

March 27, 1990

LB 1055
LR 239, 397-400

2,000 jobs that are connected with Ak-Sar-Ben, so all three, LB 1055, as amended by the committee, is definitely a very good, good bill and, hopefully many of the senators, enough senators here will agree and not only vote to advance or adopt A, B, and C, which will be the total of LB 1055. Thank you.

SPEAKER BARRETT: Thank you. Senator Schmit.

SENATOR SCHMIT: Mr. President, I move that we recess until one-thirty, please.

SPEAKER BARRETT: Do you have anything for the record, Mr. Clerk?

CLERK: One item, Mr. President. Amendments from Senator McFarland to LR 239CA. That's all that I have. (See pages 1627-28 of the Legislative Journal.)

SPEAKER BARRETT: You've heard the motion to recess until one-thirty. All in favor say aye. Opposed no. Ayes have it, the motion carried, we are recessed.

RECESS

PRESIDENT NICHOL PRESIDING

CLERK: I have a quorum present, Mr. President.

PRESIDENT: Thank you. Do you have anything for the record, Mr. Clerk?

CLERK: I do, Mr. President. New resolutions. (Read brief summary of LR 397-400. See pages 1629-31 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: If I could have your attention a minute, Senator Labeledz has a group of students in the south balcony. There are 57 fourth and fifth graders from Holy Ghost School in Omaha accompanied by their teacher. Would you students and teacher please stand so we may recognize you. You're a nice looking group and we're happy to have you here today. You may be interested to know that the Legislature, in a moment or two, will be talking about bingo and what the state has to do with

an explosion in child abuse complaints and investigations in this state. We've gone from something around less than 2,000 in 1977 to close to 8,000 in 1985, a quadrupling of investigations in child abuse. I don't think we can assume from that that we've had four times as much cases of child abuse. We simply have become more aware and less tolerant of child abuse in this state so we are now trying to take the steps necessary to deal with that problem all the way from increasing the number of workers investigating complaints to increasing the attorneys in the Attorney General's Office to prosecute these child abuse complaints. I think this Legislature has shown its compassion and concern for the children of this state in objection and opposition to the abuse of those children, and I am very proud of this Legislature for that. There is another handout I've passed out about child abuse prevention month, and I also want to say that this is the Week of the Young Child. In fact, in about 45 minutes there will be a parade and a ceremony out on the steps of the Capitol recognizing this as the Week of the Young Child so it's most appropriate that today we recognize Child Abuse Prevention Month and the Week of the Young Child. Urge your support for the resolution.

PRESIDENT: Thank you. Any further discussion? If not, the question is the adoption of the resolution. All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 17 ayes, 0 nays, Mr. President, on adoption of LR 396.

PRESIDENT: The resolution is adopted. Move on to LR 397, please.

CLERK: LR 397, Mr. President, is found on page 1629 of the Journal. The Natural Resources Committee, it asks the Legislature to urge Congress to support and advance the electric power industry clean air alternative which is supported by the Nebraska Power Association and the nation's electrical utility industry.

PRESIDENT: Senator Lamb, are you going to handle this resolution, or Senator Morrissey? Senator Lamb.

SENATOR LAMB: Yes, Mr. President. This is the resolution which was proposed because of the problems that federal regulators are putting on our electric industry in this state. And, basically, it boils down to the fact that Nebraska has clean air already,

but these federal people are saying everybody has to be cleaner than they are now. Now we have those dirty air polluters in the east who need to be cleaned up, but that is not the way they're looking at it. It is not just them. It also includes us. So if everybody has to reduce air pollution in the generation of electric power by a certain percentage, then that puts us in a very difficult, impossible position because this state is already so much cleaner than those other states that we...we cannot, we cannot afford to be 100 percent pure and that's what they, in effect, are asking us. And Senator Schmit is here and I would relinquish my time to him.

PRESIDENT: Thank you. Senator Schmit, would you like to continue, please.

SENATOR SCHMIT: Yes, thank you, Senator Lamb. I appreciate your remarks. You're 100 percent on target and it is absolutely imperative, I believe, that we pass this resolution with a strong vote because Nebraska has exceeded the demands of the clean air (inaudible) by a long way, and if we do not get some relief from the federal government in this area, Nebraska will almost be in a position where we cannot build any new plants. There is going to come a time when you're going to need electricity. We have impediments toward the construction of hydropower. We tried to bring some power in from Manitoba and ran into problems there. We have, of course, the anti-nuclear problem which is presently generated, I believe, by some people who may have some other goals in mind. But, in any case, there is going to be in the future increased demand for energy, and unless we do something to make it possible for this state to participate in that program, we're going to have an energy shortage in this state. I would hope that we would pass this resolution and that it would have some impact upon the federal officials. I might add that my level of confidence in that is not very high, but I do believe that we have the support of our delegation; and I hope that the Nebraska Legislature could add to it so that Nebraska public power can continue to serve Nebraska citizens in the manner in which they have been doing. I want to emphasize once again Nebraska's standards are above those of other, any other states and the federal ruling, as it was proposed, is very detrimental to Nebraska.

PRESIDENT: Thank you. Senator Hefner, please.

SENATOR HEFNER: Mr. President and members of the body, I want

to rise and support this resolution. I think it's very important that we let our federal authorities know that electricity in Nebraska is very important. We use it for many reasons, and one of the main reasons is for the power of irrigation. We're going into a spring where we feel that we will be using a lot of electricity for our irrigation systems. And so I think we need to say we need electricity provided at a very nominal cost. And, of course, the more things that the power companies have to do to comply will increase the cost of electricity so I think it's very important that we send this resolution or pass this resolution and make our thoughts known. Thank you.

PRESIDENT: Thank you. Senator Elmer, please. We're looking, just a minute.

SENATOR ELMER: There, is that, am I on? Okay. Thank you, Mr. President. I think these kind of resolutions kind of...are very important. We have self-appointed experts that come into our state that point out courses of action that they feel are "good for Nebraska"; and we need people like ourselves who are leadership to stand up and say Nebraska has its own needs, its own internal affairs, and we need to get up and advocate what is good for Nebraska and point out some of the detrimental things that these so-called experts would have us do. I strongly support this resolution. Thank you.

PRESIDENT: Thank you. Senator Weihsing, please.

SENATOR WEIHSING: Mr. President and members of the Legislature, I rise to support this; and I want to emphasize that we're not asking that we continue to dirty our air. It should be further emphasized that our power plants have been very clean compared to those in eastern part of the United States. The thing I note that one of the areas that is so concerned is the sulfur dioxide in which, rightly so, the officials do have concern with regard to the sulfur being harmful to the forests of eastern United States. The sulfur dioxide emissions in this area are considerably below and they've been below that which has been required. And to put on a reduction which is on a percentage basis is discriminatory with regards to the fine clean, relatively clean emissions that we've had in comparison to those of the eastern United States. Another thing with regards to sulfur, if we had a lot more sulfur on our soil, we wouldn't have some of the nutritional problems that we have in the

eastern half of our state; and so it isn't always a detrimental element. Sulfur is a natural element and is one that is very beneficial when it's in proper balance within our soils. When it is out of balance, then we do have these problems and it's out of balance in the air. We have the burning of the foliage of forest. When rules are made, they should be made in context with the reality of the situation. Rules do not have life, they do not have judgment, they are exacting. And it is necessary that those in Washington who make these rules should look at the true situation. We have been having low emission and to ask us to drop, say, 50 percent and to ask someone else to drop 50 percent which has had bad emission is not a fair game. I urge that you support this legislative resolution and pass it.

PRESIDENT: Thank you. Senator Schmit, did you wish to close on the resolution?

SENATOR SCHMIT: Yes, very briefly. I'm awfully glad that Senator John Weihing pointed out that many of these elements, such as sulfur, that we rant and rail against and we hear a lot of criticism of, farmers have been adding to their fertilizer programs for years because of low content of sulfur in the soils. And I've always wondered sometimes when I watch the efforts that are being made to take sulfur out of the smokestacks in the various generation plants if there wouldn't be some benefit of just allowing that sulfur to be disseminated by the wind in a natural manner over many of the soils north of those plants, Senator Weihing, because it appears most of those soils are acid and could benefit from sulfur. But, in any case, I think that so often we find the reason why there is less than enthusiasm for some of the regulatory programs which we enact at this level and which the Congress enacts is that when it comes right down to the final analysis they do not make sense. And if you...if you have two entities and one is at a level of two and one is at a level of ten and each is required to reduce their emission by 50 percent it makes no sense, and there ought to be a level at which we could operate safely. Nebraska is at that level now, ought not to be further penalized; and certainly there comes a time when those individuals who are scientifically trained and who are engineers and understand what they're doing ought to be considered as sources of information necessary for the various regulations. One of the first things that you try to learn in politics and everywhere else is that you become knowledgeable about the subject about which you speak and frequently on this floor I suppose I violate that rule. But

nonetheless, usually 48 of my colleagues override me when that happens; and I would hope that in this instance the Legislature will support this resolution and indicate that we believe Nebraska has done a good job and will continue to do a good job and should not, most of all, be penalized for having exceeded the clean air requirements in the past.

PRESIDENT: Thank you. The question is the adoption of the resolution. All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 22 ayes, 0 nays, Mr. President, on adoption of LR 397.

PRESIDENT: The resolution is adopted. Move on to confirmation reports, please.

CLERK: Mr. President, the first report I have this morning is by the General Affairs Committee, chaired by Senator Smith. It's found on page 1634. It confirms a number of appointments to the Nebraska Arts Council.

PRESIDENT: Senator Smith, please.

SENATOR SMITH: Thank you, Mr. President. Members of the body, Governor Orr recently appointed some new members, Rich Bailey, Marge Durham, to the Nebraska Arts Council, and Mary Cabela, Catherine Ferguson and Luigi Waites were reappointed to the Council so that's five new members for the Arts Council. And then, in addition to that, we had one more appointment, Wayne Sides was reappointed to the State Electrical Board. The General Affairs Committee conducted a confirmation hearing on all six appointees and, through their records and testimony by Mr. Bailey, Mrs. Ferguson and Mr. Sides, found all to have extensive backgrounds and experience in their areas of appointment. And we all unanimously decided that we felt that they should be sent to the floor as recommended by the committee. I'd like to touch just a little bit on each of these people and their qualifications. The Arts Council appointments and reappointments--Mr. Bailey is the chairman and chief executive officer of Bailey Lewis and Associates, an advertising, marketing and public relations firm. Several relevant organizations in which he is or has been active include the Nebraska Art Association Board and Nebraskans for Public Television. Mrs. Cabela has been active in community concerts, musical productions and has been on the board of Sidney

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There may be a little fine tuning that needs to be adjusted but I will support the Warner amendment.

PRESIDENT: Thank you. Senator Smith, your light is on but it was on before. All right, thank you. Senator Hall, did you wish to talk about the Warner amendment?

SENATOR HALL: Thank you, Mr. President, and members. My only question, I am sure that the amendment is germane to the bill, the question is, I guess, whether it is germane to the committee amendments, but I don't see any...and they both deal with the tax. The one...the committee amendments don't deal with the issue of the trust fund or the commissioner in terms of the estimates, but it is Senator Schmit's bill and I don't have any problem with the amendment, whether it be to the bill or to the committee amendments. So I would support the adoption. There was this issue touched on in the Revenue Committee when the bill was brought up, impact that the change in the retail credit would have on the Highway Trust Fund. It was debated but determined by both, I think, the proponents and the opponents as well as the committee that it could be worked out. I think Senator Warner's amendment is clearly just that, so I would urge its adoption as well.

PRESIDENT: Thank you. Senator Warner, did you wish to close on your amendment?

SENATOR WARNER: Only to say, Mr. President, if there is a problem about the amendment, I am perfectly...if it becomes controversial, I will be perfectly willing to have it go to the bill rather than the committee amendment. I think it just was drafted that way, but if it is noncontroversial, well, I would just move its adoption.

PRESIDENT: Fine, thank you. The question is the adoption of the Warner amendment to the committee amendments. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Warner's amendment to the committee amendments.

PRESIDENT: The Warner amendment to the committee amendments is adopted. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 396 and LR 397. We are back to the committee amendments. Senator