

January 12, 1981

LB 104-113

RECESS

SPEAKER MARVEL: The Legislature is called to order. Will you please record your presence. Clerk, record the vote.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: The Clerk has some business on his desk. He will read whatever the correspondence is, or whatever the....

CLERK: Mr. President, Senator Von Minden would like to have his name added as co-introducer to LB 32 and 35.

SPEAKER MARVEL: Hearing no objection, so ordered.

CLERK: Mr. President, the Retirement Committee would like to announce that Senator Goodrich has been selected as Vice Chairman.

Mr. President, I have in my possession reports to the Legislature from the Little Blue Natural Resources District and the Lower Platte North NRD regarding payment of attorney fees. Those will be on file in my office. (See pages 119 and 120 of the Legislative Journal.)

Mr. President, new bills. LB 104 (Title read). LB 105 (Title read). LB 106 (Title read). LB 107 (Title read). LB 108 (Title read). LB 109 (Title read). LB 110 (Title read). LB 111 (Title read). LB 112 (Title read). LB 113 (Title read). (See pages 120 through 122 of the Legislative Journal.)

SPEAKER MARVEL: We will now proceed with the discussion on Rules and the Chair will recognize the Chairman of the Rules Committee, Senator Wesely.

SENATOR WESELY: Mr. Speaker, I move to suspend Rule 2, Section 2 of the temporary rules which we adopted this morning so as to proceed with the adoption of the permanent rules this afternoon.

SPEAKER MARVEL: Is there any discussion on the motion? Okay, the motion is the suspension of the Rules and we need 30 votes. All those in favor of the motion to suspend the Rules as per Senator Wesely's request vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 32 ayes, 0 nays on the suspension of Rule 2, Section 2, Mr. President, of the temporary rules.

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LB 23, 32, 87, 90, 99,
111, 128, 166, 175, 180,
215, 283, 347, 413, 437,
465, 483

Senator Hefner reports 483 to General File.

Your committee on Ag whose Chairman is Senator Schmit reports 283 be advanced to General File with amendments.

Your committee on Judiciary whose Chairman is Senator Nichol reports 413 to General File with amendments; 32 General File with amendments; 215 General File with amendments; 180 General File; 347 General File with amendments; 111 General File with amendment; 465 General File; 99 General File with amendments; 87 General File with amendments; 23 Indefinitely postponed; 90 Indefinitely postponed; 166 Indefinitely postponed; 175 Indefinitely postponed. (Signed) Senator Nichol, Chair.

Your committee on Urban Affairs whose Chairman is Senator Landis reports 437 to General File with amendments. (Signed) Senator Landis.

Mr. President, LB 128 was introduced by Senator Myron Rumery. (Read title.) The bill was read on January 13 and referred to Retirement for public hearing. It was advanced to General File. I have no amendments on the bill, Mr. President.

SPEAKER MARVEL: Senator Rumery, do you wish to explain the bill?

SENATOR RUMERY: Mr. President, members of the Legislature, if I could have your attention for a few minutes, I would appreciate it. We introduced this bill for these reasons, that should a member of the school employee's retirement system die before retirement, LB 128 would provide an option for the payment of benefits to the spouse of the member, if the spouse is the sole surviving beneficiary. Presently the law provides that if a teacher has twenty years service and is at least 55 years of age or thirty years of service regardless of age and dies before retirement, a monthly annuity for life would be paid the spouse if the spouse is the sole surviving beneficiary in an amount equal to the joint and survivor benefit that would have been paid if the deceased member had retired on the date of death. The joint and survivor benefit is a greatly reduced benefit. The amount of the reduction is determined by the age of the deceased member and the age of the spouse. There are times when the surviving spouse would prefer to have a lump sum benefit rather than a meager monthly payment for life. Often a surviving spouse of a deceased member needs funds for retraining or to enter another job market or to invest in a business that may have some opportunity. LB 128 would give a spouse who is the sole surviving beneficiary

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back asking that a ceiling be adjusted. Therefore I would ask that you advance LB 311 to E & R Initial. Thank you.

SPEAKER MARVEL: All those in favor of advancement of the bill to E & R Initial vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 37 ayes, 2 nays Mr. President on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried, the bill is advanced. Now before we proceed to the next item, as a guest of Senator Wesely it is my privilege to introduce Paul McIntosh of Lincoln, Nebraska, a student from Southeast Community College. He is under the south balcony. Would you. . . Mr. Clerk, are we ready for 111?

CLERK: Yes sir. Mr. President, LE 111 was introduced by Senator Chronister. Read title. The bill was read on January 12 of this year, referred to the Judiciary Committee for public hearing. The bill was advanced to General File. There are committee amendments pending by the Judiciary Committee, Mr. President.

SPEAKER MARVEL: Is Senator Nichol in the Chamber? Senator Nichol, we need the adoption of the committee amendments to LB 111.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, as I recall the amendment on this was simply making the terms of the Workmens Comp Court judges the same term as the other judges. I move for the adoption of the committee amendments.

SPEAKER MARVEL: The motion is the adoption of the committee amendments. Have you explained them?

SENATOR NICHOL: I could go into more detail, sir, if you would like. Would you like? The Judiciary Committee adopted two amendments to LB 111. The first set of amendments are essentially clarifying in nature and would change terminology in four places in the bill to make it clear that the salaries of the various judges in the state will be paid on a percentage ratio of the salary set for the supreme court judges and as the second amendment, simply changes the term of the office for Workmens Compensation Court judges so that they begin their terms on the same dates as all other judges in the state. I move for the adoption of the committee amendments.

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SENATOR MARVEL: Senator Haberman. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, whenever something poetic occurs I can't help but get it into the record so, I want to read a portion of the committee amendment which by the way, I will support. "Judges holding office on the effective date of this act shall continue in office until expiration of their respective terms of office and then thereafter for an additional term which shall expire on the first Thursday after the first Tuesday in January immediately following the first general election of which they are retained in office after the effective date of this act". I wonder if there is anybody who understands really what that is saying. But I had to get it into the record and I do support it, whatever it means.

SPEAKER MARVEL: The motion is the adoption of the committee amendments to 111. All those in favor of the motion vote aye, opposed vote no.

CLERK: 26 ayes, 0 nays on the adoption of the committee amendments, Mr. President.

SPEAKER MARVEL: Motion is carried, amendments are adopted. Senator Chronister, do you wish to explain the bill?

SENATOR CHRONISTER: Mr. President, or rather your honor, as I heard you addressed a short time ago, and members. The principle purpose of LB 111 is to provide a structured system of judicial salaries reflecting a proper relationship among the various courts. The bill would establish a simplified and uniform system of setting judicial salaries as percentages of the salaries set by the legislature for the chief justice and justices of the Nebraska Supreme Court. District and separate juvenile court justices would receive 92.5% of the Supreme Court salary. County judges, municipal judges and workmens compensation court judges would receive 85% of the supreme court salary. The change would not be immediate. This formula becomes effective in January, 1983. I would like to strongly emphasize that LB 111 is not a pay raise bill. The intent is to establish a rational formula of linking adjustments and judicial salaries to adjustments in the top salary on the scale. Simply setting the highest salary level will set all other levels at the same time. While the percentages are not the result of any scientific computation they do reflect in essence the relationship which has historical precedence and which presently exists among the various courts. The formula was arrived at after careful and

deliberate consideration by the judicial conference. This body is convened by the chief justice and its membership consists of the chief justice, two district court judges, two county court judges, two municipal court judges and one juvenile court judge. This bill would serve several important functions. As we all know the different judges associations now separately lobby the legislature for salary increases. This bill would put an end to the scrambling among judges competing for their share of the available funds. Salaries would be set in a more predictable and dignified fashion. For the most part the bill would retain the existing salary relationship among the various courts. Therefore judges as a group would be treated fairly and equally with each other in the future. The bill would also serve to eliminate adverse feelings among judges which are inherent in a system which causes them to compete with each other for legislative attention regarding their salaries. Additionally the formula would establish a scale which the judges themselves have agreed reflects the appropriate differences between the various courts. Except for county judges outside districts two, three and four, the proposed formula would fix the salary levels within a couple of points of their present percentage relationship with a supreme court salary. The proposed formula would equalize the salaries of county judges across the state. There seems to be little justification for paying county court judges in three urban districts more than the county court judges elsewhere throughout the state. In fact, outstate county court judges have more extensive jurisdiction. In Lancaster, Douglas and Sarpy Counties, separate juvenile courts hear the juvenile cases. Elsewhere this jurisdiction is handled by the county courts. In Lincoln and Omaha municipal courts hear municipal cases. Elsewhere this is jurisdiction handled by the county courts. Additionally, the chief justice is empowered to assign a county court judge to duties in another county when a need arises. Despite this when an outside court judge is assigned to duties in an urban county his salary is still less than the urban county court judges. Efforts have been made by the legislature in past years to develop a unified judicial system. This was accomplished in part by amending the state constitution in 1970 to place supervision and administration of all courts under the supreme court. Likewise, we have established qualifications for judges identical in all respects. The adoption of LB 111 would simply be one further step in the process of developing a unified strong judicial system. For those of you concerned the proposed system would reward all judges equally including those not as deserving as others, let me attract

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your attention to LB 475. That bill passed and I'm sure that you all remember yesterday morning, it passed Final Reading and will serve to handle the problem. LB 475 will implement the changes made in the commission on judicial qualifications by constitutional amendment number two adopted by the voters last November. Under the new sections if a complaint is filed against a judge, the commission will be empowered to discipline the judge with a number of sanctions. No longer will the commission be naturally hesitant to act because the only disciplinary measure available is removal from office. Of course the electorate as always can vote against retention when a judge's term expires. Passage of LB 111 would indicate to the judiciary and to those interested in becoming part of the judiciary that we consider the position of judge to be one of great importance and we wish to assure that their salaries will be set in a proper and dignified manner. No governmental body better understands the problems involved in setting adequate salaries as the legislature. As we continue to ask the people to aid us in being treated with fairness and dignity we should demonstrate that we are worthy of such respect. We can do so by exercising our constitutional prerogatives and treating the judiciary with fairness and dignity. The adoption of 111 will simplify the work of the legislature in setting judicial salaries and will strengthen the entire judicial system in Nebraska. I urge your favorable consideration of this bill.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I support this bill. I would like to just mention a couple of items. About three or four years ago Senator Stoney headed a committee that looked into the judges' salary and we hired a firm by the name of Hey, I believe it was, from Chicago and they looked into the situation and they proposed a situation somewhat similar to this. I don't recall that their percentages were exactly the same as this, perhaps a little closer together than this formula. You will notice in your bill that Judge...that Supreme Court Justice Krivosha discussed this with us somewhat. He has asked that we present this bill to you not as an auction whereby we jostle and juggle and attempt to change the percentages of various courts but to take it as a package. If you believe in it vote for it. If you don't vote against it rather than jockeying around with an auction to change these positions. I congratulate Senator Chronister in explaining the situation the way it is, but I urge you to either accept the bill or reject it but don't attempt to jockey the figures around or the percentages. Thank you.

SPEAKER MARVEL: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, shame on you Senator Chronister. Shame, shame! You said this was not an increase in salary bill. Not a pay raise bill Senator Chronister said. But it does in fact increase. It does in fact increase the county court judges some 20%. Now if that isn't a pay raise, I don't know what it is. I stand and say, let's oppose this bill. Show me another branch of government where the salaries are tied to one department. It is going to be easy for them to come in and say let's give the supreme court judges a raise. It is the highest court in the state. The people have the less contact with the state supreme court than with the county court or the district court. The citizens have very little contact, practically none, with the state supreme court. So, I would say that it has a higher rating than all of the rest of the courts so it is going to be easy to come in and say let's give those poor supreme court judges an increase. They took the job like we did. They didn't have to. So I'm not going to go off on that tangent. But let's say that there is one facet of the judges that don't do a good job. The district court or the juvenile court or the county courts or let's say there are some that are not doing their job. They are not moving fast enough, they are not spending the time. They get the increase automatically. Chief Justice Krivosha is doing a fine job. The supreme court is doing a fine job. But we are saying all of them are going to do such a fine job let's tie them. I don't believe that we should do that. I just don't think we should do that. Also, I don't think that we should increase any salaries 20% at this particular time when you know taxes are going up, costs are going up, everything is going up and we want to say to the citizens we are going to take one select group and increase their salaries to approximately 20%. I don't think this is correct. I would like to leave it the way it is. It has been working. Why fix something that isn't broke. I commend the Judiciary Committee for working on this and for coming out with this bill. I sat on the committee, I understand what they went through. But, I have to rise to support it.....not to support it, I have to rise to oppose the bill and particularly the part to get the 20% increase. Thank you Mr. President and your honor.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I was just sitting out this bill, listening to

Senator Chronister's explanation and I think that I detected the hand of an acquaintance of mine in the explanation. It was clear, if you followed it all. But it was not simple. Now he had me until he brought up LB 475. Because he should remember that some of us are very troubled about provisions of 475 which will continue to give salaries to these scoundrels, the ones that have been indicted, for Senator DeCamp's information, were actually indicted. To be frank I don't see a connection directly between these two bills. We know that there is not much likelihood that any stringent action will be taken against a misbehaving judge. The history of handling of judges in this country, in this state, and in other countries throughout the world show that judges are practically immune from disciplinary action of any significance. Now, Senator Chronister's explanation reminds me of an example that I think that I have mentioned on the floor, and every lawyer has heard it, probably every lay person, where a defense attorney asked one question to many of a person on the witness stand. He was questioning this individual and his own client was accused of having bitten the person's ear off. So he asked the witness, "Did you see him bite the ear off?" The guy said, "No". The lawyer said "Well how then can you say he bit his ear off?" The witness said, "I saw him spit it out." What Senator Chronister did was went one step further than was really necessary because it provoked discussion of other matters related to the judiciary. I don't think that every level of judge is equal to every other one. I don't think that there is ever necessarily a correlation between the different levels. I don't think that there is a correlation in terms of the amount of work that has to be done, the amount of effort expended, the excellence of the individual judge. If you read opinions, if you read memoranda written by various judges, you will see that there is an unevenness of quality. So before a bill is offered, which might give increases of up to 20% to certain levels of judges, consideration ought to be given as to whether that increase is in fact justified. If there were a unified court system, then perhaps you could see tinkering with some of the issues that are brought up now. But there is no way to ensure quality judges. There is no way to ensure competency. Every time a bill is brought to increase or modify the salary of judges and even when we talk about modification as in this bill, it is always modification upwards, so I think that we can call it a salary increase bill, for at least some of the judges. Discussion is always given of the increased work loads.

If the supreme court has an increased work load it might be based on the fact that the lower level judges are not really doing the job the way they ought to do it. Perhaps there are certain cases that are not being given the consideration they need. I'll tell you what I found out since being in this Legislature, there are a lot of counties where they don't even have a legal library. So you have them writing off to Creighton and other places to have their research done for them. So many cases are decided by law clerks and by law students and yet you are paying these judges these high salaries. There are a lot of us who get a nickle and dime salary who do a million dollars worth of work by comparison. I don't think there is any way to properly in dollars reward a judge who really does a job as it ought to be done. How much could you pay Solomon to adequately compensate him if Solomon were a real person and as wise as they say? He had so much gold that he didn't know how to even begin to count it. We don't have any judges of the caliber of Solomon. I just use him as an example. Now Judge Krivosha was mentioned. I think that he is a rarity for any public official. The man is filled with energy, vitality and he generally thinks before he makes a statement. With a lot of judges they make the statement and the thinking. . . .

SENATOR CLARK: (Gavel) Senator Chambers, wait just a moment would you please. Could we have it a little quite in here, please. You can hardly hear Senator Chambers talking up here and I don't think that it is very courteous. Go ahead.

SENATOR CHAMBERS: Senator Clark thank you, but I'm so accustomed to that down here now that it doesn't even make me any difference. It would be like me being in a hog barn and there was a whole lot of oinking going on and I get upset. But what do I expect but oinks, so I'm largely speaking for the record all of the time. Either somebody is going to support these bills or they are not. So the discussion on the floor very rarely goes to anybody's mind in terms of altering whatever set it has. But there will come a time in some of these bills when other people who have a more serious interest in what the legislature does will want to read the transcriptions of our discussion to see what brought us from point A to point B. If I deal with a serious issue, I want it to be clear why I did what I did. Now, if you want to take this bill in the way it has been presented by the introducer, it will do away with the necessity of the Judiciary Committee having to listen to a lot of these different judges begging and crying and....

SENATOR CLARK: You have one minute left.

SENATOR CHAMBERS:prostrating themselves, that is my favorite word now for a few days, and if the bill happens to get on the floor listening to the smooth, polished, low key cell of their lobbyist, Walt Radcliffe, you can dispense with all of that by taking this bill. I haven't decided yet what I am going to do. I think I might among other things want Mr. Radcliffe to work a little bit harder to earn his money, where I am concerned, but if there are enough votes without mine, then the game is won for the judges and they will be given a bit less of a difficult job in terms of trying to get the salary that some of the senators feel that they are entitled to. I honestly, after sitting on the Judiciary Committee, can not tell you what the difference between a municipal judge, a district judge, a county judge and a state supreme court judge really is.

SENATOR CLARK: Your time is up.

SENATOR CHAMBERS: Maybe they all ought to be given the same amount.

SENATOR CLARK: Thank you. Senator Marsh.

SENATOR MARSH: Mr. Chairman and members of the Legislature, I do rise to support LB 111 and everyone has talked about the increase in salary. The fact is that there is no increase and no decrease until two years from now. Two years from now there will be both an increase and a decrease in salary among the judges if this is accepted. I expect to support it and the reason I do, among the reasons is that there should be some type of corollary between the types of judges. It should not be put one against another when a raise is justified and Senator Haberman you certainly can't say that this bill increases salaries 20% when in fact in some cases it decreases the salaries. The percentages which will be established by this bill do not take effect until 1983. I would remind you that there are slight increases from 91.86 to 92.5 in two different instances. There are decreases in two different instances incorporating a number of different judges. Sometimes because our own salary does not increase we are not willing to be the state persons we ought to be. I'm trying to support this bill with good judgment.

SENATOR CLARK: There is an amendment on the desk.

CLERK: Mr. President, Senator Lamb moves to amend the bill. Read Lamb amendment as it appears on page 1131 of the Legislative Journal.

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SENATOR CLARK: Senator Lamb.

SENATOR LAMB: Mr. President, members of the Legislature, Senator Chronister stated that the purpose of this bill was not to increase salaries and Senator Haberman indicated that it did. I assume that if you have this handout that Senator Chronister passed around he indicates that actually the salary for county court judges in these smaller county judge districts does increase over 10%, or from the present 74% of the supreme court salaries to 85% under the provisions of the bill. So what my amendment does is to keep that percentage at 75%, which is roughly equivalent to the present percentage in those small county judge districts. In other words the only change would be the 75% instead of 85% in the county court districts which are smaller which would be roughly equivalent to the salaries that they are getting now, just a slight increase. This would be in keeping with Senator Chronister's statement in his opening that the purpose of the bill was not to increase salaries and this would maintain them at the present relationship.

SENATOR CLARK: I have a list of four people. I don't know whether you want to talk on the amendment or not? Senator Cullan, do you want to talk on the amendment?

SENATOR CULLAN: Yes, Mr. President and members of the Legislature, I would. I guess I would borrow a phrase often used by my very articulate and verbose friend from Imperial, Senator Haberman. The phrase that he chooses to use frequently is shame on you, shame on you, so this time I will apply it instead of to Senator Chronister to Senator Lamb. Shame on you Senator Lamb. But I guess now that I have your attention I would like to seriously oppose the Lamb amendment. One of the things that I like about this bill is that we do away with that distinction that has existed for many years between county courts in the metropolitan areas and county courts in the rural areas. It simply makes no sense to have a ten percent, eleven percent here differential in pay between county court in a rural area and a county court in an urban area, particularly in light of the fact that we are having difficulty in retaining individuals in the county courts in those rural areas. Now because many law school graduates and attorneys like to live in the urban areas there are greater numbers of them per capita and it is much easier to find someone to take some of these relatively low paying jobs. In fact, it is much easier for an attorney to make a better living in some of the more rural areas of the state than it is in some of the urban areas. I think perhaps if we are

talking about attracting people and retaining them, the differential should be the other way. There is no logical reason, none that I can see, no logical reason for maintaining this pay differential even though we may be increasing the salaries of these county judges in rural areas. I think we ought to stick with Senator Chronister's amendments, or Senator Chronister's bill as written. I urge you to reject the Lamb amendment. I think that it punishes those attorneys in the rural areas who we have encouraged, have accepted pay cuts in fact in most cases to take this job on the bench. If Senator Lamb could articulate some logical reason to make this distinction between the county judges in the urban areas and rural areas perhaps I could support him. From my perspective I think the differential is totally unjustified and I would urge you to oppose Senator Lamb's amendment.

SENATOR CLARK: Senator Chronister, did you want to talk on the amendment?

SENATOR CHRONISTER: Yes, Mr. President and members, I oppose the amendment offered by Senator Lamb because the intent of this bill is to put county judges on an equal basis. It will also serve to attract competent good attorneys to these areas that may be deficient in that area right at the present time. If we want to continue to attract the better qualified attorneys, I suggest that we keep this on an even keel with all county court justices receiving the same salary. Thank you.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, Senator Lamb I wanted to point out something that perhaps I should have pointed out earlier. That is not every county has a county judge. As I recall, and don't hold me exactly to this figure, but I think that there are about half as many county judges as there are counties with the exception of the seven or so counties that have a judge or more than one judge of their own. So what Supreme Court Chief Justice Krivosha has been attempting to do and has been doing is that when there is a county judge that is not busy, he takes them and takes them someplace else, even brings them down to Lincoln I understand to do work with the supreme court. So I feel that knowing this that they are not sitting around not doing anything there is something being done to keep these judges busy where there is not enough to do in their own county. So I would be opposed to your amendment Howard for that reason.

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SENATOR CLARK: Senator Chambers, you don't want to talk on the amendment? Senator DeCamp, is he in the room? Did you want to talk on the amendment? The question has been called for. Do I see 25 hands? I guess I do. The question before the House is ceasing debate. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 26 ayes, 2 nays to cease debate Mr. President.

SENATOR CLARK: Debate is ceased. Senator Lamb, do you wish to close?

SENATOR LAMB: Mr. President and members, in keeping with the purpose of the bill as stated by Senator Chronister this is certainly a logical amendment. Senator Chronister said this is not a salary increase bill. That is what I am trying to keep it. Keep those same relationships. Now if there is an honest disagreement in who should get how much we should tackle that head on. But as he stated it was not designed to be a salary increase bill. Under the present situation it is a salary increase bill for certain classes of judges. So, this amendment is to keep the same relationship that they now have which would be about 75% for the county judges in the smaller county judge districts.

SENATOR CLARK: All those in favor of the Lamb amendment vote aye, opposed vote nay. Senator Fenger for what purpose do you rise?

SENATOR FENGER: Better knowledge of what we are voting on. Could you reword it for us please.

SENATOR CLARK: The Clerk will read it.

CLERK: Mr. President, the amendment reads as follows: Read Lamb amendment.

SENATOR CLARK: Voting aye Mr. Clerk.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: Mr. President, Senator Landis requests a record vote. Vote appears on page 1132 of the Legislative Journal. 10 ayes, 22 nays, 15 present and not voting, and 2 excused and not voting.

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SENATOR CLARK: Motion failed. Do you have anything further on the bill?

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

SENATOR CLARK: Senator Chronister, what do you want to do with the bill?

SENATOR CHRONISTER: I would urge the movement of the bill to E & R.

SENATOR CLARK: Question before the House, the advancement of the bill to E & R. Senator Schmit, did you want to talk on the advancement? Senator Schmit, did you want to talk on the advancement of the bill?

SENATOR SCHMIT: No, Mr. President.

SENATOR CLARK: Senator Chambers, do you want to talk on the advancement?

SENATOR CHAMBERS: Yes, I do Mr. Chairman. Members of the Legislature, I have thought about this bill and I have thought about what is being proposed here. It may not be such a bad thing to have the judges to have to justify a salary increase like anybody else would have to. Maybe that is the only time we can have a degree of oversight in terms of what is happening at these lower level courts. If we should manage to tie into the salaries of the Supreme Court all of the other salaries, then our only way of making these other judges come in and talk to us is to refuse an increase of the supreme court judges. In other words there still is going to have to be somebody coming before us. But what you....try to do when you want something is to put your best foot forward. The best foot that the judiciary has in the state right now is Chief Justice Krivosha. He is charming, personable and highly intelligent. He gives good one liners. He will make you feel before you have even accepted something that you should have done it even before he asked you. So, they will send in Chief Justice Krivosha and they will send in Joe Steele, the state Court Administrator, who is very informative. It will be like the straight man and whatever the opposite of the straight man is. Like Dean Martin and Jerry Lewis, Abott and Costello, something like that, Mutt and Jeff and it will be difficult to deny an increase to Chief Justice Krivosha. But at the same time you give him the increase, then every other judge in the state follows him right upward. We know that there is uneven quality throughout the state in terms of what is offered by the judges. So, even if we would try to keep some kind of

proportion between the salaries of the municipal, workmens comp., county and the rest of the judges, they still perhaps ought to have to come before us to show the need for it and the justification in this particular case of an increase. Suppose there would be a redistricting of the court districts. Let's say that the work loads would shift and maybe there couldn't be justified an increase in salary. Are you going to say that there should be a correlation between the work that a person does and the salary received or should a certain point be reached after which you automatically grant a salary because people ask for it? I don't think at this point I am going to support the bill. I think it ought to sit right where it is and I think that maybe the judges ought to be given pause and realize that they just can't present something to automatically get it. I voted to advance this bill to the floor. I didn't want it bottled up in committee. Comments made in committee are made public only if a certain reporter thinks that this comment or that comment ought to be shared with the public. It is only on the floor of the legislature can we get our comments into the official record of the debates of the legislature, which somebody may want to look at. So, I don't think the bill ought to be moved at this point. I don't even know if it ought to ultimately be passed. But it may not be a good thing to tie every judge's salary to the chief justice's salary any more than it might be to make the governor the highest paid executive officer and tie every other executive officer's salary to the governor's.

SENATOR CLARK: You have one minute left Senator Chambers.

SENATOR CHAMBERS: What I am going through right now is sheer agony Mr. Chairman because I am debating with myself whether I ought to just speak against advancing the bill or whether I ought to put a kill motion on it. What I hope you will do is vote not to advance it at this point. But, if you advance it, I promise you that on Select File I will put a kill motion on it and I'll fight to kill it. If I can't kill it I will delay it. I'm telling you in advance what I intend to do. So read the rule book with me because every twist and turn that the rule book allows I will use it because I think the issue is that important and if this bill is greased and is going to go forward without discussion, I'm going to make sure that doesn't happen.

SENATOR CLARK: Your time is up Senator Chambers. Senator Hoagland.

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SENATOR HOAGLAND: Mr. President and colleagues, I have prepared a statement to make in support of this bill but obviously it is not appropriate to do that at this time. I think we have heard from a lot of people and it is quite clear what the issues are and many of us would just as soon have the vote and vote for the bill. Let me just make a couple of remarks. Let me say that this is an important bill. It is important that it pass as written. I would commend Senator Chronister for bringing this bill to our attention and I think that it is important to understand that what this bill does is simply stabilizes the salary relationships among the judges so we don't have different groups of judges coming in at different times for different types of salary increases. It is intended to put an end for once and for all to the fighting among the judges themselves as to the relative degrees of their salaries from one group to the next. This is not an issue as to how much they should be paid. We will confront that issue in future legislatures. This is just an issue to set out an appropriate percentage schedule. I think it does that and I would urge the advancement. Thank you Mr. President.

SENATOR CLARK: Senator Vard Johnson.

SENATOR VARD JOHNSON: Mr. Speaker, members of the body, I have been very troubled as to whether to support this bill or not because I think it is an important concept that people that provide a major function to the state i.e. the distribution of justice, which is what our courts do, have to come periodically before a body to justify their actions which of course is what judges do have to do when they do request salary increases. Now, I don't think that the legislature has ever demeaned the judiciary in terms of examining its conduct. But I do think that one of the functions that we have in passing on pay raises or pay requests, it does give us an opportunity to have a dialogue with a co-equal branch of government i.e. the judiciary. So it seems to me that it may be to the advantage not just to this legislature but to the people of the State of Nebraska for the legislature to periodically visit with the judiciary over a matter of real concern to the judiciary, their pay. Now, if we pass this legislation, then our visit really only takes place with the chief justice and the members of the supreme court because all of the other salaries will follow whatever we provide the chief justice. It may well be that at the given time we really will want to have a dialogue with some municipal court judges or some workmens compensation judges or some district court judges or a juvenile court judge because you and I and the

people of the state do have some real concern as to precisely how our system of justice is handled and how the judiciary itself performs. On the other hand I can appreciate how judges become extremely vexed and very angry at having to come every now and then to ask for a pay raise sort of hat in hand to justify their conduct and the like. But it seems to me that that may well be the price of doing business, that even a judge from time to time will have to step down from the dais and will have to say to the legislature we too, like everybody else, needs a pay raise and we can justify our conduct. The one final point that I want to make is this. I have some problem, believe it or not, with a relative.... with the relativity of the pay. I see for example that a municipal court and a county court judge is to earn 85% of what the supreme court justice earns. We put the municipal court and county court judge lower down on the pecking order so to speak than a supreme court justice and yet you know that a county court judge and a municipal court judge is on the front line, so to speak, in the area of delivery of justice to people. It is the municipal court judge, a county court judge is going to see the criminal at the first shot, i.e. through the preliminary hearing or the misdemeanor case. It is the county court judge or the municipal court judge that is going to see the small claims claimant at the first shot in a small claims court. It is the county court judge or the municipal court judge that is going to be involved in collection actions. It is the county court judge that is going to be involved in the probate of wills. In other words that is where justice is being administered every day. Not from the rarefied tower of the supreme court which in the quiet of the chambers and in the quiet of the day he can pass on law, but in the hurly burly of the county and municipal court rooms and yet we provide those folk a lower slot in the pecking order than anybody else. In my opinion if we really want to exalt peoples justice, which I think we should, they ought to be at the top of the pecking order and not at the bottom. So I think in the end on balance, I tend to oppose the concept of tying salary to the supreme court judges through a formula. I would rather the old system operate with all of its creeks and its groans and its stresses and its pains but also with the joy, with the joy that comes and are having an earnest and honest give and take with the judiciary over the state of justice in this state.

SENATOR CLARK: Senator Lamb.

SENATOR LAMB: Mr. President and members of the legislature, I rise to oppose this bill and I certainly can appreciate Senator Chronister's thinking in that this puts all the

court salaries in one neat package and it is easy to deal with them in that manner. However, no evidence was presented which would indicate that these are the correct percentages and it seems that these were sort of arbitrarily arrived at. I don't think that there is a real good reason for setting them at these levels. Beyond that what we are really doing is we are unifying all of the judges in regard to salary raises because all the judges will then come in recommending an increase in the Supreme Court salaries without any of the usual interplay between the various branches of the court system. I think this is not a good way to go. If we were to carry it further would we not have all members of state government and all salaries in state government indexed on a similar basis. Should not all salaries be a certain percent of say the governor's salary or some other salary. Senator Vard Johnson had a proposal which would tie the legislature's salaries to the governor's salary. I opposed that. I don't think that indexing salaries in this manner is a proper way to arrive at salaries on the whole. It is a bad system. Maybe it is okay in this particular case. Maybe these are the correct percentages, although no evidence has been presented that these are the correct percentages. I think that it is a bad system. I don't think that we should go down this road. I urge you to oppose this bill.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, I, too, rise to oppose this bill. For example, a minimum of 85% of the cases heard by the county court are traffic violations. 85% are traffic violations. They have a maximum of \$5,000 of monetary value of cases that they can hear. Everything over that automatically goes to the district court. Also, out where I come from, all the county court judges, they call them district county court judges, has a judge in his office who handles many, many, many of these traffic court cases for him. He doesn't even handle them. So what we are doing here is we are taking, as we all know, and tying it all together into one big bundle. When some of the courts have more cases and need more judges as Senator Marsh asked for another judge because they obviously needed one and I voted to give her one. What about those cases where they aren't over worked, they do not have too many cases yet they receive the increase in salary. I feel that this is a poor way to run a ship. I have been in business, I had 35 employees and I surely didn't tie all of my employee's salaries to what the foreman received. Everybody was on their own. Those that produced and did the job, they received the

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increase. So I think we are doing a terrible injustice to the judges and to the citizens of the State of Nebraska when we tie all of the salaries to one salary. I ask you to oppose LB 111. Thank you Mr. President.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President, members of the Legislature, I want to rise in support of LB 111. I will tell you very frankly I have no conflict of interest when it comes to the supreme court. I think I have had as many of my bills declared unconstitutional as any one person in this body. But I would just like to say this. For many years we have operated on the premise that if we pay people for a qualified position that we will get people who do a good job. It doesn't make any difference in this body if we enact all kinds of legislation if the court does not enforce that legislation. We need to attract the kind of people who will do a good job. It is not popular today, you can stand up here today and become a hero by talking against this bill. You are not going to save enough money if it was in one dollar bills to stuff a muzzle loading shotgun. But the point is this. Inaccurate interpretation of the law can be very costly to the State of Nebraska and to the individual citizen. I recognize Senator Chambers' concern when he speaks from a position which is well known and he has a very good background for his concern. I would like to see, very frankly, a supreme court salary that would be somewhat commensurate with the kind of salary they could earn in private practice. Anyone of us who has ever reviewed what happens to an estate knows that anyone of those men who sits on the supreme court could earn as much money from one single estate as he earns in an entire year serving on the court. I think sometime we are going to recognize that the judiciary will become one day a thankless position. I know and I have differed many times with their interpretation of the law, but I have not yet lost my confidence in that ability to interpret the law. I think that we need to compensate these individuals commensurate with the responsibility that they have and hope that we will find willing persons to fill those positions. I know that there have been times when very few people have applied for the various positions of county judge, for example, yet many of us will never appear in any other court than the county court. I think that we need to attract the best people and I think we can not do that unless we follow something along the line which Senator Chronister has in his bill. I would hope that you would advance the bill. I would hope that you would take a good long look at the judicial salaries and that you would act responsibly because I believe that the responsibility rests with us. Enforcement of law rests with these judges. Without having the best minds available

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we are not going to have the best enforcement of the law. I ask you to support LB 111.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Sieck.

SENATOR SIECK: Mr. President, members of the body I concur with Senator Schmit in this position. I have a couple of judges in my district that are really under paid and they have a terrific work load. I feel that I owe it to them to reimburse them properly. If there is some concern about some areas that do not have much of a work load, let's split the area up some more. This can be done at a later time. At this time I do feel that we ought to advance the bill as it is. I think that this is a pretty good procedure because it ties it in with something. I remember a year or so ago that we discussed the judges' salary. We let the county judges fall by the way side, they did not get the increase and the rest did. I feel now that we can compensate them for what they really have coming to them. I urge you to advance this bill.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I don't think Senator Schmit understood my position and I don't think that he understands what I am saying. I'm not talking about a dollar amount for these various judges. I have supported probably as consistently as anybody and more consistent than most every salary increase for anybody who comes across the board here. Especially the judges. I agree that they should be given a decent salary. What I am opposed to is tying all of the salaries to the amount that the chief justice and the other judges of the supreme court would receive. Now if Senator Schmit wants to offer a bill to pay the chief justice a hundred thousand dollars a year, I'll support him. So I'm not talking about a dollar amount, I'm talking about a principle. What has to be watched here is that the opposition to this bill is not designed to save money. If you support this bill, you may wind up in a position of holding every judge's salary down because you deal only with one level of court. That is the supreme court and if Senators become upset about what is happening in their particular area, then the supreme court is not going to get an increase and you can not deal with the other courts independently. You can not deal with any level of court independently of the Supreme Court if you accept this bill. If for any reason the Supreme Court falls out of favor, then you punish all of the judges by punishing the supreme court. It is like the supreme court becomes the

head on the nail. If you hit the head wherever the head goes the rest of the nail goes before it. That is simple. It might be simple minded as an example too but in the afternoon the speaker and the listeners sometimes reach that level. Senator Schmit, I would like to ask you a question if Senator Burrows will excuse you for a second. Do you feel that if the judges have to come before the legislature to justify a salary increase, that creates a type of accountability and legislative oversight?

SENATOR SCHMIT: There isn't any doubt about it Senator Chambers that it does that. Yes.

SENATOR CHAMBERS: Do you think that by tying all of the salaries just to that level that the supreme court receives and thereby doing away with the need for the other levels of judges to talk to the legislature, there will be more accountability created thereby.

SENATOR SCHMIT: Well Senator Chambers, I could argue it either way. I will tell you very frankly that if each level of judges must come before the legislature and to a certain extent account to us, that may be commendable, but when we reach the point where they may need to beg, I think that it is beneath the dignity of the judiciary as it is beneath the dignity of this body to beg the public for a salary increase.

SENATOR CHAMBERS: Senator Schmit, how about the courts that deal with the collection of child support payments? You don't want them to have to come before us either?

SENATOR SCHMIT: I have a little deal for those gentlemen called a mandamus action, Senator Chambers.

SENATOR CHAMBERS: But you are not interested in having a general system of accountability built in?

SENATOR SCHMIT: I love the accountability system Senator Chambers. The facts are these. It has not worked in the past, so to speak. Even though we make them each come before us we have not been able to collect that child support.

SENATOR CHAMBERS: Then let me ask you this Senator Schmit, if you have a vehicle that is powered by gasoline and it will not run efficiently on gasoline, will it run more efficiently on water?

SENATOR SCHMIT: It might run better on alcohol.

SENATOR CHAMBERS: No I'm talking about water, it is my example. Thank you Senator Schmit. Here is what I am trying to say. If we have a system where we are trying to have a measure of accountability and it does not work effectively, why take away more possibility of accountability. We don't improve a system by making it worse. So I think this bill is not the best procedure for us to follow. I repeat. I've supported increases in salary for the judges and I'll continue to do so. But I think that it is a mistake to develop a system like this. We need accountability. I've dealt with these judges on the judiciary committee ever since I have been down here.

SPEAKER MARVEL: You have one minute.

SENATOR CHAMBERS: Sometimes that is the only opportunity you have to deal with them face to face. I was able to work out a visitation rights problem that an individual had because the judge who was presiding over the divorce and handling the case had just come to ask for some money from the legislature. So he was very amenable to solving that particular problem. We have got to maintain accountability. The only way we can do it is to require each level of the judiciary to justify the salary increase that they are asking for. I still oppose the movement of the bill and I hope that you will do the same.

SPEAKER MARVEL: Before we go to Senator DeCamp, just a minute I'm going to introduce somebody, to introduce Willie Houseworth and Sheri Murray visitors from Senator Fitzgerald's district in Omaha, Nebraska and the mother of Margo Houseworth is in the group and Margo is a Page this session. We welcome you to the Unicameral.

SENATOR DeCamp; Question.

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

CLERK: 26 ayes, 0 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate is ceased. Senator Chronister, you are recognized to close.

SENATOR CHRONISTER: Mr. President and members, I urge that we move the bill on. Thank you.

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PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by the Reverend Royce Willerton of the Southview Christian Church.

REV. WILLERTON: Prayer offered.

PRESIDENT: Roll call. Has everyone registered their presence?

CLERK: Mr. President, Senator Vard Johnson, Beyer, Fenger and Chronister would like to be excused for the day. Senator Kilgarin, Hoagland, Chambers until they arrive.

PRESIDENT: 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: The Journal is all right, Mr. President.

PRESIDENT: The Journal stands correct as published. Any messages, reports or announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 531 and recommend that same be placed on Select File; 291 Select File; 311 Select File; 111 Select File with amendments, (Signed) Senator Kilgarin, Chair. (See pages 1158-1159 of the Legislative Journal.)

Mr. President, your committee on Business and Labor reports LB 394 to General File with amendments, 410 General File with amendments, 470 General File with amendments, (Signed) Senator Maresh, Chairman. (See pages 1159-1160 of the Journal.)

Your committee on Judiciary reports LB 512 to General File with amendments, (Signed) Senator Nichol, Chair.

Mr. President, I have a Lobby Registration report for March 12 through March 26, signed by...on file in my office.

PRESIDENT: All right then, we will proceed then with agenda item #4, a resolution on LR 47, Mr. Clerk. Will you read it.

CLERK: (Read LR 47.) Mr. President, the resolution is found on page 1126. Senator Vickers would like to amend

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LB 44, 111, 119, 201, 323,
LB 379, 337, 505, 536

SENATOR VICKERS: Okay, thank you very much, Senator Cullan.

SENATOR CLARK: The question before the House is the advancement of LB 379. All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 29 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. We will now take up LB 44.

CLERK: Mr. President, may I read some material in?

SENATOR CLARK: You bet, go right ahead and read it in.

CLERK: Mr. President, Senator Koch would like to have an executive session of the Education Committee Monday, March 30 upon adjournment in Room 1517.

Mr. President, Senator Chambers asks to print amendments to LB 111 in the Legislative Journal. (See page 1169 of the Legislative Journal.)

Appropriations Committee will meet in executive session today upon adjournment in Room 1003.

Senator Beutler would like to print amendments to LB 536 in the Legislative Journal. (See page 1169.)

Public Health and Welfare reports a gubernatorial appointment hearing.

Your committee on Business and Labor reports LB 119 indefinitely postponed; 201 indefinitely postponed; 323 indefinitely postponed; 337 indefinitely postponed and 505 indefinitely postponed, (Signed) Senator Maresh, Chair.

Mr. President, LB 44 was introduced by the Criminal Justice and Law Advisory Committee. (Read.) The bill was read on January 8, referred to Judiciary for public hearing. The bill was advanced to General File. There are committee amendments pending, Mr. President.

SENATOR CLARK: On the committee amendments, Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, the Judiciary Committee amendments on LB 44 completely re-draft the bill so what I would like to do, Mr. Chairman, is

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SPEAKER MARVEL: Okay, we will revert back to 111.

CLERK: There are E & R, Senator.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 111.

SPEAKER MARVEL: All in favor of that motion say aye.
Opposed no. The motion is carried, the E & R amendments
are adopted.

CLERK: Mr. President, I now have a series of amend-
ments. The first is offered by Senator Chambers.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legis-
lature, I had three amendments, I think, printed in
the Journal and I would ask unanimous consent to withdraw
them because I have another motion up there.

CLERK: You have four, Senator. Do you want to strike
all of them?

SENATOR CHAMBERS: Yes, whatever the number were that
would have appeared in the Journal.

SPEAKER MARVEL: Hearing no objection, so ordered.

CLERK: Mr. President, Senator Chambers moves to indefinitely
postpone the bill, and pursuant to our rules that would
lay the bill over.

SPEAKER MARVEL: Underneath the north balcony it is
my privilege to introduce from the Howard Peterson family
two sisters, Esther Olson and husband, Rev. Hubert from
Norfolk, also Ruth Robart and husband, Gale, from Norfolk,
cousin, Emery Peterson of Lincoln, and brother, Art
Peterson of Olympia, Washington. Will you folks stand
and hold up your hands so we can see you and welcome you.
Senator Chronister, for what purpose do you arise?

SENATOR CHRONISTER: Mr. Chairman, could we suspend the
rules and vote on the kill motion now, take up the kill
motion on 111?

SPEAKER MARVEL: Did you make a motion, Senator Chronister?

SENATOR CHRONISTER: Beg pardon.

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SPEAKER MARVEL: Did you make a motion?

SENATOR CHRONISTER: Yes, I moved that we suspend the rules.

SPEAKER MARVEL: Okay, the motion is to suspend the rules and take up LB 111.

CLERK: Take up the kill motion on 111.

SPEAKER MARVEL: Take up the kill motion.

SENATOR CHRONISTER: The board shows 78, I wonder if that could be changed in order to keep good rapport with my friend.

SPEAKER MARVEL: The motion concerns 111. Senator Chambers, do you want to be recognized?

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, there has been some information developed based on my understand relative to the handling of the judges of the Workmen's Compensation Court and I doubt that that information has had a chance to be handed out and digested. I am not a party to that particular effort. However, I think it does bear on the issue, and in order that we would have all the information that might relate to the question, I would hope that you would defeat Senator Chronister's motion to suspend the rules and allow this bill to lay over one day. One day will not make that much difference at all as far as the ultimate fate of the bill, but it will allow the time to get this additional information. So I am asking that you not vote to suspend the rules today.

SPEAKER MARVEL: The Chair recognizes Senator Nichol. We are speaking on the....

SENATOR NICHOL: Mr. Chairman and members of the Legislature, I hope that we do go ahead and handle the bill. It has been hashed, rehashed, studied, restudied over the past several years and I can't imagine what has possibly happened of great importance in the last day or so with the Workmen's Compensation Court that would have much bearing on the bill. I hope you will go ahead and act on the bill, vote the way you want, of course, but I hope we don't delay it any further.

SPEAKER MARVEL: Senator Chambers, do you wish to be recognized?

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SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I would like to ask Senator Nichol a question.

SPEAKER MARVEL: Senator Nichol, do you yield?

SENATOR NICHOL: I would try.

SENATOR CHAMBERS: Senator Nichol, as Chairman of the Judiciary Committee you presided over the study of establishing some kind of system for setting judges' salaries, didn't you?

SENATOR NICHOL: Yes, sir.

SENATOR CHAMBERS: How were the judges of the Workmen's Compensation Court handled?

SENATOR NICHOL: They were handled the same as all other judges, as I understand it, where all the judges were in on the setting up of the figures and the relativity of each other. That was the way it was presented to the committee.

SENATOR CHAMBERS: Were you aware that that committee of judges that dealt with this situation did not include the judges of the Workmen's Compensation Court?

SENATOR NICHOL: No, I was not aware of that. I understood that they were involved in this study. I know they were back in the days when Senator Stoney conducted a study about two or three years ago. Are you saying they were dealt out entirely in this?

SENATOR CHAMBERS: How about the development of 111? Were they a part of that?

SENATOR NICHOL: I understood they were. Are you saying they were not?

SENATOR CHAMBERS: I just want the record to show the knowledge that you have since you said nothing new has developed with reference to the Workmen's Compensation Court judges. Now were the Workmen's Compensation Court judges...let me ask the question a different way. In establishing the base salaries for the various judges, are you aware of a \$2500 amount that was put into the bill for judges in Douglas County? Remember they were getting that supplement?

SENATOR NICHOL: Yes.

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SENATOR CHAMBERS: What was done to the Workmen's Compensation Court judges?

SENATOR NICHOL: I believe they took a little reduction, didn't they?

SENATOR CHAMBERS: Right. And then what was...(interruption).

SENATOR NICHOL: I don't recall exactly how much.

SENATOR CHAMBERS: The dollar amount doesn't matter. What other category of judges received a reduction in establishing the base?

SENATOR NICHOL: I don't recall any did...let's see, there was some discussion about the county judges. I don't have those figures in front of me and I haven't looked at them since then.

SENATOR CHAMBERS: No, I don't want the figures.

SENATOR NICHOL: I don't believe that any other did, but it is possible that one of the county judges in one category may, but I don't recall that they did. I think the Workmen's Comp was the only one.

SENATOR CHAMBERS: Thank you. Members of the Legislature, all I wanted was to get a broad statement as Senator Nichol gave, but there have been discussions of setting judges' salaries and the Workmen's Comp judges were not a part of all of those discussions. They were the only category of judges given a reduction when these salary schedules were established, and although Senator Nichol is the Chairman of the Judiciary Committee and being privy to all of these activities may have this information, I am certain that the other members of the Legislature do not have that information, do not thoroughly understand the factors involved, and one day will get an opportunity to present this material and we can at least make an informed decision. Naturally, I am opposed to the bill, and I have reason to believe that it might die today even. But I think people should know what it is that we are dealing with and why I am asking for the vote that I am asking, not just that I think it is bad to index these salaries to that of the Supreme Court judges, but rather to show also that one category of judges was handled entirely differently than the rest of them. So if that were an injustice and it would be a decision you would have to make, we are trying to solidify that injustice in law so it can never be corrected

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in the future. So allow this one day which won't hurt the bill at all, but it will give the opportunity for more information.

SPEAKER MARVEL: Senator Maresh, do you want to be recognized?

SENATOR MARESH: Yes, Mr. Speaker, I am concerned about the Workmen's Comp judges taking a reduction in their salary and I am passing out some material which wasn't all initialed so it took time to get it out, but if you take time to read it I think you will notice the discrepancy that is going on between the Workmen's Comp judges and the rest of them, and so I hope we can hold this bill up a day so you could take time to study the material I handed out.

SPEAKER MARVEL: Senator Higgins, do you wish to be recognized?

SENATOR HIGGINS: Yes, Mr. President, Senators, I can't speak about the Workmen's Compensation judges, but I did have occasion to talk to one county judge and I pointed out to him that his salary and all the other county judges' salaries were going to be reduced and I asked him if he was aware of it and he said, yes, but he still supported the bill because he said the salaries of the judges at the present time were such that a lot of judges were thinking about resigning and going back to private practice because they couldn't afford to stay on the bench. Many of them could make probably double the salary they are making now if they went back to private practice, and even though his salary was going to be reduced, he said he supported the bill for the sake of the other judges who would get a salary increase. Thank you, Senators and Mr. President.

SPEAKER MARVEL: No other lights. Senator Chronister, do you wish to close on your motion?

SENATOR CHRONISTER: Yes, Mr. Speaker, I oppose the kill motion and I propose that we get on with it.

SPEAKER MARVEL: The motion is to suspend the rules, to take up the kill motion today on LB 111. All those in favor of suspension of the rules vote aye, opposed vote no. Have you all voted? The motion is to suspend the rules. Have you all voted? Have you all voted? Senator Chronister.

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SENATOR CHRONISTER: Mr. Chairman, I ask for a Call of the House.

SPEAKER MARVEL: Shall the House go under Call? All those in favor of placing the House under Call vote aye, opposed vote no. Record.

CLERK: 20 ayes, 0 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please return to your seats, record your presence. Unauthorized personnel please leave the legislative floor. Senator Kilgarin, will you please record your presence? Senator Cope, Senator Chambers, Senator Beutler, Senator Hefner, Senator Vard Johnson, Senator Kahle, Senator Marvel, Senator Newell, Senator Nichol. Senator Chronister, do you want the Clerk to take call ins or do you want to call the roll?

SENATOR CHRONISTER: Yes, call ins, and then....

SPEAKER MARVEL: Okay, the Clerk is authorized to accept call in votes.

CLERK: Senator Goodrich voting yes. Senator Burrows voting yes. Senator Kilgarin voting yes. Senator Fenger voting yes. Senator Remmers voting yes.

SPEAKER MARVEL: Record.

CLERK: 30 ayes, 13 nays, Mr. President, on the motion to suspend the rules so as to take up the indefinite postpone motion today.

SPEAKER MARVEL: Okay, the motion is carried. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this bill is attempting to tie all of the various categories of judges' salaries to the salary of the judges of the State Supreme Court. We have discussed the other day the unwisdom of such an action, and I am going to restate those arguments today and I think it is a situation which is not good. We do not have as it exists right now enough control over the judiciary, and when I say control, I don't mean in terms of telling them how to make decisions in specific cases, but in terms of determining exactly what they are doing and how their workload ought to be distributed so that there is a certain degree of equity among the judges in terms

of how much work they do. Instead of piecemealing as we have, in terms of hiring individual judges...creating new judgeships, we ought to undertake a comprehensive study of the entire judicial system. If we need to re-district, that is what we ought to do. There may be some areas of the state where judges do too much work and others where they don't do enough. So I am not going to vote for any more bills that would allow additional judges, that would increase salaries, or do anything with reference to the judiciary until we take the time to review the entire situation. Last session Senator Beutler reluctantly agreed to go along with the bill... I don't know if he voted for it or not, but I think it was Senator Cullan's bill to add a district judge out in western Nebraska. It was promised at that time that a study would be taken to determine whether or not there should be a redistricting throughout the state. No such study, to my knowledge, was undertaken, and there are no bills to ask for redistricting. But we do have a bill for an additional judge in Lancaster County. So the judges are going to piecemeal us. They are going to nickel and dime us to death, and in addition to that, they will create a set of circumstances where there is no accountability. We all know that judges are appointed for life. We all know that some judges are nothing more than political hacks and they get appointments because they are the friend of somebody. Senator Johnson tried to create a little better environment for the consideration, at least, of people with qualifications by expanding the list of those who would be considered, and I think that bill met an ignominious death. So we are left with a situation where people can be given plums. The old spoils of office philosophy is existent in the judiciary whereas it cannot exist to the same extent in any other area of government. The Senators are exposed to election once every four years, the Governor and every other officeholder. Judges need never run. Judges can be as incompetent as the day is long and their salary automatically increases. They will stay in office forever. And now a bill is being brought before us which is to even take away the bit of control and accountability that goes along with holding and controlling the purse strings. I doubt that you would see Congress at the national level or any country do the kind of thing which is envisioned by this bill. It is to give the Supreme Court and its little brothers down the line a complete coup and the Legislature will be routed and is going to give up its responsibility. The judges have been placed on pedestals. They are allowed to be clothed differently than other officeholders. Who else in any other public office wears a disguise or a costume other than the judges?

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Who else can have a hammer in his hand, or her hand, and pound on the table...I'm not talking about the Speaker, because he can't find you in contempt and put you in jail if you keep talking after he hits the wood with the hammer. Who else is given that kind of awesome power other than the judges? There is a type of arrogance that goes with uncontrolled power. And who can say that there is any position in the society which gives any group of people such control over the lives and destinies of other human beings? The judges are as close to idols as any group that exists in this society. Nebraska has no way to gain any type of accountability from these judges other than through the work that the Legislature will do in manifesting oversight. We should not allow this bill to pass. It was put together by certain groups of the judges for the benefit of the judges. Are they, just because they wear a robe and have a wooden hammer and can tell you to shut up if they want to, entitled to this kind of bill? I don't think that they are. And it would be a gross mistake to give them this bill. There was an editorial in the Friday edition of the Lincoln Journal and I think it covers a lot of the points that Senators should be interested in before voting on this bill. There is a large headline that says, "Judicial Power Grows". Then above that in smaller print, "Checks and balances being altered". I will tell you why the Legislature does not get much consideration or command much respect. The prerogatives and the duties that are imposed on us by the Constitution we fritter away bit by bit. The executive branch can kick the Legislature around. The judiciary branch can finesse the Legislature. Then we wonder why people have such contempt for this body, why they will not vote salaries, why they say that the Legislature the less time it is in session the better off everybody will be. It is because we are not discharging the responsibilities that have been imposed on us. If you take away this one opportunity that we have to bring judges before us to explain what they are doing, what other occasion is there when the judges have to talk to us? There is none. There are some Senators who will vote against doing away with Final Reading and I would be one of those Senators because we think there comes a point where we need to take a last look at legislation before we give that fateful vote. If we pass LB 111, that is worse than doing away with Final Reading because, at least, under that Final Reading bill you can ask that the bill be read. Under this, you cannot require the judges to talk to the Legislature. The last string has been cut, and like a helium filled balloon they're off...remember the song that says, "Up, up and away", that will be the judges and that will be their

salary. I am not opposed to judges being adequately paid. I am talking about the system and the method by which we arrive at the salary they should be given. I hope that you will consider seriously this bill and its implications and vote in favor of the kill motion. Remember this one thing, if you vote to kill this bill, you have not reduced the judges' salary, you have not taken away the right for them to seek additional increases, you have not taken anything from the judges. But if you don't vote to kill, you are taking away a prerogative that the Legislature has which is that of exercising oversight, and I think it is too important a thing for us to give away merely because a good lobbying job has been attempted by the judiciary itself, or certain of its members. I hope you will vote to kill this bill.

SPEAKER MARVEL: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I support Senator Chambers' kill motion on this piece of legislation, and I want to reiterate a couple of points. Number one, if LB 111 is killed, not one existing judicial salary has changed. We are not lowering pay. We are not increasing pay. The existing system is left totally unchanged. That is the first point. So LB 111 would change that system. If we kill 111, the existing system is left unchanged. Number two, Nebraska has had for a number of years now the Missouri plan for the selection of judges. Under the Missouri plan, men and women who want judicial positions assert themselves when a vacancy arises before an appointed board of experts, so to speak. The experts consist of lawyers and lay people. The names of at least three persons were sent to the Governor. All persons are deemed to be qualified to be a judge, and the Governor then makes that appointment. Now ostensibly under the Missouri plan, we get the best person for the job. I like the Missouri plan. I think it is a good way of selecting judges. However, the Missouri plan also calls for a judge standing election every six years, and that means simply that every six years a judge has got to go before the public and run on his record. And the question that the public is asked is, should or should not this judge be retained in office? He is not opposed by anybody, or she is not opposed by anybody. It is just a simple yes or no vote. Under that system I think over the last fifteen years that we have had the Missouri plan we have actually not retained two judges, both of which in a sense perform juvenile justice responsibilities. Well the Missouri plan system is good for the appointment process, but it is not so good for the

accountability process because it is very difficult, it is very difficult, frankly, for the voters and the public and those being served by the justice system to really speak out directly on judges. Now one of the reasons that I am opposed to LB 111 is because I think the issue of salary is a very small way of this legislature and succeeding legislatures looking at judges and how they are carrying out their duties. When a court has to come before our Judiciary Committee and justify its pay increase it has to present to the Judiciary Committee its case load statistics, it has to present to the Judiciary Committee how it handles cases, how expeditiously matters are being handled. It has to talk about areas of some conflict and problems and the like. The Judiciary Committee has to determine whether or not given the economics of the time and given the kind of performance that that particular bench has done a salary increase is justified. Then again the whole body has to take a look at the situation for individual courts, not judges mind you, but individual courts. Now I think that that bit of accountability is important to the citizens of the State of Nebraska because it essentially gives us maybe once every two years an opportunity that will come up to take a look at how courts are performing. We ought not, we ought not lose that opportunity through a formula pay plan which is what LB 111 calls for. Now 111 does a very interesting thing. It in a sense ties all judges' salaries to the salary of the Supreme Court. The Supreme Court is an appeals court, the Supreme Court in a sense is that court which probably is the most visible in the state generally because it decides some of the so-called major cases that come up to it. . . .

SPEAKER MARVEL: You have one minute.

SENATOR V. JOHNSON:such as the Constitutionality of LB 882, such as the Constitutionality of our expense bill and right on down the line and it is quite regularly in the papers. We tend as a society to hold the Supreme Court in some awe. What that means is that we may be more responsive with Supreme Court salaries than we would be with the salaries of other courts and other judges. Given that phenomenon we would be more likely to increase the Supreme Court salary and automatically increase the salaries of the other courts under LB 111, which might not be the right thing to do and it might not be the right thing to do because we haven't made a thorough inquiry as how the other courts are performing in carrying out their own duties. That kind of an inquiry should be made. Existing salary structures do allow on a regular basis for that kind of an inquiry. So it is my opinion that we make a serious mistake in going with a formula salary plan. Now, I was

somewhat amused, to be truthful with you, by the handout by Charles Noren who is the registered lobbyist for the Nebraska Workmens Compensation Court. As you can see from the handout what the Workmens Compensation judges are concerned about is their relative position on the pecking order. They think that they should be considered the equal of District Court judges and certainly superior in terms of salary to Municipal Court and County Court judges. Under this bill, they are not going to, they are going to be treated like County Court and Municipal Court judges. Now in my opinion this is a tempest in a tea cup. It is not the kind of thing we really ought to be involved with. On the other hand some of the important things that come from this letter are case load statistics.

SPEAKER MARVEL: Your time is up.

SENATOR V. JOHNSON: We will not get those statistics on a regular basis in a meaningful way unless we continue to pass on salaries court by court by court. It is for that reason, reasons of accountability that I think our existing structure is a better structure than that called for by LB 111 and I would urge you to vote to kill.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I would like to speak just a minute or two on my own behalf not as chairman of the Judiciary Committee. I voted to put this bill out for one reason mostly. That was to put the concept before you to see whether you as members of the Legislature were willing to take the responsibility as having a group movement here to speak and support this concept. All judges are tied together in this concept and it has been very well explained by Senator Chambers and partially by Senator Vard Johnson also. Without repeating there are some pit falls, there are also some good things about this. The thing that the Judiciary Committee has to do almost every year is to hassle with these various salaries as to what they should or shouldn't be. Frankly, how do we as a group of laymen, most of us at least, know what judges salaries should be. We don't. We listen to lobbyists we listen to judges, we listen to attorneys and we have some good judges and some bad judges in each group. For example, I think of Judge Moran out in Alliance, Nebraska who in my opinion and in the opinion of several others is an outstanding district judge. Still all district judges across the state get the same salary. Yes, we look at the ballot once in awhile to individually judge them but they still all get the same salary and if we

adopt this concept of unity, we will have all of them the same salary, of course, but we will have them tied together so that the Judiciary doesn't have to do this every year. Maybe this is good, maybe this is bad. As pointed out by Senator Vard Johnson, we are not adjusting the salaries in this bill and I think that is a good thing for the reason that we are getting the concept only, not as to whether we are raising or lowering judges salaries in any group. Not very much at least and I would think that the Workmens Comp Court would attempt to get their position in line commensurate with the other judges if they want to without attempting to snafu the bill. So, one thing that I would like to mention that I think is perhaps bad with the bill is this. At the moment, in my opinion and I think in most of yours, we have a very able, capable and hard working Supreme Court Justice at the moment. I think that he will continue to do so and be so as long as he is there. Our sympathies might be with the judges as a whole now to raise salaries because he is such a good one. It might be some day we would have a lousy Supreme Court Justice and we would want to lower everybody at the same time. This is one of the pitfalls that I see. I am really happy to get this bill before you so that you could decide whether or not you want the concept of tying all of the judges together. If you like it go for it. If you don't, of course, vote against it. But I think that the concept is more important than the amount of money in the bill.

SPEAKER MARVEL: I would like to announce the fact that the kolaches that you have on your desk were made by Senator Wesley's mother in honor of his 16th birthday and as far as I am concerned, I have got one half of a kolache, so I thank you. Senator Chronister. Senator Chronister do you wish to be recognized?

SENATOR CHRONISTER: Mr. Chairman and members we have gone through all of these arguments before and everyone knows the issue. Even when LB 111 passes the Legislature still maintains the power to review the performance of the various courts. LB 111 simply creates a rational and dignified formula for setting salaries. I oppose the kill motion.

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: Mr. Chairman, members of the Legislature, I don't know how many of you were listening to Senator Chambers when he made his remarks, I was. Senator Chambers made some excellent points and I would like to back him up on what he said. First of all I would like to say that I do support an adequate salary for our judges, year by year if it is necessary.

Judges today carry an awesome responsibility to our society. Judging by some of the things that happen in the way of crime law suits, this that and the other thing and they need to be adequately compensated for their expertise in this area. But more and more we have gotten away from the tried and true concept that here is a position, if you qualify you deserve a salary in this area. If you do not, you do not. We are far away from the old merit system where we have created a lot of slots in a lot of areas and if you fit in this slot you get paid so much. If you fit in this slot you get paid so much and on down the line. I think that we have gone too far in the wrong direction. I think that we ought to support Senator Chambers to indefinitely postpone LB 111. Have a look at the system and how it is working and who is involved and year by year if necessary make the proper adjustments. I think the point is well made that we argue about this every time we are in session. Perhaps there is some merit in setting a certain guideline and then we don't have to go through this every year. But I think the other issue far outweighs the merit of LB 111. Lets have a look at the performance and I know that they are in there for life but on the other hand we do have some jurisdiction as to what they are paid and I think that it is fitting and proper. I do strongly support Senator Chambers in his efforts to indefinitely postpone LB 111. Thank you.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, there are a couple of points that I want to touch on very briefly because I will have the opportunity to close. Senator Chronister stated that this bill gives a rational and dignified method of setting salaries. We are not talking about a rational dignified method. We are talking about a system that will excuse these judges from being accountable for what they do. They are trying to disguise what they are doing under the terms rational and dignified like sometimes you can disguise a scoundrel under a robe. We want to do away with appearances this morning if we can and get to the reality. Now, I had mentioned the redistricting situation and if you have followed it, you will know that there are certain judges who have very light case loads but they do get all of the standard salary increases and they don't want redistricting. They don't want to redistrict because they would be required to do more work. There is no correlation whatsoever now between the salary received and the work done. So, if we can require the judges to justify salary increases at their particular level of operation, we have a basis for making them willing to look at the issue of redistricting. Why should I have a thousand cases, Senator Rumery has 500 and he gets the same amount that I get and my case load continues to grow, his diminishes but everytime a raise comes

because he is a district judge his salary raises with mine. This is the kind of thing that begins to destroy morale and this is the kind of thing, this uneven movement, this uneven recognition of excellence that will cause the people who work hard to feel that the hard work is of no value because the one who is slothful is given the same amount of compensation. Now the Appropriations Committee is the committee in this Legislature which has a better opportunity than any other one to review what all of the state agencies are doing because those agencies must come before the Appropriations Committee to justify whatever money they want to receive. Even if it is not an increase, which we know will never happen, but even to hold their own they have to justify their existence and what they are doing to the budget committee. I'm sure that the members of that committee would not want us to say that what we are going to do is freeze all salaries and all appropriations for every agency where it is right now. Then, we are going to enact a bill that will say as we raise the appropriations for the governor's office by whatever percentage we raise his appropriation the appropriation for every other agency will raise that same percentage regardless of the amount of work that they do, whether they have laid off employees, whether they should even exist any more or not. But that is what we are being asked to do with the judges. Now I sit as a member of the Judiciary Committee and I think the judges can tell you that when they come before us for any reason, I have a lot of questions to ask them. And, perhaps my presence on that committee is as much reason for them bringing this bill as any other. They don't want to answer questions. And, a lot of times a society can create certain expectations on the part of some of its employees so that they no longer feel that they are employees. They feel that they are masters and they resent having to answer questions because they are in the position ordinarily of giving mandates. If the mandate is not carried out, you can be punished by a fine or imprisonment so they might feel that it is below their dignity to have to come to the Legislature and say we want a salary increase and this is why we should have it. They want the Chief Judge to be able to come down and without having all of the statistics of what all of the judges are doing, tell us that I am entitled to an increase as are my six other brothers on the Supreme Court because look at how much work we do. Look how we have to correct what the other judges do and the final word of the law is in our hands. So with this awesome responsibility we should be given more money, and I'm sure that you will agree. They will get an increase. Then the judges who are doing the sloppy work that requires so much corrective work by the Supreme Court judges will be given an increase automatically too. And where then is the incentive to do better than what they are doing? The judges don't have to go before the citizens to try to get a vote for an increase in salary. But we do. So before we start talking about a

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dignified manner of seeking a salary increase, let's strip away all of that sham and fluff talk that means nothing and look at the real issue. Judges are public employees as are we. Our job is to serve the public, not to oppress them.

SPEAKER MARVEL: You have one minute.

SENATOR CHAMBERS: The only way we as a Legislature can exercise this oversight is by killing this bill and requiring the judges to come to us as all state agencies must go before the budget committee to justify whatever they are seeking.

SPEAKER MARVEL: Senator Haberman.

SENATOR HABERMAN: Mr. President and members of the Legislature, I have a question, Mr. President, of Senator Chronister if he would be so kind as to yield.

SPEAKER MARVEL: Senator Chronister.

SENATOR CHRONISTER: Sure will.

SENATOR HABERMAN: Senator Chronister, my question is this, if the bill passes and we tie the salaries together, and then when we raise the Supreme Court, they all go up automatically, is there something in the bill, Senator Chronister, or is there some way that if one segment of the court did not measure up to whoever is going to set the standards that they are supposed to measure up to, if one segment did not measure up, would they still get their increase in salary when the Supreme Court judges received their increase?

SENATOR CHRONISTER: Senator Haberman, yes, they would. But the....(interruption).

SENATOR HABERMAN: Thank you, Senator Chronister, you answered my question. Now, fellow Senators, I ask you, first of all, we are going to have to have some sort of a standard to measure to see if all of the judges measured up to somebody's standard, and nobody has really explained that one to the members of the Legislature before they ask us to vote on this radical change in setting salaries. And the second point that I would like to make is if a segment of the court did not measure up, they would automatically get the increase, unless this body denied the Supreme Court their increase plus all of the other courts their increase. Now you know that isn't going to

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happen because they are going to come to this body and they are going to say, now look, out of the seven courts six of them did a fine job, they measured up to the standards that the standards people set, surely you are not going to punish those six for the one. We promise you that next year that one segment will measure up to the standards set by the standards group. So that happens and the next year somebody else slips and we start going through this year and year and time and time after again. So I ask you to support the kill motion, to leave the salaries as they are, like they are with other branches of the government and let's set them year by year and go on as we are. To repeat what's been said many times on this floor, why fix something that isn't broken? That is number nine on the list of the card, so I will use number nine, why fix something that isn't broken. Thank you, Mr. President.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Rumery.

SENATOR RUMERY: Mr. President and members of the Legislature, I would like to ask Senator Chambers a question or two, if I might.

SENATOR CLARK: Senator Chambers, do you yield?

SENATOR CHAMBERS: Surely.

SENATOR RUMERY: Senator, as I understand the history of our country, the founding fathers intended that everyone who has any responsibility in this republic of ours shall be responsible to somebody. Is this correct?

SENATOR CHAMBERS: That is correct.

SENATOR RUMERY: I have assumed this all along, but now then I would like to ask Senator Chronister a question or two. Thank you, Senator Chambers.

SENATOR CLARK: Senator Chronister.

SENATOR CHRONISTER: Yes.

SENATOR RUMERY: You just heard our little discussion here, Senator, how do you see that the judges will be responsible to citizens under this bill that you propose?

SENATOR CHRONISTER: Senator Rumery, could you repeat that,

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I didn't hear all of it because of the noise.

SENATOR RUMERY: Well, my contention is that the founding fathers intended that everyone who is working in this republic of ours in any governmental capacity shall be responsible to somebody, and we know who we are responsible to. If this bill of yours were to pass, to whom would the judges be responsible to?

SENATOR CHRONISTER: Senator Rumery, these percentages are not set in stone. Because of the fears that Senator Haberman raised, I think his fears are groundless, because when the time comes to set the Supreme Court salary, a change can be made at that time to change the percentage of another court if the Legislature should ever so deem because of the performance of that particular court.

SENATOR RUMERY: Well, wouldn't we have to so-call punish all, for instance if you had a district judge who was not doing his job and thought he ought to be removed, wouldn't you have to punish all of the district judges if we were going to do that the way this bill is written?

SENATOR CHRONISTER: Yes, Senator Rumery, there is an instrument now that judicial qualifications can take care of particular judges who do not measure to their capacity for some reason or other.

SENATOR RUMERY: This would still be left intact, would it?

SENATOR CHRONISTER: Yes.

SENATOR RUMERY: Thank you.

SENATOR CLARK: Senator Maresh. Is Senator Maresh in the room?

SENATOR MARESH: Mr. President, and members of the Legislature, I too support the kill motion. I think if we are going to tie everything into neat packages, we ought to have the salaries of the Lieutenant Governor, the Treasurer, Auditor, the Attorney General, everybody of a percentage of the Governor's salary and then we wouldn't have to do that every once in a while here on the floor of the Legislature, and I feel that since the Workmen's Comp judges haven't been treated fairly in this bill, that we should kill the bill. Thank you.

SENATOR CLARK: Senator Chronister, do you want to talk?

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SENATOR CHRONISTER: Yes. Mr. Chairman and members, I think Senator Johnson accurately characterized the Workmen's Compensation Court issue. He called it a tempest in a teapot, and that is not the issue. The issue is a rational method to determine salaries. Another point, this formula does not take effect until 1983 and we can look at it again next year or the year after if we must. Thank you.

SENATOR CLARK: Senator Vickers.

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

SENATOR CLARK: The question has been called for. Do I see five hands? I do. The question before the House is to cease debate. All those in favor vote aye, against no.

CLERK: Senator Clark voting aye.

SENATOR CLARK: The question is cease debate. Have you all voted on ceasing debate? Record the vote.

CLERK: 27 ayes, 1 nay to cease debate, Mr. President.

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

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I will be very, very brief. I think the issue is clear and from the discussion that some of the Senators offered this morning, it seems to me that they do understand the significance of the issue. So I will not belabor the point any further. I hope you will vote to indefinitely postpone this bill and allow the Legislature to continue to have some measure of oversight and place some degree of accountability on the judiciary. And just one other comment, this judicial qualification system remember was put in place through the instigation of the judges themselves and under it, even if one of them is under indictment, he continues to receive his salary. I wonder if the Governor were under indictment, would he be allowed to continue receiving his salary? And you can take these things right on down the line for every other official and see that the judges are trying to create for themselves a separate status which is above every other citizen where they are accountable to nobody, must answer to nobody but are allowed to take from the treasury as they will. I hope you will support this motion.

SENATOR CLARK: The question before the House is the

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indefinite postponement of LB 111. All those in favor vote aye, opposed vote no.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Voting to indefinitely postpone LB 111. Have you all voted? Once more, have you all voted? Senator Chambers.

SENATOR CHAMBERS: I will ask for a Call of the House, Mr. Chairman, and get it over with.

SENATOR CLARK: All those in favor of a Call of the House vote aye, all those opposed vote nay. Record the vote.

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

SENATOR CLARK: The House is under Call. Everyone will take their seats and register in, please. All unauthorized personnel will leave the floor. Do you want to authorize call in votes?

CLERK: Senator Landis voting no.

SENATOR CLARK: The House is under Call. We have 34 people, 35 people that have checked in. Will you please poke your green button if you are there, please. Senator Chronister, will you check in, please? Senator Haberman. Senator Goodrich, Senator Fowler. Is Fowler excused? Senator Lowell Johnson, will you register in, please? Senator Goodrich, Senator Pirsch. For the benefit of those of you who have just come on the floor, the question is to indefinitely postpone LB 111. Senator Chambers asked for a roll call vote. We are still waiting for two of them to check in. Senator Pirsch, Senator Goodrich. Sergeant at Arms, can you find Senator Pirsch and Senator Goodrich? We are under Call. Everyone is supposed to be in their seat. Senator Labedz, thank you. Mr. Sergeant at Arms, can you find Senator Pirsch and Senator Goodrich, the only two we are looking for. Senator Pirsch and Senator Goodrich. We can't find Senator Goodrich but we do have Senator Pirsch coming. Do you want to start the roll call? The Clerk will call the roll but will you please repeat what the question is?

CLERK: Mr. President, the motion is to indefinitely postpone LB 111. That motion is offered by Senator Chambers. (Read the roll call vote as found on pages 1185 and 1186 of the Legislative Journal.) 26 ayes, 17 nays on the motion to indefinitely postpone the bill,

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Mr. President.

SENATOR CLARK: The motion carried. The bill is indefinitely postponed. We will now go to number 6, LB 78.

CLERK: Mr. President, while we are waiting, Government, Military and Veterans Affairs will hold an Exec Session underneath the north balcony at noon. Is that right, Senator? Government Committee at noon underneath the north balcony, Mr. President.

Mr. President, new A bill, LB 158A. (Read title.) Senator Carsten would like to print amendments to LB 168; Senator Labeledz to print amendments to LB 72. (See page 1186 of the Legislative Journal.)

Mr. President, LB 78 was a bill introduced by Senator Don Dworak. (Read title.) The bill was first read on January 9. It was referred to the Education. We last considered the bill on March 26, Mr. President. At that time there was a motion to adopt the committee amendments. That motion failed. There was also a motion from Senator Haberman to indefinitely postpone the bill, and that is presently before us.

SPEAKER MARVEL: Senator Dworak, do you want to go over the bill and then we will take up the Haberman motion to kill? But you are recognized now, first.

SENATOR DWORAK: Mr. Speaker, as much as I would like to take the time, it seems to me that the bill was introduced, which I did. Debate had commenced on Senator Haberman's kill motion, and we had a list of speakers that we were going to continue with after the Friday adjournment. Is that correct?

SPEAKER MARVEL: You don't want to be recognized now then, is that right?

SENATOR DWORAK: I thought that we would just commence with that list of speakers as though....(interruption).

SPEAKER MARVEL: Okay, may we have a list of those who wish to speak either for or against LB 78. Will you please punch your button. Okay, the Chair recognizes first Senator Vard Johnson.

SENATOR JOHNSON: (Microphone not on.)....motion on LB 78. A number of years I read the short story by

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The committee is at this point in time holding one member of the Rural Health Manpower Commission for further study to see that that particular appointment complies with the statutory requirements of the membership of the Board of the Rural Health Manpower Commission, and so we will withhold action on that particular individual, but all of the individuals currently before you did receive support and approval of the Public Health and Welfare Committee. Thank you.

SPEAKER MARVEL: The motion is the adoption of the report as explained by Senator Cullan. All those in favor of that report vote aye, opposed vote no. We are voting on the report of the Public Health and Welfare Committee. Have you all voted? Record the vote.

CLERK: 31 ayes, 0 nays on adoption of the gubernatorial appointment report, Mr. President.

SPEAKER MARVEL: The committee report is adopted. The Chair recognizes Senator Hoagland on item #5.

CLERK: Mr. President, Senator Hoagland moves to reconsider the body's action in the indefinite postponement of LB 111.

SENATOR HOAGLAND: Mr. Speaker and colleagues, on Monday of last week I was absent in the morning, up in Omaha attending to some matters in my practice, and I returned to find much to my consternation that we had killed LB 111, Senator Chronister's bill which is designed to bring some sense and some rationality into the way we set judicial salaries. Now the reason I was concerned about that is because I can recall so vividly the way we set judicial salaries the last go-round, the way we did it last year and the year before. And I thought that system was irrational and it was arbitrary and it made very little sense. And I have been thinking of ways myself over the last two years as to how we could make that process work better, including turning it over to the Appropriations Committee so that judicial salaries are set the way all other salaries are set, including the salaries for state employees. And I was glad Senator Chronister came in with this bill because it seems to me that this method is going to make the process work better and it is going to make our job a lot easier in dealing with this very difficult political question of setting judicial salaries. Now, I think that there are some reasons why we killed the bill, why this body killed the bill a week ago and I would like to address those. And I think a lot of them have to do with

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the fact that now that we are in all day session and with our priority bill system, why we are debating one after the other exceedingly important and complex bills, and we are called upon to make a number of important decisions quickly and we are all getting tired, I think. We are well into the session and sometimes we make mistakes. And I think a lot of the issues raised by a lot of these bills are very complicated and, frankly, they are coming at us at too rapid a rate. Now I think we made a mistake last week and let me explain why. Now I reviewed carefully the transcript of the floor debate when Senator Chambers' motion to kill 111 was successful, and I think that the issues of accountability and judicial arrogance that were read into this rather simple bill simply aren't there, and by the time the arguments were completed, this body was really voting on something very different than the actual bill before it. Now let me make two major points in this argument right now. Let me talk about first what LB 111 does not do, what it does not do, and then what I perceive LB 111 does do. Now the first thing it doesn't do, and this is very important to emphasize, it simply does not take away our ability to set judicial salaries. In no way, shape or form does it take away the appropriate function of the Legislature to set judicial salaries any more than it affects our function to set salaries for members of the Executive Branch. With 111 we will continue to set judicial salaries. What it does do is it simply sets up a uniform system for doing that, like the State Personnel System that puts persons at different levels of responsibility into different positions on a scale. Now in the Executive Branch we don't independently set salaries for all department heads and assistant department heads, and division chiefs or for each separate grade or classification, in the same way the Board of Regents sets salaries for the University. They don't set a separate salary for full professors, for associate professors, for instructors. What they do is they put them on a scale and they move that scale up or down at the same time. Now that provides for uniformity and it provides for simplicity. Now every time we are called upon to raise salaries in the future, we are called upon to change a statute, to amend a statute. And when we amend that statute to change the salaries, we can also change the formula if we want. Or we can move certain groups of judges outside of that formula if we want. I mean, there is nothing about LB 111 that limits our discretion or changes the proper function that we have to set salaries. Now, secondly, something else LB 111 does not do, and this is the crucial issue I think that was discussed by a number of you, Senator Maresh and Senator Chambers and a number

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of you when we debated this eight days ago. In no way does LB 111 make the judiciary less accountable to us. Now from reading that transcript, accountability really does seem to have been the principle concern, but the judiciary would still be accountable to us just like all agencies of government are accountable and in the same ways all agencies of government are accountable. They are accountable through the appropriations process when the chief judge and the trial judges go to the Appropriations Committee and ask for certain appropriations for their annual functions. It is accountable to us because, frankly, and we all know this, we enact virtually all of the enabling legislation for the judiciary. All of the enabling legislation that affects their continued operations have to come through this body. As far as specific issues raised in the floor debates, if the judicial district boundaries, that is the jurisdiction of each of the state trial courts, is an issue before this body, if that is the concern of some Senators, why we do that already. We set the judicial boundaries and LB 111 won't change that. The same with setting qualifications for applicants under the Merit Selection System, if that's Senator Chambers' concern and Senator Vard Johnson's concern, we are fully free to change the qualifications for applicants under the Merit Selection System. That is legislation before this body. It is statutes of the State of Nebraska that we have enacted upon. We are fully free to do that if we want and LB 111 does not affect our ability to do that. Now my personal view is that it is a mistake for us to view our salary setting function over the judges as a means of coercing the courts into doing what we want, all right, whether it is to hold our acts constitutional, to approve our expenses bill, to coerce them into redistricting, or whatever of their decisions we wish to influence. And I don't think any of us wants that kind of control over the operations of an independent branch of government any more than we want the judiciary or the Governor to control our operations. I think we must respect that independence and we all agree with that. And through this accountability argument we must not convey the impression that we are undermining their constitutional function by forcing them to take orders from us or we will cut their salaries or we won't raise their salaries. That way of thinking is not a benefit to anybody. It is not characteristic of the way we operate here in the Nebraska Unicameral, and taken to its logical conclusion would have disastrous consequences for our form of government. Now, this bill also does not make any less effective the measures we have of dealing with an occasional bad judge that all of us from reviewing the transcript it sounds

like have had experiences with, and subjecting this body to the hassles that we have to go through every year or every other year when every group of judges comes down and independently lobbies us for judicial salaries, does not really address at all the issue of the bad judge. That can be taken care of by filing a complaint with the Judicial Qualifications Commission. There are other methods for doing those which I will address later. Now, in conclusion, let me just indicate what this bill does do. I think it is a very important step in providing the best possible judiciary for our state. Now, I know that all of us when we review legislation involving a judiciary have one paramount concern, and I think the floor debates eight days ago really lost sight of what that paramount concern is. And, frankly, all other considerations when it comes to dealing with legislation involving the judiciary are far down the scale and the paramount concern is simple. And I think we all understand it, and that is that we must do all in our power in the Legislature to assure that the most qualified men and women in the state are interested in serving in the judiciary and once there are free to do their job in the best way possible. Now, the only way we are going to get the best men and women to serve in the judiciary is to treat them with dignity and respect, and with a dignity and respect quite frankly we do not enjoy from the majority of the voters in this state that set our salaries. But the fact that we are not treated properly, in my personal opinion, in our salary setting function, the way it operates under the Constitution, doesn't mean that we should turn around and strike out at the judiciary. I mean, that's not going to help anything. And I think our singular goal here, and when we evaluate legislation of this sort, the goal we have constantly got to keep in mind is in ten, fifteen and twenty years what is going to maintain the high quality of our judiciary.

SPEAKER MARVEL: You have one minute.

SENATOR HOAGLAND: All right. Thank you, Mr. Speaker. Now let me just say in conclusion that as was said before this body in January, as anyone who has had experience with the law can tell you, no lawsuit and no lawyer is better than the judge before whom the case is tried. The best of the lawyers must be those who are willing to come to the bench. If not, all else is for naught. Nebraskans deserve the best and not just what can be obtained. Now this bill is an important step for a variety of reasons that we'll have a chance to air this morning in bringing about the best qualified people to serve in the bench of the

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State of Nebraska, and for that reason I would urge you to reconsider this, bring the bill back, permit us to consider amendments that may be necessary so we can keep the issue alive for this session or next. Thank you.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I think the body spoke very decisively in its 26 to 18 vote to indefinitely postpone this bill, and I think it ought not change its position. But I would like, since we are dealing with the record, to ask Senator Hoagland two or three questions.

SENATOR HOAGLAND: Yes, I would be happy to respond, Senator Chambers.

SENATOR CHAMBERS: Senator Hoagland, do all levels of the judiciary perform the same function?

SENATOR HOAGLAND: Senator Chambers, we have about five different kinds of courts and two of them are courts of general jurisdiction, three of them are courts of limited jurisdiction. No, they don't all provide the same function.

SENATOR CHAMBERS: An appellate is different from trial. Would you agree?

SENATOR HOAGLAND: That's right.

SENATOR CHAMBERS: All right, now do all of these courts, let's say all of the District Courts so we are dealing with one level, do they all have the same workload?

SENATOR HOAGLAND: Senator Chambers, it is my understanding that they don't but there are other methods of dealing with that problem without holding their salaries hostage.

SENATOR CHAMBERS: Now, have there been such imbalances in some of the areas of the state that last year we added one judge, I think a county judge, and this year...or a district judge, and this year we are being asked to add another district judge to Lancaster County due to the inequity of the workload distribution?

SENATOR HOAGLAND: Senator Chambers, I think we need to deal with that issue, but the rise or fall of 111 is not going to affect our power to deal with that issue if we want to.

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SENATOR CHAMBERS: But I am asking you the question, is that true?

SENATOR HOAGLAND: Well I don't...I am not familiar enough with the facts to be able to give you a specific answer on that.

SENATOR CHAMBERS: Have you voted in favor of those bills to add a judge last year and to add another one in Lancaster County this year?

SENATOR HOAGLAND: Yes, I have.

SENATOR CHAMBERS: Is it because there is an imbalance in the workload?

SENATOR HOAGLAND: Well, I think in those cases, Senator Chambers, good cases were made out for the needs of those judges in those particular instances.

SENATOR CHAMBERS: Now, do all judges have the same ability? And the answer to that is obvious.

SENATOR HOAGLAND: Well, you know, right now we set salaries for classes of judges, not individual judges anyway.

SENATOR CHAMBERS: That's not what I am asking you. Do they all have the same ability?

SENATOR HOAGLAND: Of course not.

SENATOR CHAMBERS: Now, when we talk about having qualified people, do you know roughly how many judges altogether there are in the state?

SENATOR HOAGLAND: There are about 120 in the state.

SENATOR CHAMBERS: Do you think there are that many qualified lawyers in the entire State of Nebraska let alone those who specialize and call themselves judges? Thank you. Members of the Legislature, I have to put something into the record and I hope the Chief Justice is listening. Some of you have come to me and I don't know if you will say it on the floor this morning, who see this as a grab for power by the Chief Justice, that this move is being viewed as a counterproductive move and that it may hurt what the judiciary attempts to do through the Chief Justice. I want that into the record and I will discuss it in more detail with him or anybody else wherever it is necessary. But when we talk about the independence of these various

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branches of government, then we have to be certain that the judges do not try to imply certain threats like we won't rule a certain way on a bill that the Legislature passes unless it gives us what we want. So it is a blade that cuts both directions, and I would advise the judges to tread very carefully and very lightly in that area because they may have a hammer over the lawyers in the body, but they don't have a hammer over me. And I wish one of them would be as direct in approaching me in that fashion as apparently they have been with others, because I will whistle and shout and call them by name on this floor. It wouldn't do any good to file a complaint against them because you would take it to his brothers and as I always say, that's like complaining against Jesse James and Frank James to the Dalton brothers. So what we are doing with this bill is stripping away all the hypocrisy that has surrounded the judiciary and exposing them, Senator Hoagland, as money-grabbing individuals like any other public official, any other public employee, and they will use any lobbying technique to get additional money. Now to get right to the issue of that bill. It is designed to tie the salary of every other level of judge to that of the Supreme Court judges. Remember how an attempt has been made and was successful to tie the sales and income tax rates, the amount produced by them, and there....

SPEAKER MARVEL: You have one minute.

SENATOR CHAMBERS:have been attempts in the past to try to break this tie so that they don't have to produce substantially the same amount of revenue, because in some instances it was felt that more tax ought to be brought from one source than the other. Well, now you are doing that with the judges and there is no rational connection whatsoever between the rate of pay being received by a district judge, a county judge, a judge of the Workmen's Compensation Court, a municipal judge and those of the Supreme Court.

SPEAKER MARVEL: You have 30 seconds.

SENATOR CHAMBERS: There is no rational connection whatsoever and rather than try to make our job easier, as Senator Hoagland is talking about, we must remember that not everything which is proper is easy. I am on the committee that listens to these judges and as hard as the job is, I am willing to continue to assuming it. And it seems that my five minutes went awfully fast, but I will accept what the Chair has told me and try to finish at another time.

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SPEAKER MARVEL: You know, Senator Chambers, that we have never cut you off. Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature, I was gone the other day when the bill came up. It is one of the few times that I haven't been here this year. I was in court myself on some problems. And I am going to vote to raise the bill. I would like to address just a couple of the things Senator Chambers mentioned. The judiciary has been an issue around here every year since I have been here, and we always play the game on salaries. We have the county judges, the Municipal Court judges, the Comp Court judges, Supreme Court judges, District Court judges, and we kind of play games with them. I have watched it. I can remember in the past, Senator X would be mad that particular day because he got a speeding ticket or whatever and the judge gave him a heavy sentence, fined him too much or didn't dismiss the charge, why he would vote against the judges' pay bill. Somebody else would be mad because of this or that and they would put up a dozen amendments to decrease the judges' salary. The judiciary should be independent of us to a very significant degree so they can make decisions based upon the merits of the case. I think this system would go a long ways towards that. Whether it makes the Chief Justice more powerful or less powerful, I don't know. Whether judges have made any threats as has been implied by Senator Chambers, I don't know. But I will give you the best example, the best example of the opposite, and it was just a couple of years ago and the judges' pay raise bill had been killed that year, and I put a motion in to revive it and then I put a motion in to give them their pay increase they wanted, which I felt was reasonable. It was a very tight issue and we finally mustered 25 votes, and I felt, by golly, those judges will think old John hasn't been too bad. You may remember I had pending at that time my Supreme Court case on equalization. They promptly turned around, ruled against me in one of the most hideous decisions I have seen them render on a technicality of standing which they were wrong on, but it clearly indicated to me a little too clearly that they are about as independent over there as you are going to get, and I think they are going to maintain that, and this type of system would enhance that. So I support raising the bill, using it as our vehicle for addressing the judges' pay issue so we don't have half a dozen bills each year that are kind of used like political footballs. I have a separate reason also, one of the areas where there seems to be a little controversy in the judges' thing has to do with the Workmen's Comp, and I am putting whoever on alert that if the bill is

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raised, and I guess I kind of think it might be. I have talked to a few of you and I know some others have and you are going to probably give it a second thought. But if it is raised, I am going to probably offer an amendment on the Workmen's Comp to see if we can't get that one settled too, see if there isn't something reasonable. So I urge you to support the motion to raise and maybe handle our judicial salaries in a little more efficient way.

SPEAKER MARVEL: Senator Haberman. Senator Haberman.

SENATOR HABERMAN: Mr. President and members of the Legislature, Senator Hoagland, I hate to correct you on this, but we didn't make a mistake the other day. I think we did the right thing. You say it does not take away our right to set the judicial salaries. Well, it does, Senator Hoagland, because we only set one salary, because they are all tied together. And there is a difference between salaries and salaries. You say the University does this. The University isn't underneath the Legislature, so that doesn't enter into the picture. They do a lot of things we don't approve of, like buying a'r conditioners for a million dollars and things like this. So I don't think that should enter into the picture at all. And why change? Now you know yourself once we change something, it is harder to change back. The system is working fine. But I guess the reason I really oppose bringing this back is because the citizens of the State of Nebraska do not understand the problem. Now I have here a full-page advertisement that 114 citizens in McCook, Nebraska, paid their money for. Now here is what it says, "We, the undersigned patrons of the McCook Equity Exchange, have learned that a deal has apparently been made between the Red Willow County Attorney's office and LeRoy Fortner, which would allow LeRoy Fortner to plead guilty to one misdemeanor charge as opposed to the three felony charges currently pending against him. That's pretty healthy right there. We patrons would like to go on record as opposed to such an arrangement as being against the interest of all taxpayers of Red Willow County. We, the patrons, believe that the guilt or innocence of LeRoy Fortner of the felony charges pending against him should be determined by a jury of his peers after a full trial of all charges. All of those interested are reminded that the hearing for Mr. Fortner is 9:00 a.m. Monday", yak, yak, yak. Now these citizens had to buy a full-page ad to draw to attention of the lawyers and the court as to what is going on. Due to this ad, the County Attorney has withdrawn from the case and asked them to get somebody else. Now

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you say, how does this tie in? Well, it ties in in two ways. Number one, the average citizen ties the county attorney and the judges and everything into one ball of wax and you mention plea bargaining and they automatically think that the judges are in on it with the county attorney and they just don't like the whole set up or the system. Now in this case at this point the judges had nothing to do with the plea bargaining, but on down the road they will be involved in the plea bargaining because they have to get involved. So I can't explain to my 30,000 people and I am sure there are some other Senators on this floor that can't reach all of their citizens to explain the problem.

SPEAKER MARVEL: You have a minute.

SENATOR HABERMAN: They hear about the salaries. They see the salaries. They compare them to their salaries, and they don't know whether the judge is entitled to more salary or not. But when you tie them together, they understand this and they don't like it. They just don't like it. I am not opposed to giving increases, but I am opposed to tying it together. This is a bad thing to do and I ask you to vote against the reconsideration of 111. Thank you, Mr. President.

SPEAKER MARVEL: Senator Fowler.

SENATOR FOWLER: Mr. President, I was out of town also when the bill was debated, and I want to make it clear I was not in court with Senator DeCamp. I have supported LB 111, but I do not support reviving it. I think the issue has had full discussion twice in this Legislature, once on General File and once on Select File, and there comes a point on all legislation when it has had its day in court, if we can use that phrase, when it has had an opportunity to be debated and discussed where everybody pretty well has their opinion and there is no need to discuss it further, and I think that is true for LB 111 in this session. There are a tremendous number of bills on General File. There are a few bills on Select File. I think reviving LB 111 on Select File to consume more debate for this session is unnecessary at this time. It is obvious from the debate this morning that even if there are votes, even if the lobbyists and the judges and so on have worked on enough votes to revive LB 111 that it will not have smooth sailing, that there will be lengthy debate, that Senator DeCamp will be presenting an amendment to adjust one group of judges, that we may see other amendments to adjust the percentage for other judges, and we will go through the same old roller coaster that we have gone through

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before. The judiciary obviously has not worked this legislation out. It has not brought in the simple solution that Senator Hoagland says we have, and I think that we need another year, another time, the bill can be brought in and we can debate it next year. I think that there is plenty of other legislation that deserves a chance for consideration, and for that reason even though I have supported 111, I will not support its revival.

SPEAKER MARVEL: Senator Lamb.

SENATOR LAMB: I would call for the question if there are any other lights, Mr. Chairman.

SPEAKER MARVEL: The question has been called for. Do I see five hands? Okay, the question before the House is, shall debate cease? All in favor of that motion vote aye, opposed vote no. Have you all voted? The motion before the House is, shall debate cease? Record.

CLERK: 26 ayes, 12 nays to cease debate, Mr. President.

SPEAKER MARVEL: Okay, the motion carried. Debate has ceased. The Chair recognizes Senator Hoagland to close on his motion.

SENATOR HOAGLAND: Senator Marvel and colleagues, I am sorry that we are closing the debate on this so quickly because there a number of things I would like to say in addition, and I also would like to yield some of my time to Senator Chronister so he can have an opportunity to speak on this issue too as the cosponsor of the bill. Let me make a couple of brief remarks before I turn it over to Senator Chronister. Now this really is a very simple bill designed to deal with a simple problem, and that is putting the salary of all judges on a scale. Now it doesn't raise the salaries. It doesn't go into effect until January of '83, and we can always change the scale and we can always change the salaries anytime we want. This is all done by statute, just like the salary issue itself is. Now a lot of other issues have been dragged into this debate by Senator Chambers and others, issues of accountability and issues of judicial arrogance and so forth, which simply are not there. All this bill would do would permit us preferably through the Appropriations Committee but certainly not necessarily, that's not part of this bill either, to set salaries like any other salaries are set, like state employees' salaries, like other salaries are set. Now the state employee issue certainly has the

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potential of being even more controversial and even more of a political football than judicial salaries does, yet we do that in a rational and intelligent way. Now, let me just review for some of you who are new members how this issue came down two years ago when Senator Pirsch and ten others of us were all down here as freshmen. Now, believe me it was a political football like you have never seen before. It was in the Judiciary Committee for six or eight weeks, and Senator Reutzel and Senator Chambers kicked it around inside the Judiciary Committee back and forth, all around the table. They brought accountants in. They projected out the salary requests made by the court and they said at this rate by the year 2100 you are going to be making \$7 million each. Press releases were going out three times a day. I mean, people really had a heyday. It was just great. And then it came out here on the floor of the Legislature, and did it stop? No, the political football was teed off again and it bounced around inside this Chamber for six weeks. It came up time and time again, and as I sat there, all I thought is, you know, what can we do to depoliticize this issue to handle it rationally like we handle most other salary issues in this body. Now, everytime the political football got kicked around and battered around why people would stand up and make more harsh, extreme statements about the judiciary, about pet peeves they have with judges going back fifteen or twenty years, and Ed Howard would go back to his old room and clatter it out on the wires and out it would go, and it would appear in newspapers around the state, and believe me, it didn't do our system of government or anybody any good. It consumed a lot of time unnecessarily and I think all of us agree there are many, many better ways of handling these particular issues. We don't need to turn judicial salaries into political footballs. We have got plenty of other things to turn into political footballs if we want. We have got the Omaha sales tax issue. We have got the litter tax issue. We have plenty of political footballs around. You know, why choose one that is going to damage and cut into the fundamental operation of our democratic society? We need to treat the courts as independent entities. We need to treat them with dignity. We need to remember that the number one objective is to get the best people possible to serve on the judiciary, and that we have all sorts of other methods of accomplishing these other goals, Senator Chambers' interest in redistricting, Senator Johnson's interest in changing the Merit Selection System. We write all the enabling legislation. We deal with their appropriations. There is no need to send out the message that we are going to hold their salaries hostage.

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SPEAKER MARVEL: You have a minute and a half, Senator.

SENATOR HOAGLAND: That is not proper. Thank you, Senator Marvel. That is not proper. It is not our function. We should respect their independence just as we want them to respect our independence. And with the Speaker's permission, I will yield the rest of my time to Senator Chronister, the sponsor of this measure.

SPEAKER MARVEL: Senator Chronister, you have a minute.

SENATOR CHRONISTER: Mr. Speaker and members of the Legislature, last week and today probably the most frequently repeated argument against 111 is that it would reduce the accountability of the judiciary to the Legislature. That argument is mistaken and misdirected. The Legislature possesses innumerable means for reviewing the performances of courts and judges who serve in them. We write the laws which they apply, including the laws which structure the courts. Through the appropriations process we wield the power of the purse strings over the judiciary. Whenever any such measure is enacted we are reviewing the performance of the courts. The number of opportunities to review the courts and hold the judges accountable is limited only by the bounds of our imagination. LB 111 is directed at rooting out one of the most negative aspects in the relationship between the judiciary and the Legislature.

SPEAKER MARVEL: Your time is up.

SENATOR CHRONISTER: Thank you, I urge your reconsideration of LB 111.

SPEAKER MARVEL: The motion before the House is the re.... I'm sorry, Senator Chambers.

SENATOR CHAMBERS: I would ask for a point of personal privilege and I will state it to the Chair.

SPEAKER MARVEL: Okay.

SENATOR CHAMBERS: Senator Hoagland, I think when unfair advantage is taken in debate, there should be a chance to clarify the record and that is what my point is. He brought up an earlier bill and said Senator Reutzel and I were making a political football out of it as though I were on the side opposing judges' salary increases. I have supported their increases and I think it is unfair for Senator Hoagland to imply, or Senator DeCamp to imply,

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if that's what he was doing, that I have opposed increases in salaries for judges. I have supported them, but it is the principle of time that I am opposed to and I just want the record clear on that point.

SPEAKER MARVEL: The motion before the House is the reconsideration of the killing of LB 111. All those in favor of reconsideration vote aye, opposed vote no. It takes 25 votes. Have you all voted? Have you all voted? Senator Hoagland.

SENATOR HOAGLAND: Evidently we are going to have a Call of the House but perhaps we could take call in votes and see if we could....

SPEAKER MARVEL: Record the vote.

CLERK: 25 ayes, 22 nays, Mr. President, on the motion to reconsider the bill.

SPEAKER MARVEL: Okay, the motion is carried. Okay, we now turn to Select File, item #6. Senator Haberman, for what purpose do you arise?

SENATOR HABERMAN: A point of order to ask the Chair a question.

SPEAKER MARVEL: Excuse me?

SENATOR HABERMAN: Mr. President, this is a priority bill. Does it go to the bottom of the list or what happens to it now on the schedule?

SPEAKER MARVEL: The bill is not before us now, Senator Haberman. When the time comes, we will....

SENATOR HABERMAN: Thank you.

SPEAKER MARVEL:we will rule on it too. Okay, item #6, LB 44.

CLERK: There are E & R, Senator.

SPEAKER MARVEL: Senator Kilgarin. Just a second. Try it now.

SENATOR KILGARIN: (Microphone not on)....to LB 44.

SPEAKER MARVEL: The motion is the adoption of the E & R amendments to LB 44. All those in favor say aye. Opposed no. Motion is carried. The E & R amendments are adopted.

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LB 298, 111, 486

you all voted? Record please.

CLERK: 27 ayes, 1 nay, Mr. President, on adoption of Senator Landis' amendment.

SENATOR NICHOL: Senator Landis' amendment is adopted. Do you have anything else, Mr. Clerk?

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

SENATOR NICHOL: Senator Johnson or Senator Kilgarin, which one wants to close?

SENATOR V. JOHNSON: I would just move the bill. Voice vote.

SENATOR NICHOL: The motion is shall the bill advance. All those in favor vote aye, those opposed vote nay. We will have a machine vote. Have you all voted? Record.

CLERK: 25 ayes, 0 nays on the motion to advance the bill as amended, Mr. President.

SENATOR NICHOL: The bill is advanced.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The next bill is LB 111 and Senator Chronister would like to have permission to lay over the bill. Any objections? If not, so ordered. The next bill is LB 486.

CLERK: Mr. President, LB 486, there are E & R amendments to the bill.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 486.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried. The E & R amendments are adopted.

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

SENATOR KILGARIN: I move LB 486 be advanced to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced.

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LB 213, 111

SENATOR NICHOL: The question is, shall the Pirsch-Hoagland amendments be adopted. All those in favor signify by voting aye, opposed nay. Have you all voted, please? Record, Mr. Clerk.

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

SENATOR NICHOL: The motion now is to advance the bill. All those in favor signify by voting aye, opposed nay. Have you all voted? Please vote so we can move along. Record, Mr. Clerk.

CLERK: 29 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SENATOR NICHOL: We will move on to LB 111.

CLERK: LB 111 was considered by the membership on March 30. At that time the E & R amendments were adopted. There was a motion to indefinitely postpone. That prevailed at that time, Mr. President. Pursuant to that action, Senator Hoagland made a motion to reconsider and that motion prevailed. The bill was reconsidered. It is now before us on Select File. Mr. President, I do have a motion from Senator Haberman to indefinitely postpone the bill.

SENATOR NICHOL: Senator Haberman.

SENATOR HABERMAN: Mr. President, if I may, and members of the Legislature, in the spirit of cooperation of what was said this morning by the Speaker and with us only having five and a half days left, I withdraw my motion to indefinitely postpone 111.

SENATOR NICHOL: Thank you, Senator Haberman, we appreciate it.

CLERK: Mr. President, I now have a motion from Senator Newell. Mr. President, Senator Newell would move to amend LB 111 by adding a new section to the bill. Add a sunset provision effective January 1, 1985.

SENATOR NICHOL: Is Senator Newell in the room? Did you want to withdraw that, Senator Newell?

SENATOR NEWELL: I would like to....no, I don't want to withdraw it right at this moment. I would like to ask... this is a sunset provision that would make the bill last for three years. I have great reservations about 111. I am willing to try it, but I don't want to put it permanently in stone, and I would like to ask Senator Chronister if he would accept this as a friendly amendment to his bill.

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LB 111

SENATOR NICHOL: Senator Chronister, would you like to respond to that?

SENATOR CHRONISTER: Senator Newell, I appreciate all the friendliness I can find, believe me. But at the moment I don't believe... I rather try 111 in its original form.

SENATOR NICHOL: Okay, are you making a motion then, Senator Newell?

SENATOR NEWELL: Well, I just wanted to make sure that we understand that Senator Chronister isn't willing to compromise. I feel better about voting against it and I would urge my colleagues to vote against it. I will withdraw it since Senator Chronister thinks he has the votes, and we will see whether he does or not. I will withdraw the motion and then I will have a good conscience when I oppose LB 111.

SENATOR NICHOL: It is withdrawn.

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

SENATOR CHRONISTER: Mr. President and members of the body, we are all well aware that LB 111 sets a formula for providing the salaries of judges. It is not a pay raise for the judges. Now when LB 111 was previously debated, probably the most frequently repeated argument against it was that it would reduce accountability of the state's judiciary to the Legislature. That argument is mistaken and misdirected. Actually, the Legislature has any number of means for reviewing the performance of the courts and the judges who serve in them. The Legislature writes the laws which the judges apply, including the laws which structure the courts. Through the appropriations process we wield the power of the purse strings over the judiciary. Whenever any such measure is enacted, we are reviewing the performance of the courts and holding the judges accountable to the Legislature and to the people. LB 111 will provide for greater accountability of the courts and judges to this Legislature. Remarks made on the floor might have one believe that LB 111 is something more than a bill. It's provisions are not permanent and unchangeable. If at any future session we feel that the judges of a particular court are paid too much or too little, we can simply pass a bill which amends the percentages. This bill will create accountability within the court system as well. Under LB 111 all courts must sink or swim together.

If the actions of one court would discourage a salary increase, all courts would suffer together. LB 111 would naturally cause all the other courts and the Chief Justice to pressure the offending court to clean up its act. Presently, if one court does not perform satisfactorily, the natural tendency is for the judges of the other courts to say to the Legislature, don't give the salary increase to that court, give it to us instead. The current law is a disincentive for the various courts to think of themselves as a single unified court system. LB 111 is directed at rooting out one of the most negative aspects in the relationship between the judiciary and the Legislature. We know that the spectacle of judges of different courts separately lobbying for pay raises tarnishes the dignity of the judiciary. But let us not forget that it also tarnishes the dignity of the Legislature. We must do our part to eliminate each and every impediment to attracting lawyers of the highest quality to the bench. Our present system is a message to the judges that they must lobby the Legislature and fight among themselves for their salary. Such an atmosphere could discourage many of our best attorneys from considering becoming judges. We owe a duty to the people of this state to do our part to provide a judiciary of the highest quality. The present system of setting judicial salaries is a retreat from this duty. Some of you seem concerned about how we can deal with misconduct by individual judges. If an individual judge misbehaves, a complaint can be lodged with the Judicial Qualifications Commission. This session we also passed LB 475 which implements constitutional amendment number two adopted by the voters last fall. With these changes the Commission is empowered to impose a broader range of sanctions on individual judges who fall short of the standards the people demand of their judiciary, and then, of course, the electorate as always can vote against retention when a certain judge's term expires. I urge you to support the advancement of LB 111.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Dworak.

SENATOR DWORAK: I opposed the bill before, Mr. Speaker and colleagues. I oppose the bill now. I think Senator Chronister makes a point the fact that he is hoping with this particular bill the judiciary will check themselves rather than the Legislature whose normal, legitimate, constitutional responsibility is to check them. I can stand the heat. I can take a look at each class and each type of judge. I can make that decision based on each type

of judge and the job they are doing. I don't need another group of judges making that decision for me. I think it is legitimately mine. I think this erodes my power. I think it is a poor idea, and I urge you to vote against the bill.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: That is probably the best thing I have said all day and the record didn't get it so I have to repeat....yes, Senator DeCamp and members of the Legislature, I am going to speak and I oppose this bill. We were having a little discussion, Senator Chronister, and if you think the question has enough significance you can answer it when you close, but when you mentioned the dignity of the Legislature, did you misread, or did Walt misspell? I was just curious and I don't really know the answer. But I am opposed to this bill for the reasons that I gave on General File. I will not offer a kill motion or do anything to delay taking a vote on it. However, at every opportunity there is to discuss the bill and I am in the Chamber, I must express my opposition to it. When I mention the word "accountability" and it is attached to the concept of the Legislature, I don't mean that the judges have to give opinions that are pleasing to the Legislature, I am talking about things like workload, how many hours a day the judges will work, whether they show up in court on time, if there are orders entered that deal with say visitation right, are those rights enforced and if one of the parents complains that he or she is not being given these rights, what will the judge do? This is what I am talking about, the discharge of their duties that are imposed on them because they are judges. I think that this is a poor bill and we ought not tie all of the salaries of the judges to that of the Chief Justice. It is not wise and I don't think it is justified. There is no static correlation between the various courts and the Chief Justice of the State Supreme Court. There is no logical relationship. All we can do is create an artificial one legislatively, and to me it is as ridiculous as saying there is a drought in Nebraska so the Legislature will vote that it will rain tomorrow, so that means it is supposed to rain. It is as ridiculous for us to say that there is a static relationship between all of the courts and the Chief Justice. If he is interested in maintaining tighter control over the courts, and because he exercises what I consider to be a wholesome influence, I am not opposed to it in his case. There has to be a better and different way of exercising that control than the instrumentality of

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LB 111, 138, 361

this bill. So I am asking that enough of you vote against advancement so that the effect of a kill motion will be reached anyway. And by the way, on your desks, because I haven't been sending you many rhymes this session, there is a little poem commenting on a recent news item and it might give you a little smile if you are not Jerry Koch.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. President, I would call the previous question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? Okay, all those who wish to cease debate vote aye, opposed vote no. Shall debate cease is the motion. Yes, this is cease debate. Have you all voted? Record.

ASSISTANT CLERK: 25 ayes, 0 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate has ceased. Senator Chronister, do you wish to close?

SENATOR CHRONISTER: Yes, I urge the passage of LB 111, the advancement.

SPEAKER MARVEL: The motion is to advance the bill. All those in favor of that motion vote aye, opposed vote no. Have you all voted?

SENATOR CHRONISTER: Mr. Chairman, I wonder if we could get the Miscellaneous Subjects Committee.

SPEAKER MARVEL: Senator Hefner, can we get some potential votes from your group? We are hung up at the moment. This is to advance 111. Record the vote.

CLERK: 25 ayes, 11 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: Motion carried. The bill is advanced. What is the next bill? 138?

CLERK: Mr. President, if I may right before that, a communication from the Governor addressed to the Clerk. (Read communication regarding LB 361 as found on page 2151 of the Legislative Journal.)

Mr. President, LB 138, there are no E & R amendments, Mr.

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LB 376, 111, 118, 129,
129A, 138, 523

SENATOR BARRETT: How many are still absent? Two excused? Yes, proceed in reverse order if you would please.

SPEAKER MARVEL: Mr. Clerk.

CLERK: 25 ayes, 22 nays, 2 excused and not voting. Vote appears on page 2206 of the Legislative Journal.

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

CLERK: Mr. President, while we are waiting your committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed LB 111 and find the same correctly engrossed, 118 correctly engrossed, 129, 192A, 138 and 523 all correctly engrossed. (Signed) Senator Kilgarin, Chair.

SPEAKER MARVEL: Senator Landis.

SENATOR LANDIS: Mr. Speaker, I move we adjourn until tomorrow morning at 9:00 a.m.

SPEAKER MARVEL: The motion is not debatable. The motion is to adjourn until 9:00 tomorrow. A machine vote has been requested. All those in favor of adjournment vote aye, opposed vote no. Okay, motion carried. We are adjourned until 9:00 a.m.

Edited by


Mary Turner


Arleen McCrory

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LB 111, 118, 129

SENATOR CLARK: The amendment is withdrawn. That is all we have. We will go to item #6. Do you have some things to read in? We will go to item #6, Final Reading. All senators will take their seats. All senators will be in their seats before we start Final Reading. Mr. Sergeant at Arms, will you keep them from scattering there before we get on it. We will start Final Reading when we get everyone in their seats. (Gavel.) Can we get everyone in their seats, please. The Clerk will read on Final Reading, LB 111.

CLERK: (Read LB 111 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass. All those in favor vote aye, all those opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? There is not much reason to hold it open up here because you are all in your seats. Have you all voted? Record the vote.

CLERK: (Read record vote as found on page 2338 of the Legislative Journal.) 25 ayes, 15 nays, Mr. President, 5 excused and not voting, 4 present and not voting.

SENATOR CLARK: The bill is declared passed. The Clerk will now read LB 118 with the emergency clause.

CLERK: (Read LB 118 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass with the emergency clause attached. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: (Read record vote as found on page 2339 of the Legislative Journal.) 43 ayes, 0 nays, 6 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed with the emergency clause attached. The Clerk will now read LB 129.

ASSISTANT CLERK: (Read LB 129 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied

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LB 111, 118, 129, 129A, 213,
318, 389, 389A, 523, 556,
556A

bills we didn't have time for before.

SPEAKER MARVEL: It is my understanding we have got about an hour, Mr. Clerk, is that right...?

CLERK: Yes, sir.

SPEAKER MARVEL: ...and at the end of that time we should have the bills up here and I appreciate your cooperation. I have nothing else to say because Senator Clark can't understand English.

SENATOR CLARK: We will be "easy" until then. Senator Marvel.

SPEAKER MARVEL: Where did you go? Oh. The Legislature will be at ease until seven o'clock.

SENATOR CLARK: Or until the bills come up?

SPEAKER MARVEL: Pardon me?

SENATOR CLARK: Or until the bills come up?

SPEAKER MARVEL: I think what we need, Mr. Clerk, and you can correct me, we need a quorum.

CLERK: That would be desirable, yes, sir.

SPEAKER MARVEL: Okay.

EASE

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I am about to sign and do sign LB 111, LB 118, LB 129, LB 129A, LB 523, engrossed LB 523, engrossed LB 556, engrossed LB 556A, one of the smaller bills of the session, engrossed LB 213, engrossed LB 318, reengrossed LB 389 and reengrossed LB 389A. Okay. Senator Goll, will you adjourn us until nine o'clock tomorrow morning.

SENATOR GOLL: I move that we adjourn until nine o'clock tomorrow morning.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. We are adjourned until nine o'clock tomorrow morning.

Edited by LaVera M. Benischek
LaVera M. Benischek

May 28, 1981

LR 192
LB 111, 118, 129, 129A, 213, 318, 322,
389, 389A, 472A, 523, 540, 548, 556, 556A

PRESIDENT LUEDTKE PRESIDING

DR. ROBERT PALMER: Prayer offered.

PRESIDENT: Would you all register your presence? We would like to get started. Senator Carsten, would you give us a green light and then we will start. Thank you, you got us under way. Record the presence, Mr. Clerk.

CLERK: Quorum present, Mr. President.

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal will stand as published. Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined LB 540 and find the same correctly enrolled; 322 correctly enrolled.

Mr. President, your enrolling clerk has presented to the Governor for his approval the bills that were read on Final Reading yesterday. (See page 2356 of the Journal regarding LBs 111, 118, 129, 129A, 523, 556, 556A, 213, 318, 389, and 389A.)

Mr. President, I have an Attorney General's Opinion addressed to Senator Beutler regarding LB 472A. (See pages 2356 through 2358 of the Journal.)

Mr. President, I have a report from the Department of Administrative Services regarding lease approval.

Mr. President, new resolution, LR 192, offered by Senator Rumery. (Read LR 192 as found on pages 2358 and 2359 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, LB 548 and 322 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LB 548 and LB 322. Before we get started with today's activities, the Chair would like to introduce fifteen students from across the whole State of Nebraska,

LR 146, 180, 188, 189,
191, 194-196

LB 111, 118, 138, 213, 216,
320, 472, 506, 506A, 512,
523, 551, 556, 556A

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PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend John Schmeltzer, Associate Pastor of First Plymouth Congregational Church here in Lincoln.

REVEREND SCHMELTZER: Prayer offered.

PRESIDENT: Roll call. 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: One little one, Mr. President, on page 2378, insert the contents of LR 194.

PRESIDENT: All right, the Journal will stand published as corrected. Any messages, reports or announcements?

CLERK: Mr. President, I have a series of items. Mr. President, I have several communications from the Governor addressed to the Clerk. (Read. Re.: LB 320, 472, 111, 118, 213, 216, 512, 523, 551, 553, 554, 556, 556A, LB 138, LB 506. See pages 2383-2384.)

Mr. President, I have a veto message from the Governor. (Read. Re.: LB 506A. See page 2385 of the Journal.)

Mr. President, I have an Attorney General's opinion addressed to Senator Beutler regarding LB 321; an opinion addressed to Senator Hoagland on LB 213. See pages 2385-2387 of the Journal.)

Mr. President, new resolutions, LR 195 by Senator Koch. (Read. See page 2387-2388.) And Mr. President, LR 196 offered by Senators Wesely, Hoagland, Fowler and Beutler. (Read. See pages 2388-2389.) Mr. President, finally LRs 146, 180, 188, 189, 191 and 194 are all ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LR 146, LR 180, LR 188, LR 189, LR 191, LR 194. Anything further, Mr. Clerk?

CLERK: I have nothing further, Mr. President.

PRESIDENT: We will proceed then with agenda item #4, Final Reading on this final day of the 87th Legislature, first session. The Sergeant at Arms will secure the Chamber.