A Select File with E & R amendments; 909; 480; 835; 688; 799; 868; 602 and 787, all placed on Select File, Mr. President. (Pages 1227-1280.)

Mr. President, I have a new resolution, LR 256 offered by Senator Nichol and many of the members. (Read LR 256 as found on pages 1280 through 1283 of the Journal.) That will be laid over, Mr. President.

Mr. President, new A bill, LB 609A offered by Senator Marsh. (Read title for the first time.)

Mr. President, I have a report from the Buildings and Grounds Commission on proposed lease renewal for the Department of Correctional Services, and the Nebraska State Highway Commission files their quarterly report.

PRESIDENT: We are ready then to immediately go to Final Reading, agenda item #4 commencing with LB 571. Would the Sergeant at Arms secure the Chamber and make sure that all members are at their desks, and all other unauthorized

March 24, 1982

LR 256, 267  
LB 208, 383, 421, 577, 631,  
634, 677, 720, 796, 827

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by Senator Rumery.

SENATOR RUMERY: Prayer offered.

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

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

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal stands as published. Any other messages, reports or announcements?

CLERK: Mr. President, two letters from the Governor. The first addressed to the Clerk. (Read letter regarding LBs 631 and 827.) The second, Mr. President, addressed to the membership. (Read letter regarding LBs 577 and 634.)

Mr. President, new resolution, LR 267 offered by Senator DeCamp. (Read LR 267 as found on pages 1392 through 1395 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, the bills that were read on Final Reading yesterday are now ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and I do sign LBs 796, 720, 677, 421, 383, and 208. Anything further, Mr. Clerk?

CLERK: I have nothing further, Mr. President.

PRESIDENT: We are ready then for agenda item #4, resolutions. There is a 15 minute limit. Commencing with LR 256.

CLERK: Mr. President, LR 256 was offered by Senator Nichol and many of the members. It is found on page 1280 of the Journal. (Read LR 256.)

PRESIDENT: The Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. President and colleagues, the purpose of LR 256 is to call on the federal government and the

Congress to take action with regard to exempting dams as point sources of pollution under the Federal Clean Water Act and requirements of the National Pollution Discharge Elimination System. Since enactment of the Clean Water Act in 1964, the United States has made exemplary progress in cleaning up the nation's water. All major cities have had waste water treatment facilities installed and we have made tremendous headway in curbing industrial pollution of our streams. The work done to date is helping the nation to achieve the goals of the Clean Water Act. However, in the efforts to clean up our system some overzealous interests would impose government involvement that is unreasonable and unworkable. Such involvement is not in the best interest of achieving the goals of the Clean Water Act and the imposition of unreasonable federal involvement could in fact jeopardize the overall good of the program. LR 256 deals with such an unreasonable and unwarranted involvement. So that you will better understand the issue, I will give you a little background. In setting up the program to combat water pollution, the Congress and the executive branch of government developed two major categories of source of pollution. They are called, first, point sources, and nonpoint sources. The point sources of pollution are those that can be readily identified as sources of direct pollution discharge into streams such as municipal sewage pipes, industrial plant discharges and large livestock feedlots. These are the major direct pollution sources. They are the easiest to identify as they were the first priority of treatment to abate stream pollution. The last category called nonpoint sources covers those sources of pollution not able to be tied to a specific site and thus not as easily controllable, this in general considered to be normal agricultural runoff and urban area runoff. Programs today are under way to implement procedures to improve water quality in such runoff under Section 208 of the Clean Water Act. The issue of dams being considered point sources of pollution could become a serious problem in the future and could cause litigation and threaten the continued operation of many water projects for irrigation, energy production and other purposes in the future. But dams should not be considered point sources of pollution. They do not discharge sewage or industrial pollutions into streams, and since enactment of the implementation of the Clean Water Act the Environmental Protection Agency has specifically not considered dams to be a point source of pollution. Let me repeat that. The EPA has specifically not considered dams to be point sources of pollution. That gets us where we are now with LR 256. I brought this resolution to the Legislature because of a federal district court decision in the District of Columbia on January 29th of this year that requires the EPA to consider

March 24, 1982

LR 256, 257

dams as point sources of pollution. The court decision came after many years of a lawsuit by the National Wildlife Federation to force the federal government to treat dams as point sources of pollution. If this order is allowed to stand, a great many beneficial water projects in Nebraska and Wyoming that provide irrigation water and hydro-electric generation for Nebraska could be jeopardized. Again, I point out that EPA, the government agency that is charged with the federal programs to clean up our streams, does not consider dams as a point source of pollution. It is clear that the federal government and the Congress did not intend dams to be considered as point sources of pollution. Because of the additional paper work, licensing, permits and other requirements that could be involved and because of the litigation that would be possible and the interference of operation of beneficial water projects we have today it is important that the Nebraska Legislature indicate our support of the federal government to appeal the court's decision and for the Congress to enact legislation that has been discussed to specifically exempt dams as point sources of pollution and thereby clarify the intent of the Congress. I ask for LR 256 to be approved.

PRESIDENT: The Chair recognizes Senator Sieck.

SENATOR SIECK: Mr. President and members of the body, I, too, would like to add my name on that list. I know there are 40 senators on there and I don't know how I came to be left out, but I did, because I'm one of the members down here that really highly endorses water projects and yet this particular issue I am quite interested in and I know that we need to do something. So I am asking for unanimous consent to allow my name to be placed on the resolution.

PRESIDENT: All right, Senator Sieck, I don't know that there is any...is there any objection? So ordered. Your name is added, Senator Sieck. Anything further on the LR 256? Senator Nichol, any closing? No closing, so the question before the House is the adoption of LR 256. All those in favor vote aye, opposed nay. I don't know if there is going to be anybody....anyone else want to vote? Record the vote.

CLERK: 27 ayes, 0 nays, Mr. President.

PRESIDENT: The motion carries and LR 256 is adopted. We will next go to LR 257.

CLERK: Mr. President, LR 257....first of all, Mr. President, Senator Apking would like to add her name as co-introducer to that resolution. Mr. President, 257 was offered by Senators

March 30, 1982

LR 256-260  
LB 720, 796, 383, 421, 677  
619

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain Palmer.

CHAPLAIN PALMER: Oh God, we pray as we look at the calendar and realize how much has been done but how much more needs doing. We ask for your contentment in this day that we may not waste what time is ours, desiring more than is likely but learn to use and enjoy that which is ours. We may not know everything but we do know Thee and Your will. We may not be rich but we can be generous. We do not have to have all wisdom to be understanding. We do not have to win every vote in order to be a good Senator. Our influence may not always be great but it can be good. Our speech may not always be eloquent but it can be truthful. We cannot all have good looks but we can have good conscience, and having that we shall have peace of mind and need fear no one. So this day may we be kind to one another, tenderhearted and forgiving as if each person's heart might be breaking, because it probably is. Amen.

PRESIDENT: Roll call. Have you all registered your presence? Has everyone registered his or her presence? Please do so so we can get underway. Record the presence Mr. Clerk.

CLERK: There is a quorum present Mr. President.

PRESIDENT: Quorum being present are there any messages, reports or announcements?

CLERK: Mr. President, yes sir there are. LR 256, 257, 258, 259 and 260 are ready for your signature, Mr. President.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 256, 257, 258, and 259 and 260.

CLERK: Mr. President, Senator DeCamp would like to print amendments to LB 619 in the Legislative Journal. And, a communication from the Governor to the Clerk. (Letter appears on page 1462 of the Legislative Journal regarding LB 720, 796, 383, 421, 677).

PRESIDENT: Before we go on to Final Reading the Chair would like to recognize Senator Lamb, as acting Speaker, I think he has some announcements.