

January 6, 1982

LB 435, 656-664

RECESS

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Record your presence. Does anyone else wish to be recorded? Okay, record the vote, Mr. Clerk.

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

SPEAKER MARVEL: The Clerk has some items to read in before we continue.

CLERK: Mr. President, first of all, a reminder that there will be a chairmen's meeting tomorrow morning in Room 2102 at eight-thirty in the morning.

Mr. President, the Government Committee would like to meet in executive session underneath the North balcony upon adjournment today. That is the Government Committee.

Mr. President, I have a communication from the Speaker indicating that a priority designation for LB 435 has been withdrawn and, Mr. President, I have new bills.

Mr. President, new bills. LB 656 offered by Senator Labeledz. (Read by title for the first time, LBs 656-664. See pages 111-113 of the Legislative Journal.)

SPEAKER MARVEL: Okay, we're ready to take up item #7.

CLERK: Mr. President, the proposed rule amendment #7 has to do with cloture. (See page 113 of the Legislative Journal.)

SENATOR WESELY: Mr. Speaker, members of the Legislature, the proposed rule change concerning cloture came from committee after being introduced by Senator Beutler. It deals with the problem of extended debate, basically a filibuster situation where those who can propose amendments, callous amendments or motions or what have you that would preclude the chance for a decision on a motion or a bill. The problem is, how do we deal with that problem? So what we came up with was a cloture rule that said five hours of debate on any stage of consideration, General File, Select File or Final Reading, you get five hours. After that amount of debate if someone makes a motion to cease debate, can vote on the motion at hand and the issue at hand, it is in order to stop all the amendments and all the other motions and go to the question at hand and vote on it. It is an attempt to try and allow extended debate. Five hours on each stage is a long time to debate any issue

January 28, 1982

LB 410, 428, 448, 657
LB 417, 192, 314,

dangerous and I think that we have a responsibility to ensure that that doesn't continue to happen. I urge you to advance LB 417. I don't think that it is a major problem if you are going to move a combine a great distance to drop the platform, put it on a trailer and not endanger the public. I urge you to advance the bill.

SENATOR CLARK: The question before the House is the advancement of the bill. All those in favor say aye, opposed nay. The bill is advanced. LB 421. The Clerk would like to read in.

CLERK: Mr. President, I have a series of items to read in. Senator Higgins would like to print amendments to LB 314; Senator Vard Johnson to print amendments to LB 428; Senator Vard Johnson to LB 410; Senator Vickers to LB 192; Senator Warner to LB 192 and Senator Warner to LB 448. (See pages 456-462 of the Legislative Journal.)

Mr. President, I have a reference report referring gubernatorial appointments. (See page 463 of the Legislative Journal.)

I have a notice of hearing from the Education Committee and Senator Nichol moves that LB 657 be placed on General File notwithstanding the action of the committee. That will be laid over, Mr. President. (See page 463 of the Journal.)

January 29, 1982

LR 210
LB 239, 212, 585, 657, 662,
669, 729, 758, 448

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

SENATOR CLARK: Senator Kilgarin, do you wish to move the bill?

SENATOR KILGARIN: I move we advance LB 239.

SENATOR CLARK: The motion is to advance 239. All those in favor say aye, opposed. The bill is advanced. LB 410. We want to pass over that bill.

CLERK: Mr. President, if I may, right before we get to that, Senator Johnson would like to print amendments to LB 212 in the Legislative Journal.

I have a new resolution, Mr. President, LR 210. (Read. See page 482, Legislative Journal.) That will be laid over, Mr. President.

Mr. President, your committee on Government, Military and Veterans Affairs whose Chairman is Senator Kahle reports LB 585 indefinitely postpone; LB 662 advanced to General File; LB 729 advanced to General File, all signed by Senator Kahle, as Chairman.

Mr. Chairman, your committee on Appropriations whose Chairman is Senator Warner to whom we referred LB 657 instructs me to report the same back to the Legislature with the recommendation it be indefinitely postponed; 669 indefinitely postponed; and 758 indefinitely postponed, all signed by Senator Warner as Chairman.

SENATOR CLARK: LB 278. We will pass over 278. It has a Goodrich-Beutler amendment on it and they are both excused. We will go to 126. That has Beutler amendments on it. Go to 448.

CLERK: Mr. President, LB 448, there are E & R amendments pending.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 448.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The E & R amendments are adopted. Next amendment please.

CLERK: Mr. President, the next amendment is offered by Senator Warner. It is found on page 462 of the Journal.

CLERK: Mr. President, Senator Nichol moves that LB 657 be placed on General File notwithstanding the action of the committee. The motion is found on page 463 of the Journal.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. President, members of the Legislature, I will try not to be emotional. This is not an emotional situation. I probably will be accused of not appreciating the arts, of not understanding what it is all about, and as far as the arts are concerned I believe I understand as much about them with the exception perhaps of modern art. I must admit that I do not understand it, I do not criticize those who do understand it, and for those who place it in places where the public is, I have no criticism of it just because I don't understand it. But as far as works of art, I do like them. It is not my intent to withdraw money on those projects that are in existence. It is not my objection to make people hold to the one percent if they want to or if they don't want to. It is not my intent to dictate as the present law dictates what you must do, and I think perhaps there is some misunderstanding about what artwork is in the way of buildings. First of all, let me say that those who appeared against the bill were for the most part those who had an ax to grind. They either were artists themselves or were afraid that artwork would not be accepted by the public. I think that it is accepted by the public. I think we want it. In looking at just this room itself, we see the works of art in almost any direction you look and I am for it. I like it. I like our public buildings to look well. I am a hundred percent for artwork. I like the various colors of stone, rock, the decor, the brass, I love it all, and I like all of the things about our public buildings that look good. It is not my intention to detract from these buildings or to make them less beautiful than they are. I hope they are more beautiful in the future. Secondly, I have nothing against the Nebraska Arts Council. I think they know what they are doing. I think they are intelligent people. I think they can contribute greatly to the works of art in the buildings that we have under construction and will be constructing in the future. Thirdly, there is a misunderstanding among those who plan buildings as to what artwork is. It is my understanding, when we passed this bill in the first place, that works of art could include such as these columns that you see that are beautiful, such as the artwork over the archwork in the front of this building, the brass, many things, the light fixtures. All of this can be decided are works of art but what has happened? People who construct

buildings including the fiscal staff that worked on this particular bill have a misunderstanding about what artwork is. If you considered all of the artwork in this building including the beautiful stone, terrazzo, columns, and everything, you may have up to fifty percent of the cost of this building that could be determined as artwork. For example, the Kearney State College, the fiscal note says that they have applied \$38,000 for artwork and that it could reduce the budget \$50,880. It is not my intention to reduce that any amount at all. If that is what it takes, that is fine with me. My only contention is I don't want to say to people you have to spend a certain amount for anything. The architects are a hundred percent against this bill. Why? Because they get their percentage of every bit of artwork that we spend money for. If we are going to have a one percent, let's let the Arts Council decide what the works of art are, perfectly all right. Of course the architects don't want this bill. They lose out on whatever their percentage is, seven percent, eight percent, I don't know, ten percent, five percent, whatever they charge. So it is very understandable that they would be opposed to this bill. Now what do you want to spend your artwork for? The original bill said that all boards, agencies, commissions, or departments of state government shall do this. This bill simply says you may do it anyway, you can spend any amount you want to, anything you want you may without the old bill. With the new bill you can still do anything you want. I am not trying to cut down. I am just saying that in buildings, such as, perhaps you may want to go to your constituents and say, "Yes, I am for spending \$140,000 for artwork in the new prison up in Omaha". Now that might be good. I don't know. Maybe prisoners enjoy artwork. If it can be constructed so they can't get to it and deface it, I may be for it myself. I just simply think it makes good sense to say to those planning buildings, spend whatever you want for artwork but don't say you must spend it for artwork. I approve of artwork. Again I must reiterate I am not trying to thwart the artists. I know they are having a tough time. I want them to sell all of the products they can. My wife and I personally have bought more than our share and I even have a couple of works of art of Senator Chambers, and some of you may not even know that he does artwork and he does a beautiful job. But my whole stance here is not against art. It is simply that we have mandated that you must spend money for a certain thing. It would make just as much sense to say you must spend fifteen percent for architects fees, you must spend this for that, you must spend so much for the plumbing. It makes just as much sense. I simply think that by adopting 657 you would relieve the pressure on art and I don't think that

the people in this state will do away with art, and in fact, I hope not and I hope they support it greatly in the future. Thank you.

SPEAKER MARVEL: Senator Dworak.

SENATOR DWORAK: Mr. President and colleagues, I guess I would have the same hopes Senator Nichol has. The only thing, I am willing to go a little stronger than just hope. I guess I am willing to take my position of responsibility in this body to be just a little much more assured that we will be conscious of the aesthetic value of buildings other than just hoping we will. I think it is good policy for this Legislature to try and enhance the worth of a public building by stating in statute that we shall be conscious of the value art has to that building and I think Senator Nichol probably gave probably the best arguments and strongest arguments that I could give in behalf of this bill when he brought out some of the features in this building, as the example of the pillars. We have got to have pillars in this building to hold up the balcony. No question. A structural necessity. Now these pillars could just as well be metal and steel as the marble that we see in this building today and probably serve better as marble than metal and steel but because of the consciousness of the architect of the aesthetic value we have this beautiful marble. Now it is really kind of a common sense type of bill or law that we have right now. You know a wall has to have some kind of decoration on it. It probably didn't cost any more to put a mural on it than just flat paint. The only thing this bill does, this law does is to instruct the architect to be aware that a certain amount of the value of that building needs to be aesthetically pleasing. Now I think if this bill passes, it is going to put the state back in the Dark Ages as far as awareness of the arts. You know this building again is a classic example that there is intrinsic worth and value in being aware of something that is pleasing to us. I thought one of the best testimonies, and if you look at your bill book, was by Herb Hopkins. He is not an artist. He is a business person. He works for Bankers Life, Nebraska. He has nothing to do with the arts. He doesn't paint. He doesn't do sculpture. He is just a business person and he gave very convincing arguments whereby having a pleasant surrounding to work in they actually increase the productivity of their employees. This is hard to measure but there is real dollar and cents value there, dollar and cents value that inures to the benefit of the corporation. I think the same principle can apply to state employees, to public employees. Now why not do everything we can to enhance

their productivity. We gain from that, only the taxpayer. We certainly aren't doing it in salaries. We certainly aren't doing it in fringe benefits. So we can use every possibility we can at probably no extra expense to enhance that productivity. I was also impressed by the testimony of the architects.

SPEAKER MARVEL: You have thirty seconds.

SENATOR DWORAK: Granted, Senator Nichol says they can do it anyway, but when they are sometimes pressed under a competitive bid situation, it is very easy for them to overlook the possibility and advantages, long term advantages, intangible advantages, that artwork would have. So I think all this does is merely make people aware. I think it is a good law on the statutes and a good law on the books as it is written right now. It has worked and it has created no great problem.

SPEAKER MARVEL: Your time is up.

SENATOR DWORAK: I think it would be a mistake at this time to go backward.

SPEAKER MARVEL: Senator Marsh.

SENATOR MARSH: Thank you, Mr. Speaker.

SPEAKER MARVEL: Before we go on, may I indicate that two, four, six, eight, ten, twelve, there are thirteen lights on. The Chair recognizes Senator Marsh.

SENATOR MARSH: Mr. Speaker and members of the Legislature, the current legislation was an important step when it was adopted. It is a reasonable piece of legislation. It currently exempts a number of construction projects. Included in this list would be garages, repair shops, warehouses and other buildings of a similar nature. The law only relates to public buildings or those used by or open to the public as guests or business invitees. This does not apply to small projects. It only applies if the new construction is over a half a million dollars or if the renovations are over a quarter of a million dollars and I would like to have you be aware that the one percent only applies to the project in excess of the above dollars. For example, let's assume it is a major remodeling project, a renovation cost of two and a half million dollars. You would exempt immediately the first \$250,000. You would remove the dollars used for site work, remove the dollars used for planning so that you actually are not spending one percent for artwork but only point eight five percent,

less than one percent. On new construction you exempt \$500,000 so that you would only be spending point seven eight five percent. What if our predecessors had chosen not to have dollars available for art for the building in which we serve? Fifteen percent of this structure was reserved for the enrichment of this building by art. We are asking only for a very minimum continuation figure, and as I explained that truly is less than one percent since there are many exemptions in the current legislation. Please don't step backwards in time. An agency has the option of having it be more than one percent but one percent is a very bare minimum. Let's leave that on the books. They still have the flexibility to have more if they choose but let's not have less for the future generations in Nebraska. We have a legacy. It is our responsibility to see that that legacy continues for we will not always be the person serving in this body. Someday our children's children will be the ones who are in this body. Let's have good legislation remain. We have other important issues to cover this year.

SPEAKER MARVEL: The Chair recognizes Senator Wesely.

SENATOR WESELY: Mr. Speaker, members of the Legislature, I would like to tell you a story that I think illustrates why we should oppose this effort to bring this bill up on the floor. No, this is a different story, Senator Vickers. It is a story about General Grant back in the Civil War and General Grant was a hard drinking, whiskey drinking soldier who was asked at one time, "Well, do you like anything or are you ever interested in anything cultural?" And he said after thinking about it, "I like music." And they said, "You like music. Well, what kind of music do you like?" And he said, "Well, I like two songs." And they said, "Oh! What two songs do you like?" And he says, "Well, one is Yankee Doodle Dandy and the other one isn't." And that was his response. It was no concern whatsoever, no interest, just a sort of a scruffing off of the idea that art or music or anything had anything to play a role in his life. It seems to me that Nebraskans when we are asked the question, what do you like cultural? What do you believe about in art? How important a role does that play in your lives? I think the response has got to be something more than what General Grant responded with, sort of a shake of the head and a nonchalant brushing off of the whole idea that there is any justification or interest in it and I think that this bill which Senator Newell passed was a good bill at that time and it is still a good process to follow. I wasn't on the Appropriations Committee but I think that those of us who were not on that committee, didn't have the benefit of the testimony, can all agree

that art plays a role in all of our lives in Nebraska and that we should continue to have that role spelled out in the law in part of our public buildings as they are built across the state. So I ask you all to please oppose this motion and to support the development of art in our public buildings.

SPEAKER MARVEL: Senator Cullen, are you for or against this issue? I am trying to balance now.

SENATOR CULLAN: Mr. President, I thought we were called in the order that our lights appeared on the...?

SPEAKER MARVEL: That is true. That is true. Go ahead.

SENATOR CULLAN: Mr. President, members of the Legislature, briefly I would just say that to raise a point that has not been raised, and since there are so many lights on, I will speak very quickly, but I think we have to talk about the committee system. The committee that took the action to indefinitely postpone LB 657 did so after the benefit of public hearing on this issue and I think that we should respect the committee system and the hearing process as much as we can. Pulling a bill from a committee is a very serious thing to do. It says that we violently disagree with the judgment of those who are informed and understand the issue and who had the opportunity to listen to what the public said on that particular issue. So I think we should think long and carefully before we pull a bill from committee and we should only do that when it is a very serious bill that merits a great deal of discussion and one that we in fact intend to pass. We should not pull bills from committee for other purposes. Secondly I would like to say that one percent is not a significant amount to spend on artwork. I think sometimes the philosophy of this state if we had to replace this Capitol Building would be to contract with someone that sells steel buildings and we might put up a nice looking Quonset hut with a little brick around it and that is kind of the philosophy that we seem to take sometimes. But having a building that has some artwork, particularly a government building, tells people who come into the building something just like this building does. It tells them that it is an important place. It tells us that government is a serious function and I think it also says that government can be creative and that is an important statement and I think we ought to at least be willing to be creative to the extent of one percent of the kind of money that we spend on buildings.

February 4, 1982

LB 657

SPEAKER MARVEL: The Chair recognizes Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, I rise to support Senator Nichol. Maybe some people don't realize or maybe some people don't care that we have hundreds and hundreds of people who are unemployed. We have farmers that are going broke. We are in a depression. Finances are tight and the financial sheet will show that the state colleges will save \$103,000 and the University of Nebraska will save 576 plus for a total savings in just those two of \$679,236. Now I just can't believe that there are people who will vote to spend \$679,000 for art, mandate that we spend it at this time. Now when the economy improves and gets better, fine, but it has been said that it helps keep artists in the State of Nebraska if we do this. I thought about that and thought about that and I don't see how it can help keep any artists in Nebraska just because we are going to have this one percent because they don't have to buy Nebraska art. They can buy any art they want to and it won't take us back to the Dark Ages. That goes back a long time. Now we can still put this up in a couple of years but to mandate that this must be done at this time I think is wrong, absolutely wrong. Look and see how many members signed the bill and see what the committee did to that. So I would support Senator Nichol and let's support him, bring the bill up, and go from there. Thank you, Mr. President.

SPEAKER MARVEL: Senator Newell.

SENATOR NEWELL: Mr. President, I call the question.

SPEAKER MARVEL: The Chair is going to indicate that while there are several who still want to speak I think if we cut it off now you are premature.

SENATOR NEWELL: I withdraw the motion to call the question and I will be glad to speak on this issue.

SPEAKER MARVEL: Okay, the Chair recognizes Senator Newell.

SENATOR NEWELL: Mr. President, members of the body, I think we need to talk to the issue here as clearly and as succinctly as we possibly can. I want to say that at the time that Bill Barrett was delivering his remarks about the shortness of the session, the importance of getting to more important bills, et cetera, et cetera, I didn't quite agree with him at that moment earlier today but I want to say that I am a convert to his way of thinking. There are many more things to do than fight

over this issue and to bring this bill out of the committee and discuss it on the floor for the many hours that it will, in fact, take to do that because there is, in fact, a great interest in this bill as the Speaker can tell you from the number of lights that are on. I would like to deal with a couple of issues, however, that have been misspoke or misunderstood. Senator Nichol, as we privately discussed, the penitentiary in Omaha would not be considered a public building. It wasn't the first time you raised that three years ago. It is not now. It would not require one percent for the arts. These are buildings that are opened up to the public, as Senator Marsh so eloquently said. One percent is not a great amount of money and the one percent is only for one simple purpose, that is, to have the architect and the designers and the planners of such a building to consider and assess and evaluate what things might qualify. If you plan, if you plan and develop a building with this in mind, you don't spend the money on paintings. You spend the money on things like this Legislature or the people of the state spent in the 1920s when they built this building. The marble pillars would qualify. The woodwork that we have here in this Chamber would qualify. The very ornate architecture that is developed for the Speaker and for the head of this Chamber would qualify. All these factors would qualify if you plan for one percent for the arts, a very minor point. Now let me say this, that we have also interpreted the law as a \$500,000 deduction. Now we are not talking about a massive amount of money and we are not talking about small buildings. We are talking about some planning, some consideration from the beginning for the artistic interests of the people of the State of Nebraska for generations to come. We could not duplicate the cost that went into this building, and by the way, as Senator Marsh said, fifteen percent of this building was committed to artistic endeavors, fifteen percent, not one percent but fifteen percent. Again, it is only for those buildings that the public would have access to, that the public will use in daily business. For that reason I urge this body to reject Senator Nichol's motion. It is not good public policy. It is wrong and it will take too much of this Legislature's valuable time on an issue that will be surely hotly debated.

SPEAKER MARVEL: The Chair recognizes Senator Warner.

SENATOR WARNER: Briefly, Mr. President, I would rise to oppose the raising the bill as well. Most of the points have been made. I only want to reemphasize the point that there is going to be a savings is probably not likely to really occur. The half a million dollars that the University

would save according to their estimate represents \$57 million of construction. Now as I look in the budget proposed by the Governor, I see almost zero amount so one percent times that, when you take the exempted buildings, there is really no savings. But aside from that, I certainly concur with those who have so adequately stated that we are not talking about hanging pictures or any of those kinds of things for art. It is how the building is designed and there is very few instances in which people have a pleasing look at a structure that it doesn't do something more for you than just give you a pleasure. It also builds your morale. It has all been pointed out. I would hope that this bill would not be raised and that the Legislature would stay by its original judgment when it was enacted only two or three years ago.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Schmit. Before Senator Schmit gets on I would like to announce we have ten eighth to twelfth grade students from Sidney, Nebraska, the great metropolis from the West. They have two teachers with them. One of them is Dick Osterday, who happens to be the Mayor of Sidney, Nebraska, and Paul Sheaman and they are all great friends of mine. Would you help us welcome these people to the Legislature. No disparaging remarks please. Senator Schmit.

SENATOR SCHMIT: Senator Clark, members of the Legislature, after having reviewed a number of the appropriation bills that have been introduced by that committee this year relative to the search and almost seizure of funds, in some instances, for new revenue, I guess I am somewhat concerned, I guess I am pleased to have Senator Warner stand up and defend this bill. I want to call your attention to the fact that we are now within the walls of one of the most beautiful buildings in the world, constructed during a time, at least, of great depression with some of the most beautiful artwork I think that we could ever ask for by persons perhaps far less sophisticated and educated than those of us who are here today and yet this structure was completed and completed in a very pleasing manner to all of us, one of which we are very proud. Time after time on this floor we have debated and I have remarked, I believe, that if the mood would prevail that I am always amazed we don't build a tin shed for the state office building of some kind in order to save money. So I like to see structures built and built to last and built to be pleasing but I don't think it is necessary, I think it must be considered an insult to the architects and to the designers and to the artists to have to place in the statute the requirement that

a certain percentage of the funds be used for that purpose. Certainly it was not necessary in the construction of this building. It is like telling the architect to be sure to dig the footings deep enough so the building doesn't fall over. I don't think they need to be told that. I think they can do that. It is like saying we ought to put a roof on there that lasts as long as the building will last. I think the architect is capable of doing those things without a Legislature, none of whom are architects, few of whom are engineers with a couple of exceptions, telling them exactly what you have to do. I don't think it is necessary. I would like to see the bill raised and certainly I do not think it would be at all restrictive toward the construction of new capital buildings.

SENATOR CLARK: Senator Wiitala.

SENATOR WIITALA: Mr. Speaker, members of the Legislature, the first thing I would like to recognize is Senator Nichol's right to raise this issue of bringing this bill back from the committee to this floor. However, I disagree with it but I feel that any person that would like to take an issue that died in committee and bring it before this body for their consideration has that right. It is a time-honored principle. It doesn't necessarily reflect upon the judgment of that committee although that may be due, and if that was the case, that issue probably would have been raised on the floor. But speaking to the issue of the one percent for the arts, people refer to the State Capitol Building as a testament to what Nebraska's heritage is in reference to the arts. I would like to have you just at this moment make a rough calculus of the cost of the art that was incorporated into this building and I will assure you that the one percent that we are asking to be given to the arts when it comes to the construction of public buildings would pale before that percentage. I think we need to be reminded that it is very difficult to incorporate artistic, aesthetic qualities into public buildings. Need I remind you, you can go to societies that are public centered when it comes to conducting their affairs, socialistic if you mind, take a look at the public buildings that are in the communist bloc countries and you will understand what has happened to the arts. On the other hand, take a look at what private enterprise has done in the arts. When it comes to artistic architectural works receiving recognition, receiving awards, most of them probably lie in the private sector and for good reason, because the leaders in our economic community recognize the necessity of art. But how difficult it is for someone who is a custodian of a public building to raise the issue of doing something

aesthetically for that building after it is built. That is exactly why the one percent is there up front and I ask you members, is the issue really the economic stress that we are facing? That issue wasn't there during the last great depression when this building was built for and paid for at a time when our nation was facing its worst economic moment. When we are building our public buildings and we find that we are running out of funds, the real issue is not enough funds may have been appropriated to construct the building especially considering the rising costs due to inflation. And so it is very easy to turn to that one percent allocated to the arts when the real issue should be maybe getting another appropriation. I think the real question before this body should be not dispensing with the one percent but asking ourselves seriously, is one percent enough? Thank you, members.

SENATOR CLARK: Senator Fowler.

SENATOR FOWLER: Mr. President, several people have commented on both sides that it seems that the last great involvement of public art and public construction was in the last great depression. There have been many programs on television and many articles recently in magazines about the 100th anniversary of Franklin Roosevelt and obviously out of that came a good discussion of the New Deal and one of the things that was stressed was that some of the most important American art was developed in public buildings, including rural post offices, including parks, including facilities around Lincoln, you can see a great deal of public art that was built during the depression. And then public art disappears, and I think it is because of that that I question the statement that we would spend without this bill money on art. Senator Schmit said that he sometimes thinks we would have built a tin shed for a State Office Building. We really built a concrete block house, it was a little more expensive maybe than a tin shed, but you go down there and you walk through that building, recently built, public building, and was there any allocation of that money for art? Was there any aesthetic consideration with that building? The contrast between the State Capitol Building and the State Office Building is amazing in terms of any sort of aesthetic considerations. Now recently there have been efforts to try and put a couple of photographs in borrowing from the Historical Society but nothing has been built into that building, and if you look at all the buildings that have been built since the depression, you would not find that this Legislature once cared about putting money in for art. It was only until this bill was passed and some money allocated that we started seeing a revival of the concern during the

last depression for some public mural, some sort of aesthetic considerations. Only then was there any money set aside and then members of the Board of Regents got upset about the spending of money. They are not asking for this bill so they could put more into art, certainly not. The motivation behind those who have objected to this is to reduce once again down to zero the percentage for art. Now whatever protestations certain legislators are saying that repeal this bill doesn't mean money won't be spent for art, if we look at the history of this state in construction, that it is only until the one percent of the art bill was passed that we got back to the concept that existed during the depression that there should be a place in public buildings for some aesthetic considerations. Now I think it is in fact the hidden agenda of those that have asked that this bill be introduced to eliminate this sort of allocation. The bill has only been on the books a couple of years. Only now a couple of buildings, a certain amount of money has been set aside, some artworks have been selected, they haven't even been viewed by the public, and we are going to extinguish this flame already. I think that we really ought to look at our heritage, look back to the 1930s and see what sort of things were built in our society, things that you can go through the parks and to the post office and you can see the spirit of the people at that time. There is no expression of the spirit of the people of Nebraska in the 1940s in public buildings. There is no expression of the spirit of the people in Nebraska of the 50s or the 60s or the 70s because this Legislature, because those in charge of public money decided to extinguish that flame and to stop that expression. For the 1980s perhaps we should take one percent of the construction cost of some of the buildings, as this bill prescribes, the public buildings, and express the spirit of this state for the 1980s. We lost thirty years of heritage...

SENATOR CLARK: You have one minute left.

SENATOR FOWLER: ...and I think it was a major mistake. This Legislature, I do not think, will allocate any money for art unless it is written into the statutes. I would oppose raising the bill.

SENATOR CLARK: I would like to announce 75 fifth and sixth graders from Prescott Elementary School. Their Senators are Senator Fowler, Senator Beutler, Senator Marsh. Susan Petsch is one of the teachers with them, Catherine Rauch and Karen Stanley. Will you stand and be recognized please? Thank you for coming to the Legislature. We appreciate having you here. The next speaker

is Senator Cope.

SENATOR COPE: Mr. President, do you consider we have had enough debate? If so, I will call for the question.

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

CLERK: Senator Clark voting aye,

SENATOR CLARK: Record the vote.

CLERK: 27 ayes, 4 nays to cease debate, Mr. President.

SENATOR CLARK: Debate has ceased. Senator Nichol, do you wish to close?

SENATOR NICHOL: Mr. Chairman, members of the Legislature, Senator Marsh, this is the first time in eight years that I have asked to raise a bill from committee. Now if that is too often, I apologize for you and I recommend that we consider your bills if they are more important than this one. So let me apologize to you first, if this is offensive to you. Secondly, I find no objection to having two speakers speak for it and seven speak against it. That is fine with me. If I don't have the votes, that is fine. Yesterday when my head was bloody, I certainly did not come whimpering back to you and say let's reconsider so I will take my lumps with anyone else on this floor. Now what we are really saying is here that those who are planning our buildings don't understand Senator Newell's bills. Why don't they understand? Certainly the Board of Regents would be about as intellectual as any board I can think of. I have no objection to the way of their thinking, either individually or collectively, but what happened on the last building? They got nearly to the end, they think, oh, my gosh, we have got to have some artwork in this building. Did they ever think of the intrinsic or the aesthetic value of things gone into that building? No, didn't even enter their minds I suppose. This is the confusing part of Senator Newell's bill a couple of years ago. Senator Fowler suggested that it hasn't been since the depression and since Senator Newell's bill that we have had beautiful things in buildings. I can't think of a statement that is further from the truth. To me I think the SOB building is pretty. I don't know what you think. Maybe you think it looks like a tin shed. To me it isn't but I don't think we should be comparing the SOB to this building. This is our Capitol Building. It should be a

thing of beauty and it was certainly built a long time before Senator Newell's bill of a couple of years when they said you had to put one percent in. I don't know what the percentage would be in this building but it certainly would be far in excess of one percent. Ladies and gentlemen, the people in Nebraska who plan buildings are not dumbbells, they are not stupid. They enjoy artwork as much as the rest of us. Let's turn them loose. If they want to spend one percent, fine. If they want to spend ten percent, fine. But let's not say to them you have got to spend so much money just because it is artwork. They will spend an appropriate amount on an appropriate building. In my opinion and I think you think so, too, this is a funny bill. Where else in this Legislature do we say for a specific occupation we must spend so much with them because they are who they are, because they are having a bad time, maybe. Well, if that is what you want, okay. But I think that we should turn the people loose who are planning our buildings, let them put the amount of money they want into intrinsic values, pictures, paintings, whatever they want, but let's not say you must spend our money for a certain thing. I suggest that you do vote to bring 657 out of committee. Thank you.

SENATOR CLARK: The question before the Legislature is to place 657 on General File notwithstanding the action of the committee. All those in favor vote aye, opposed vote nay. Voting aye, Mr. Clerk.

CLERK: Senator Clark voting yes.

SENATOR CLARK: This requires 30 votes. Senator Nichol, for what purpose do you rise?

SENATOR NICHOL: Well, I wasn't really rising yet.

SENATOR CLARK: Have you all voted? There is two excused. Have you all voted? Record the vote. Senator Nichol.

SENATOR NICHOL: Let's have 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 will vote aye, opposed vote nay. Record the vote.

CLERK: 19 ayes, 0 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. All Senators will return to their seats and everyone will check in please.

February 4, 1982

All Senators that are in their seats, please check in. Will you all check in or shall I call out the names? Senator Sieck, Senator Kremer. All right, they are all here. Do you want a roll call vote? The Clerk will call the roll. They are all here.

CLERK: (Roll call vote taken. See page 545, Legislative Journal.) 27 ayes, 20 nays, Mr. President.

SENATOR CLARK: The motion lost. The next motion is to place #758 on General File notwithstanding the action of the committee. Senator Fowler. The Clerk would like to read in and the Call is raised.

CLERK: Mr. President, your committee on Revenue whose Chairman is Senator Carsten instructs me to report LB 819 advanced to General File with the committee amendments attached. That is signed by Senator Carsten as Chair. (See page 546 of the Journal).

Mr. President, Banking, Commerce and Insurance gives notice of cancellation of hearing. Signed by Senator DeCamp.

Mr. President, Senator Wesely would like to withdraw LB 237. That will be laid over.

Senator Vickers would like to print amendments to LB 230 in the Legislative Journal. (See pages 546 and 547 of the Journal). Senator Kahle to print amendments to LB 703 in the Legislative Journal. (See pages 547 and 548 of the Journal). Senator Schmit to print amendments to LB 421 in the Journal. (See page 549 of the Journal).

Mr. President, new A bill, 590A by Senator Kilgarin. (Read title).

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 255A and recommend that same be placed on Select File; 440 Select File with amendments; 314 Select File with amendments; 131 Select File with amendments; 287 Select File with amendments; 649 Select File; 571 Select File; 598 Select File and 646 Select File. Those are all signed by Senator Kilgarin as Chair. (See pages 549 through 552 of the Legislative Journal).

Mr. President, Senator Fowler moves that LB 758 be placed on General File notwithstanding the actions of the Appropriations Committee.