

January 9, 1989

LB 267-278  
LR 4

Transportation Committee will meet in Executive Session upon adjournment.

Reference Committee, now, in 2102.

SPEAKER BARRETT: Thank you. The Legislature will continue to stand at ease while the Referencing Committee meets. We are not adjourned.

EASE

SPEAKER BARRETT: Announcements, bill introduction.

CLERK: Mr. President, a series of announcements. First of all, Executive Board would like to announce the makeup of the Building Maintenance Committee. Senator Conway has been selected as Chair with membership consisting of Senator Beyer, Senator Korshoj, Senator Scofield and Senator Warner. And with respect to the Education Commission of the States, which is also an Executive Board appointment, Senators Baack, Dierks and Withem have been selected to serve.

Mr. President, announcement from the Speaker, and that is that there will be a Committee Chairpersons meeting on Wednesday morning at eight-fifteen in Room 1517; Committee Chairpersons meeting at eight-fifteen Wednesday morning in Room 1517, as offered by the Speaker.

Mr. President, I have received a Reference Report referring bills up through 237. (See pages 122-25.)

Mr. President, new bills. (Read LBs 267-278 by title for the first time as found on pages 125-28 of the Legislative Journal.)

Mr. President, I have a new resolution by Senator Bernard-Stevens, LR 4, asking the Legislature to approve a gift from the Nebraska Game and Parks Foundation to the Games and Parks Commission of certain real estate located in Lincoln County. That will be laid over, Mr. President. (See pages 128-29 of the Legislative Journal.)

Mr. President, I have a hearing notice from the Transportation Committee for Tuesday, January 17. That is signed by Senator Lamb as Chair of the Committee.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the Sixth Day, First Session of the Ninety-First Legislature. The opening prayer this morning by Pastor Bob Grayson of the Southview Baptist Church. Pastor Grayson.

PASTOR GRAYSON: (Prayer offered.)

SPEAKER BARRETT: Thank you, Pastor Grayson. We look forward to your being with us again. Roll call.

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

SPEAKER BARRETT: Thank you. Corrections to the Journal.

CLERK: I have no corrections, Mr. President.

SPEAKER BARRETT: Messages, announcements or reports.

CLERK: Mr. President, I have a hearing notice from Ag Committee, that is offered by Senator Rod Johnson; from the Natural Resources Committee, that is offered by Senator Schmit.

Mr. President, an announcement, the Urban Affairs Committee will hold an Executive Session at two o'clock today in Room 1019; Urban Affairs, two o'clock in 1019.

Mr. President, I have the annual report from the State Treasurer, and, Mr. President,...

SPEAKER BARRETT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LR 5. I am advised that today is the birthday of Kitty Kearns and the cake under the north balcony, and the cake which will subsequently be passed out to your desks, is in honor of the birthday of Kitty Kearns. Please give Kitty a hand on the occasion of her birthday today. Moving quickly to LR 4. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LR 4 is introduced by Senator Bernard-Stevens. It, basically, provides that the Legislature approves the gift from the Nebraska Game and Parks Foundation to the Nebraska Game and Parks Commission, and the resolution is found on page 128 of the Journal.

SPEAKER BARRETT: (Cavel.) Senator Bernard-Stevens, please.

SENATOR BERNARD-STEVENS: Mr. Chairman, and members of the body, I won't take much time on it. This is actually a resolution that does something, believe it or not. I know it is very unusual in the body to have a resolution that does something, but by law for a transaction of this type to take place, there must be at least a resolution passed by the Legislature and signed by the Governor. So, consequently, it isn't a waste of time. What we have in North Platte is the Buffalo Bill Ranch that is, basically, a state park, and there is 233 acres that will be put on as an addition, given to the Game and Parks as a part of the park to increase Buffalo Bill's State Historical Park's area. To give you an idea, the previous use of this land includes four types of agricultural uses; corral area, which will be outbuildings and corral structures; irrigated hay fields and/or pastures, and this has been graded with canals and laterals installed; native grass pasture; and river frontage would be a part of the 233 acre of land. The proposal for the use of this land addition is to create a state recreation area that compliments Buffalo Bill State Historical Park as Kearney County compliments Fort Kearney, Cottonwood Lake compliments Bowring Ranch, and Rock Creek's campground and picnic areas compliment Rock Creek Station, and the campground at Ash Hollow compliments historical attractions. A campground, picnic area, fishing access, wildlife areas, hiking trails would all be provided. In addition to the traditional state recreation area activities, a horse trail ride operation would also be established. In addition to the fishing resource provided by the North Platte River, it is proposed, to this 233 area plot, that a channel be opened or enhanced and several fishing ponds be created in appropriate low levels of the site. In order to locate the campground in relationship to the wooded areas, away from historical sites, close to the fishing resources, and out of low wet areas, it is proposed to construct it on top of the hogback in the northern half of the site. This would be accomplished by using a none-way road and parallel camping pads. The cut from the opening of the channel and the creation of the ponds would likely be necessary to fill and construct this campground. You have on your desks, colleagues, a map showing the 233 acre plot that would be added. The only thing in closing, at least on this part, is it will be a tremendous asset to the Buffalo Bill Ranch area. It will make it a tremendous asset as far as a tourist and a state park that will compliment

some of the other areas in the state, and it would be a truly good addition for the State of Nebraska, and I urge your approval of LR 4. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. An amendment on the desk, Mr. Clerk.

CLERK: Mr. President, Senators Withem and Baack would move to amend the resolution. In the first Whereas paragraph, line 3, actually line 4 of my copy, strike the word "great".

SPEAKER BARRETT: Senator Withem, please, on the amendment to the resolution.

SENATOR WITHEM: Yes, Mr. Speaker, members of the body, during the Special Session, we had some concerns about resolutions containing too flowery a language. So Senator Baack and I, in keeping that tradition, think that the term "great development potential" should be changed to simply say "development potential".

SPEAKER BARRETT: Thank you, sir. Senator Baack, any comments?

SENATOR BAACK: Mr. Speaker and members, I agree with Senator Withem that we don't want to get any flowery language into these things, and start putting our opinions into these resolutions, so I think that we ought to strike that word.

SPEAKER BARRETT: Thank you. Senator Warner, your light is on, would you care to discuss the amendment? Senator Bernard-Stevens, on the amendment, please.

SENATOR BERNARD-STEVENS: Just a comment, it was not my intent on the resolution to be flowery. In fact, it is more native grass in the area, so if there is a confusion there, I apologize for that, and in the spirit of cooperation and Senator Baack has told me, since he is my new committee chairman, and Senator Withem has told me, since he is my new committee chairman on the other side, that all new freshmen senators on committees must go along with their chairmen, no matter what, so I feel compelled to agree with the amendment. If I were more rambunctious this morning, I would offer an amendment to the amendment striking the word "great" and put "greater", but I will not do that this morning and waste the time of the body. So I would agree to the amendment if it is not withdrawn at a particular time.

SPEAKER BARRETT: Thank you. Additional discussion on the amendment? Senator Jacklyn Smith.

SENATOR SMITH: Mr. Speaker, members of the body, I just have one comment, and I think I disagree with Senator Withem and Senator Baack, and I would certainly support his first proposal because I think that resolutions in here are nothing but personal opinion every time we ever have them.

SPEAKER BARRETT: Thank you. Senator Baack, would you care to close on the amendment?

SENATOR BAACK: Well, in deference to our colleague from North Platte, I guess we will withdraw the amendment.

SPEAKER BARRETT: If there are no objections, it is withdrawn. To the amendment, Senator Warner, please. Correction, to the resolution.

SENATOR WARNER: Mr. President and members of the Legislature, I guess I'd have just one question to Senator Bernard-Stevens, if he would expand. As I was listening to your presentation, I did not catch a comment you may have made. As I recall, the concept when both the law was enacted that required Governor's and the legislative consent on gifts, the basis for doing that was to alert both the Legislature and Governors that gifts may or may not have a future potential General Fund cost to the state. Otherwise, there was no reason for doing it. I am familiar with this location and a lot of its background, and some of its potential plans, for that matter, but for the record, could you indicate what we might anticipate in the way of development cost and the use of the funds or the fund source for that development cost to the extent that you know.

SPEAKER BARRETT: Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Senator Warner, I would be delighted to respond to that. It is a fair and valid question. You are quite right in following the procedures of alerting the executive and legislative branch, that the purpose in doing so is to let people know that there will be in the future some type of General Fund cost to this. To be quite candid with you, the Game and Parks and myself have not sat down and decided what exactly is going to be on their agenda at any one particular

time and what the cost would be. I do not anticipate in this biennial that there would be a General Fund request at this particular time. However, as I stated in my opening remarks, there are many ideas and many plans that can be and hopefully will be used and created in this new 233 acre land addition. That will be worked out, obviously, with the Game and Parks, with their scheduling of how they want to put in their three to five year plan and also, obviously, we'd have to work it out in the Legislature with other priorities we have in spending. So at this particular time, there are a lot of great ideas, a lot of grand ideas, to make it a greater state park with native grass, but those ideas are not necessarily close to fruition at this time for General Fund expenditures.

SPEAKER BARRETT: Further discussion on the resolution, Senator Nelson, followed by Senator Wesely.

SENATOR NELSON: Senator Stevens, would you please answer some other questions for me. I am not here to be negative and I am not here to be indifferent to your proposal, but I am also familiar that in that particular area, very close by, are considerable number of recreational areas. I also see by, I am assuming this is the accompanying correct map, that we are talking about approximately 59.7 acres of actually land. Other than that, most of it is river accretion ground, am I not correct?

SPEAKER BARRETT: Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: That is correct, Senator.

SENATOR NELSON: In other words, actually we are talking of potential development of 59.7 acres instead of the 200 acres, correct?

SENATOR BERNARD-STEVENS: In that context, you would be correct.

SENATOR NELSON: Thank you. The Games and Parks, I am assuming this has all been checked out with them and so on and that they do care to assume this extra land and the development of it, and so on then?

SENATOR BERNARD-STEVENS: Again, Senator, that is an excellent question and point. It is through Game and Parks that I offer the resolution and at Game and Parks request that we carry this

through today.

SENATOR NELSON: Thank you.

SPEAKER BARRETT: Senator Wesely, please.

SENATOR WESELY: Mr. Speaker, members, I will just take one brief moment. Senator Warner raised some question and the only thing I would add to that is that the last time we accepted a gift like this for the park system was the Mahoney State Park and, of course, that is being developed now with private funds. And one thing I would put in for the record is my hope that we can continue that proud tradition of trying to, as much as we can, raise private funding for some of the development of these parks. Mr. Mahoney is no longer over there. He was a tremendous fund raiser, but I would like to ask Senator Bernard-Stevens and those individuals who do develop the plans for this park to consider private sources, to consider private contributions first before coming to the state for public monies for the development of this park. I think it is wise to accept this gift. I will support the resolution. I think it is wise to look at developing that park. It is an important park. It is nationally known and would be good for the state, but, again, I think we, just because Mr. Mahoney is no longer at Game and Parks, ought not to stop what I think he started in a very positive way and try and solicit private monies for a lot of the development of our parks. So that is just a comment for the record, and I do look forward with the passage of this resolution to the future development of that park.

SPEAKER BARRETT: Thank you. Seeing no further discussion, Senator Bernard-Stevens, would you care to close?

SENATOR BERNARD-STEVENS: Just briefly, Mr. President, and members of the body, I appreciate the comments and the concerns and support of my colleagues in the Legislature this morning. And, again, I would have to concur with Senator Warner and Senator Wesely that the spirit of Mahoney State Park on the private funding and the nonstate funding that has gone into that, and the tremendous amount of work that has gone to get those funds from other sources, I think is a tradition and something that could be carried on and should be in the spirit of these types of gifts, and I concur with Senator Wesely and agree with the concern of Senator Warner. With that, Mr. President, I would move the adoption of LR 4.

January 12, 1989

LB 18-29, 54, 374-388  
LR 4

SPEAKER BARRETT: Thank you. You have heard the closing and the question is the adoption of LR 4 introduced by Senator Bernard-Stevens. Those in favor vote aye, opposed nay. Voting on the adoption of LR 4. Have you all voted? Record, please.

CLERK: 34 ayes, 0 nays, Mr. President, on the adoption of LR 4.

SPEAKER BARRETT: LR 4 is adopted. Further bill introductions, Mr. Clerk.

CLERK: Mr. President, new bills. (Read LBs 374-388 for the first time by title. See pages 200-203 of the Legislative Journal.)

Mr. President, in addition to those items, I have some Select File reports. Mr. President, your Committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 18 and recommend that same be placed on Select File with E & R amendments attached, LB 19 Select File, LB 20 Select File, LB 21 Select File, LB 22 Select File with E & R amendments attached, LB 23 Select File, LB 24 Select File, LB 25 Select File with E & R amendments attached, LB 26 Select File with E & R amendments attached, LB 27 Select File, LB 28 and LB 29 to Select File, as well, Mr. President, all signed by Senator Lindsay as Chair of the Enrollment and Review Committee. (See pages 204-205 of the Legislative Journal.)

SPEAKER BARRETT: Thank you, Mr. Clerk. Proceeding to item number six on today's agenda, a motion to rerefer. Mr. Clerk.

CLERK: Mr. President, Senator Weihing moves to rerefer LB 54 from the Agriculture Committee to the Health and Human Services Committee. Senator Weihing offered his motion yesterday. It is found on page 194.

SPEAKER BARRETT: For purposes of objecting to the referencing of a bill, the Chair recognizes Senator Weihing. (Gavel.)

SENATOR WEIHING: Mr. President and members of the Legislature, I request to move this bill because I feel it is much more in the medical area, the health area, and, therefore, it should be first heard, if it is heard at all, in the Health and Human Services Committee. This bill is one which deals with cholesterol. Cholesterol has become a daily word within our



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LB 1-3,  
LR 4

Legislative Journal.)

SPEAKER BARRETT: Thank you, Mr. Clerk.

CLERK: That's all that I have, Mr. President.

SPEAKER BARRETT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LR 4. (See page 217 of the Legislative Journal.)

A very special announcement, particularly to those committees who hold hearings on Monday. Inasmuch as next Monday, the 16th, is a recess day, it is imperative that hearing announcements be placed on the Clerk's desk at the close...before the close of business today. We do have a recess day next Monday, so if you're planning to have a hearing on the 23rd, the following Monday, please make sure that that notice is placed on the Clerk's desk today. To Select File, Mr. Clerk, item five.

CLERK: Mr. President, I do have a series of bills on Select File, the first is LB 1. Senator Lindsay, I have no E & R amendments, Senator.

SPEAKER BARRETT: The Chair recognizes Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the bill be advanced to E & R final.

CLERK: You have heard the motion by Senator Lindsay to advance LB 1 to E & R final. Those in favor say aye. Opposed no. Ayes have it, carried, the bill is advanced.

CLERK: Senator, on LB 2, I have no E & R amendments pending.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the bill be advanced to E & R final.

SPEAKER BARRETT: Thank you. The motion is to advance LB 2 to E & R final. Those in favor say aye. Opposed nay. Ayes have it, motion carried, the bill is advanced. Mr. Clerk.

CLERK: LB 3, Mr. President, I have no E & R pending, Senator.