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LB 327, 331, 506, 536

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by the Reverend Jack Glass from the First Assembly of God Church here in Lincoln.

REVEREND GLASS: Prayer offered.

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

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

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

CLERK: Mr. President, on approximately page 1774 we will insert LB 536 having been signed by the presiding officer.

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

CLERK: Mr. President, yes, sir, two resolutions. Read LR 78. That will be referred to the Executive Board for reference. LR 79, introduced by several members. Read. (See pages 1737-1739 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, I have a notice of hearing from Education Committee on gubernatorial confirmation hearings scheduled for May 21. I have an Attorney General's opinion addressed to Senator Vard Johnson regarding LB 506 and LB 327 and 321 (sic) 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 327 and LB 331.

CLERK: Mr. President, I have a series of interim study resolutions. The first is LR 80 offered by the Business and Labor Committee. The purpose of the study to consider numerous questions that have arisen concerning Nebraska's unemployment compensation program. Mr. President, that is all that I have.

PRESIDENT: Before we begin on agenda item #4, the Chair takes pleasure in introducing some guests of Senator Kremer from Aurora, Nebraska, Mr. and Mrs. Larry Carrier and son, Steven. Would the Carriers stand and be recognized and welcome to your Unicameral Legislature, welcome. We will

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LR 115, 116, 79

PRESIDENT: Any further discussion? Senator Rumery. Okay. I believe that does it. Senator Peterson, that is your opening and your closing. The question is the adoption of LR 115. All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 35 ayes, 0 nays on the adoption of the resolution, Mr. President.

PRESIDENT: Motion carries and LR 115 is adopted. We next go to LR 116. Mr. Clerk.

CLERK: Mr. President, LR 116 offered by Senator Rumery is found on page 1815. (Read.)

PRESIDENT: The Chair recognizes Senator Rumery.

SENATOR RUMERY: Mr. President, members of the Legislature, all of us in here are old enough to know something about the problems that native Americans have had in trying to adjust to civilization that has brought to them and many of them have made contributions that several of us think have never really been recognized or appreciated and we have in the Lincoln County Historical Society an effort that is going on to try to recognize Indians that have made a real contribution. About fifty years ago someone made a statute of an Indian and placed it on a high hill southeast of North Platte which is known as Sioux Lookout and the statute has been mutilated quite a bit by people with nothing else to do, I guess, so a former citizen of the area who lives in California now came back and saw this and he felt that we should do something to preserve this and even go farther and recognize contributions that have been made by Indians throughout the United States and May the 30th has been designated as the day to recognize the Unknown Indian and it will be held at the Ramada Inn at North Platte. All citizens are invited to attend. Mr. President, I move the adoption of the resolution.

PRESIDENT: Any further discussion? That will be your opening and closing, Senator Rumery. All those in favor of adopting LR 116 vote aye, opposed nay. Record the vote.

CLERK: 32 ayes, 0 nays on the adoption of the resolution, Mr. President.

PRESIDENT: Motion carries and LR 116 is adopted. For your information, LR 59, the first one on the agenda, has already been adopted so we will go now to LR 79 and, Mr. Clerk, will you read in LR 79?

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LR 79

CLERK: Mr. President, LR 79 (read). It is found on page 1738.

PRESIDENT: The Chair recognizes Senator Hefner for explanation of the resolution.

SENATOR HEFNER: Mr. President, members of the body, this resolution, LR 79, can be found on page 1738 and 1739. This resolution was introduced by myself and twenty-seven other legislators and I apologize for not contacting more of you but time ran out and so we wanted to get it introduced so we tossed it in. I would certainly welcome or urge anybody that would care to cosponsor this resolution to do so. This resolution supports the President's Economic Recovery Program. If you read the paper this morning or listened to the radio, you found out that the House won the first round. They won the first battle but the war is still to be won. Six years ago this body, six years ago this body passed a resolution calling for a constitutional convention for the purpose of changing our U. S. Constitution. This change called for an amendment to balance the federal budget. I, along with over a hundred other state legislators from other states, was to a White House briefing last week in Washington and received the full details on the administration's economic recovery program. The principal purpose of the briefing was to provide us with information on the return of important programs, funds and authority currently under federal government control back to state control, and, of course, let me explain the administration's four point recovery program just a little more. The first part of it consists of a substantial budget cut of \$44 million from the projected Carter 1982 budget and more in years to come, and, of course, with a balanced budget in 1984. Number two, a tax reduction in income tax of ten percent per year for the next three years to individuals, and a business tax cut that will include accelerated depreciation schedules. Number three, much needed regulatory relief. The administration is not studying government regulations anymore. They are acting. The Reagan administration has reduced federal rules and regulations fifty-four percent since January 20th and intend to reduce that more. They also urge the state to do likewise. We, as a state, should reduce rules and regulations wherever possible. Number four, stabilize the monetary policy in our country. The Vice President told us that the President has been visiting with the Federal Reserve Board. He also told us that the Federal Reserve Board is as powerful as a fourth branch of government and, of course, we were also able to hear many of the cabinet members and they spoke to us at this day-long briefing and they all seemed to give us the same message. They

said let's get the government off of the backs of the people. Let's restore the private sector the power or the right to handle more of their problems instead of allowing the government to intervene. Give the people a tax cut so that they will have an incentive to go back to work and be more productive and let's balance the budget, let's balance the federal budget before it is too late. I believe that the federal government is at the crossroads and is near financial collapse but I believe that we can turn it around if we put our shoulder to the wheel. They also said that revenue sharing to the states will be cut approximately twenty-five percent, most categorical grants would be consolidated into block grants for the states. This would reduce the federal administrative and regulatory burden of the numerous special purpose programs. I feel that this would increase the flexibility to the states and to the local governments to decide how to distribute this money to the various people or to the various programs. I am convinced that this approach will work and it will save us a lot of tax dollars. The President's fiscal year 1982 budget specifically protects the safety net of public aid programs for the truly needy so I do not feel that we are hurting those that really need it. All we want to do is take it away from the freeloaders. I move for the adoption of this resolution.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: There is a motion on the desk and the Clerk will read the motion.

CLERK: Mr. President, Senator Chambers moves that LR 79 be referred to a committee of the Legislature for a public hearing.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this is a portentous step which is being attempted here this morning, and I think since it is trying to establish a legislative policy which will impact on large numbers of the population of this state, there should be a public hearing to allow the people to say how they feel about this run toward oblivion. Do you know why I call it a run toward oblivion? Because there are people misperceiving what happened in Reagan's election just as they misperceived the public mood on that Proposition 13 in California that caused the Legislature in haste to impose a lid law which it has been tried every way since then to run around, to weaken or to abolish. It is a mistake for the Legislature as a group which is supposed to represent all of the people

to forsake that responsibility and play crass partisan politics. This is not an attempt to help the people. It is an attempt to jump on the bandwagon which local yokels have seen starting to pick up steam in Washington, D. C. Now when Senator Hefner talks about the so-called safety net, that word itself is an expression of some of the greatest cynicism that I have seen come out of even Washington. David Stockman, who when other young men had to go to Vietnam, went to Divinity School so he would not have to go, now turns his back on the Vietnam veterans who were crushed by that experience. David Stockman, who received subsidized loans to go to school and did not pay them back as he should, now wants to cut those loans for other people going to school. This is a very serious thing that is being contemplated here even though the Senators don't take it seriously because the people are hurting now. They want some understanding and not people playing partisan politics. For those of you who may have forgotten what happened during Reagan's election, fewer than fifty percent of the eligible voters voted. Reagan obtained slightly more than fifty percent of the popular vote. He did not landslide from the standpoint of how people felt. He landslide because of defects in the electoral college system. Under that outdated system, a person can win every electoral vote if he or she wins the popular vote by only fifty. Whoever wins the popular vote in the state gets all of that state's electoral votes, so had Reagan won the popular vote in all fifty states by one, he would have won the popular vote by fifty but he would have gotten every single electoral vote, and those who think in fuzzy terms interpret what happened as a mandate. It was not a mandate and it certainly was not a mandate to go for all of the things that Reagan after the fact said he is going to try to do, and it is not really Reagan doing it. Reagan is interested in reliving in real life, if possible, the glamor that he got on the celluloid screen. He is play-acting. He is John Wayne. He is not an individual concerned about the real problems of this country and as they impact in the international realm. When you present him with a serious problem, he gives you a one-liner. You can tell him that with all of his billions that he wants to give to the Pentagon, Senator Hefner, that the Army and Air Force have not coordinated their program so the Army has let millions of dollars worth of contracts to build huge armaments that are too large to be carried by any plane that America has. So do you know what Reagan's one-liner will be? "Well if we can't take them to the war overseas, we will bring the war to America", and everybody says, "Ha, ha, ha, ha! Reagan sure knows how to get off the one-liners." They have got the M-1 tank that I have mentioned before. They can't even aim the machine gun and they have talked Reagan

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into having more of them authorized so that Chrysler can build them. This is what you are approving of. So what happens with the M-1 tank? The machine gun does not point at the enemy out there. It points to the back and wipes out a hundred Americans. That is the kind of thing you are in favor of. I want to touch on a couple of other things specifically. You remember, as I mentioned, what happened with the lid. With all of the yapping and yammering about American free enterprise and the freedom of the marketplace to control prices, you see the quotas that are being imposed on foreign imports on automobiles which will have the effect of raising the price of the foreign imports and the domestic models and this is supposed to be in the interest of people and this is supposed to be an upholding of the American principle of free enterprise. You talk about federalism without even understanding actually what it is. There are other comments in here. David Stockman, Senator Hefner abandoned this idea of the safety net and said at least four percent of the poor, the truly needy, whom they did not identify or define will be hurt severely by this program he has got. With the tax cut, I wish I could remember the exact figures, but the rich will get about a nine percent and the poor next to nothing and the middle about two. Senator Hefner is going to give me some exact figures on that and that is good, and I hope that he is wrong because it has been printed in the news media, I just can't recall the figures, so you had better have it right, Senator Hefner. I hear people say that they ought to cut the food stamp program because they envision that like so many other programs as being for poor people, for black people, for those who are not working while they are on strike. But what I can't understand about an agricultural state is why they will be against this program when it deals with the commodities that farmers produce. Are we, Senator Hefner, going to cut the subsidies to the farmers? Are we going to cut out those low interest loans? Are we going to cut out talk about parody? We are going to cut out talk about subsidizing the dairy industry. Is that what we are going to do? Absolutely not. Sure they did it, Senator Kahle, over the protests of the farmers but we want to cut all the farm subsidies, too. The parody, do you want to cut that out? You don't have to worry about that. Reagan already said he doesn't even know what that means. Mr. Reagan wants to cut the nutrition programs that aim specifically at pregnant women, infants and children. I can understand the Legislature going along with that because that seems to be the style here anyway. With the oil deregulation and a glut occurring, Senator Hefner, and you know something about oil, you have probably read where the large corporations are saying because their profits are beginning to diminish they are going to close their

small outlets, they are going to close the independents, they are going to have fewer but larger retail outlets and that way they can control the prices, and though there is a glut of oil, they can keep the prices high. These are the things that are supposed to be helping the public. I say these things do not help the public, but the one good thing about all of this, the people who call themselves middle class and thought they had something are now being eaten up by fuel cost. They are starting to suffer because of the high cost of food. Some of the jobs they had that were indirectly dependent on federal programs which are now being cut are now finding themselves without a job, and Mr. Reagan and his cohorts want to cut unemployment benefits so they are hitting those who used to condemn these very programs because they thought they would never have to turn to them, and what I envision, Senator Hefner, is a different type of person in the street protesting what the government has done. I envision people not using sticks and stones but guns and I do believe that those who can stand and speak with such courage on the floor of the Legislature will be nowhere found on the streets explaining to these people their part in bringing about the terrible economic conditions. I also read where a person who has studied these types of things, and had studied Nazi Germany, had studied the conditions in Germany today, said that Nazism is more likely to take a foothold in American than in Germany because some of those people have seen things and are accustomed to them, but in this country when the severe economic displacements occur, they will then turn to something whose true nature they don't understand, and I would like to see the politicians on that day do as I do, go out among the people wherever they are and explain the position that you have taken...

SPEAKER MARVEL: You have a minute left.

SENATOR CHAMBERS: ...and justify that position which I think you cannot do.

SPEAKER MARVEL: You have a minute and a half.

SENATOR CHAMBERS: I know that with the twenty-eight signatures or however many on this resolution what I am doing is like an exercise in futility. It is blowing in the wind. It is like trying to sweep the ocean back off the beach with a broom, but nevertheless, I am going to attempt to do that, and I hope that some of you will have second thoughts and at least refer this matter to a committee so that we can see whether there is a mandate, whether the people when they understand what is entailed will support a proposition like

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this. This is a politician's resolution, not a people's resolution, and, Mr. Chairman, I am not going to go over my time at this point because I will have the chance to close but I want you all to know that I am as serious as a heart attack in making this motion and I hope you will send it to a public hearing. This is one of those matters where you should have no fear of facing the public.

SPEAKER MARVEL: Senator Koch, do you wish to speak to the Chambers motion?

SENATOR KOCH: Yes, I do, Mr. Speaker. Senator Hefner approached me about this resolution. I remember when we sent several years ago, and you mentioned about the balanced budget which sounds very noble but is not always in the best interest of the public, and that died for a lack of a second even though a number of Legislatures did advice the balanced budget program. This is a serious resolution and I believe Senator Chambers is absolutely correct. It should be placed before the public for public hearing. I have resolutions that I've received from the states and a number of ways and I was going to introduce them, but on second guess I did not, because again it gets down to some I think very, very difficult issues that can only be best defined by the Federal Congress. Look at block grants. It sounds great. Tremendous. But no way will people buy block grants across the board. There was a reason for categorical aid and that reason is people who need that kind of money are certain to get it that way. Revenue sharing is a different subject but you can't take all grants to the states and put them together in a simple little package and expect those who need them to get them back because the strong will prevail and the weak will not. Now I believe rather than wasting a lot of time arguing this this morning that we should put it to a hearing, proper committee, and see then if we want to go forward and send this kind of a resolution to the United States Congress and to the President of the United States. I have a letter here, two page letter, coming from the Education Committee of the National Conference of State Legislatures who have examined the impact of the federal budget upon education throughout this nation, and if we are going to do this, then I am going to introduce this resolution, get X number of signatures, and we are going to mail it in a hurry to our delegation and to the President. I just believe that we cannot act in such haste and later on we will repent at leisure and I am sorry about this, Senator Hefner, but if you want to do this, I have been back there to the same kinds of meetings. I have got a two page resolution, and if we are going to start that, we are going to have all these resolutions going to our delegation and to the President of the United States. It is also

interesting to note, Senator Hefner, when you put in the various areas you identify that you omitted one that receives considerable support from the federal government and it has ever since the days of Henry Wallace, the Triple A program all began way back there in the dirty thirties. You didn't put "Agriculture" in there and I think that is a very important segment of our society. Now if we are going to take in the whole works, then let's name every section where the federal government does indeed impede upon local decisions including agriculture and a lot of others we could identify and name. So, therefore, I support Senator Chambers. Let's put it into a hearing, see what the input is from the general public and see whether again we want to prevail with such a resolution to the Congress and to the President of the United States.

SPEAKER MARVEL: Senator Vard Johnson, do you want to speak to the Chambers motion?

SENATOR V. JOHNSON: Yes, I do. Mr. Speaker and members of the body, I rise in support of Senator Chambers motion to send the resolution to a committee for a public hearing and I do so because I think that it is good public policy in this day to allow the public to be able to come forward and speak about the administration's economic recovery plan. I am not going to stand up this morning and talk about the cutback on programs that have benefited the needy nor on programs that have benefited the middle class nor on programs that have benefited the agricultural community. I guess in the end that those decisions to make those kinds of cuts essentially are Congressional and presidential decisions. Nor am I going to spend the time talking about the concept of the block grant as opposed to a categorical grant though I truly appreciate Senator Koch's sentiment on that subject. But I am going to talk very simply about the one thing that I think has exercised the American voter more than anything else and that is inflation. We wouldn't be where we are today with President Reagan in the White House and with a different Senate and with a different House but for the fact that our political leaders did not get a hold of the inflationary spiral that is shaking this country to its foundation, and by shaking this country to its foundation, I mean very simply that it is shaking the confidence, the confidence of the voter in a healthy economy. I have passed out and placed on your desk a little article by Lester Thurow entitled "How To Wreck The Economy". Now Lester Thurow is no lightweight economist. Lester Thurow is an economist from MIT. He has published "The Zero Sum Society". He spoke in Omaha earlier this year at an ABC presentation. His remarks were widely published and were

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supported by many, many persons that heard him. Lester Thurow in his article says very simply if his, that is President Reagan's, if President Reagan's current program is carried out he, too, will wreck the economy, and what is the thesis, what is Thurow's thesis? Thurow says very simply, the President proposes to increase military expenditures from \$162 billion to \$343 billion in five years time for a total increase over five years of \$181 billion. During five years of the Vietnam War military expenditures rose \$59 billion in terms of today's dollars. So as you can see the proposed increase exceeds by three times that which occurred during the Vietnam War. Now we tolerated in the Vietnam War the kind of increase in military expenditures that occurred without the benefit of raising our taxes. In other words, President Johnson very simply wanted to finance the Vietnam War through deficits. He did not want to tell the American taxpayer that the taxpayer had to pay more money to finance an unpopular war. During the Vietnam era the seeds were sown, the seeds were sown for the kind of inflation that you and I are suffering from today. Now the President's budget not only calls for a dramatic increase in military expenditures but more importantly adopts the Kemp-Roth tax plan which calls for a thirty percent decrease in tax revenues over the next three years, ten percent a year, and that revenue loss to the federal government will be \$196 billion in three years time. So if during the next three years we add the anticipated expenditure increase, military expenditure increase of \$181 billion to the tax cut of \$196 billion, we get to a revenue shortfall of \$377 billion. Now at the same time the President proposes cutting civilian expenditures by \$138 billion. That still leaves a shortfall of \$240 billion in the next three years time and that basically continues the kinds of inflationary fires that you and I have suffered from and that were the cause of our major change in administration. Now according to Thurow if we continue along that course without raising our taxes, if we continue to engage in deficit financing, we surely will wreck our economy and I think that before you and I approve the current administration's scheme for getting us out of the inflationary morass that we find ourselves in, for reindustrializing America, for making us strong again, we at least ought to have a public hearing on the issue so that these very points can be argued, articulated and so we truly can conclude for ourselves and the people of this state can conclude for themselves whether this is the most appropriate route to follow. Now my own political party, the Republican Party, in its platform statement said this about a balanced budget. "The Republican Party believes that balancing the budget is essential." There is nothing inherent in the current administration's economic plan which

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will cause us to have a balanced budget.

SPEAKER MARVEL: You have one minute.

SENATOR V. JOHNSON: We have bought the concept of an economist, Arthur Laffer, who suggests that when you cut taxes you will, of course, increase incentives to save and incentives to invest and those kinds of incentives over the long haul will generate new jobs, will generate new productivity and you ultimately will find a major gain in revenue. That has not been witnessed in European countries. That has never been witnessed here. We have had a decline of productivity since 1965. There is absolutely no reason to believe that that particular concept will work and yet that is the concept that our country at this time is espousing, I think a dangerous concept, I think one that prudent legislators like ourselves, like ourselves know and understand ought not to be tried. We can't afford, we can't afford continued inflation and continued disaffection with the economic engines of our country. I do commend this matter to a committee for public hearing.

SPEAKER MARVEL: Senator Howard Peterson, do you wish to speak to the Chambers motion?

SENATOR H. PETERSON: Mr. Chairman, I would call the question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? I don't see five hands. Okay, shall debate cease is the issue before the House. All those in favor of that motion vote aye, opposed vote no. Record the vote.

CLERK: 27 ayes, 3 nays, Mr. President, to cease debate.

SPEAKER MARVEL: Motion is carried. The debate has ceased. Senator Chambers, do you wish to close on your motion?

SENATOR CHAMBERS: Yes. Mr. Chairman and members of the Legislature, this resolution purports in number three of the "Therefores" to put the Nebraska Legislature on record as pledging its assistance to the President and to Congress to insure that the President's Economic Recovery Plan is enacted. These, members of the Legislature, are serious things that we undertake to do. When we handle them in a trifling fashion, we trivialize the entire legislative process. We hold the body up to deserve ridicule and scorn. Despite the superficial cursory statements that were read by Senator Hefner about Reagans Economic Recovery Program, I will bet there is not a person in here who could articulate that entire program because it is based on a federal

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budget which nobody here has even seen and you are going to carte blanche put the Legislature on record behind a program that you have not seen, that you do not understand, that could result in cuts against agriculture which you will be on record as favoring. If the cuts occur, you know what will happen just like with the grain embargo? Whereas everybody on this floor with the exception of myself and maybe some others, but I will speak only for me, are scared to death of the communist and are always willing to pass resolutions fighting the communist here, fighting the communist there, but when time comes to cut into the agricultural producers pocketbook, you say, "The communist are not so bad. They have got to eat, too. So knock out the grain embargo." When your principles have blind spots that occur where your money is involved, that tends to make all of the motives suspect and tainted. So before giving this kind of blanket endorsement to a program which you don't even understand, we ought to put it before the public and see if the people, even those who say they voted for Reagan, are in favor of this type of action by the Legislature. I was one of the three or four who voted against all of the lid bills in the first place. I spoke against them and it did no good. The Legislature ran headlong and did it and has been backing up ever since, and puts the picture in my mind of the obsequious individual bowing and scraping backward out a door in a shuffling manner. The Legislature should not always put itself in this position. We know that sometimes during the height of emotion we may say things and do things that are regrettable. It has been suggested that at those times you write a letter but don't mail it. The act of writing the letter gives you the opportunity to drain off the frustration, hostility or whatever it is. Then that having been done, your good judgment can reassert itself and you more calmly and objectively review the entire situation and formulate a better course of conduct that you can live with in the future. It won't be like Ernest Hemingway and some of these other people who put things in writing which their families now regret because those things have been publicized years after the people have died who wrote them. Why can't the Legislature not run headlong in this fashion just this once. Let the public have the opportunity to present its views on concrete proposals that are going to affect them rather than the Legislature pretending, and we are all politicians and understand things, rather than pretending that when Reagan was put into office that was an endorsement before the fact of anything he would say or do. We now have something more concrete, and before the Legislature of this state which purports to represent the people, which purports to put into operation policies that are designed for the betterment of the majority of the people, this...

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SPEAKER MARVEL: You have thirty seconds.

SENATOR CHAMBERS: ...Legislature ought to call a public hearing, let this resolution be publicized and there should be an attached statement explaining the ramifications of it and the possible negative impacts on all those who will be affected. Unfortunately, I know this will not be done. We have many people in the Legislature as everywhere else who will ride with the tide and go with the flow. They will demonstrate by their conduct the truth in Machiavelli's statement, I am just about through, that all rivers and most people are crooked because they follow the path of least resistance. I hope you will vote for this motion affirmatively.

SPEAKER MARVEL: Senator Hefner, Senator Chambers was closing.

SENATOR HEFNER: A point of order.

SPEAKER MARVEL: State your point.

SENATOR HEFNER: Mr. President, I don't think that you gave the opposition a chance for a rebuttal. I think all of the Speakers...

SPEAKER MARVEL: We followed the parliamentary procedure as best we could and I think...I don't think anybody had any more opportunities than the other side, Senator.

SENATOR HEFNER: Okay, thank you.

SPEAKER MARVEL: The motion before the House is the Chambers motion. Mr. Clerk, will you read the motion? For what purpose do you rise, Senator Chambers.

SENATOR CHAMBERS: I am going to ask for a Call of the House and a roll call vote so that my participation can be dispatched as quickly as possible.

SPEAKER MARVEL: The first question is, shall the House go under Call? All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 25 ayes, 3 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please take your seats, record your presence. Senator Wesely, Senator Rumery, Senator Beutler, Senator Goodrich and Senator Fitzgerald, Senator Haberman, Senator Von Minden, Senator

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Warner, Senator Higgins. She is excused, okay. There are three excused and there are still four...three, four. Senator Wesely, Senator Fitzgerald, Senator Beutler and Senator Haberman. Mr. Sergeant at Arms, did you hear those names? Senator Fitzgerald, will you indicate your presence please? Senator Chambers, all but Senator Wesely are accounted for. Shall we proceed?

SENATOR CHAMBERS: Mr. Chairman, I need every vote that I can get so can I ask for about a half a minute, literally, just about thirty more seconds, then we can proceed.

SPEAKER MARVEL: We are looking for Senator Wesely, Mr. Sergeant at Arms. Senator Chambers, Senator Wesely is out of the building. Okay, call the roll. Do you want to read what we are voting on first?

CLERK: Yes, Mr. President, the motion is offered by Senator Chambers and that is to refer LR 79 to committee for a public hearing. (Roll call vote taken. See page 1849, Legislative Journal.) 20 ayes, 25 nays, Mr. President.

SPEAKER MARVEL: Motion lost.

CLERK: Mr. President, the next motion I have on the resolution is to amend it. (Read Koch amendment found on page 1849, Legislative Journal.)

SPEAKER MARVEL: The Chair recognizes Senator Koch.

SENATOR KOCH: Thank you, Mr. Speaker. Obviously, we are going to request the Congress and the President to get out of our hair. We want the Tenth Amendment in full effect so let's do it. Let's not just pick a few areas because we believe that they are the ones abusing the system. Let's get in every issue where the government has interfered in the conduct of local efforts and determination. It bothers me when you only identify a few areas as though that is the only area of abuse. You know it wasn't too long ago we saw in 60 Minutes where certain people engaged in the business of agriculture were getting cheap loans to buy additional land when they really shouldn't have qualified for it, and yet that money was made available to them under the Farm Home Administration System. So if we are serious about requesting the Congress and the President of the United States to enforce the Tenth Amendment and make it a real amendment again, then let's get right to the root of it all and why don't we just simplify the whole amendment and say any where you're involved in the private sector or the public sector, let us handle it.

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Stay out. We don't need your help. Thank you. We can do it ourselves better. So that is the reason I am placing this amendment in there and there may be others that should be appropriately added so we cover the whole waterfront not just a part of it. I ask for the adoption of the amendment.

SPEAKER MARVEL: Senator Howard Peterson, is he in the room? Senator Newell, do you wish to speak to the Koch amendment? Senator Burrows, do you wish to speak to the Koch amendment?

SENATOR BURROWS: Yes, Mr. Chairman, members of the Legislature, I think this amendment is a clarifying amendment. I believe the resolution already speaks to it when we support the administration's budget and proposals and the fact that we are already saying that we endorse keeping the price support levels where they are and that we endorse the higher interest rates on the price support program, on the grain reserve, and all the other things that are being done in the present budget. The present budget is leaving soil conservation really without any future. We are not allowing the federal support system that allows any earnings to pay for soil conservation and now we are not providing any funds of any significance for it. So I think if we add this, then we can truly vote for what the resolution is already saying. I support the amendment because I think it makes it clear and honest, that simple. Thank you.

SPEAKER MARVEL: Senator Hefner, do you wish to speak to the Koch amendment?

SENATOR HEFNER: Yes, I do. Mr. President, members of the body, I fully support Senator Koch's amendment. It was an oversight of mine that I left agriculture out. I thought agriculture was taken care of in other parts of the resolution but I thoroughly endorse the Koch amendment. I believe that everybody, and I repeat again, everybody should make a sacrifice so that we can balance our federal budget. Therefore, I would strongly urge you to support the amendment and I commend Senator Koch for introducing it.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: (Mike not turned on.)

SENATOR CLARK: The question has been called for. Do I see five hands? I do. All those in favor of ceasing debate vote aye, opposed vote nay.

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CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 25 ayes, 0 nays, Mr. President, on the motion.

SENATOR CLARK: Debate is ceased. Senator Koch, do you wish to close? Do you wish to close?

SENATOR KOCH: I don't think closing is necessary. It is the amendment to include agriculture as a part of the area we are concerned with.

SENATOR CLARK: Senator Goodrich.

SENATOR GOODRICH: Would you have the Clerk read it or something so we can tell what he is actually saying in the amendment?

SENATOR CLARK: We will have the Clerk read it.

CLERK: Mr. President, the amendment would read as follows: (Reread Koch amendment found on page 1849, Legislative Journal.)

SENATOR CLARK: The question before the House is the adoption of the Koch amendment. All those in favor vote aye, all those opposed vote nay.

CLERK: Senator Clark voting yes.

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

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of the Koch amendment.

SENATOR CLARK: The amendment is adopted. Is there anything further on the...?

CLERK: Yes, sir. Mr. President, Senator Newell moves to lay over LR 79 until a date certain, the last day of the session.

SENATOR CLARK: Senator Newell.

SENATOR NEWELL: Mr. President, members of the body, this is a very important resolution that we are discussing today and one of the things that I think I would have liked to have done if we had more time is to ask a number of questions about the President's Economic Recovery Plan. There are a lot of questions that I have about the very specifics of

that program and I know that Senator Hefner just coming back from Washington, D.C. could outline them ever so clearly to me and other members of this Legislature. I am especially concerned about the tax proposals and also some of the budget cuts, et cetera, et cetera, but I think at this point in time that we have wasted a great deal of time on this very significant resolution which will have little or no effect on our Congressional delegation or on the President who obviously has got his mind made up in this whole regard. It seems to me that the budget battle is just about completed and that the President won. So this resolution is a little late to affect our Congressional delegation which, by the way, voted unanimously to support the President's program. So we are not going to really rile them up a great deal at this point since they are already where they are already at. The only other battle that seems to be pending is one in which we talk about the tax cuts, the Kemp-Roth-Reagan three year inflationary tax cuts, which, in my opinion, are a mistake but that is the only other issue left and I have every assurance that our delegation already knows how it is going to vote on that regard, too, and that they will vote with the President in regard to that. So this momentous resolution that we are about to pass with all of its implications won't affect anybody. It won't even affect the citizens of Nebraska who will be listening or might be reading reports about this debate. So I see no reason why we have to bog down the legislative process for this action today. I think that this action could take place on the last day of this session when there is a lot less to do. We do a few veto overrides and we can keep in mind at the same time the importance of our actions in regards to the President's Economic Recovery Plan and the debate would be so much more succinct on the last day of the session than it might be today. So I think that this resolution which basically put this issue off until we have more time to deal with it is one that this body ought to accept and consider. Also I would like to leave one other thought in the minds of my colleagues and that is over the years we have had this great propensity, great propensity to pass these momentous resolutions which mean nothing, will influence no one, and affect very few, and I think the Legislature ought to at this point in time realize that we must curtail, reduce, stop, maybe even eliminate this kind of political opportunities for people to speak on this floor on issues that we cannot affect and have little to do with. So I am going to propose a resolution which I think that is immanently fair and that resolution or that rule, legislative rule, that rule would basically say that any five members of the Legislature, if they feel a resolution is controversial, will have the authority

to sign a motion to refer it to a committee. Now what do you think that will do? In my personal opinion when legislators realize that they must prepare for a public hearing, organize testimony for that public hearing, and work and attend that public hearing, and force their colleagues to attend that public hearing, that, in fact, we will find few of these momentous resolutions which affect nobody and influence nobody and I think that that is something that this body should not only consider but should implement at its earliest opportunity because, in fact, we have wasted a great deal of time on something that is not totally understood and still will not influence anybody. So I would urge this Legislature to accept this motion to lay over and to put this issue off until the last day of the session when we will have more time, more energy and maybe a much clearer understanding of what the impact of this whole thing means. I would defy any member of this body to fully explain the President's budget or the Kemp-Roth tax cuts or the rest of the Economic Recovery Plan in the detail with which our Congressmen understand it. So I think this is not only a useless resolution but it is one that will do little and certainly can wait until the last day of the session. I would urge my colleagues to put this off until that more opportune moment.

SENATOR CLARK: I would like to introduce 14 seventh and eighth graders from Milligan, Nebraska, Senator Maresh's District. Mrs. Girmus and Mr. Tonnies, the Superintendent, are with them. They are in the North balcony. Would you raise your hands and be recognized? Welcome to the Legislature. I would also like to announce that this is Ray Wilson's 64th anniversary today. He has been married longer than most of us are old. Happy Anniversary, Ray. Senator Hefner.

SENATOR HEFNER: Mr. President, members of the body, of course, I rise to oppose the Newell amendment and I am surprised at Senator Newell accusing me of bogging this body down. Now if anybody has bogged this body down, it has been Senator Newell. It hasn't been me because I just haven't talked too much this year. I think there is a few things that I want to talk about in opposing this amendment. Senator Newell, the federal government did not create the states. The states created the federal government and I think we want to realize that. We want to remember that. When I was back in Washington, D.C., I did talk with the Congressional delegation and all of them told me that they are supporting the plan but what this would do is reenforce the feeling from the home folks back in Nebraska and this is the reason I am introducing this resolution. If you oppose

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it, vote red. There is nothing wrong with that but don't try and stall it time after time and then accuse me of bogging down the Legislature. I think that if we balance our federal budget we will slow down inflation. We may even stop it altogether but I think the time is now. We need to act and I hope that this body sees fit to defeat this amendment and then go ahead and pass the resolution and send our Congressional delegation a copy of this.

SENATOR CLARK: Senator Howard Peterson.

SENATOR H. PETERSON: Mr. Chairman, I call the question.

SENATOR CLARK: The question has been called for. Do I see five hands? I don't see five hands. I do now. Senator Newell, for what purpose do you arise?

SENATOR NEWELL: Are there a lot of other lights on, Mr. President?

SENATOR CLARK: Yes.

SENATOR NEWELL: I think that some other people ought to be allowed to talk since there has been only one person speak in opposition to the motion. So I would refer you to the rules, Mr. President, and urge that Senator Hefner's or Senator Maresh's motion, whoever, oh, Senator Peterson's motion be ruled out of order.

SENATOR CLARK: The only other light I have got on at the present time is Senator Vickers. Senator Vickers does not want to talk, therefore, all those that want to cease debate vote aye, opposed vote nay.

CLERK: Senator Clark voting aye.

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

CLERK: 27 ayes, 0 nays to cease debate, Mr. President.

SENATOR CLARK: Debate is ceased. Senator Newell, do you wish to close? Senator Newell, do you wish to close?

SENATOR NEWELL: Mr. President, I would very simply say that the motion that I have offered is to lay this issue over until the last day of the session when we have more time to discuss it, and we have...when it is not bogging down and we cannot move any other bills from General File, Select File or Final Reading and I think that is an appropriate sort of motion and I think this body should seriously

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consider that action. I think we might also have a better understanding, since we have decided not to have a public hearing, that just what an effective tool this...the President's Economic Recovery Program will be in terms of stopping inflation. I am curious the effects the Kemp-Roth-Reagan tax plan will have in terms of balancing the budget. The fact the resolution, as I understand it, urges balancing the budget in the last year of the present administration. Now frankly I was hopeful of a little more swift action especially with all the budget cuts, et cetera, that we have been experiencing. Now I think the mistake is to urge this Legislature to adopt a resolution, especially when Senator Hefner who says he is not bogging down the session, says it already affects...the Congressmen have already indicated to him at the time that they are in favor of the President's Economic Recovery Program. So he brings to us, this body, a resolution that is not going to affect the Congressmen, our Congressmen, one little bit. I doubt very much that it will affect the President since he proposed the program so what can we expect here other than the fact that Senator Hefner feels he wants to be a part of this big thing and brings the resolution to be discussed on the floor knowing full well it has no effect and will have no effect on our Congressional delegation. So I think that this debate can rage with a great deal more enthusiasm and a great deal more freedom when we don't have the pressing business that we have today. I think that time would be the last day of the session and so I urge the adoption of the resolution. Mr. President, I would ask for a Call of the House before my motion is voted upon.

SENATOR CLARK: A Call of the House has been requested. All those in favor of a Call of the House vote aye, opposed no. Have you all voted? Voting no.

CLERK: Senator Clark voting no.

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

CLERK: 14 ayes, 17 nays to go under Call, Mr. President.

SENATOR CLARK: The House is not under Call. The question before the House is the adoption of the Newell amendment to lay the resolution over until the last day. Is that proper?

SENATOR NEWELL: Until the last day of the session, that is correct.

SENATOR CLARK: Yes. All those in favor vote aye, all those opposed vote nay.

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CLERK: Senator Clark voting no.

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

CLERK: 11 ayes, 25 nays, Mr. President, on adoption of the motion.

SENATOR CLARK: Motion lost. Do you have anything further on the resolution?

CLERK: Mr. President, Senator Newell moves to indefinitely postpone the resolution.

SENATOR CLARK: Senator Newell.

SENATOR NEWELL: Mr. President, I would ask a question if I could? Will this...since this resolution is to be dealt with, would a kill motion lay this resolution over?

SENATOR CLARK: Pat? No.

SENATOR NEWELL: Okay, I will withdraw the resolution and allow a vote.

SENATOR CLARK: Is that all you have on the resolution?

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

SENATOR CLARK: The question before the House is the adoption of the resolution. All those in favor vote aye, all those opposed vote nay. It is debatable? Senator Hefner.

SENATOR HEFNER: Mr. President, I will wait and close.

SENATOR CLARK: Senator Peterson.

SENATOR PETERSON: Mr. Chairman, I would again ask to call the question.

SENATOR CLARK: The question has been called for. Do I see five hands? Senator Chambers, do you want to talk? You are the only light that is on.

SENATOR CHAMBERS: (Mike off) for myself, right, and I will not be long but, Senator Hefner, I would like to ask you a couple of questions about the resolution.

SENATOR HEFNER: Certainly, I would be very happy to answer them.

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SENATOR CHAMBERS: Senator Hefner, you realize from the language of the resolution you are trying to put the Legislature on record as promising to do certain things itself to make the President's program, whatever that is, work, is that correct?

SENATOR HEFNER: Yes, I (interruption).

SENATOR CHAMBERS: Okay, thank you because I don't want to take long. When you answer I will leave you be. Now did you state (interruption)...

SENATOR HEFNER: Now, Senator Chambers, there is one correction that I would like to make and that was the statement that Senator Newell made.

SENATOR CHAMBERS: Well, could you make that on your time because mine will run out? Did you say that everybody must be willing to sacrifice, even agriculture, to make the program of the President work?

SENATOR HEFNER: Yes, this is correct. Everybody.

SENATOR CHAMBERS: Did you vote for that program that the Legislature is attempting to enact in a bill which would give below market interest loans, interest rates to young farmers trying to start out? Did you vote for that bill?

SENATOR HEFNER: I certainly did, yes.

SENATOR CHAMBERS: Now, are you familiar with the fact that David Stockman said that in his estimation no more than four percent of the truly needy, whoever they are, will be affected adversely by this budget of the President?

SENATOR HEFNER: I think all of the cabinet members assured me that the truly needy, the truly poor, would be taken care of.

SENATOR CHAMBERS: Did you hear or read David Stockman's say with his own mouth that four percent of the needy, the truly needy as they defined them, will be affected adversely by this budget? You are not familiar with that?

SENATOR HEFNER: No. No, he didn't say four percent.

SENATOR CHAMBERS: Okay, you didn't hear it but don't say he didn't say it. In your opinion he didn't but here is what I will ask you now. Who are the truly needy based on what the administration told you?

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SENATOR HEFNER: I would let them decide who the truly needy are.

SENATOR CHAMBERS: But you would take...whoever they are, you would take their word for it? More or less.

SENATOR HEFNER: Well, they would have to meet certain criteria, yes.

SENATOR CHAMBERS: Did you talk to them actually in Washington?

SENATOR HEFNER: Absolutely, yes.

SENATOR CHAMBERS: Can I ask who paid for your trip to Washington? You did, didn't you?

SENATOR HEFNER: So far I have, yes.

SENATOR CHAMBERS: Okay, now, thank you, Senator Hefner. Senator Hefner reminds me of a young guy who was fighting in the Civil War and he was captured and the side that he was fighting for and the side that captured him will make no difference and he was asked, "What are you in this war for? What is the purpose of this war? He said, "Well, by god, I don't know what the purpose of the war but there be those in power and they know." That is Senator Hefner. Those who are truly needy are in the cemetery. So naturally they will not be adversely affected by this budget. I don't think anything more needs to be said by me in opposition to this resolution but I hope that there are enough members here who will vote against this resolution so that it will not be passed for two reasons, the first being that it should be justifiably an embarrassment to the Legislature, and, secondly, although it has no legal effect whatsoever, it can convey a message to the public which is not warranted because they think that when the Legislature takes some kind of formal and official action it does have significance on them. So I think it might tend to raise the anxiety level of the public unjustifiably and I think there is no basis for passing such a resolution.

SENATOR CLARK: Senator Landis. Is Senator Landis in the room? Senator Vickers. The question has been called for. Do I see five hands? I do. All those in favor of ceasing debate vote aye, opposed vote nay.

ASSISTANT CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted? Senator Chambers.

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SENATOR CHAMBERS: Mr. Chairman, I had asked a question during debate and I don't think I got a full answer. May I put it to the Chair to see if it does fit within the context of the question I asked?

SENATOR CLARK: Put your question to the Chair.

SENATOR CHAMBERS: I had asked who had paid for Senator Hefner's trip and the meaning that I was trying to get across is will it be reimbursed by the Legislature?

SENATOR CLARK: Yes, it will be.

SENATOR CHAMBERS: Thank you.

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

CLERK: 25 ayes, 0 nays to cease debate, Mr. President.

SENATOR CLARK: Debate is ceased. The question before the House is the advancement of the resolution. All those in favor vote aye, all those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted on the advancement of the resolution? A roll call vote has been asked for. Call the roll.

CLERK: (Roll call vote taken. See pages 1850 and 1851, Legislative Journal.) 26 ayes, 15 nays, Mr. President, on adoption of the resolution.

SENATOR CLARK: The resolution is adopted. I would like to announce as guests of Senator Wagner, Mr. and Mrs. Clark Weckbach, Alfred Burson, and Laverne Johnson, all of Ord. They are under the South balcony. Will you stand and be recognized please? As guests of Senator Vickers also under the South balcony is Greg and Cindy Hall. Will you stand please? I would like to introduce Dennis Costello, a constituent from the 14th Legislative District, happens to be Senator Fitzgerald. Will you stand? We either have or did have 38 elementary students from Wolbach, Nebraska, Mrs. Robert Owen, Mrs. Dick Meyer, teachers. They are in the North balcony. Are you still there? Raise your hands if you are. Thank you. Welcome to the Legislature, all of you. As I understand it, we are going to start in on 252. We are going to read some things in first.

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LB 144, 144A, 188, 188A,
204, 204A, 207, 207A,
LR 79, 115, 116

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Pastor Martin Russert from Grace Luthrean Church in Norfolk, Nebraska, Senator Dick Peterson's district.

PASTOR RUSSERT: Prayer.

PRESIDENT: Roll call. Have you all recorded your presence? Record the presence.

CLERK: A quorum present, Mr. President.

PRESIDENT: Are there any corrections to the Journal?

CLERK: I have no corrections Mr. President.

PRESIDENT: The Journal will stand correct as published. How about any messages, reports or announcements?

CLERK: Mr. President, the first item I have is your Committee on Enrollment and Review respectfully reports that they have carefully examined LB 207 and find the same correctly enrolled.

Mr. President, LB 207, 207A, 188, 188A, 144, 144A, 204, 204A are ready for your signature. As well as LR 79, 115 and 116 Mr. President.

PRESIDENT: While the Legislature is in session and capable of doing business I propose to sign and do sign LB 207, 207A, 188, 188A, 144, 144A, 204, 204A, LR 79 and LR 115 as well as LR 116. Anything further Mr. Clerk?

CLERK: I have nothing further Mr. President.

PRESIDENT: We are then ready for agenda item number four but I understand there is a motion on the desk.

CLERK: Mr. President, Senator Warner would move to overrule the Speaker's agenda for May 12 by not reading any bills on final reading but only consider motions to return bills on final reading for specific amendment. That is offered by Senator Warner.

PRESIDENT: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. Chairman and members of the Legislatur, I assume that this is up hill but in keeping with what I believe ought to be.....the priority of the Legislature