

November 4, 1981

LR 3, 4
LB 8

SENATOR CLARK: The question before the House is the adoption or the rejection of the Wesely-Beutler-Landis amendment. All those in favor vote aye, all those opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted on the Beutler-Wesely-Landis amendment? Record the vote.

CLERK: 5 ayes, 41 nays, Mr. President, on adoption of the amendment.

SENATOR CLARK: Motion lost. An amendment on the desk. He wants to read a couple of things in first.

CLERK: Mr. President, I have a Miscellaneous Subjects report regarding confirmation hearings on gubernatorial appointments.

Mr. President, I have two new resolutions, LR 3 offered by Senator Vickers. (Read. See pages 71 and 72, Legislative Journal.) Pursuant to our rules, Mr. President, that will be laid over. LR 4 offered by Senator Koch. (Read. See page 72, Legislative Journal.) Again, Mr. President, that will be laid over as well.

Mr. President, the next amendment I have on LB 8 is offered by Senator Vickers.

SENATOR CLARK: Senator Vickers. Has that amendment been passed out?

SENATOR VICKERS: Mr. President, and members, the amendment that I offer to LB 8 I would hope that it might be treated with a little more kindness than the two previous amendments. I am not sure that I should even have the nerve to stand up here and offer another one but be assured the amendment that you should have a copy of on your desk does not change the dollar figure in any way, shape or form. It simply indicates that if an agency or a commission or a board or a department because of the reductions, because of the reductions that we are going to impose on them, find it necessary to reduce salaries of any of their employees that that reduction should be across the board. It should be to all of the employees and I will be very honest about it. I think one of the main reasons I put this amendment up for your consideration is because of the fact that I think probably and for all practical purposes what will happen if there are salary reductions and this amendment isn't

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SENATOR NICHOL: Mr. President, while we are waiting for a moment, I am having passed out the Attorney General's opinion.

PRESIDENT: Yes, for the purpose of the record you may explain what this is.

SENATOR NICHOL: Okay, I think it is quite explanatory and those of you who are of a legal mind, if you have any comments, fine. I think what it says in essence is that the Governor can veto the entire bill if he likes but not line item veto. Now if the attorneys disapprove or disagree, this is a chance to say something.

PRESIDENT: The Chair recognizes Senator Newell.

SENATOR NEWELL: A point of order, was Senator Nichol....

PRESIDENT: Yes, Senator Newell, go ahead.

SENATOR NEWELL: Was Senator Nichol speaking to an issue on the floor? Was he being specific to the....

PRESIDENT: It was a matter of explanation as to the Attorney General's opinion that was being distributed and he felt it necessary to bring it to your attention.

SENATOR NEWELL: I was only trying to be so we would be more specific in speaking to the issue that was presented to us.

PRESIDENT: Yes. He was only trying to be helpful, Senator Newell.

SENATOR NEWELL: I hope that Senator Nichol did catch the drift of that point of order.

PRESIDENT: Okay, let's move along. Proceed with the next item on the agenda.

CLERK: Mr. President, LR 3 offered by Senator Vickers found on page 71 of the Journal. (Read LR 3.)

PRESIDENT: Senator Vickers, the Chair recognizes you.

SENATOR VICKERS: Mr. President, members of the Legislature, since I tend to agree with some people earlier that stated that we probably were adjourned but since I also agree that we need to stay here until we get certain Attorney General's opinions back so we can determine whether or not any action

needs to be taken, and since I also agree with the statement that Senator DeCamp made awhile ago that a legislative resolution has no effect or actual effect in law, we all recognize that legislative resolutions have about as much effect as writing somebody a letter. But since we are here killing time and we are debating resolutions at length, why I think we might as well continue to do so. Perhaps the Attorney General gets a letter in afterwhile and we can adjourn and go about our business for the evening. Nevertheless, the resolution I offer you is not offered in jest, it is offered in dead seriousness. It seems to me not being an economist I understand very little about the economy and the way that the economist look at things, but I do understand the way it affects me and the way it affects every individual businessman of this state and I recognize the fact that when we are in a position out there on the farm where we have to start tightening our belt, which we certainly are right now, it affects the boss first. The owner, the operator is the one that feels the pinch definitely first. He has a choice, of course, if he has any hired help, he can start laying them off perhaps. Later on he can think about reducing their salaries, but I assure you that that is a last resort because at that point in time he needs all the production out of his employees he can get. So he, in effect, has to feel the pinch and tighten his belt. It seems to me that the people of this state or we owe the people of this state no less than that. I want it understood that I don't think we are overpaid. I don't think too many people think that we are. I also want it understood that three percent of my salary or of our salary which is \$144 is not the type of pocket change that I carry around all of the time but I am willing to donate that back into the State Treasury as an example of fiscal conservativeness and I would assume that the constitutional officers would be perfectly willing to do that also recognizing again the effect of the legislative resolution is no more than that of a worded letter to somebody but I would urge this body's serious adoption and consideration of this very serious resolution that I bring before you.

PRESIDENT: The Chair recognizes Senator Newell.

SENATOR NEWELL: Mr. President, I have a question of the introducer.

PRESIDENT: Senator Vickers, would you respond please?

SENATOR VICKERS: Sure.

SENATOR NEWELL: Senator Vickers, I am not very good at math but I am concerned about the fiscal impact of this momentuous resolution and I am curious, if you put pen to pencil and analyzed just how much I would have to give back, I think that would affect mine and maybe some other legislators here decision on this great and momentuous issue. I don't know what I can afford but I would like to know more specifically how much I am being asked to contribute.

SENATOR VICKERS: \$144.00.

SENATOR NEWELL: Mr. President, members of the body, that is rather a weighty amount of money that we should be contributing and I just want to say that while it is hard to oppose this important resolution I feel that with my current salary and my current expenses and since we are not being reimbursed for this session that it might be just a little more than I can afford and so I would urge my colleagues to oppose Senator Vickers' proposal. I can appreciate very much his desire to do that. It is inconsistent that Senator Vickers spoke against...just the other day offered language in the proposal, the proposed LB 8, offered language to specifically insure that there would be across the board sorts of proposals if in fact there was a reduction in wages, and even though he argued and spoke against those kinds of reductions saying that we ought to limit or do away with specific positions in order to save the money instead of giving across the board cuts, his proposal, in fact, is contrary to the motion he presented before us before. I think that Senator Vickers should be suggesting one of two things or maybe both things, one, we do away with a specific position like the 38th Legislative District seat, and I think that would be appropriate, or I would suggest that Senator Vickers find that because he is merely suggesting that we contribute that there would be sort of an equitable fashion since some of us would give back the money and others would not. I see tremendous contradictions between what Senator Vickers offered before and what he is suggesting now, and with that in mind, I would urge my colleagues to oppose this. Senator Vickers ought to be more consistent, and if he wants to give back that \$4800, I think that would help do what we want to do in this regard. I think we ought to eliminate positions as opposed to ask for specific amounts. Senator Vickers, would you agree with that general recommendation?

SENATOR VICKERS: Well, since I am losing my disposition, that is probably a pretty good idea you have got there, Senator Newell, but I don't think I am being inconsistent.

PRESIDENT: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President, and members of the Legislature, I want to be kind of dead serious for a minute just to tell you why I am going to vote against this even though the idea sounds noble. I don't want to put myself in a position of promising a gift to voters which is, in effect, what we are doing. We are saying, "My goodness, we are just going to give money because we think it is noble and good or because we want to go along with the spirit of what we are doing in other things. We are going to take money from our legal legislative salary and others and we are saying we are going to give that to the general fund." I think that could clearly be construed or interpreted as a gift, and as you all probably know, the cases are pretty abundant that people that go out and campaign and promise gifts, return of salaries to the treasury as one of the reasons you should get voted for or elected for, end up being disqualified from office or going to jail. I am not going to vote on the issue at all, quite frankly. I just don't want to...but I do want you to know why and I think it is a legitimate reason and I think a couple of others in here maybe ought to think about that.

PRESIDENT: The Chair recognizes Senator Rumery.

SENATOR RUMERY: Mr. President, I would like to ask Senator Vickers a question or two. Senator Vickers, have you discussed this with other constitutional elected officers?

SENATOR VICKERS: No, I didn't.

SENATOR RUMERY: You have no agreements at all out of them?

SENATOR VICKERS: No, I am not sure that I would be classified as a follower or a leader in this issue.

SENATOR RUMERY: Thank you.

PRESIDENT: The Chair recognizes Senator Kahle.

SENATOR KAHLE: Mr. President and members, I was tempted to put a motion up there, an amendment, to exempt State Senators from that Vickers motion but I want to throw up a red flag. If we have to give part of our salary back, do we get part of our filing fee back? Thank you.

PRESIDENT: The Chair recognizes Senator Wagner.

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SENATOR WAGNER: I would call the question.

PRESIDENT: There isn't any need for it since you were the final one to speak. Senator Vickers, you may close without such a motion.

SENATOR VICKERS: Mr. President, I recognize when I have gone down to defeat so I would ask unanimous consent of the body to withdraw this resolution.

PRESIDENT: Did you say you wanted to withdraw that? It has not been amended so you may do so. Just unanimous consent, so we will withdraw it. Anything else?

CLERK: No, sir, not at this time.

PRESIDENT: Senator Haberman.

SENATOR HABERMAN: Point of order. We have got the Attorney General's opinion. I move we adjourn.

PRESIDENT: Did you say we have got the Attorney General's opinion?

SENATOR HABERMAN: Well, I got one. Didn't you get one?

PRESIDENT: Well, I did but it is the wrong one. Senator Warner is the one...where is Senator Warner.

SENATOR HABERMAN: Can we stand two of them in one day, Mr. President.

PRESIDENT: Yes, I think so. If you want to be in recess or just stand at ease. Here is Senator Warner now? Senator Hefner, for what purpose do you arise?

SENATOR HEFNER: Mr. President, I move that we recess until six o'clock. In the meantime I would like to suggest that we all go out to the horse races.

PRESIDENT: There is a motion. You had a motion, did you withdraw your motion or what, Senator Haberman? I would just suggest to the body we stand at ease until...Senator Warner said the opinion is on its way over.

SENATOR HABERMAN: Okay, I will withdraw it.

PRESIDENT: The Legislature will stand at ease for a few minutes until we find out where this opinion is and if we are going to get it today, because if we are not going to