

his argument was valid.

SENATOR WARNER: Yes, sir.

SENATOR NICHOL: Thank you.

PRESIDENT: The Chair recognizes Senator Murphy.

SENATOR MURPHY: Senator Warner, you say that the unenforceability of this provision on knowing how much of the time the University professors are devoting to education and how much to private practice is unconstitutional because it came through initially in an appropriations bill?

SENATOR WARNER: The language that was...yes, it came...it got placed into the statutes as permanent legislation, but it was a report that was required through an appropriation bill. We used to do that a few years ago. Now, you know, we no longer do that. We have the intent bill that accompanies if we want one-time information or report, or direction, but as it stands it has no effect.

SENATOR MURPHY: Could we not, in this bill, state that requirement again and make it, in fact, a statute aside and apart from an appropriation bill?

SENATOR WARNER: I assume one could. I imagine that you would probably want to introduce a bill that did that maybe, so there was a hearing and those kinds of things, but yes, it would require a bill to do it.

SENATOR MURPHY: Because I am concerned when I hear that we are 9th in the Big Eight, and 11th in the Big Ten, and that sort of thing and then discover, as I have in the past, that there is probably more income outside their University salaries than there is within the University, and I think in all fairness to the citizens of this state and to the Appropriations Committee and this Legislature, in trying to determine just how offensive we are, that we should, in fact, know what these figures are in order to intelligently decide what we're doing with tax funds. I would like to visit with you on the proposition that we do, in fact, amend this bill to restate that statute, and incorporate it into law. I think we need to know what those total incomes are.

PRESIDENT: The Chair recognizes Senator Keyes.

SENATOR KEYES: Well, Mr. Speaker, for those senators that were here several years ago when this became a part of the