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LB 557, 558, 559, 560,
561, 562.

introduction of Request #935 by the committee.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: I so move, Mr. President.

SPEAKER MARVEL: The motion is the introduction of the bill. All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 31 ayes, 0 nays, Mr. President, on the motion to introduce.

SPEAKER MARVEL: The motion is carried. The bill is introduced.

CLERK: Mr. President, Senator Warner moves for the introduction of Request #950 by the Appropriations Committee.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President, I move the introduction of the bill.

SPEAKER MARVEL: All in favor of that motion vote aye, opposed no. Record the vote.

CLERK: 31 ayes, 0 nays on the motion to introduce, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is introduced. The Clerk is going to read the titles and then we will have a motion to put the bills on General File.

CLERK: Mr. President, new bills. LB 557 by the Appropriations Committee. (Read the title to LB 557 for the first time.) LB 558 introduced by the Appropriations Committee and signed by its members. (Read title to LB 558 for the first time.) LB 559 by the Appropriations Committee. (Read title to LB 559 for the first time.) LB 560 introduced by the Appropriations Committee and signed by its members. (Read title to LB 560 for the first time.) LB 561 signed by the Appropriations Committee. (Read title to LB 561 for the first time.) And finally, Mr. President, LB 562 offered by the Appropriations Committee. (Read title to LB 562 for the first time.)

Mr. President, Senator Warner now moves for suspension of rules, Rule 3, Sections 4 and 12, and Rule 6, Section 1, so as to place LB 557, 558, 559, 560, 561 and 562 directly

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SENATOR WESELY: I would think from experience down here I am getting close to it anyway.

SENATOR KOCH: Well, I just want you to know that I have had two of these young men, one of them as far away as Hastings, and I admire their integrity and their ability to do certain things and there is no person that works for you, under you, that can be any better than what you want to provide them with in terms of direction and help, and so I don't think you ought to chastise all of us because you made some observations and have no proof. Now observations are different than proof but I will defend the two young people I have had working for the Education Committee the last couple of years. In fact one of them is now employed by Senator Hefner. Obviously he got some pretty good guidance working for the Education Department as an intern. So I would oppose your wanting to do away with the internship because not all of us live in Lincoln where we can grab from the university system either those who promoted our candidacy or some other way we get them to come into our offices and work for us. So I object to Senator Wesely withdrawing. I would just as soon kill it right now.

SPEAKER MARVEL: The motion is the advancement of LB 558 to E & R for review. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. We will now go to LB 559.

CLERK: Mr. President, LB 559 (read title). The bill was read on April 14. It was referred directly to General File, Mr. President.

SPEAKER MARVEL: Senator Haberman, your light is on. Excuse me, we will have Senator Warner explain the bill and then I will recognize you. Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, this is the operational budget for the general agencies of state government and I should point out that I would again be glad to respond to any questions on any agency but I might also mention, however, that there is some language in the bill that properly should have your attention called to. If you are looking at the bill itself, 559, on page 5 is some language affecting the Department of Education

which is calling for some better follow-up audits in an area of special ed that they participate in, and page 11 is language indicating that there is some cash funded positions in the Department of Agriculture for export market and the source of those cash funds is presumed to be some of the checkoff agencies if they choose to do so. It does not require that to be done. Page 15, there is some language suggesting the charges for some of the tests made by the Department of Health which they can do by law if they choose to do so. Page 19 carries language indicating that within the appropriation there is \$34,500 for safety programs. This is in the Department of Labor. The safety program for state agencies is a request that was the result of Senator Maresh appearing before the committee and that essentially was the result of an interim study done by the Committee on Labor and Business. Page 20, there is some language relative to standardization of forms by some in the Department of Motor Vehicles that come from different courts. It is to attempt to get some standardization of forms which will reduce the cost of administration when...as there is a variety of forms used around the state now and there is law suggesting that language in trying to assist in having it done. There is also language in the bill pointing out in the case of Beatrice and community retardation regions there is funds for the continuation or continued movement of some individual patients from Beatrice to the regions and also identification that there are funds available for continued support of those who have previously been moved out this year. There is also language that spells out specifically the same level as the Governor the amount of revenue to be raised from various sources of motor vehicle user fees for the Department of Roads which also will govern the dollar amount to be raised from variable gas tax as well as language indicating \$1 million of highway user fees to be used for reimbursement of mass transit. There is also the language relative to the Governor's emergency fund reappropriation that I touched on on the deficiency bill. There is on page 34, there is language specifically pointing out funds for replacement of a single engine aircraft in the Game Commission. On that same page there is identification of a dollar amount of funds that should be used at the new state park in eastern Nebraska. Page 37, there is identification of a cost share that is a part of the Mail-a-book lending service from the State Library in which the users of the service will participate or will be paying a fee or charge for the cost. There is language in page 19 that deals with programs of status offenders that shows that those funds are under the Department of Welfare as opposed to Corrections. Page 48, there is some language again indicating in the soil survey fund of the continued

cooperative financial support of local entities which may be counties and NRDs. Also some additional language, Water Resources, correction, Natural Resource Commission which deals with some special work that they do for some...a few special Natural Resource projects, that those costs ought to be shared with the Resource District that is requesting it. There is also language on page 52 that deals with some personnel in the Department of Administrative Services where they probably can train some of their own people to do some work rather than hiring outside people. There is language indicating that outstate offices other than Lincoln, more specifically North Platte and Omaha, that the feasibility of the use of a car pool in those areas should be reviewed and reported back to the Legislature next session. There is funds that calls attention to the Building Division and the LB 309 Committee to cooperate in the orderly transfer of the statewide inventory of state owned facilities which is under process by the 309 Committee but will be given to the Building Division at some point during the coming year. There is some language for the State Auditor to do some...a suggestion that the State Auditor and the DAS work together some on social security compliance audits trying to reduce the number of people that might be required for these audits. There is language again requiring the cooperation of the Merit System and the Department of Personnel in their efforts in soliciting employees for those agencies. There is language which covers the Energy Office suggesting the intent to maximize use of federal funds to implement current energy programs. There is again some restrictions on salaries of the Commission on Election reporting the Political Accountability Act. There is also the appropriation contained in the bill that was authorized by LB 156, the transfer from that social security fund to the general fund of \$5 million. That is consistent with what LB 156 authorized to do and we knew would happen. With those explanations, Mr. President, I would be glad to respond to any questions on the bill.

SPEAKER MARVEL: Senator Haberman.

SENATOR HABERMAN: Mr. President, may I ask a question of Senator Warner, please?

SPEAKER MARVEL: Senator Warner.

SENATOR HABERMAN: Senator Warner. Senator Warner.

SENATOR WARNER: Yes.

SENATOR HABERMAN: On page 20, rule 3...

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SENATOR WARNER: Which one?

SENATOR HABERMAN: It states a roll call vote of final committee action will be taken on each bill, and then I noticed that on the other bills that we get we are furnished a copy of the roll call vote and I notice that there are none of these roll call votes furnished with the bills on the budget and I am wondering why this is? And if we do have it, I missed it somewhere, Senator Warner, and I will apologize ahead of time.

SENATOR WARNER: I do not see the committee report in the blue book but we did, as you recall, suspend the rules and place the bills directly on General File, so in that sense I guess it didn't have the kind of committee hearing that we speak of in other legislation. The hearings have been held by agency throughout the year but I would suggest that if you look at the introduction of the bills, those are all signed by all members of the committee showing their concurrence in that introduction.

SENATOR HABERMAN: Senator Warner, I sat on a committee where I signed the bills to introduce them but I voted against them when they were in the committee, and in the yellow book, now isn't the yellow rule book the one we are using? Pat, in the yellow rule book it doesn't say anything about excluding bills that come directly to the floor?

SENATOR WARNER: Again, under the rule that you are discussing, Senator Haberman, if you read it, it is for bills that have been referred to a committee for a hearing, and in that sense, the bill after it was introduced was not referred to a committee hearing so there is not that same committee report but we did hold hearings, of course, public hearings on every agency in putting it altogether.

SENATOR HABERMAN: Senator Warner, am I to assume then that every appropriations bill had nine votes in favor and none against?

SENATOR WARNER: On the final introduction?

SENATOR HABERMAN: Pardon?

SENATOR WARNER: For the final introduction of the bill? Yes. To my knowledge, I do not recall otherwise because all members have signed all bills.

SENATOR HABERMAN: Is there any records kept of the voting?

For example, I have some questions, Senator Warner, on page 39 of the blue book that you passed out, item 15 says instructional television literature series for third grade students, \$86,000. Who proposed it? Who spoke in favor of it? What is the rationale behind it and what does the program do?

SENATOR WARNER: Okay, that specific...well, first you are asking about the procedure used in the committee for some period of time. First you would understand that the agency makes a request in which the budget forms as made up by the Department of Administrative Services with statutory authorization that the Legislature make suggestions to those forms. Those budget submissions come to us and they would show a breakout of a continuation budget, expansion or new programs, that kind of a breakdown is required. The committee then is provided with a breakdown of those same categories in which we review each of those requests individually within an agency at the public hearing through our discussion. The process that is used by the committee after the hearings have been concluded, as far as voting to get to your specific question in which there are literally hundreds of votes, are on the basis of a show of hands of five or more members in support of the component parts as each thing is discussed. The written roll call vote traditionally is done on the final authorization to have a bill drafted and on the final motion to have the bills introduced which is the comparable vote of any other committee on their advancement of a bill to the floor or their advancement of a bill to be introduced.

SENATOR HABERMAN: Well, the same answer would be if I asked for number 9, the rationale of establishing a displaced homemakers center in North Platte, then I would get the same answer?

SENATOR WARNER: If you asked for the rationale?

SENATOR HABERMAN: If I asked for the rationale and what were the reasons and who appeared for it and what was the reason for it, and you did say that you held public hearings, didn't you?

SENATOR WARNER: I am sorry, Senator Haberman. I was explaining the process. I will go back to the instructional television literature series and explain or discuss with you that specific item. First that would have been, as I explained earlier, would have been one of the specific requests within the agency's budget submission which would have been identified, was identified on our work sheets when the agency

came in and discussed it but this is, specifically, there are series of ETV programs that are jointly produced or are produced, I mean, by the Department of Education in cooperation with the education television, ETV, and that these each year or about every other year, in some instances, those various educational program series are updated and the one currently being authorized this year is the literature series for third grade students. Now relative to your question on establishing the North Platte displacement homemaker center, currently, and again that was discussed at the hearing. It came in the form of the request from the agency's budget. In this particular case, that office there is operating as a part of the office that was authorized initially at Grand Island. It had been on a total volunteer operation. The purpose of the funds is to put one professional person as well as part of the accompanying office expense for the operation of the individual there. Most of the discussion on that particular request dealt around the general desirability of some of these outstate offices having at least one professional person in this area to assist and coordinate the various volunteers in their efforts and, of course, it serves a broader area than just where the office is located.

SENATOR HABERMAN: One more question and then I will be through. Then as I understand it, agency 13, Department of Education, they have items 1 through 15 and on all of those items you probably said to the committee, shall we go ahead and increase tuition so that the cost of wards of the court, \$200,000, and had a show of hands, and if you had five hands, you moved to two, moved to three, is this the way you did it?

SENATOR WARNER: No, the system is much more involved than that, Senator Haberman. If you want to take the time, I will be glad to describe it in detail.

SENATOR HABERMAN: Let's don't do it on the floor. I will try to find time to get together with you so that...

SENATOR WARNER: Well, I will make time at your convenience, Senator Haberman.

SENATOR HABERMAN: Thank you, Mr. President, and thank you, Senator Warner.

SPEAKER MARVEL: Before we proceed, in the North balcony from Senator Fenger's District, 22 students from St. Mary's, Bellevue, Nebraska, Miss Moore, teacher, Mrs. P. Lewis, principal. Where are you folks located? Will you hold up

your hands so we can wish you "good afternoon"? Okay. And also in the North balcony from Senator Howard Peterson's District 26 students and six adults from A.B. Newell School, Grand Island, Nebraska. Joyce Ziemba is the teacher and they are in the North balcony. Will you show us where you are? Right up here. The motion is to advance LB 559 to E & R for review. Senator Beutler and then Senator Pirsch.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, Senator Warner, a couple more questions, if I may. Again just for my general...just to get the general concept clearly in mind, if, for example, we are interested in the percentage increase from the 1980-81 appropriation with regard to the general fund or let's talk more specifically about the agencies covered by 559, we would look over and see what we are appropriating this year and, as I understand it, the overall percentage for the whole general fund is somewhere in the vicinity of eight or nine percent, is that correct or do you have some sort of estimate on that?

SENATOR WARNER: Again, Senator Beutler, it depends on what you want to use for a base in which to calculate the percentage increase and I tend to shy away from it a little bit because you can arrive at whatever percentage you want depending on the base. The base that we are using would be last year's, for this kind of a question, is that last year's base of general fund appropriations plus this year's deficiency bill which would be a proper part of the 80-81 appropriation plus the amount of funds that we made up because of the revenue sharing funds that were lost that traditionally have been treated as general fund money and then the Nebraska Capital Construction Fund which is the five cent cigarette tax, adding those items together times a seven percent figure would fall within the...slightly above what the committee has authorized or is recommending to the body, would allow that \$4.2 million in addition for A bills. Now I can come up with a different percentage if you use a different base.

SENATOR BEUTLER: Yes, I understand what you are saying. The ultimate question I am getting to is that the figures we come up with today you would have to add on to that whatever deficiency appropriations we come up with next year in order to get a truer picture of what the percentage increase is from one year to the next.

SENATOR WARNER: It would be appropriate so, you know, the current year appropriation, total appropriation, you could add the two and a half million, for example, in the deficiency bill this year to truly represent the general fund

appropriation for fiscal year 80-81. There is no way, of course, to anticipate next year's deficiency from the pure general fund sources only now.

SENATOR BEUTLER: Okay, so the ultimate question I am getting to is that we all know that the federal government now is cutting back drastically on a number of programs, and because of the overlap between the federal fiscal year and our fiscal year, as I understand it, it may well be that there will be significant requests for deficiency appropriations next time around. So should we be thinking about or making some preparation for a heavier than usual deficiency request next year so that, I guess what I am talking about, should we be anticipating that whatever percentage increase we come up with here on the floor this year is going to be increased by one or two or three percent? I know it is a little vague but isn't it likely that we are going to have huge deficiency appropriations request next year?

SENATOR WARNER: There is no way that I, any better than you, could predict what if any deficiency appropriations we might face by virtue of eliminated federal support or what adjustment in programs that might be made as a result of change in the federal fund adjustments. We did not allow or put built in anticipated deficiencies or anticipated lapsed funds for the coming year where we do not know yet what is going to occur. The committee did discuss frequently the kind of concern that you are expressing and I think our response this year would be more clearly reflected by the limited capital construction long term major building construction to give flexibility there in some instances where we did not recommend picking up of some current lapsed funds, usually called the Carter budget or the Reagan rescission budget, either those two, or in some cases, just normally categorical aids that we are terminating. We did that on a limited basis sort of in anticipation of what would come next year but I am not any better able in to reflect what we may pick up than you except I fully anticipate the request will certainly come to the Legislature to pick some of these lapsed funds up.

SENATOR BEUTLER: Is there any way, in your opinion, of identifying all possible federal funds that might be cut and then putting them into "not likely, somewhat likely, probable" categories with certain price ranges so that we have some vague idea of maybe what kind of an effect we may be talking about or is that totally impractical?

SENATOR WARNER: I doubt at this time, Senator Beutler,

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that is probably practical. There are a number of communications, brochures, documents that come from either the federal government or the Council of State Governments to both our offices as well as to the executive side with various summaries as to what anticipated reduced funding that there might be in a series of categories but at this point it is very difficult to identify specific dollar amounts by program by agency within the state and I think the significant thing is that I know of many of the meetings that currently are done in the spring at the federal level where briefings are provided to state budget people on the impact of federal funds are being deferred until fall for the simple reason at this time anything that they talk about would be pure speculation and wouldn't really be all that valuable to anyone until such time Congress has acted.

SENATOR BEUTLER: Thank you, Senator Warner. Mr. Speaker, members of the Legislature, my one and only comment is that I think we should be careful to stay on the conservative side of this particular budget because I really do think that come next year the requests for deficiency appropriations is going to be very large possibly and I think that we should anticipate that somewhat. Thank you.

SPEAKER MARVEL: Senator Pirsch.

SENATOR PIRSCH: Thank you, Mr. Speaker, and members of the House, I do have a question pertaining to some of the things that Senator Beutler touched on for Senator Warner. Would you yield, Senator Warner?

SPEAKER MARVEL: Do you have a question of Senator Warner?

SENATOR PIRSCH: Yes.

SPEAKER MARVEL: Senator Warner, do you yield?

SENATOR WARNER: Certainly.

SENATOR PIRSCH: In regard to these federal funds and I am thinking particularly about those federal funds that we know are not going to be renewed which are the LEAA funds for one category, did you include them in that budget on program 58? Section 39, page 58...59, excuse me, for the Criminal Justice Department.

SENATOR WARNER: On which page are you looking?

SENATOR PIRSCH: Page 59.

SENATOR WARNER: In the blue book, Senator Pirsch?

SENATOR PIRSCH: No, in the bill, Section 78. I am sorry, Section 39, which deals with the Nebraska Commission on Law Enforcement and Criminal Justice and this is evidently their program and planning money, and in the Governor's recommendation, he recommended that entire amount from the general funds, and as I look at the appropriations bill they have \$128,931 out of general fund and the balance out of the federal fund, and as I understand it, those are LEAA funds that they have been receiving which we know already will not be renewed.

SENATOR WARNER: We did not recommend picking up of a great deal of those funds. The grand total that we do not pick up is \$110,417. If you have this other book, it is a little easier to follow than the bill itself. That is on page 55 and those we are not recommending to be picked up.

SENATOR PIRSCH: Well, then, isn't that kind of misleading. What you are really saying is that there are no funds then other than the general funds funds? Or are you saying that we will pick those up if they are not coming from the federal government as a deficit bill next year?

SENATOR WARNER: In this case, the ones you are asking about will be gone as of June 30th of this year or they are already gone, one or the other.

SENATOR PIRSCH: Right.

SENATOR WARNER: And that would not be a factor of a deficiency bill next year. There would be...whatever those funds are currently doing will no longer be there.

SENATOR PIRSCH: So why did you even add them to the bill?

SENATOR WARNER: No, we have not added. We have eliminated those federal funds. Oh, you see a.....

SENATOR PIRSCH: No, you have put in federal funds (interruption).

SENATOR WARNER: Oh, I see what you are talking about. That is an increase?

SENATOR PIRSCH: No, it is not an increase but it is part of that total budget that they need to continue in that agency but what you are saying is or what it appears to me is that the LEAA funds will not be there which means that that money that is appropriated will not be there.

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SENATOR WARNER: There are federal funds that are not picked up in the criminal justice with general fund money. It is gone.

SENATOR PIRSCH: Okay. Well, one of my questions is then why list them in the appropriations bill?

SENATOR WARNER: There are still some federal funds that come to them. Secondly, the major...there is an increase in the federal funds, if you recall the resolution that we adopted earlier in the session dealing with juvenile justice which had \$444,000 federal funds and there is \$23,000 of general funds but that was in response in which the Legislature approved by resolution the application by the Governor and the Department for federal funds for juvenile justice and delinquency prevention act. Now that is included in their appropriation, but that has nothing to do with their previous federal funds sources.

SENATOR PIRSCH: No, and that has nothing to do with this particular program. Under this particular program, the Governor had in his budget the \$238,000 out of the general fund, no federal funds, and so by your dividing that amount between federal and state funds, I guess I am confused as to when there are no federal funds available or you know there will not be any federal funds, what will happen then to that deficit amount?

SENATOR WARNER: We never picked any federal funds up so... what program are you looking at again, Senator Pirsch, so I am looking at the same sheet?

SENATOR PIRSCH: Section 39.

SENATOR WARNER: Yes, that is the whole agency. Is there a program number?

SENATOR PIRSCH: Yes, program 198, state and local planning.

SENATOR WARNER: Okay, that is an estimate there on federal funds, and if that estimate does not come through, they are limited to operating on that general fund money.

SENATOR PIRSCH: Okay, that is it then.

SENATOR WARNER: But there is an allowance there in case they do come, that is all.

SENATOR PIRSCH: In case (interruption).

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SENATOR WARNER: I would not anticipate the likelihood that the Legislature would be picking any or at least very much up as a deficiency bill if federal funds do not come.

SENATOR PIRSCH: Okay, thank you very much, Senator Warner. It appears to me that we did pick up deficiencies for our courts because federal money was not available and the Nebraska Commission on Law Enforcement and Criminal Justice it appears to me is a very valuable help to our criminal justice system and our court system, and over the past eighteen months, they have adjusted in reductions in the LEAA federal funds by reducing their staff already and I would hate to see such a nebulous amount which really is not there if the federal funds which are estimated, and we already know are not going to be forthcoming. It is very misleading to say that they will have \$238,909 when in truth they will just have the \$128,000 of the general fund money which would be a drastic curtailment and I think a mistake in our Nebraska Commission on Law Enforcement. I guess I would just like to call this to your attention and then perhaps on Select File there should be an amendment which restores some kind of ability to plan on the money and not just build in a nebulous federal fund for agencies. Thank you.

SPEAKER MARVEL: Before we proceed, under the North balcony with Senator Richard Maresch is Richard Duba from Wilbur. Will you stand so we can welcome you to the Unicameral? The motion is to advance 559 to E & R for review. I am sorry, Senator Johnson, excuse me.

SENATOR V. JOHNSON: I don't have much to say, Mr. Speaker, but I would like to ask a question of Senator Warner just to make certain I understand as best as I can what it is I am voting on. Senator Warner, my question is this, in looking at the Appropriations Committee booklet prepared for the Legislature I note that you say that the Appropriations Committee and its staff says that altogether our appropriations bills will appropriate \$332,491,645 for state agency operations. What percentage increase does that represent, Senator Warner, over last year's appropriation?

SENATOR WARNER: Senator Johnson, I have not made the calculation. I really can't tell you. The only one I would even attempt to do was the one in total.

SENATOR V. JOHNSON: But I understand from your response to Senator Beutler's question that our overall appropriation will be a hair more than a seven percent increase over last year's appropriation, isn't that correct?

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SENATOR WARNER: With the additional explanation that you can come up with any percentage you want based upon the base, you know...depending on what you use for a base on which to calculate it from.

SENATOR V. JOHNSON: Let me just get to the point that is troubling me about the appropriational this year, Senator Warner, and that is this. We are not increasing state aid to schools at all nor are we increasing the personal property tax relief fund at all nor are we increasing the governmental subdivision fund at all. That is about \$170 million for which there is not ten cents worth of increase and yet the overall budget represents about a seven percent increase so I have to assume that where that seven percent could be found is through an even greater percentage increase in state governmental operations, an even greater percentage increase in university budgets and the like. Now that may be an okay thing to do but what is bothering me is the fact that we have put a seven percent lid on local subdivisions and it is an honest seven percent lid but it doesn't seem like we are going to put that same kind of lid on state governmental operations. Could you respond to that?

SENATOR WARNER: Two things, first, the seven percent we are talking here is in budget and the seven percent local government has is in receipts and that can be a significant difference. Secondly, local government has a percentage increase of both local and state funds combined. We are talking about a seven percent of state funds only. If we threw in federal funds as a part of our base, for example, you could double the dollar increase and still call it a seven percent so I don't think they are as compatible as usually it is portrayed in most articles. The other thing is I don't know how you want to calculate the revenue sharing that we picked up because a portion of that percentage increase as you describe it would have gone to replace the lost federal revenue sharing money which I always think of as just another general fund source, historically, that it was like a tax being eliminated or repealed and, you know, you could, depending again if you want to show the revenue sharing money not in last year's general fund appropriation, all of which went to welfare, you could say, "Boy!, there is really a tremendous increase in the general fund percentage", using raw data but to be fair I think you have to show the revenue sharing in this like fashion when you make both years' comparisons and then you are talking about \$16.9 million which as a percentage becomes fairly significant. Even seven percent of your \$170 million would be, what, 11.9,

and I could stand here and argue, well, we used all that percentage to pick up lost revenue sharing money which wouldn't be accurate but I could make that defense.

SENATOR V. JOHNSON: So what you are really suggesting, Senator Warner, I take it is that it is very difficult in the end to really ascertain what the true state of affairs is in terms of a seven percent increase but that overall the total package right now stands at about a seven percent increase and it is a seven percent increase I take it on expenditures, not on receipts, isn't that correct?

SENATOR WARNER: It is on expenditures and, very frankly, I am not hung up with percentage things because I think it is a relatively meaningless factor because they can come up with any percentage and justify it that one might seek depending on how you choose the base. The only thing that would be significant I guess if you did it the same in a like fashion year after year after year.

SENATOR JOHNSON: Now I have two other questions, Senator Warner. On page 40 of my blue book you indicate that you are including in the Department of Agriculture appropriation \$968,000 reappropriated from fiscal year 1979-80 for the grasshopper control program. Are we reappropriating that money because we just plain didn't have the need to expend those dollars in '79 and '80 for the grasshopper program?

SENATOR WARNER: The answer to your question is yes. Last year, you recall, we discussed at some length the amount of funds needed for this and I think we ended up that a million dollars, as I recall, \$880,000 was unspent and we are reappropriating...what amount does it say in here? So we are reappropriating unexpended balance. Now you understand that there could be an expenditure yet this year because those expenditures normally occur in the spring prior to the June 30th end of the fiscal year and so while we are reappropriating the money, any money reappropriated after June 30th really as a practical matter would not be used until the spring of 1982 as opposed to this year. It is kind of like the Governor's emergency fund. There is a dollar amount there for that work in the event that it is needed and there could be some after June 30th but by and large you don't get a kill except when the buggers are little.

SENATOR V. JOHNSON: I only have one other question, Senator Warner, and that is this and it has to do with the highway tax money. Inasmuch as we really have changed the way we

raise revenues for the support of our highways through your LB 722, as I recall, I took a look at the Department of Roads' budget which is found on page 43 and 44 of our book and what the committee indicates is that you are going to provide full funding, full funding for this next fiscal year of the agency goals for the maintenance and construction of the state's highway system. I assume that this represents the first year now we will be operating on a whole new concept of appropriating dollars for our highways and roads. What kind of an analysis was made, Senator Warner, by the Appropriations Committee of the actual needs of the Road Department for the particular plan, for their agency goals they have for this year?

SENATOR WARNER: Okay. Senator Johnson, this year we had a different type of budget presentation because we really never delved into the active road program as we do now. There was an extensive presentation which boiled down to the agency providing to the Legislature what I would call measurable objectives in terms of what road work would be done or expected to be done in the twelve months beginning July 1 and included in that was, and I don't have it here with me, I should have brought it up, but it was all in miles or feet, if that was the appropriate, but what we will be able to do next year is see whether or not they met the objective of measurement if they met the goal that they had anticipated. From a dollar amount to be appropriated from highway user fees including the variable tax is \$108,372,789 and that is the figure that would be used to determine that amount of tax to be raised.

SENATOR V. JOHNSON: Thank you, Mr. Speaker. Thanks, Senator Warner.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Senator Warner, again, one more question if I may, and a short one I hope. I am on page 42, the Department of Public Institutions and I notice that the committee recommendation which is \$82,700,000 and some is in the neighborhood of four and a half or five million above the Governor's recommendation and two million above the agency recommendation and I wasn't sure from the explanatory notes below what was happening there. Do you have any comment that would explain basically what that money is?

SENATOR WARNER: Okay, two things primarily I guess, Senator Beutler, would be the difference. One is the difference in the salary policy because that is a labor intensive agency. Also included in this dollar amount but shows in the A bill

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LB 559, 560, 213, 11

is \$770,000 additional funds for mental retardation over and above what the Governor's recommendation is and the balance essentially would be committee policies. I am trying to see what is included in here that was not in the Governor's recommendation. I don't think #4 was. #4 would not have been in his budget. #2 was in his budget.

SENATOR BEUTLER: Was in his budget?

SENATOR WARNER: Was. I can't answer specifically on #3 because we didn't have a breakout on that so it may or may not have been.

SENATOR BEUTLER: Okay, but it is a combination of those items listed there plus the salary differential, is that basically it?

SENATOR WARNER: Essentially that would be the difference plus the difference in mental retardation regions, that would be a major big item, \$770,000.

SENATOR BEUTLER: And that wasn't in the Governor's budget because that represented a difference of philosophy or...?

SENATOR WARNER: His budget, as I recall, had a level of thirteen million, four hundred and some thousand, four hundred and twenty-five, I believe, and for the region aid, we are at a higher figure. I don't know if it is philosophy or judgment difference.

SENATOR BEUTLER: Thank you, Senator Warner. Thank you, Mr. Speaker.

SPEAKER MARVEL: The motion is to advance 559 to E & R for review. All those in favor vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 26 ayes, 1 nay on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: Okay, the motion is carried. The bill is advanced. We now go to LB 560.

CLERK: Mr. President, if I may, right before that, Senator Hoagland would like to print amendments to LB 213 in the Journal; and Senator Schmit to print amendments to LB 11.

Mr. President, LB 560 (read title). The bill was read on April 14 for the first time. It was referred directly to General File, Mr. President.

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LB 163, 562, 466, 559, 560

Senator Warner, are you ready for 163 as amended.

SENATOR WARNER: Yes, Mr. President, I move that the bill be advanced. As indicated, it is merely the reaffirmation of current projects underway.

SPEAKER MARVEL: All those in favor of the adoption of the amendments...all those in favor of advancing the bill vote aye, opposed vote no, 163. Record.

CLERK: 27 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: Motion is carried. The bill is advanced. Now we are ready for 562.

CLERK: Mr. President, LB 562 (read title). The bill was read on April 14 and referred directly to the General File, Mr. President.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President, I move that LB 562 be advanced. Briefly, the bill contains roughly \$3.7 million for 309, for the continued deferred maintenance of various buildings, a variety of small projects. There is no major construction of any major building contained in the budget bill for reasons I have discussed numerous times before so I move the bill be advanced.

SPEAKER MARVEL: The motion is the advancement of LB 562 to E & R for review. All those in favor vote aye, opposed vote no. Have you all voted? Record.

CLERK: 28 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: Motion is carried. The bill is advanced.

CLERK: Mr. President, Senator Newell would like to print amendments to LB 560; Senator Labeledz to 466; Senator Haberman to 559.

And Senator Schmit offers notice of hearing for gubernatorial appointments confirmation.

SPEAKER MARVEL: Senator Vard Johnson, would you like to recess us until tomorrow morning at nine o'clock?

SENATOR V. JOHNSON: Mr. Speaker, I move that we recess until

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LB 160, 161, 163, 232, 241,
252, 326, 557-562

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend Dwayne Lueck from Trinity Lutheran Church, Martinsburg, Nebraska. This is Senator VonMinden's pastor.

REV. LUECK: Prayer offered.

PRESIDENT: Roll call. Has everybody registered your presence? Record the presence, Mr. Clerk.

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

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

CLERK: Mr. President, correction, page 1577, line 7, add Senator Hefner's name after Sieck.

PRESIDENT: Correction so ordered. Any messages, reports or announcements, Mr. Clerk?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 252 and recommend that same be placed on Select File with amendments; LB 326 Select File with amendments; LB 232 Select File with amendments; LB 160 Select File; LB 161 Select File; LB 557 Select File; LB 558 Select File; LB 559 Select File with amendments; LB 560 Select File; LB 561 Select File; LB 163 Select File with amendments; LB 562 Select File, all signed by Senator Kilgarin as Chair.

Mr. President, LR 60 is ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LR 60. We are ready then for agenda item #4. The Sergeant at Arms will see that all members are at their desks and clear the aisles for Final Reading. We are ready for Final Reading as soon as everyone takes their places. We are about ready for Final Reading. As soon as everyone is in their place we will commence Final Reading. All right, we will commence. The first bill on Final Reading, Mr. Clerk, is LB 241.

CLERK: (Read LB 241 on Final Reading.)

PRESIDENT: (Interrupts reading.) Pardon me, Mr. Clerk, will you stop please. Senator Koch, for what purpose do you arise?

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LB 559

CLERK: LB 559.

SENATOR NICHOL: All right, we will advance to LB 559.

CLERK: I have a series of amendments on the bill, Mr. President. The first is offered....

SENATOR NICHOL: Senator Kilgarin, did you rise for a purpose? Oh....

CLERK: There are E & R, Senator, right.

SENATOR NICHOL: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 559.

SENATOR NICHOL: Is there any discussion? Senator Haberman, did you want to discuss the E & R amendments? Your light is on. Okay. All those in favor of the E & R amendments please say aye. Opposed nay. They are adopted.

CLERK: Mr. President, the Appropriations Committee has amendments to the bill and they are found on page 1641 of the Journal.

SENATOR NICHOL: Senator Warner.

SENATOR WARNER: Mr. President, a series of three or four amendments on this bill, none of which results in any increase in General Fund appropriation, but it does make some adjustments in between agencies. The first amendment merely adds some words to identify some federal funds within the Department of Education and the words added are funds to strengthen the State Department of Education which is only in there for that purpose to designate clearly which funds are referred to. The next amendment is language that is necessary in order to coordinate the appropriation bill and LB 328 should it become law, and that is one again of shifting some agencies, and this will make the bill compatible should that bill be enacted. The next one...oh, I had one correction. There is a small adjustment in General Fund in the amount of \$2589, which was to correct the appropriation for Adult Education calculation in the state. The next one deals with the Governor's Emergency Fund. The bill as it was written put a ceiling on the reappropriation of \$300,000 which was anticipated would be the balance or approximate balance on June 30th. Since the bill was drafted we have learned that some of these federal funds...or, correction, some of the federal audits on the Grand Island tornado will not have been completed so that those vouchers could be

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properly handled by June 30th nor would they be able to encumber the funds, so we removed that ceiling of \$300,000 which will still be the amount approximately which will be reappropriated, but because of the processing of the paper work will not be completed. It takes the ceiling off. Then next would be some increase in cash fund authorization for the Department of Economic Development for the operation of the Omaha Information Center. Originally it was anticipated to open in April and now it is anticipated that it could be open in January instead, and this would provide the funding from that point if necessary. The next amendment is transfer of \$114,637 of General Fund money from the Department of Economic Development to Policy Research. This offsets transfer of federal fund from.... just went the reverse way from the Office of Policy Research over to the Economic Development, and includes an adjustment in the Personal Services in the program in the Department of Economic Development as well. And then the last amendment was one that should have been in the bill originally which transferred the Rail Planning function which previously was in the Department of Economic Development to the Department of Roads which some of you may recall there were a number of transportation related activities transferred to the Department of Roads including the barge transportation, but also this dealing with rail. So I would move adoption of the amendment.

SENATOR NICHOL: Senator Fowler, did you wish to speak to the amendments to the committee amendment?

SENATOR FOWLER: Yes, Mr. President, I just wanted to speak on behalf of the Appropriations Committee amendments, particularly the one with regard to the Policy Research Office. The resources of that office have been stretched considerably. It's been pointed out in recent audits. They are being called upon to provide resources beyond just the immediate office and assist the Governor's office. Originally, two secretaries in that office and a good deal of mailing equipment and typing equipment was being used directly for the Governor's office. Since then, I believe a third secretary in that office is being utilized to provide assistance to the Governor's office diminishing the available resources for other responsibilities within the Policy Research Office. So I think adding the \$110,000 and restoring that which we, through a failure, I guess, at least on my part a failure to understand originally the intent of the shift from federal funds from one office to another. By putting the \$110,000 back we can at least restore some resources to Policy Research Office that we had inadvertently moved away. I am very sympathetic to the position of that office in the way that many of their resources are being utilized. So with that,

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I think we ought to adopt the committee amendment.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Warner, do you wish to close?

SENATOR WARNER: I did, Mr. President.

SPEAKER MARVEL: Did you? Okay. I just arrived. Let's see, all those in favor of advancement of the bill. Okay, committee amendments...all those in favor of the adoption of the committee amendments vote aye, opposed vote no.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

SPEAKER MARVEL: The committee amendments are adopted.

CLERK: Mr. President, Senator Haberman had an amendment he wishes to withdraw. Mr. President, I now have an amendment from Senator Vickers. Would you like me to read it, Senator? Senator Vickers moves to amend, Mr. President...(Read the Vickers amendment to LB 559 as found on page 1666 of the Legislative Journal.)

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. President and members, the amendment that I am offering would increase the General Fund amount of dollars to the Adult Education Program in the Department of Education by \$10,000. Now if you will notice on page 5 of the bill, the federal programs...federal fund estimation is \$139,000 and I am told that that is an increase from what it was last year, but there is one slight problem because of the way the program on Adult Basic Education is administered that these federal funds have to be matched by a certain percentage of state funds, and also the GED program that is the high school equivalency diploma program that is administered by the Adult Education Program is basically a state program and it is not possible to use federal dollars to operate that state program. Now I believe this is a very important program, especially at this point in time when we find more and more young people becoming disenchanted with the public schools and dropping out and the dropout rates are increasing. There should be some opportunity given to them to complete their high school education to make themselves productive adults in this day and age. And I might also tell you that in 1980 there were 2585 diplomas issued through the GED program and for each of those diplomas there is a fee paid of a \$5.00 fee so that this is a program that resulted in \$12,925 being returned to the General Fund of the state. So there is a direct return to the state for the program as far as just paying for the course is concerned, but there is a much greater return than that when you consider that these people that get this high school diploma are then capable of getting better paying jobs and thus paying more taxes and perhaps not being on welfare rolls and many other things. To give you an idea of the growth of this program in the past few years, in 1973 there were 954 diplomas issued to the adults or people outside of the normal public schools in the State of Nebraska, and last year, as I said, there were over 2500, almost 2600, so this is a very growing program and I believe a very worthwhile program. And I would certainly urge this body's adoption of an additional \$10,000 of General Fund monies to a program that will return untold dollars to the state when you consider the consequences of now providing an educational opportunity

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to somebody that for some reason or other has dropped out of the public school system and not able to finish and complete their high school education.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President, I rise to oppose the amendment. As I understand the federal fund appropriation contained in the bill was the amount that was indicated by the agency that they anticipated, if there was an adjustment of that at least I am not aware of it. To my knowledge the committee is not aware of it. Aside from that, it is our understanding that in essence the agency did ask for expansion money for the program contained in Adult Education. Generally I would say that what we gave them was a continuation budget. We did make some adjustment in an amendment of the committee that was just adopted, around \$2400, because there did need to be a correction made that dealt primarily with their staff. And I think that while there are a great many programs that we can spend more money on all of which have merit and purpose, I think in this case it was just the general position of the committee that the times being what they were that it was probably not desirable at this point to expand this operation but continue it at about the same level that it has been for the current year. On that basis, I would oppose the amendment.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? Okay. All those in favor of ceasing debate vote aye, opposed vote no. Okay, record the vote.

CLERK: 30 ayes, 2 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate is ceased. Senator Vickers, do you wish to close on your amendment?

SENATOR VICKERS: Yes, I do, Mr. President.

SPEAKER MARVEL: Okay.

SENATOR VICKERS: Mr. President and members, there seems to be some misunderstanding as regards to the operation of this program. First of all, from the way I understand it it is not quite the same as the way Senator Warner explained it or as the way he understands it. From the way

I understand it, since the GED program is a state program, federal dollars cannot be used to operate that state program other than a certain percentage, and without the additional funds in the state program there will have to be reduction in the staff of one to one and a half persons. Now this is not an increase in staffing for the GED program that this \$10,000 is going for. Obviously, there is I think the 9 percent salary increase figured in, but with that increase there is not enough funds to keep the program operating as it is operating at the present time. I am also told that as these people apply for and pass their test for their diplomas, right now they have to wait for quite some time to get the diplomas processed to get them out to them. If we reduce the number of staff people and there is a small staff over there right now, it will, in effect, kill the program and put it in a situation where the federal dollars will not be able to be used in any advantageous fashion at all in this state as far as Adult Education is concerned. Now, Mr. President, I would...with your permission, I would like to give the remainder of my time in closing to Senator Koch.

SPEAKER MARVEL: The Chair recognizes Senator Koch.

SENATOR KOCH: Thank you, Senator Vickers. Well, some days I disagree with the Chairman of the Appropriations Committee, but this is not for an expansion of programs, it's merely trying to carry on programs where there is a considerable demand. I don't know how many of you people have ever attended one of these programs on Adult and Continuing Education, but whether you know it or not there are a great number of people in this state now who are desirous of continuing their education because of the technologies which are needed today for a proper job and for skill. A year ago I offered a similar amendment for \$60,000 and it was defeated. I don't think we are going to for \$10,000 expand a program a great deal, and all we are trying to do is maintain the program based upon demand of adults who had to stop their education at some point in time. I support Senator Vickers for this what I think is a rather miserly sum of money. A moment ago we talked about probation officers and the need for that, but I can assure you that if we want every adult in this state to achieve an optimal level of job skills, then \$10,000 is wisely invested in terms of the returns. And oftentimes for a few bucks we are not willing to invest it to make many dollars in terms of what the tax results might be. And I would hope that you would support the amendment offered by Senator Vickers for a miserly \$10,000 to help carry out the intent and purpose of Adult and Continuing Education.

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SPEAKER MARVEL: Okay, the motion is the adoption of the Vickers amendment. All those in favor of that amendment vote aye, and vote no. Have you all voted? Senator Vickers.

SENATOR VICKERS: How many are excused, Mr. President?

SPEAKER MARVEL: Three. Three excused.

SENATOR VICKERS: Well, I guess I am going to ask for a roll call....or a Call of the House and a roll call vote then.

SPEAKER MARVEL: The first order is, shall the House go under Call? First motion. All those in favor vote aye, opposed vote no. Do you want the House to go under Call? Record.

CLERK: 15 ayes, 0 nays to go under Call, Mr. President.

SPEAKER MARVEL: Okay, the House is under Call. All legislators please return to your seats, record your presence. Senator Wiltala, Senator Koch, Senator Kilgarrin, Senator Wesely, Senator Schmit, Senator Beutler, Senator Hefner, Senator Lowell Johnson, Senator Howard Peterson, Senator Dworak, Senator Barrett, Senator Goodrich, Senator Newell, Senator Hirsch, Senator Von Minden, Senator Higgins, Senator Labeledz. Senator Labeledz, Senator Higgins and Senator Von Minden. Senator Von Minden is there. Mr. Sergeant at Arms, we are looking for Senator....okay, Senator Vickers, are you ready for the roll call now? Everyone is accounted for except Senator Labeledz. Are you ready for the roll call? Call the roll.

CLERK: (Read the roll call vote as found on page 1667 of the Legislative Journal.) 22 ayes, 23 nays, Mr. President.

SPEAKER MARVEL: The motion lost.

CLERK: Mr. President, Senator Schmit now moves to amend the bill.

SPEAKER MARVEL: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, the amendment I have here would restore to the budget \$100,000 of the \$1 million that the Appropriation Committee gave to the Crime Commission from the Governor's recommended budget. The Governor had supported this restoration, and has

asked that the amendment be offered. At the present time the reduction of funds from the federal government has resulted in a reduction of staff from 18 to 12 and a quarter persons. If we do not restore this \$100,000, it will require the reduction of an additional 5 persons. Now there are, of course, a number of state mandated responsibilities that we have given to this agency over the years, and I recognize fully that it is the policy of the Appropriations Committee in most instances not to replace lost federal dollars, and I can agree with that in many instances. However, I would suggest that we have already reduced the agency drastically and to enforce this additional \$109,000 reduction would be almost a fifty percent reduction in the budget of the Crime Commission. Now if it is the desire of the body that the Commission not perform certain responsibilities, then I believe we should delineate those responsibilities which we determine that they should not carry out. But if we feel that the Crime Commission does have, in fact, some responsibility for those state mandated programs, then I feel that the Governor is entirely justified, and I concur with him in asking for the restoration of \$100,000 of the \$109,000 that was taken away. I am not going to go into great detail. It is a \$100,000 restoration, not addition but restoration of funds eliminated by the Appropriations Committee from the Governor's recommended budget. I ask you to support the amendment.

SPEAKER MARVEL: Senator Pirsch.

SENATOR PIRSCH: Thank you, Mr. Speaker. Members of the Legislature, I support this amendment by Senator Schmit and concur wholeheartedly with the restoration of at least \$100,000 to the Commission on Law Enforcement and Criminal Justice. If you will recall, I pointed this out on General File that it was a little misleading to see the same amount, the \$238,000, but of that \$238,000 the \$109,978 which was added to that amount to make what we thought was the Governor's budget request, is federal funds which are due to be eliminated in September of this year. Those funds are earmarked for special programs which will be discontinued in September of this year. There is no way they can use them now for other things, and they will be gone in September. The Governor did request or did set aside in his budget \$238,000 in General Funds, not federal funds. Now remember this year we have switched the Criminal Reparations Board over to the Commission on Law Enforcement and Criminal Justice. We have amended that to also include the Jail Standards Board under the Commission on Law Enforcement and Criminal Justice. Now the reason for switching these under that Commission was so they would have staff support and importantly an attorney

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to assist the Reparations Board and the Jail Standards Board in the execution of their mandated statute duties along with all the other statute duties that we have given the Crime Commission through the years. When you look at some other commissions in your red and white book, commissions that serve a particular small segment of our community do not serve the entire general state, county attorneys and our law enforcement as does the Crime Commission. And look at them...there are 172,000, over 200,000 for these other smaller commissions which are not as far-reaching as our Crime Commission. Now because they have been taking advantage of federal funds for their administering in the past, should we now penalize them and not support them fully with our state dollars? I hope you agree with Senator Schmit and myself that you will not, and vote for his amendment. Thank you.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, it is a strange feeling to be speaking on the same side of an issue as Senator Pirsch, and even to some extent Senator Schmit. But it shows that nobody can be perfect even in a negative sense. So on occasion they are correct, and this is one instance where they are very correct and it is not going to cost the state an inordinate amount of money. I think that the Crime Commission does serve a worthwhile purpose and I don't know why the budget committee cut the funds in the way that they did so that the total amount remaining is what the Commission would have had minus federal funds, and I will not impugn their motives. They probably had set a total amount of money that they were going to budget for the state for all expenditures. And as with any other budget cutting, some of us disagree with the cuts being made, where they are made and the amounts of them. So on this amendment, I support Senator Schmit and I hope you will think about what is being done here. Sometimes a mood can sweep the state which is merely a reflection of a mood that apparently sweeps the country and we will do things during one session of the Legislature which will have repercussions far down the road and we will begin to regret that hasty action. The 114 laws indicate that. But to my knowledge there is no group, not even the criminal element among us, who are pushing for a reduction in the budget of the Crime Commission. So if we can find our way clear to add this money back to their budget, I really don't think that a great amount of damage will be done anywhere, but I think some good will result. I do envision the possibility of damage if we cut these funds and eliminate the number of positions that are being considered. So I hope that you

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will in all seriousness vote in favor of Senator Schmit's amendment.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President, I assume that this is not one of these motions or recommendations that over the next two years I will be standing up and doing this, if I am here, a number of times. It's true that the federal funds are going away. The committee took a very broad position of generally trying not to pick up every federal fund program that is going to lapse. Now we do and have recommended a few to you and as a matter of judgment you can say, well, this one was not as good as that one. I assume we would all have some difference. But the fact remains that you will be in this predicament many times as you are this year. Next year it will be millions of dollars we are talking about in which the request will be for the state to pick it up with General Fund money. And I just don't think we can start that program. I don't think we can expand it. It is true we did about a third or so, I think, of the General Fund pickup of loss of federal funds, which probably was pretty heavy at that, and I would hope that the committee notwithstanding the fact that there aren't good programs here, I think that we may as well start understanding that some of these things are just going to have to go away, some positions are going to have to be abolished. And I would hope that the Legislature would not adopt the amendment.

SPEAKER MARVEL: Senator Hoagland. We are speaking to the Schmit amendment.

SENATOR HOAGLAND: Mr. Speaker and colleagues, I just would like to speak briefly in support of Senator Schmit's amendment. But I think that I should point out that what we are doing here really is precedent setting. This \$100,000, you know, that Senator Schmit and Pirsch are seeking to restore are basically federal funds that have been cut out by the federal government. And I think the precedent of our taking a look on a case by case basis at restoring federal funds not only in the crime control area but also in the education area and in the welfare area and other important areas, is a precedent we ought to establish because we are going to be losing a lot of federal funds obviously in the next couple of years, and I think it is important for us to have an open mind and to give serious consideration to attempting to make those losses up with state funds where a strong and meritorious case is presented. And I think Senator Schmit and Senator Pirsch have presented such a case in this instance. Thank you.

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SPEAKER MARVEL: Senator Fowler. (Microphone not on)... on the Schmit amendment.

SENATOR FOWLER: Mr. President and members of the Legislature, I find myself in a somewhat awkward position because I have a great deal of sympathy for picking up the lost federal funds in this case and in many other cases that we are going to be facing. And I guess in the Appropriations Committee we felt that this year in the budget limits that were established we could only pick up federal funds in a few areas. Now if the Legislature as a whole wishes to follow Senator Schmit's lead in this area, and the coalition of Pirsch, Chambers, Hoagland and Schmit, an unprecedented coalition, I might add, if that coalition can, in fact, pull this off I think it will be a message at least to the Appropriations Committee that we should not be as reluctant to pick up federal funds, that we should look at the needs, the lobbying pressures even, the demands for these services before we adopt a blanket policy. In the Health and Human Service and Education areas there are going to be major cuts, and perhaps if this Legislature feels that these funds need to be restored from tax dollars, rather than us assuming that burden, what we should do is send a message back to Washington not to cut the funds in the first place. It would be a simpler solution. It wouldn't require that the state pick these areas up, and perhaps Senator Schmit and Pirsch and Hoagland and Chambers would join the resolution back to Washington urging that the states not be asked to assume these, that these are worthwhile programs, that we feel that they are essential services, valuable services, they shouldn't be cut in the first place. They shouldn't be cut for Oklahoma. They shouldn't be cut for Ohio. They shouldn't be cut for Pennsylvania as well as Nebraska. As a member of the committee, given the seven percent budget that we had to work with, we were not able to pick up these funds. But if the Legislature feels that that should be the policy of the Legislature to do so, I would hope that you would support us in that effort next year in the Health, Human Services and Education areas.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, first of all I would like to tell Senator Fowler that not only would I join in a resolution if the Legislature would pay my way both ways, I would go to Washington and speak very strongly in behalf of noncutting of federal funds to programs that are worthwhile. But in the same way that we would say that the Reagan administration ought not just take a meat axe and say we are going to lop a certain amount off various selected programs regardless of the overall

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impact, we have to exercise some discretion and judgment at the state level. This is one of those programs that, Senator Fowler, I might get a knot on the head about because it doesn't have really a constituency. There is no group which will speak for the Crime Commission and say, don't cut the funds. But there are other programs and agencies who do have much larger, who have a much larger constituency and these people will be vocal, they will have lobbyists and they will know how to apply pressure to the Senators, and there will be a greater reluctance to slash them to such an extent. So whereas I will get a knot on the head on this one, I expect to be bloodied but unbowed, Senator Peterson, on other matters, for example, Aid to Dependent Children. I am going to try to get an increase there. And I don't think there is any inconsistency in supporting various programs when the unifying thread is one which looks at the impact that these programs have on the society and the goals that the society is trying to achieve. In order that some of you, in the last few minutes I have, especially Senator Warner and Senator Fowler, Senator Marsh and the other members of the budget committee, will understand that I am not just trying to break the budget or any such thing as that, I will tell you the problem that I am having this session with the Legislature as I have not had to such an extent before. We do have a law that puts a minimum age at which a young woman can be married. We cannot pass a law to keep the young woman from being impregnated or a young man or old man from doing the things that result in that. We have passed laws that make it difficult for abortions to occur. So what we are saying is that we put a minimum age at which marriage can occur during which a child may legitimately be conceived. We are also saying that these young women, whether married or not, are going to have to have these children or run the risk of being criminals. But then after creating this kind of situation, the Legislature turns around and shows its true hypocrisy by saying that the aid we can give these young women and the children that we are doing all we can to make sure come into this world, the Legislature withholds that aid. So I don't understand all of that. These things are happening so close together in point of time this session that even with the short attention span some of us as Senators have, we should be able to keep one thing in mind long enough to compare it with what it is doing to the other thing. So I promise you that before the budget bill, 561, is completed, I am going to offer an amendment to increase the Aid to Dependent Children program. And I know the scrooges of the budget committee elevating form over substance will say that we in our imperious judgment have said, this is the maximum amount that is going to be spent and you can have hungry children, you can have

mainourished children which is a step beyond hunger, you can have those on the verge of starving. You can have those whose intellect may be affected due to malnutrition and we don't care, because now we are talking about actual dollars. But when the time comes to vote on resolutions, whose intent is to cast us as people concerned about the welfare of human beings who can't help themselves, we will sign all the resolutions but we won't put our budget money where our resolution mouth is. This amendment being offered by Senator Schmit does not assume in my mind the magnitude of importance that some of these others do.

SPEAKER MARVEL: You have a minute left.

SENATOR CHAMBERS: But I think in view of what the Legislature has said time and again about law enforcement, law and order, respect for the law, concern for victims and that entire complex of issues, it is difficult for me to see how such a large cut can be made in this program. So I would like to ask Senator Fowler, who, based on what has been said so far, seems to be the most liberal of the budget committee members to have spoken on the issue.... Senator Fowler, let me ask you a question. Would you be unwilling, Senator Fowler, to restore \$5 to this program?

SENATOR FOWLER: To the Crime Commission?

SENATOR CHAMBERS: Yes.

SENATOR FOWLER: Five dollars. There is a real principle at stake here, you know.

SENATOR CHAMBERS: Senator Fowler, you are very savvy, but would you agree to restore \$5?

SENATOR FOWLER: Is that for John Evans' salary?

SENATOR CHAMBERS: Senator Fowler, I am trying to discuss this in the abstract.

SENATOR FOWLER: I would....\$5 I might be willing. Now \$10, you are pushing me, and if you ask \$25, I would have to take another look at it.

SPEAKER MARVEL: Okay, Senator Warner.

SENATOR WARNER: Mr. President, I only want to make one thing clear because we did recommend some pickup here as I indicated earlier. There were some places that we did. The recommendation here is a \$50,000 pickup of what previously

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was operating funds for that agency, not their aid money but their operating fund of the \$160,000 of total General Funds they had, and that leaves the 110 that apparently is trying to be replaced. That \$50,000 that we did add represented a 63 percent in General Fund support for the agency over the previous year. And so I would hope that while I am like everyone else, I can have a lot of sympathy for the agency in this position, but I think the realism is that you just cannot expect to be picking them all up, and I would hope the body does not adopt the amendment.

SPEAKER MARVEL: Senator Pirsch, do you wish the floor?

SENATOR PIRSCH: I'm sorry, Mr. Speaker, thank you. I can't let Senator Fowler's challenge go by. I approve of what is happening in Washington D.C., and I wish President Reagan and the Congress allspeed. I think they are on the right track and I think that we have to balance the budget as we have always done in the State of Nebraska. For too long they have overextended trying to be all things to all people. And I don't think that we in Nebraska have to be dependent on those federal funds. But we do need to get some priorities straight within our own state and our own state budget. And if we have to slash budgets, don't just let the fact that they have been getting federal funds make that decision for you. Let's look at each of these agencies and each of these commissions and each of these departments, and let the guide be effectiveness, the type of service, efficiency and cut out duplication and waste. Again, I support Senator Schmit's amendment. Thank you.

SPEAKER MARVEL: Senator Schmit, do you wish to close on your amendment?

SENATOR SCHMIT: Mr. President and members of the Legislature, I do appreciate all the help that we have on this amendment. In addition to that strange coalition that Senator Fowler has referred to, you have to add the Governor. And I think that adds a particular element to it which has not been brought into it before. I recognize fully the responsibility of the Appropriations Committee. I certainly did not intend to minimize their responsibility and their efforts. I admire them for their ability to put together this amount of money in a package and bring it out with some semblance of credibility. I think, however, that it has been pointed out by Senator Chambers and several other members here, we speak on this floor here many times to the necessity for providing for adequate law enforcement. The Crime Commission has a very real role to play in this area. If, in fact, we do choose to reduce the funds for the

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Crime Commission by almost 50 percent, then I think it is very evident that we are going to have to reduce some responsibilities. You can't haul a two-ton load on a half-ton pickup. It's that simple. I agree with Senator Chambers and other members here today that it is easy to talk in terms of law enforcement but it is tough to put the money in there when you need it. I don't think the Governor can be characterized as a wild-eyed spender. I think, and I am afraid almost, that when those budgets get over to the Governor's office we are going to see some of that meat axe approach which may be necessary, but he is going to have some ideas of his own. I don't think it is necessary, for example, that we all agree a hundred percent on these issues. There are going to be times when some of us agree and some of us disagree. And I think that those times when we do find that there is reasonable evidence to support the request that has been made by the Governor, that we ought to try to support that agency to that extent. One more point with reference to Senator Fowler's regard, I really don't feel that an agency which has been frugal in the area of expenditure of state funds in the past should at this time necessarily be penalized because they find those funds nonexistent. With reference to my own area, I want to say this, I have a firm commitment to meeting state responsibilities with state funds. I have done that many times. I prefer the route of the state taking that responsibility of appropriating the money and administering the funds. I think that is much preferable to the route that we take when we send income tax money back to the federal government, the federal government takes their cut out of it and sends a teaspoonful of it back to the states. I think it is a far more efficient method to handle it directly than to handle it indirectly. And just to add a bit of levity here, I know you will take it in the manner which I offer it, I suggested to Senator Warner that since the Appropriations Committee seems to be pretty much united on these issues and 9 people usually vote against these additions, that in all fairness 21 votes out of the remaining 40 ought to be sufficient to adopt the amendment. I don't know, Mr. Speaker, if you are going to go that way or not, but I just thought I would throw it out here. I do ask you to support the amendment.

SPEAKER MARVEL: The motion is the adoption of the Schmit amendment. All those in favor of that motion vote aye, opposed vote no. Have you all voted? We are voting on the Schmit amendment to LB 559. Have you all voted? Senator Schmit.

SENATOR SCHMIT: Mr. President, let's have a roll call vote and a Call of the House, I guess, real quickly.

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LR 67
LB 559, 560, 512

SPEAKER MARVEL: Shall the House go under Call? All those in favor of placing the House under Call vote aye, opposed vote no. Do you want to accept call ins, Senator Schmit? Okay. Record the vote.

CLERK: 21 ayes, 0 nays, to go under Call, Mr. President.

SPEAKER MARVEL: Okay, the House is under Call. All legislators should be in their seats. Please record your presence. The Clerk is authorized to take in call in votes.

CLERK: Senator Labeledz voting yes. Senator DeCamp voting yes.

SPEAKER MARVEL: Senator Goodrich, Senator Hoagland, Senator Kilgarin, Senator Newell, Senator Wagner, Senator Wesely.

CLERK: Senator Cullan voting yes.

SPEAKER MARVEL: Senator Wesely, Senator Goodrich, Senator Newell. Mr. Sergeant at Arms, we are looking for Senator Wesely and Senator Goodrich. Here comes Senator Goodrich. We are looking for Senator Wesely.

CLERK: Senator Nichol voting yes.

SPEAKER MARVEL: Okay, record the vote.

CLERK: 25 ayes, 16 nays, Mr. President, on the motion to adopt the Schmit amendment.

SPEAKER MARVEL: The motion carried. The amendment is adopted. Are we ready for the next....?

CLERK: Mr. President, the motion now is to advance the bill.

SPEAKER MARVEL: The motion is to advance LB 559. All those in favor of that motion say aye. Opposed no. The motion is carried. The bill is advanced. LB 560.

CLERK: Mr. President, if I may right before we get to that, I have some items to read in. Senator Vickers would like to print amendments to LB 512. (See page 1668 of the Legislative Journal.)

Senator Lamb wants to have a meeting of the Executive Board tomorrow morning, Mr. President, at 8:00 in Room 2102.

Study resolution, LR 67, offered by Senator Beutler. (Read

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LB 334A, 95, 376, 499,
559

Any discussion? All those in favor signify by saying aye, opposed nay. LB 334 A is advanced to E & R for engrossment. We will now go back to LB 11.

CLERK: Mr. President, I now have pending on LB 11 the...well, Mr. President, if I may right before that, Senator Von Minden would like to print amendments to LB 559; Senator Landis amendments to LB 499; and Senator Barrett amendments to LB 376; and Senator Fowler to LB 95.

SPEAKER MARVEL PRESIDING

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LB 209, 557-562

CLERK: 14 ayes, 17 nays, Mr. President, on adoption of the Hoagland amendment.

SENATOR CLARK: The amendment failed. Senator Haberman, would you like to recess us until one-thirty right after the Clerk reads something in.

CLERK: Senator, excuse me, if I may. Mr. President, I have amendments from Senator DeCamp to LB 557, 558, 559, 560, 561 and 562 to be printed in the Journal. (See pages 1756-1757 of the Legislative Journal.)

Urban Affairs Committee will have an executive session at 11:00 a.m. underneath the North balcony on Thursday, Mr. President.

Mr. President, the Miscellaneous Subjects Committee will meet in executive session in Room 2102 at noon today. Public Works Committee will meet underneath the North balcony right after recess at noon. That is signed by Senator Kremer. That is all that I have, Mr. President.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. President, I move to recess until one-thirty this afternoon.

SENATOR CLARK: You have all heard the motion. All those in favor say aye, opposed no. We are recessed until one-thirty.

Edited by Arleen McCrory
Arleen McCrory

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LB 70, 163, 172, 184, 242, 250,
285, 302, 310, 324, 369, 375, 494,
497, 527, 557, 558, 559, 560, 561, 562.

aye, opposed vote no. Have you all voted? Senator Burrows.

SENATOR BURROWS: I would like a Call of the House and a roll call vote.

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

CLERK: 16 ayes, 1 nay to go under Call, Mr. President.

SPEAKER MARVEL: The Legislature is under Call. Please return to your seats. Record your presence. Senator Burrows, do you want to record....Senator Kahle, Senator Hefner, Senator Goodrich, Senator Wagner, Senator Landis, Senator Newell, Senator Chambers, Senator Pirsch, Senator Labedz, Senator Higgins. While we are waiting, under the north balcony Mr. Jack Fletcher and his son, Monte, Jack is a former resident of Lincoln County, Nebraska, and now lives in Upland, California, and they are guests and friends of Myron Rumery. And from Senator Remmers' District, 14 students from Tablerock, Nebraska, Mrs. Griffith, teacher. Should be in the north balcony. Are they?

CLERK: Mr. President, while we are waiting, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 163 and find the same correctly engrossed, 557, 558, 559 and 560, 561, 562, all correctly engrossed. (Signed) Senator Kilgarin. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 242 and recommend that same be placed on Select File, 494 Select File with amendments, 369 Select File, 310 Select File with amendments, 497 Select File with amendments, 250 Select File, 302 Select File with amendments, 70 Select File with amendments, 285 Select File with amendments, 324 Select File with amendments. (See pages 1771 through 1773 of the Legislative Journal.) Mr. President, Senator Schmit, Kremer, Chronister and VonMinden move to place LB 375 and 377 on General File pursuant to Rule 3, Section 18(b). Senator Carsten would like to print amendments to LB 172, and Senator Lamb to LB 285. (See pages 1769 through 1771 of the Legislative Journal.)

SPEAKER MARVEL: Senator Labedz, Senator Higgins, Senator Chambers, Senator Goodrich. Senator Burrows, do you want to start the roll call? We have four that still are unaccounted for.

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LB 559

CLERK: Senator Von Minden had an amendment I understand he wishes to withdraw. Mr. President, the next amendment I have is offered by Senator Vickers. Senator Vickers would move to return LB 559 to Select File for specific amendment.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. Chairman and members, a few days ago on 559 I offered an amendment to increase the amount of funds for the Adult Education Program in the State of Nebraska by \$10,000. This Legislature chose not to increase that fund by that amount and the arguments that I made at that time are still valid but I will make a few of them again. First of all, I think it needs to be understood that this program is one that depends on a certain amount of state funds, of state dollars, to pay for the salaries and for portions of the operations of this operation even though the majority of the funds are federal dollars that go into the program. And even though the federal dollars are increased in the budget this year that the Appropriations Committee has before us, because of the fact that the salaries have to be state dollars, and the amount of state dollars have been decreased somewhat, some of the personnel will have to be let go which, in effect, will mean that the program will not be able to administer the diplomas, the GED program that is operating right now. Now how important is that program, I guess each of us have to decide that ourselves, but as being an individual that did drop out of high school back when I was younger and maybe even more foolish than I am now, and I suppose that is debatable also, I think that from my perspective, at least, those individuals that for one reason or another do not complete their high school education in the normal course should have the opportunity and we should be cognizant of the desire of those people to complete their education and we should also provide that opportunity to do so. We should be aware of the fact that when we do help these individuals get a better education, then they, in fact, they become better able to be productive citizens of the State of Nebraska and, as such, to be taxpayers that contribute to society in a much more meaningful fashion. This, of course, returns many untold dollars to the economy of the State of Nebraska by putting these people in a position where they can contribute and not be perhaps on some of the welfare or social programs that they otherwise might be on. Also I think it needs to be pointed out that this is one of the few programs in the state, as far as educational programs, that does bring in some direct dollars, brought last year because of the numbers of diplomas that they issued and the cost they assessed for each diploma, they brought in a little over

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\$12,000. The number of diplomas have also gone up dramatically in the last few years because of the higher rate of dropouts in the high schools, part of this being due to some of the economic problems that some of the young people find themselves in, many other problems that I don't think we need to really discuss at this point in time but it is imperative I believe that this Legislature recognize the importance of providing this service to those individuals that do find themselves in a position that they cannot get their high school diploma through the regular course. So I have lowered the amount from \$10,000 to \$7,500. I am told that this is the bare bones minimum that we'll require to keep the program going and keep it alive and I urge this body's adoption of spending \$7,500 for, which is not a large sum of money when you consider the entire budget that we are dealing with here but it is a sum that could be brought back in, returned, many times over because of the large need and the benefits from this program. So I urge this body's adoption of this amendment for an additional \$7,500 to the Adult Basic Education Program.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Koch. Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, I would rise to oppose the amendment. I appreciate the sincerity in which Senator Vickers offers it. I will only say this. One of the problems that always confronts us is information, I guess, and what something does or really does not do. I would only state this, that the Director of that particular program I ran into as I walked into the State Capitol the day before the appropriations were taken up on Select File. He told me as I walked in that they were \$1,500 short from the original budget for salaries to maintain the program and to maintain their people, and I offered the amendment in which we went back and checked and the committee did offer an amendment that added \$2,500 and something, \$2,547, I think, or thereabouts because there was a calculation that was not correct on salaries and that adjustment was made even though the Director only thought it was \$1,500. So notwithstanding what might have been said by the Director to any member of the Legislature, it is my opinion based on what he said to me that the budget is adequate for maintaining the program as it is, both in personal services, people, and operate a program. It is true that we did not recommend expansion and they did request a \$65,000 expansion in that program and it, like all other programs, there may have been

merit in expansion. There is always merit in every expansion. It is only the total consequences of all of those programs that becomes difficult. So I would urge that the body would not adopt the amendment. While I have got a couple of more minutes, I might just make a couple of other comments, generally about the budget. There has been suggestions made that because there was a three percent reduction proposed in 1975 that that obviously means there is always three percent too much. Those of you who were here recall that that reduction was not made by the Legislature. It was made of a few selective agencies. It has been suggested there was very little flexibility for the floor. I will tell you of the increased available funds, the committee reserved twenty-one percent of those, nearly twenty-one percent of the increase in this year's budget for floor action. The other eighty percent of the increase then was for continuation budgets, salary adjustments, price of gasoline, utility increases, a whole host of things, and to leave that large a percent of the increase for floor action seems to me to be significant. I am sorry that there are those who feel that they had not adequate time to discuss all the depth of the bill that they would like to have and I do want to repeat the invitation for next year so that these folks will not feel that they have not had the opportunity and that is the Appropriations Committee sponsors evening meetings, as many as anybody wants, to discuss the appropriations in whatever detail they would like. We make the standing offer that from the staff if they want even more detail that that is available and while I certainly understand the conflict that we all have in time, I also have noticed over the years that those who tend to feel that we do not have adequate discussion usually find great difficulty also in getting to those information meetings where that is given. But I never thought that all of them because I always presumed that they had spent a great deal of time on their own, studying the budget in depth, and, therefore, probably felt adequately prepared and didn't need to come to the meetings. But I do want to suggest that we will have those meetings again next year and we will be glad, at least I will be glad to hold them for as many nights or weekends that is necessary to give as much depth...

SENATOR CLARK: You have thirty seconds, Senator Warner.

SENATOR WARNER: Fine, it is time I quit anyway. Thank you, Mr. President.

SENATOR CLARK: Senator Koch, do you want to speak on this returning the bill?

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SENATOR KOCH: Mr. Chairman, I move the previous question.

SENATOR CLARK: The question has been asked for, do I see five hands. I do. All those in favor of ceasing debate vote aye, all those opposed vote nay. Senator Haberman, for what purpose?

SENATOR HABERMAN: A point of order, Mr. Chairman. You only had two people talk on this.

SENATOR CLARK: Are you on the other side?

SENATOR HABERMAN: Yes.

SENATOR CLARK: All right, go ahead.

SENATOR HABERMAN: Thank you, Mr. President. Members of the Legislature, I rise to support this program. It is a very, very, very important program. I personally have been acquainted with and know at least fifteen to twenty people out in my district who have taken this program and they have been anywhere in the age from eighteen to forty-five and they are asking for \$7,500 and, basically, it is a testing program and they have to have the testing program. They have to visit these sites at least twice a year and beings as they don't have a big budget and don't ask for a lot of money, let's don't look down our noses at this program and say that it doesn't amount to anything because it isn't important. This program does not cost a lot of money but it does a world of good. It gives lots of people a second chance. They made a mistake and they want to go back and have a second chance and this program allows them to do it. And so I ask you and I urge you to support \$7,500 increase for the GED program. Thank you, Mr. President.

SENATOR CLARK: Senator Vickers, do you wish to close? Senator Beutler has now put his light on.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I just wanted to make one point on some information that I have heard with regard to the GED program and that is that this program is being made available to students who are of high school age and some students that I have heard of here in the City of Lincoln are quitting high school so that they can take the GED. I think that that program, if that is what is happening in fact, is serving as a discentive to stay in high school and finish high school and I suggest maybe they would better conserve and spend their money by not spending money and creating these types of incentives and taking that money and spending it on

older adult people who need that because I think the program has become overexpanded. Thank you.

SENATOR CLARK: Senator Vickers, do you wish to close?

SENATOR VICKERS: Very briefly, Mr. Chairman. Mr. President and members, first of all let me say in response to some of the remarks Senator Warner made that I have a lot of respect for the Appropriations Committee and the amount of work that they put in the budget and I particularly have a lot of respect for Senator Warner and the fine job that he does as the Chairman of that committee. I would also echo his comments that it would be preferable if many of us would be more involved with the budget in their discussions that Senator Warner attempts to bring to this body before the bills come to the floor, and I would also suggest it would be time well spent for each of us to go to one of those evening meetings. I would remind Senator Warner that I did so and I questioned this program at that time. In response to Senator Beutler's comments, as one that has been there, Senator Beutler, not everybody that is in that age group has the desire for learning that everybody should have that are in that age group. Sometimes those of us that think we know everything when we are at that age find out a few years later that we, in fact, knew nothing, and as a matter of fact, the older we get the more we realize how little we do know. I think all of us realize that. But it seems to me that when an individual makes that mistake and drops out of school, no matter what their age, even if they might be still of school age, get in a position where for them at least it is very, very difficult to go back, realizing they are going to be much older than their classmates at that point in time or for some other outside reasons, perhaps they are married, perhaps they have got a family by that time, perhaps many other things have taken place, that they are unable to get into the mainstream, if you will, of going back to school. Yet they realize the mistake that they did make. I also would suggest that if you force those individuals that are in that position to go back to school, you are going to create more havoc for those other individuals, those other classmates that are in school and are intent on learning. So it seems to me that we should put a few dollars in a program to allow these people to make up for the mistake that they have made and, believe me, it is a mistake when that happens. I can assure you and I can also assure you that there generally comes that point in time when they recognize that that was a mistake, and for us to close the door and not allow them the opportunity to rectify that mistake I think is wrong and I urge this body

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to not follow that path. So I urge the adoption of the amendment for an additional \$7,500 to this program. Thank you very much, Mr. President.

SENATOR CLARK: The motion is to return, return 559 to Select File for specific amendment. All those in favor vote aye, all those opposed vote nay. Have you all voted? The motion is to return. Once more, have you all voted? Record the vote. Senator Vickers.

SENATOR VICKERS: Mr. President, how many people are excused?

SENATOR CLARK: One.

SENATOR VICKERS: That means there are nineteen that are not voting so I guess I am going to have to ask for a Call of the House and a roll call vote.

SENATOR CLARK: A Call of the House has been requested. All those in favor of a Call of the House vote aye, opposed nay. Record the vote.

CLERK: 11 ayes, 1 nay to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. All unauthorized personnel will leave the floor, all Senators will check in please. If everyone will check in. Senator Cope, will you check in please? Senator Fowler, Senator Beutler. Senator Beutler, will you check in please? Senator Chambers. Senator Newell, will you check in? Senator Goll. Senator Labedz, Senator Higgins, Senator Beyer. Senator Wagner, will you check in please? Senator Sieck, Senator Schmit and Senator Beyer are the ones we are looking for right now. Senator Vickers, shall we go ahead? We are only short Senator Schmit and Senator Beyer. The question before the House is the return of 559 for a specific amendment by Senator Vickers. Call the roll.

CLERK: Roll call vote taken. See pages 1781 and 1782, Legislative Journal.) 23 ayes, 20 nays, Mr. President, on the motion to return the bill.

SENATOR CLARK: Motion lost. The next bill is 560. The Call is raised.

CLERK: Mr. President, I have nothing further on any of the bills since Senator DeCamp has withdrawn all of his motions. Is that right, John? You withdrew all yours?

SENATOR DeCAMP: Mr. President.

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LR 116
LB 172, 216, 303, 322, 344,
411, 529, 529A, 559, 160, 161

of the Chamber. That's the big thing. All right, we will proceed then, Mr. Clerk, with the reading of LB 559.

CLERK: (Read LB 559 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 559 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 1813 of the Legislative Journal.) 42 ayes, 1 nay, 6 excused and not voting, Mr. President.

PRESIDENT: LB 559 passes with the emergency clause attached. You may read some things in, Mr. Clerk.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 303 and recommend that same be placed on Select File; LB 216, Select File; LB 322, Select File with amendments; 411, Select File with amendments; 344, Select File with amendments; 172, Select File with amendments; LB 529, Select File, with amendments; LB 529A, Select File with amendments. (See pages 1815 through 1817 of the Legislative Journal.) Mr. President, new resolution, LR 116, offered by Senator Rumery. (Read LR 116 as found on page 1815 of the Legislative Journal.) Mr. President, that will be laid over pursuant to our rules. That's all that I have, Mr. President.

PRESIDENT: We will proceed then, Mr. Clerk, with LB 160.

CLERK: (Read LB 160 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 160 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 1814 of the Legislative Journal.) 43 ayes, 1 nay, 5 excused and not voting, Mr. President.

PRESIDENT: LB 160 passes with the emergency clause attached. The next bill on Final Reading is LB 161.

CLERK: (Read LB 161 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure

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LR 117, 118
LB 160, 161, 163, 232, 557,
LB 389, 558, 559, 560, 561,
562

be reviewed before anybody would receive any assistance under this program to ensure that some existing program can't take care of their needs. So all it is is an amendment to add educational programs to that other list to make sure that we don't provide assistance that can't otherwise be provided.

SPEAKER MARVEL: All those in favor of the adoption of the Wesely amendment, or the...yes, it's the Wesely amendment, isn't it....Wesely-Schmit amendment vote aye, opposed vote no. While we are waiting for your vote, from Senator Lowell Johnson's area it is my privilege to recognize thirty-five 7th and 8th Graders from Trinity Lutheran School, Fremont, Nebraska, four teachers and Harold Bergt, in the north balcony. Will you hold up your hands so we can see where you are and welcome you to the Unicameral. From Senator Fenger's District ninety-seven 4th Graders, Belleaire School, Bellevue, Nebraska, Myrtle Bailey, Marge Mosier, Connie Franklin and Ray Nesbitt teachers, in the north balcony. Where are you located, please? Welcome to the Unicameral. And from Senator Beyer's District four Sophomores from Papillion High School, Corey Swanson, Laurie Thompson, Kathy Gothier and Michelle Buchard, all from Papillion, and they are a part of the American Political Behavior Class. Are you still up there? Okay. The record will indicate they were here. Record.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the Wesely-Schmit amendment.

Mr. President, if I may before we proceed to the next amendments, Senator Dworak would like to offer explanation of votes. I have study resolutions from Senator Vickers, LR 117. The purpose of this study is to examine irrigation development in the Sandhills region of Nebraska. (See page 1824 of the Legislative Journal.) LR 118, by Senator Hoagland. The purpose of the resolution is to study the adequacy of existing laws in Nebraska regulating the sale and possession on handguns. (See page 1825 of the Legislative Journal.) That will be...both referred to the Executive Board, Mr. President.

Mr. President, budget bills are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LB 160, 161, 163, 232, 557, 558, 559, 560, 561 and 562.

CLERK: Mr. President, the next amendment I have to LB 389 is offered by Senator Maresh. (Read the Maresh amendment

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LB 412, 160, 161, 163, 232,
557, 558, 559, 560, 562

are related and as the interest rate goes up, unless you are going to drive up the price of land even higher, the interest rate goes up then the period of time which is set necessarily must be reduced. For that reason I move the three year provision.

SENATOR CLARK: Being that I was told to close at four o'clock, it is now eight minutes after four, we still have to read the Governor's message, we are going to break off right here and read the Governor's message. Then we will adjourn for the day.

CLERK: Mr. President, I have a series of things. The first obviously is the Message from the Governor addressed to Dear Mr. President and Senators: (Read letter as it appears on pages 2006-2008 of the Legislative Journal).

Mr. President, in conjunction with that I have a letter addressed to the Clerk, from the Governor, Engrossed Legislative Bills 160, 161, 163, 232, 557, 558, 559, 560 and 562 were received in my office on May 7th. These bills were signed by me on May 13th and delivered to the Secretary of State. Sincerely, (signed) Charles Thone, Governor.

Mr. President, Senator Wagner would like to print amendments to LB 302 in the Legislative Journal.

Your Enrolling Clerk has presented for the Governor his approval of bills that were read on Final Reading today, Mr. President.

SENATOR CLARK: Senator Remmers, would you like to adjourn us until 9:00 a.m., tomorrow morning.

SENATOR REMMERS: Mr. Speaker, I move we adjourn until 9:00 a.m. Thursday morning.

SENATOR CLARK: You heard the motion. All in favor say aye, opposed, we are adjourned until 9:00 a.m., tomorrow morning.

Edited by L. M. Benischek
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