

January 13, 1981

LB 134 - 139

CLERK: Mr. President, quickly, new bills: (Read title to LB 134 through LB 139. See pages 140 and 141, Legislative Journal.)

Mr. President, Senator Fitzgerald would like to have a meeting of the Transportation Advisory Committee in his office upon adjournment. That is the Transportation Advisory Committee meeting in Senator Fitzgerald's office upon adjournment.

Mr. President, your committee on Public Works whose Chairman is Senator Kremer gives notice of public hearing for January 28, 29 and 30.

Mr. President, Senator Carsten would like to have an executive session of the Revenue Committee in Room 1019 upon adjournment. Revenue Committee in executive session Room 1019 upon adjournment.

Senator DeCamp would like to have a meeting of the Banking, Commerce and Insurance Committee tomorrow morning at 9:10 a.m. underneath the North balcony. Banking Committee at 9:10 a.m. tomorrow morning.

SPEAKER MARVEL: The Chair recognizes Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker. I would like to call the attention of the Legislature to one final rule change and when we are done with this we will be left with only a handful of rule changes that are pending by Senator Chambers and then we will be able to complete that activity tomorrow. So if we can just take care of this one last rule change, we can adjourn for the day and deal with the final few rule changes tomorrow. The rule change that I am calling to your attention now and which I move at this point for adoption concerns Section...Rule 3, Section 15 of the Rule Book. That is on page 19. This is an amendment brought to you by myself. It was worked out with members of the media of Nebraska and also Senator Beutler and other interested Senators. This was a concern that there was some uncertainty as to the language in the present executive session section of the rules as to what the media could or could not cover. The concern was that in the past when you have an executive session the media could be present and could report on discussion and action taken by the committee. Unfortunately there was a rule change last session that deleted the discussion part of the coverage option for the media and it was felt that that was important to reinsert. Now that is one of the rule changes that is incorporated here. The other is when you close an executive session to everybody including the media, I add the word "rare" to the

**SPEAKER MARVEL:** The motion carried. The bill is advanced. Okay, the next order of business is LB 288.

**CLERK:** Mr. President, if I may, before that I would like to read in some matters. Your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 125 and recommend that same be placed on Select File with amendments. Your committee on Constitutional Revision and Recreation whose chairman is Senator Labedz to whom is referred LB 138 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 531 General File with amendments. Your committee on Constitutional Revision gives notice of cancellation of hearing and Revenue sets hearing for March 3, March 4, March 9, (Signed) Senator Carsten, Chair. (See pages 645-646 of the Journal.)

Mr. President, LB 288 was introduced by Senator Myron Rumery. (Read title.) The bill was read on January 19. It was referred to the Nebraska Retirement Systems Committee. The bill was advanced to General File. There are committee amendments pending by the Retirement Committee, Mr. President.

**SPEAKER MARVEL:** Senator Fowler.

**SENATOR FOWLER:** Mr. President, I move adoption of the committee amendments. The bill was brought in to enable members of commissions who are beyond the retirement age to receive a per diem. Now we are not talking about state employees as such. We are talking about people that serve on advisory boards and committees and so on. Because of an interpretation of state law, the Department of Administrative Services, although it would pay expenses to such commission members, would not pay a per diem even if it was authorized by law if the person was over 72 years of age which is the mandatory retirement age. Senator Rumery brought the bill to the committee based on a concern with regards to one commission but this could apply to any commission that pays per diems. The committee amendment basically picks what we think is the most appropriate section of the statute to provide the exception to the retirement age and basically what we are saying is that if you are a member of a commission, not a regular employee, but a commission member you can receive an authorized per diem even if you are over the mandatory retirement age, age 72. The committee amendment becomes the bill. It is essentially the same concept. It is just probably a more appropriate place in the statute, so I would move for adoption of that amendment.

**SPEAKER MARVEL:** Senator Rumery.

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CLERK: Mr. President, LB 138 was offered by Senator Vard Johnson. (Read title.) The bill was first read on January 13, referred to the Constitutional Revision and Recreation Committee. The bill was advanced to General File. I have no amendments on the bill, Mr. President.

SPEAKER MARVEL: Senator Johnson.

SENATOR V. JOHNSON: Mr. Speaker and members of the body, this...LB 138 is a bill that would call for an amendment to the Constitution with respect to our pay. It is our salary bill. It is a simple bill. If this body adopts this particular measure, and if the voters approve this particular measure in the next statewide election, then this bill, if approved, will give us the authority to set our salary at whatever level we want to pay ourselves at whatever level we think is appropriate provided, however, that we can't set a salary in excess of one-third the Governor's pay. How much is the Governor now paid? He is now paid \$40,000 a year. So if this amendment was in place right now, we could not set our salary in excess of \$13,333. That would be the ceiling on what we could pay ourselves, if this law were in effect. Now I am having passed out some material. One of the items that you will receive is something that is labeled...it's two pages and it is labeled "Table Seven". Table Seven comes from the 1980-'81 book of states. Table Seven lists legislative compensation and expense money state by state. When I went through Table Seven and made an analysis of the kinds of pay and expenses that were allowed by various constitutions and by various state statutes, what I concluded was that Nebraska ranked 49th, we rank 49 in terms of an overall compensation package. New Hampshire ranks 50. It is the lowest state. We are the second lowest state by my reckoning. Now there are a couple of states that appear to pay their legislators less money for their work, such as South Dakota. On the other hand, South Dakota meets once every two years for less time than we meet. So in the end, it appeared to me that this state is now the second from the bottom in terms of legislative pay. And you and I well know that we have to do something about compensation, not just because it has become increasingly difficult for us to serve but more importantly it has become increasingly difficult for qualified people to run for this job. More importantly, persons who are dependent on a wage, persons who are not financially well off, genuinely cannot afford, they genuinely cannot afford to give up five months in the odd numbered years and three and a half months in the even numbered years to come down here at no pay to themselves other than our legislative pay. So we have to continue to put to the voters what I call a case of simple justice, and that case very simply is that our pay must be increased. Now I have set this figure at one-third the Governor's salary for a couple of reasons. And the first reason, and that is the receiving of one-third the Governor's salary for a couple of reasons. The first reason is this. We expend at least one-third as much time on state business as does the Governor. We may

expend more than that, but we are a part-time Legislature. We are not a full time Legislature. We are a part-time Legislature and for that reason it seems that we take a part-time figure and one-third I felt was the most appropriate figure. Secondly, I selected the Governor's salary because just as the Governor is the Chief Executive Officer of the state, you and I, ladies and gentlemen, are the chief legislative officers of the state. We are coequal. We are coequal. Now there have been those who have said to me, well, Johnson, what you are doing is a ruse because this Legislature can increase the Governor's salary in subsequent years to some astronomical figure, like \$200,000 solely for the purpose of being able to raise its ceiling by enormous amounts of money so that it can then pay itself huge sums of money. I have passed out, one of the many enclosures on your desk is a little table showing the salaries of constitutional officers in this state since 1955. As yourself as you look those figures over, has our Legislature been a profligate in any way with the salaries of constitutional officers in this state. We have not. We have not. It may well be that I might be a big spender. Maybe I would want to increase the Governor's salary threefold or fourfold, but sitting right behind me is Senator Lamb who is not a big spender, who is very frugal, tightfisted, downright stingy, and you gotta get 49...there are 49 different minds in here and 49 different votes, and for every effort made by somebody who wants to push salaries up, there will be a countervailing effort made by somebody who wants to keep salaries down, and finally middlegrounds are reached. That is the nature of the Legislative process. I have absolutely no fear whatsoever, no fear whatsoever, about pegging our ceiling to the Governor's salary. Then you have a chart, Table Seventeen from the Book of States, Annual Salaries of State Administrative Officers. Take a look again at how much we pay our state administrative officers in relationship to what other states pay their administrative officers and you will see that this Legislature that appropriates a budget of a million two, that sets the salary of its officers and its judges, is not a profligate Legislature. It is a frugal Legislature. And you finally have on your desk a chart showing all constitutional amendments since 1950 with respect to pay and expenses and you will find that since 1968 when we last got our pay increase there have been seven attempts to increase salaries or expenses. There have been attempts made by just setting a specific dollar amount for the salary and that has not been successful. There have been attempts made by establishing a commission and that has not been successful. There have

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been attempts made by changing the expense law and that has not been successful. Well the lack of success on any of these attempts doesn't mean that we should keep from trying it again. It just means simply that you and I have got to continuously talk to the voters about what is fair and just and right until finally the voters understand that it is improper and that they do themselves a disservice to keep our salaries at such low wages. We cannot continue to operate as we have. Now there is a group in Lincoln that is sort of spear-headed I understand by the League of Women Voters and they have been very interested in doing something during the next year and a half on legislative pay, and they met apparently this weekend and they have decided that this particular measure that I call for in LB 138 is one that they feel is very responsible and the kind of measure that they can go out and educate their people too, and they would be willing to support it. Now I am hopeful, but just because I am hopeful doesn't guarantee its passage.

SPEAKER MARVEL: You have one minute.

SENATOR V. JOHNSON: What we have to do is we have to adopt a schema that we think we can live on, that we can run on, that we can support. We have to pass it now. We should pass it with 40 votes to get it on the primary ballot in May of 1982 and we should talk for it, but we should make certain that groups like the League of Women Voters and others know that this is what the Legislature now thinks is the most appropriate way to go, and if that is what they think, they will work for it and with some luck we will get it passed. If we don't get it passed, obviously we will continue to function as a Legislature, but we should never look at it in that fashion, we should continue to work for what I say is simple justice. I ask your favorable consideration of LB 138.

SPEAKER MARVEL: There is an amendment on the desk.

CLERK: Mr. President, Senator Wesely moves to amend the bill. (Read the Wesely amendment as found on page 886 of the Legislative Journal.)

SENATOR WESELY: Mr. Speaker and members of the Legislature, what this amendment would do is place this question on the primary rather than the general election ballot. I talked to Senator Johnson about this and I would like to share with you the reason for this change and the reasons for this amendment. Senator Beutler and I,

and Senator Warner has also met with the League of Women Voters and discussed with them their petition drive to try and place on the November ballot a salary increase for State Senators. Now when a petition drive is initiated to place on the ballot a change in the Constitution, it's got to be in the General Election so they have no choice but to place it in the General Election. So the feeling was if we had two competing constitutional amendments dealing with the salary issue for State Senators, there may be some confusion and some difficulties, and so the discussion was we should place one and only one on the General Election ballot and that if the Legislature wanted to propose an increase in salary, the best way and most appropriate time to do that was on the primary ballot. Now the situation is this, the League is ready to move ahead with their petition drive. They have gotten a number of groups interested and they need to go ahead from the Legislature as to what direction we want to take. The direction I propose to the Legislature is that we place LB 138, which would set the salary at one-third or less of the Governor's salary, put it on the primary ballot and then let those in support of the petition drive decide on which approach they wish to take and initiate their petition drive in the very near future and start to collect signatures to place it on the November ballot. I think this is the wisest approach for the Legislature. I believe that if you look at the handout that Senator Johnson provided for you, it indicates that time after time when we proposed an increase in our salaries the people have rejected it. I think that Senator Johnson's approach which is different than any previously attempted may be more successful in the primary, but the fact remains that it is even more beneficial to have the citizens from the grass roots support such an effort and to indicate the fact that the general public is most harmed by the salaries not the members of this body. It's not those of us in here that are suffering from the low salary that are really hurt by the fact that we don't get paid adequately, in fact, it is the general public who is hurt by this and it's been recognized by many groups and that's why they are leading this petition drive. So I think we want to encourage that and we encourage that by changing as this amendment would propose to place this question on the primary ballot and allow those in support of the petition drive to place their question on the November ballot.

SPEAKER MARVEL: Senator Schmit. Senator Newell.

SENATOR NEWELL: Mr. President and members of the body,

I would like to bring to the attention of the body something I think that Senator Johnson has overlooked, and that basically is that in his bill we still have the prohibition on any expenses that this Legislature might pay itself. And I think that the greatest problem, one of the most difficult problems that we have as legislators and especially for those rural legislators who have much further to drive and have to pay the expenses of living down here and so forth, is, in fact, the expense question. Now I am sure that if we had a salary increase, we would all be better off. Maybe we not having so far to go back and forth to home wouldn't be hurt very bad by that, in fact, I would be helped, but it really doesn't create...it doesn't deal with one of the greatest inequities in this whole area and that is the inequality of cost of service. Now if we were compensated right today for just what it costs to serve, I think it would be one tremendous improvement. Senator Kahle and others have suggested, you know, put the salary at one dollar but give us expenses, and I think that there is some real merit to that. When I first came in, \$400 met my expenses. It does not do that now and I live in Omaha, not that very far away. So I am wondering, Senator Johnson, if that little...that area where you have overlooked to deal with the expense thing isn't one of those major inequities that we really ought to address. How do you feel about that, Senator Johnson?

SENATOR V. JOHNSON: In response to Senator Newell's question, his question very simply...he says I have looked at 138 and 138 doesn't reckon with the expense problem, would you like to have that reckoned with? I think the expense problem is unjust and wrong. I chose not to reckon with it in LB 138. I figured I would rather deal one step at a time. I would rather deal with a salary issue, and if we can get that...if the voters will approve of that, then later on go with the expense issue. I also am supporting Senator Chambers' litigation to the question.

SENATOR NEWELL: Well, I think that Senator Chambers' point is correct. If we have no problem and Senator Chambers' bill passes and the Supreme Court upholds it, we have no problem. If, on the other hand, there is a problem there and I am no lawyer so I can't make these solid sort of understandings of these things, but if there is a problem, then we will have dealt with the salary thing and yet still have the major inequity of expenses still to be dealt with and I think if the



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voters give us a salary increase, they are going to be a little less than anxious to go back and deal with the expense question. Let me ask Senator Nichol and Senator Kahle and some other rural legislators just to quickly address that. Senator Nichol first and then Senator Kahle.

PRESIDENT: Do you yield, Senator Nichol? Okay.

SENATOR NICHOL: Yes, Mr. Chairman. Of course, living 400 miles, the expense is more important than the salary to me.

SENATOR NEWELL: Senator Kahle, do you feel that we ought to be addressing this in the area of expenses?

SENATOR KAHLE: Senator Newell, I think that any salary increase that we have should include the differential in expenses that those of us that have to live farther away from the Capitol incur. And you were correct, I have stated many times I would much rather work for a dollar a year and expenses than what I am getting now. I am not sure we can get it in this amendment and get it passed. That's the hard thing and I don't know who is going to make the guidelines. I don't think I should be allowed to go home every week as I do now. I think there should be some limit on the travel that I make, but I think it should be included. Thank you.

SENATOR NEWELL: Well, here is the problem I see, is we have a constitutional prohibition against that, maybe...maybe. The key thing is maybe. I don't know whether we do or not. We will find out as soon as Senator Chambers' bill is litigated and so forth. But, frankly, at this point in time we have, to somebody's way of thinking, a prohibition against expenses. I am wondering if we ought not amend this bill. I am going to talk to some more people, Senator Johnson, to find out if there is support for amending this bill and offering the expense...taking out the prohibition for expenses. And I will get back to you and others in terms of what I might find out from that.

SPEAKER MARVEL: The Chair would remind the legislators that we are speaking to the amendment that Senator Wesely proposed that has to do with the general and the primary elections and the designation of which is attached to that with this particular bill. Is Senator Lamb there? No, Senator Lamb is up there. Senator Schmit.

SENATOR SCHMIT: (Microphone not on)...rise in opposition

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to LB 138. I think it is evident to all of us the public has expressed their opinion many times in opposition to a salary increase for state legislators. I don't think that at the present time the mood is any different than it has been in the past, in fact, if anything it is more militantly addressed in the opposition to any kind of pay increase. I think that it is a waste of time. It is a waste of effort and the Legislature will suffer in the process. I want to call attention also to the fact that I think, and I know that Senator Vard and Wesely and those who are interested in this bill are sincere, I think they have a real deep concern about the inability of certain persons to be able to serve, but I think that this bill here would perhaps create greater inequities than it would resolve. Those of us who live in the eastern half of the state or eastern third of the state have a tremendous advantage over the members of this body who live in the far west. It costs Senator Nichol \$500 for a round trip by air to his home town. I think that when you look at the distance that Senator Clark, Senator Nichol, Senator Cullan, have to travel, the expenses that they incur are so much greater than it is for those of us who live in this part of the state, that to pass a salary bill that could provide for some of us some sort of reasonable compensation would be actually a cruel subterfuge on the public because those who live in the west would not have any kind of compensatory benefits. I think that if we are going to address the issue of salary and compensation, you have to look at the expenses that are involved. We have not done that in this bill, and not to do so is certainly a disservice to a great majority of the members of our body. I think when you try to address the issue across the board, it makes it doubly difficult. There are certain professions, for example, if you are a teacher, if you are a lawyer or a doctor and you live in the western part of the state, you totally abrogate your constituency. You have to just abandon the people upon whom you depend for a living. If you happen to live in the eastern part of the state, in some professions you can survive, in others you cannot. Those in the teaching profession cannot survive because they need to be here. But I think it is important that we recognize that, first of all, the bill is not going to pass. It's not going to pass. I can tell you it's not going to pass.

SPEAKER MARVEL: You have one minute, Senator Schmit.

SENATOR SCHMIT: We know it is not going to pass. Why drag

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ourselves across the washboard one more time just for the honor and glory of hearing the noise. I don't care for it. I don't want anything to do with it. I think it is a waste of time on this floor. It's a waste of time for the public, and we ought to forget the bill and go on to something else.

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

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I think what Senator Schmit said is correct. However, I always vote for these salary bills, and Senator Johnson gave a very persuasive presentation, but we are not the ones that have to be persuaded, we already agree. But the public does not care how we phrase an increase in salary bill. They are going to vote no. Now, I think we ought to amend the bill to say our salary should be a million dollars a year to at least show what we think we are worth. We go after paltry piffling amounts all the time. Even people who steal a lot get more respect than the petty thieves. So I think what we ought to do is amend the bill to say, but I'm not going to offer the amendment, our salary ought to be a million dollars. There is a time in history when people of my hue were considered three-fifths of a human being for the purpose of representation, voting. Now we have a bill that says a Senator is one-third of a Governor in value. I guess you have to take it where you can get it, however you can get it, so I am going to help the Senators who feel that this way will work. But all the public has to be aware of is that this is a bill to increase legislative salary and it's no, no, no, a thousand times no. You can crawl, Senator Johnson, on your hands and knees, you can crawl on your stomach, you can cut off part of your arm, you can cut off one leg, you can clip your ear and go to them and say, look what being in the Legislature has done to me. They say, it hasn't done enough, bring me a bill to reduce your salary and maybe we can finish the job. But I will give a vote for the bill all the way across the board, and I will inform you that I am going to try the override on the expenses bill Monday. So I hope enough of you will be here to do that. And remember that is the way that I think we can get some equity through expenses because we are never going to get a salary increase. And, Senator Schmit, although I agree with your position, you are one hundred percent right, I, nevertheless have to vote for the bill.

SPEAKER MARVEL: Senator Lamb. We are speaking to the

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Wesely amendment to the bill. Senator Lamb. Senator Cope, do you wish to speak to the Wesely amendment?

SENATOR COPE: Mr. President and members, I call for the question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? The question before the House is, shall debate cease? All those in favor vote aye, opposed vote no. Record.

CLERK: 25 ayes, 0 nays on the motion to cease debate, Mr. President.

SPEAKER MARVEL: Senator Wesely, do you want to close on your amendment?

SENATOR WESELY: Yes. Mr. Speaker and members of the Legislature, many people are not sure what this amendment would do. Let me again reaffirm. It is to change the ballot question to be placed not in the general election but on the primary election in 1982. The reason for the change is that the general election should be left open for that petition drive to put a question on the ballot to raise our salaries by that citizens group. So what I am asking you to do is to give them a clear shot at putting on the ballot in November an increase in our salary proposal. And rather if we are going to place this bill on the ballot and this proposal on the ballot to increase our salaries, let's do it in the primary. And that is what this amendment does. I think it's preferable and I think most people would agree that it is wise to allow the petition drive a chance to succeed.

SPEAKER MARVEL: The motion before the House is the Wesely amendment. All those in favor of that amendment vote aye, opposed vote no. Record the vote.

CLERK: 27 ayes, 4 nays on the motion to adopt Senator Wesely's amendment.

SPEAKER MARVEL: The motion is carried. The amendment is adopted.

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

SPEAKER MARVEL: Senator Johnson.

SENATOR JOHNSON: Mr. Speaker and members of the body,

there has not been a lot of discussion on this bill. Senator Schmit says that we just ought not to drag our affairs before the public one more time because as we can all appreciate the public undoubtedly is going to repudiate it, that he doesn't sense any change in the public's mood since the last election on salary. Now that may be right. I don't know. I have a hard time sensing what the public is going to do. I suspect in the end that the Legislature of the State of Nebraska is a whipping boy. In fact, in this morning's Lincoln Star there is a letter from some individual who says that, you legislators who are trying to get a pay increase ought to quit trying to get a pay increase, because all you do is you spend your time and you're responsive to the banker bills, and you are responsive to a lot of other special interests but you don't repeal the sales tax on food and you don't deal with our groundwater problems and a lot of other things, so plague on your House, why should we bother to give you a salary increase. I want to respond to that letter because I think to myself...I think to myself that that writer doesn't fully understand what the democratic process is all about. The democratic process is all about the give and take of ideas, values, demands and what have you. Now, sure we could repeal the sales tax on food, and sure we can take care of groundwater problems if we have a benevolent despot, or even a malevolent despot, but that is not the way democracy works. Democracy very simply means that we have a lot of folk with different views and different ideas, and we are going to pass some legislation that some folks like and we are going to pass some legislation that some folks don't like, and those kind of things are going to happen. And I guess we will always be a whipping boy. It is easy to kick the politicians in the Legislature around, but the easiest way, in my opinion, for us to kick ourselves around is to keep the pay so low that only...that only the affluent can serve, and that we can't get a truly representative body of the state. And that does mean that some values will receive a more favorable hearing probably than other values. And I say to you voters who are watching this and who are listening, and who are reading this, it is important to recognize in the end that you do right by your public servants so that they in turn, we in turn, can fully represent all the different values and competing concepts in society. This is a measure that has not yet been tried with the voters. We have not yet had this kind of provision on the ballot. I am willing to stand by it. I think it is one that we can articulate rationally. I think it is one that we can try, as we have in the past,

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to sell. I do not promise any of you in here a rose garden. I do not promise success, but, at least, you will have something that is responsible and certainly ought to be approved. I move advancement of LB 138.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Lamb.

SENATOR LAMB: Mr. President and members of the Legislature, I really believe that this bill would be counterproductive in that as Senator Schmit indicated would not have a chance of passage and primarily because it is hooked to the Governor's salary. We have...as Senator Vard Johnson indicated, we have not been overly generous with our constitutional officers in the past, but we have not had that incentive up until this point, and if this bill should pass, those voters out there are going to recognize this situation. They are going to say, look, look this is an opportunity for the Legislature to set their own salary, the sky is the limit, because they set the Governor's salary, and they now have an incentive to increase those constitutional salaries. So I see this bill as being really counterproductive. I think that Senator Labedz's bill with the committee amendments which is coming up next has a much better chance of passage and, in fact, it has the only chance of passage. Senator Chambers mentions that we talk about very small increases. I think that is the only possible way to go. There is no way that the voters of this state are going to grant unlimited power for the state legislators to set their own salary or raise the salary by a significant amount. I agree with those who say that the expense situation should be changed, however, I am not sure that we can get that done at this time. I would oppose this bill and urge the body to seriously consider Senator Labedz's bill which is coming up next.

SENATOR CLARK: Senator DeCamp, and then we have Senator Schmit.

SENATOR DeCAMP: Mr. President, just to throw out another thought. You know the argument I kept hearing against doing anything was, well, you guys are only there for 60 and 90 days. There is a complete misunderstanding by the public that for all practical purposes this is a year-around job. Like it or not, that's the way it is, and it has become that way because of development of government at the federal level, the involvement of government in so many ways in our lives. That's just the

way it is. And so it's become a year-around job but in the public's mind we are down here for 60 or 90 days, and they think it's calendar days. They think we are out of here by March. They think it is kind of a vacation in many respects. So I wonder if we maybe shouldn't look at the whole picture. The whole picture maybe means repudiating some of these things such as 60 and 90 day sessions, maybe even going back to biennial sessions, have a session only once every two years, cut down the work of Senators during that one year so that more people could effectively serve the body through this other method, and I am not so sure but what we get further down the road on one of these amendments I might just offer that, and I am not sure but what the people wouldn't support that. I know I have heard the comment regularly, well, why don't you come down there once every ten years, or once every five years, and, of course, some every fifty. However, the biennial session might just be an idea whose time has returned. We might be able to more effectively process our business realizing we, for all practical purposes, have a year-around session for that one year and then we went home for a year, make our living there and donate the time the rest of the time. I think the pay issue is far broader than maybe we've taken the time to think about and look at, and these are some other alternatives that I personally am going to be exploring before any proposal gets to the end of the line.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Before we adjourn for the day, we have Senator Schmit, Senator Vickers, Senator Cope and then we have a resolution. Senator Schmit. Senator Schmit, do you wish to be recognized?

SENATOR SCHMIT: Mr. President and members of the Legislature, I don't like to speak twice on this bill but I think it is important that we recognize, especially in view of what Senator DeCamp has just said about this being a full-time job. I think it was the intention of the founding fathers that we have a citizen Legislature, that we come down to this city and that we perform the responsibilities of a Legislature and then we return to our homes and our businesses and our professions and, by so doing, maintain contact with the general public, keep in touch with what reality really is. I think the insulation that develops after we have been down here for even six months or so perhaps isolates us somewhat from reality. I think this is what happened in the Congress. I think it is unfortunate that the Congress

is today a full-time occupation. And we perhaps spend too much of our time in our office concerned with perpetuating our own careers rather than with serving the people of the State of Nebraska as we were elected to do. I know that that may take many different forms. As Senator Newell and I were just visiting, there is a great interest back home in both of us returning to our respective districts. Some of them would like to see us both return permanently. The facts are that in a legislative body, all too often we get to the point of view or the position that we are irreplaceable, that no matter what we do the public should buy it. The facts are that the Legislature of the State of Nebraska is a favorite whipping boy of most of the press and most of the public, and it is very ironic that about twice a year we get an editorial from the various newspapers that mention that really in all reality Senator so and so who represents this district is a pretty good guy and ought to be paid more money. But then about the next breath you will notice something that says to the effect that the other 48 Senators are really an irresponsible bunch of people and don't deserve any more. And I think that our respective mail would reflect the same kind of thinking. Generally, the constituencies which send us down here support us, but as a whole...as a whole we do not receive broad support. I think that we can look back over the history of the twelve years that I have been here and the general tone that is presented to the public is one of an irresponsible Legislature. Now I don't buy that. I think it is a responsible body, but I think that so long as the public pictures us as being irresponsible it is a waste of time. Why humiliate yourself by going through the wringer one more time? It isn't going to work. As I said earlier, the expenses are in no way equal and a salary, no matter at what level, is not going to take care of those many inequities. But I think the most important thing we should remember is what I mentioned first of all, a legislative body is supposed to be representative and is not supposed to be a full-time job. It is supposed to be a citizen Legislature. We are supposed to be down here a brief period of time, the shorter the period of time the better, and the sooner we return to our home constituencies the more likely we are to represent them well.

SPEAKER MARVEL: You have 45 seconds.

SENATOR SCHMIT: I think all too often if we were to increase the salary, increase the expense money, etcetera, it might encourage us to spend additional time down here and would work to the detriment of the entire Legislature.



So I would oppose the bill and I ask that it be defeated.

SPEAKER MARVEL: Before Senator Vickers makes his presentation, in the north balcony from Senator Maresh's District we welcome thirty-six 4th Grade students from Geneva Elementary School, Geneva, Nebraska, Mrs. Joan Higel, teacher, and Mrs. Grace Kotas, teacher. Will you raise your hands so we can see where you are? Okay, welcome to the Unicameral. Senator Vickers.

SENATOR VICKERS: Mr. Speaker and members, I am a member of the committee that heard this bill and also the bill of Senator Labedz that follows, and I voted to advance both bills. And I will tell you, quite frankly, that I agree with a lot of what Senator Schmit said and a lot of what Senator Lamb said. Probably this one doesn't stand much of a chance. But I do think and I really and truly believe this that it is important that we give the people of the State of Nebraska an opportunity to make a choice. Of course, they can make three choices. They can make the choice of not increasing the salaries in any way, shape or form. Or they can make the choice of increasing the salary in a set figure in the Constitution. Or they can make the choice as Senator Johnson has brought forth giving us the opportunity to set it with a lid based on the Governor's salary. But I do think it needs to be pointed out that Senator Lamb mentioned that this would, in fact, give us an unlimited....the sky is the limit, opportunity to raise our salaries. I guess I have more faith in this body than that. There are times, I will admit, when I think this body is perhaps not as responsible as I would like, just as the members of the general public sometimes feel that way. But in general I think the 49 members of this body are pretty responsive to the public. Senator Schmit mentions that we should get home more often, this is a citizen Legislature. I noticed the roster indicates that there is very few members of this body that considers that a state Senator is their occupation. I certainly don't consider that, and I don't think many others in here do. I go back home and I am a farmer. When I'm here I am a farmer. I happen to be representing that group. I think we are a citizen Legislature and I think it is important that we remain one, but I also think that as a citizen Legislature we are responsive to those people and I am a little bit upset when anybody even indicates that we would raise our salary if we had the opportunity to to a level that nobody could appreciate or nobody could afford. I don't think that's true. There are some members of this

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LB 138

body that have been suggesting that those of us who live farther west have more expenses, therefore raising the salary would not be fair because those that are close and live here in Lincoln and the eastern third of the state would, therefore, make more money. I would remind you that it is true that all men are created equal but from that point in time I think that is where the equality ends. There are differences. Sure it costs me more money to live down here than to drive back and forth, but I, for one, having served on the board that did get paid expenses can realize that expense accounts can be manipulated, can be misused to a great extent, and I think the people of the State of Nebraska would be better served to pay us a figure, whatever the figure might be, whatever either they chose or their elected representative chose, and have that figure apply to everybody.

SPEAKER MARVEL: You have a minute left.

SENATOR VICKERS: That way those of us that have more expenses will just simply make less money out of it. This is not supposed to be a money making occupation, and I don't think any of us in here will raise that figure to where we would be making unlimited amounts of money. But I don't particularly like expense accounts unless there is a strict limit on that expense account and I guess I can see this body not putting that strict limit on expense account much quicker than I can seeing them raise the salary to an unlimited amount. Thank you, Mr. Speaker.

SPEAKER MARVEL: Senator Cope.

SENATOR COPE: Mr. President and members, I agree with Senator Schmit and considerably what Senator Vickers has said. I don't think there is a chance in the world of this Legislature getting a raise other than the set figure, and I looked over for proof this folder that Senator Johnson put out this morning. In 1952 there was a \$1250 limit and it was in dollars, spelled out. In 1960 there was \$2400, and in 1968 it was \$4800. In the meantime we had one, two, three elections for something other than a straight dollar figure and they lost. And I think they will continue the loss. People don't trust government. And there isn't a person in this room, I doubt, that has complained bitterly because the federal government can set their expenses and their salaries. Right? You betcha I'm right. We complain about that and then we expect the public to let us set our salaries or our expenses in the case it is in the bill that was

sent over to the Governor and was declared...or he vetoed. So, I think if we want to do it, I think we should put a figure on it, eventually we will get it, not as quick as we would like maybe, and get back to work and quit wasting our time. We hurt ourselves every time we talk on one of these bills more than five minutes.

SPEAKER MARVEL: Senator Koch.

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

SPEAKER MARVEL: Do I see five hands? Okay. All those in favor of ceasing debate vote aye, opposed vote no. Yes, sir. Have you all voted? Record the vote.

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

SPEAKER MARVEL: Debate has ceased. Okay, Senator Johnson, you are closing on the motion to advance the bill.

SENATOR JOHNSON: Yes, I guess this will be my for real closing. I thought I was closing about two other times but I was obviously mistaken. The thing that...I suppose the thing that really makes me despair over the quality of debate on this bill is the despair and cynicism among our members. Very clearly our members say the voters are going to do it to us one more time, and, you know, we just say, well, that's the way it is. But let me tell you, ladies and gentlemen, the voters haven't done it one more time in a lot of other states in this country. This is from the recent publication by Allen Rosenthal, and you all know who he is. He is the head of the Center for State Legislatures in Rutgers, New Jersey, the Eagleton Institute of Politics, called Legislative Life, and he writes about salary for legislatures and he says, "One strain that many legislators endure is a financial one. Outside of a few of the larger states salaries provided for legislators are not high. Many members could earn more practicing law, selling insurance or in business. In view of the earnings they forego and the time they put in on the Legislature, many feel underpaid." Now here is what he says, it's important. "The salary situation for legislators used to be much worse. Until lately, the Constitution of most states set the precise amount of a legislator's salary or set maximums. To raise a salary the Constitution would have to be amended. Now the situation is different. In 35

states salaries are set statutorily by the Legislature, and in 6 they are established on the basis of recommendations made by a state compensation commission. Only in 9 states is legislator pay frozen in the Constitution, only in 9 states." Now what does that mean? That means very simply that in many other states Legislatures had to go to the people time and time again to get the Constitutions amended to bring Legislatures into the second half of the twentieth century, and they succeeded eventually. We will succeed as well, but you have to persevere and you cannot...you cannot allow your vote to be dogged by cynicism and by despair, but instead you continue in the face of a hard, cruel, modern world to keep on truckin'...to keep on truckin'. And, ladies and gentlemen, I think this is a solid amendment to take to the voters. I know there will be a lot of folk outside the Legislature that will work for it. I would not...I would not be deterred by the fact that we have been defeated in the past. And, Senator Cope, when you look over the chart, you will discover that at least on two occasions we have put fixed dollar amounts before the voters to have them rejected. There is no surefire formula for success, but just because there is no surefire formula for success should not deter us from continuing to do that which is right, and that which is right is to allow us to set our own salaries as we do the judges in this state, the Governor in this state, the Lieutenant Governor in this state, the Secretary of State, the Treasurer, the Public Service Commissioners, and through our appropriations all state employees. Now that is some responsibility we already undertake, surely we can set our own pay with one modest cap. I move the bill.

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

CLERK: 25 ayes, 14 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The Clerk has some business on....

CLERK: Mr. President, I have a series of materials to read in. The first is a resolution offered by Elizabeth Hoagland. "WHEREAS, I, Elizabeth Hoagland, am six months old today, March 12; and WHEREAS, my old man, 'Old Tightwad,' has finally loosened up and bought cigars and candy for everyone; and WHEREAS, he and my mom, Mrs. Tightwad, are becoming duly concerned for my moral and intellectual development; and WHEREAS, members of your august body have

March 16, 1981

LB 83, 136, 138, 290, 310,  
325, 354, 440, 457

SPEAKER MARVEL PRESIDING

DR. ROBERT PALMER: (Prayer offered.)

SPEAKER MARVEL: Record your presence.

CLERK: Mr. President, Senators Clark, Nichol and Hoagland would like to be excused for the day. Senators Newell, Cullan and Beutler...Beutler is here, Senators Newell, Cullan and Wesely...Wesely is here, too.

SPEAKER MARVEL: Record.

CLERK: A quorum present, Mr. President.

SPEAKER MARVEL: Have you got some items to read?

CLERK: Yes, sir. Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 290 and recommend that same be placed on Select File with amendments; LB 138 Select File. (Signed) Senator Kilgarin, Chair.

Mr. President, your committee on Education whose Chairman is Senator Koch reports LB 440 to General File with amendments. (Signed) Senator Koch.

Your committee on Government whose Chairman is Senator Kahle reports LB 310 to General File with amendments. That is signed by Senator Kahle.

Mr. President, I have reports from the Department of Health, Bureau of Examining Boards pursuant to statutory section; and one from the Department of Administrative Services, State Building Division, both offered in compliance with statutory provisions. They will be on file in my office.

Mr. President, Public Works Committee will meet in executive session at one thirty on March 18, 1981 in Room 1517. That is signed by Senator Kremer.

Mr. President, LBs 83, 136, 325, 354, and 457 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LB 83, LB 136, LB 325, LB 354, LB 457. Okay, let's go to item #4.

CLERK: Mr. President, the first item under gubernatorial

March 19, 1981

LB 138, 202, 205, 344, 375,  
401, 466, 503, 504, 531

Mr. President, Senator DeCamp to print amendments to LB 531; Senator DeCamp to LB 138 and Senator Hoagland and Beutler to 205, all to be printed in the Journal. (See pages 1044-1048 of the Legislative Journal.)

Your committee on Judiciary whose chairman is Senator Nichol reports 202 to General File; 503 indefinitely postponed; 504 indefinitely postponed.

Mr. President, Senator Koch asks unanimous consent to add his name to LB 344, 375, 401; Senator Cullan to 466.

SPEAKER MARVEL: Hearing no objections, so ordered.

CLERK: I believe that is all that I have, Mr. President.

SPEAKER MARVEL: Senator Fowler, would you like to adjourn us until nine-thirty.

SENATOR FOWLER: I move we adjourn until Monday at nine-thirty.

SPEAKER MARVEL: All in favor of adjourning until Monday, March 23, 1981, at nine-thirty say aye, opposed no. The motion is carried. We are adjourned.

Edited by

Arleen McCrory  
Arleen McCrory

March 23, 1981

LR 40  
LB 132, 138, 205

Attorney General's Opinion addressed to Senator Vard Johnson regarding LB 138, one to Senator Hoagland regarding LB 205, and one to Senator DeCamp regarding LB 132. (See pages 1053 through 1060 of the Legislative Journal.)

PRESIDENT: Before we begin the day, we have a rather pleasant task to take care of. If you will notice on your desks you have some Bread of Life sustenance from... made of Nebraska's wheat and this connotes the fact that Governor Thone has proclaimed this as Bake and Take Days, where the wheat producers of Nebraska have joined with wheat producers in surrounding wheat states to sponsor this Bake and Take Days. And we have the pleasure this morning together with the Nebraska Wheat Committee and their representatives to have with us the 1981 Wheat Queen from Senator Tom Vickers' District, Tammy Hoffman from Indianola. Tammy, would you just stand up? Tammy is presenting to you together with the other members of the Wheat Commission....would Sue Smith and Dan McGuire and Mark Kunkee...I think they are over here somewhere along the south side, would you stand and be recognized? Welcome to the Legislature, and we thank the Wheat Commission and Wheat Queen for bestowing upon us this wonderful wheat product this morning so that it can help the Legislature through the day. And I think that Tammy has something special to present to the Clerk if he will finish his task, and get his hands clean. Do you want to make that presentation? Presentation to Patrick O'Donnell. Pat has got an official presentation and now she is going to present me with the same, I think, so we will proceed with....now dispensing with the....Senator Vickers is smiling on with admiration with what comes out of his District. Okay, we will now proceed then with the business for the morning. Proceed with agenda item #4 on resolutions. Although the machine is not operative at this moment, we will commence with the discussion of the resolutions and hopefully we will have it fixed before we take a vote. So we will commence then, Mr. Clerk, with LR 40. Proceed then with LR 40, Mr. Clerk.

CLERK: Mr. President, LR 40 is a resolution offered by Senators Maresh, Sieck and Warner, found on page 985 of the Journal. (Read LR 40.)

SENATOR MARESH: Mr. President and members of the Legislature, this resolution calls attention to Crete's outstanding record. During this past season they won 23 games and lost only...this is the girl's basketball team, won 23 games and lost only 3. Last year they won 17 and lost only 4. I think this is an outstanding record,

March 25, 1981

LB 384

that means that it will probably never hit the floor and I feel very strongly in support of this measure. I do not want to see it send back to committee. I've got friends that are in real serious financial trouble and some of them have pretty decent net worths in agriculture, moderate or average sized farmers maybe net worth of two, three, four or five hundred thousand dollars with debt structures chasing them at 18% interest rates. At the same time they are operating in a business that has had for almost the last twenty years an average return of approximately 3% on the total investment that is setting out there. If they have two or three hundred thousand chasing them at 18% interest there is no way they can have a cash flow left for themselves. Now, if you bring this down to a hundred thousand or less, you have allowed it to be used for loans that can not pay their way. I would like to bring up some personal circumstances. My son has wanted to buy one of my sister's eighties at lower rates than this. It won't pay off under current market prices and current interest rates any way in the world, even if I loan him my machinery to use on that operation for free. It won't pay off. All you can grab on is the inflation rate of land to justify that investment, the cash flow can not support the interest bill and have one cent left for the operator to live off of. It is that simple when you figure out these additional units in agriculture. So if we set this loan up, what we can do, is save some moderate income farmers by providing them some moderate and actually low income farmers from paying possibly 16 and 18% interest and bring it down to eleven or twelve that can bail some of these people out. Then in a couple of years if interest rates fall so this loan could bring it down to five or six percent, then it could help start up farmers without any assets. But if the present rates, if you are providing eleven and twelve percent money you are giving no assistance to a young farmer starting up with the substance of the money being borrowed there because he can't buy land at current interest rates. He might, if he's offered some rental properties help himself with a rather small investment if he has land that he can rent on some of his equipment and use it there. But why saddle it down today where it really is not of any help to anyone if you narrow this down too much. Now the motion that we are talking about is to send it back to committee. I would like to tell you that means a kill motion for this year. I think that this is a bill where we can really help out agriculture, help out some low income farmers and keep it within reason where we are



start-up farmer where it is feasible and keep the existing farmers of modest means in business. Thank you.

SPEAKER MARVEL: The motion is the Burrows amendment to the Sieck amendment. As soon as we get through this amendment we are going to recess. Let's see, Senator Marsh, you want to speak to the Burrows amendment?

SENATOR MARSH: Mr. Speaker and members of the Legislature, I can not justify supporting an amendment like this at a tune of \$600,000 top limit. I'm not sure that I even like the bill but this is just out of reason for the average person to even comprehend that we would be, the rest of us at our low income would be helping to subsidize someone who might have assets of over half a million dollars. No thank you.

SPEAKER MARVEL: Senator Sieck, do you wish to speak to the Burrows amendment or do you want to wait?

SENATOR SIECK: Yes, I can not support the Burrows amendment. I feel that an individual that has that kind of equity can borrow money and put it anyplace. So I'm willing to stick with the \$100,000 because I just feel that it would be clear out of hand. That doesn't mean that that individual can't borrow \$500,000, but what it says is that if he has an equity...under a hundred thousand dollars and that board says it is a favorable loan, he can get up to whatever figure it might be. But, he has to have, if he has over that equity and that is where I feel we are going to protect that individual that really needs the money. Everyone of us that started farming had to start at a slow pace. We didn't get up there in the big figures right of the bat, so to speak. So, I'm not going to support and I don't feel that we should support the Burrows amendment.

SPEAKER MARVEL: The Chair is going to, we have got the record of those who want to speak afterwards, so we will recess now and then come back and proceed with the same agenda that we have now. In other words Senator Vickers is up first and then Senator Cope and Senator Burrows and Senator Barrett and Senator Schmit. So, what time is it? Go ahead.

CLERK: Mr. President, very quickly, Senator Chambers would like to print amendments to LB 138 in the Journal.

SPEAKER MARVEL: Senator Newell, do you want to recess us until 1:30 p.m.?

SENATOR NEWELL: So move.

SPEAKER MARVEL: The motion is to recess us until 1:30 p.m. All those in favor say aye, opposed no. We are recessed until 1:30 p.m.

March 26, 1981

LB 50, 73, 138, 194,  
292, 425, 475, 500.

two o'clock on Friday instead of four or five o'clock. If you have any questions on this, you can check with the Clerk's office, or you can check with our office. Now does anybody have any.....Senator Kahle.

SENATOR KAHLE: Mr. Speaker, really no comment on what you just said but I wonder if we wouldn't be ahead if you scheduled some of the real heavy bills on Friday and Friday afternoon instead of the consent calendar. Maybe people would stay here. In the going on five years now that I have been here, I have never left on a Thursday or a Friday when we were in session, and I resent the fact that many of you do leave for the last day no matter when it is, and I just really feel that you are not being very responsible and perhaps if we would handle some of those real tough bills on Friday, you would stick around. Thank you.

SPEAKER MARVEL: I think that we, Senator Kahle, in answer to your question.....well, we are going to adjourn. Okay, Senator Howard Peterson, would you adjourn us until nine o'clock....I'm sorry, Pat, go ahead.

CLERK: Excuse me. Mr. President, a communication from the Governor to the Clerk. (Read communication regarding LBs 50, 73, 194, 425, 475, 500.)

I have a....your Committee on Business and Labor reports regarding gubernatorial appointment. (See page 1156 of the Legislative Journal.)

Senator Vickers would like to print amendments to 138. (See pages 1156 and 1157 of the Journal.) And Senator Kilgarin asks unanimous consent to add her name to LB 292 as co-introducer.

SPEAKER MARVEL: Senator Peterson, would you adjourn us until nine o'clock tomorrow morning. I am sorry. Senator Kremer.

SENATOR KREMER: Mr. Chairman, I would like to remind the Public Works Committee for a very short meeting below the north balcony immediately upon adjournment.

SPEAKER MARVEL: Today?

SENATOR KREMER: Yes.

SPEAKER MARVEL: Okay.

SENATOR H. PETERSON: Mr. Speaker, I would move we adjourn

May 20, 1981

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 be 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.

May 20, 1981

LB 138

President. I do have a series of amendments, however. Mr. President, the first is an amendment from DeCamp that I understand he wishes to withdraw. Senator DeCamp, you wish to withdraw that, is that right? Thank you. Mr. President, the next amendment is from Senator DeCamp...no it's the same one, excuse me. Mr. President, the next is from Senator Koch.

SENATOR KOCH: Mr. Speaker, I withdraw the amendment.

SPEAKER MARVEL: So ordered.

CLERK: Mr. President, Senator Chambers had an amendment. I understand he is willing to withdraw. Is that your understanding, Senator? All right. Mr. President, the last amendment...I have one from Senator Vickers on page 1156 of the Journal. That is withdrawn. Mr. President, I have nothing further on the bill.

SPEAKER MARVEL: Senator Johnson, do you wish to....

SENATOR V. JOHNSON: I would move the bill be advanced, Mr. Speaker. This is a bill on legislative salaries. This is a...it is important I think for us to send...I think it is important for us to adopt the proposed constitutional amendment by the end of the session, mostly because there are groups in Nebraska, the League of Women Voters, in particular, that are prepared to do a long term voter education program on legislative salaries. And it is important for us to provide them a bill that they in turn can talk about and speak to. And this is such a bill. One of the things this bill does is it does ultimately remove from the Constitution any fixed dollar for our salaries. It will provide that we may set whatever salary we choose to set for ourselves so long as it doesn't exceed whatever one-third of the Governor's salary is. It is an appropriate measure. If it carries, it will be on the primary ballot in May of '82. If it carries, then we can come back in '83 and take appropriate steps with respect to our salaries. It could well be we could continue our salary at the existing level, but I don't think so. We undoubtedly would raise it but we would raise it within the confines set by the constitutional amendment. I would move the bill.

SPEAKER MARVEL: The motion is to advance LB 138, the constitutional amendment. All those in favor of advancing the bill vote aye, opposed vote no. Say aye. Opposed.... a machine vote has been requested. Have you all voted? This is on advancement of the bill. Record the vote.

CLERK: 26 ayes, 9 nays, Mr. President, on the motion to

May 21, 1981

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

May 27, 1981

LB 129, 129A, 138, 396

with, the question is, shall the bill pass. All those in favor vote aye. All those opposed vote nay. Voting no.

ASSISTANT CLERK: Senator Clark voting no.

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

ASSISTANT CLERK: (Read record vote as found on pages 2340-2341 of the Legislative Journal.) The vote is 34 ayes, 8 nays, 6 excused and not voting, 1 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed. The Clerk will now read LB 129A.

ASSISTANT CLERK: (Read LB 129A 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, those opposed vote nay. It takes 30 votes. Voting no.

ASSISTANT CLERK: Senator Clark voting no.

SENATOR CLARK: Record the vote.

ASSISTANT CLERK: (Read record vote as found on page 2340 of the Legislative Journal.) The vote is 35 ayes, 9 nays, 5 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed. The Clerk will now read LB 138, a constitutional amendment. It will take 40 votes to put this on the primary ballot. Senator Johnson, for what purpose do you arise?

SENATOR V. JOHNSON: Yes, I would ask unanimous consent of the body to have this passed over. With five members excused and this bill requiring 40 votes to go on the primary ballot, it really is swimming upstream it seems to me and I think maybe tomorrow morning we would have more of our members here.

SENATOR CLARK: Senator Marvel. All right, we will pass over it.

SENATOR V. JOHNSON: Thank you.

SENATOR CLARK: The Clerk will now read LB 396. Senator Carsten, for what purpose do you arise?

SENATOR CARSTEN: Mr. President, I would respectfully ask that we pass over LB 396 momentarily at least this morning. The Attorney General found one section that he feels is unconstitutional. We are trying at the moment to get an

May 28, 1981

LR 193  
LB 138

PRESIDENT: No, you are not free to roam around. You are supposed to be roaming around your desk. Going to read some things in? Yes, go ahead, read some matters in while we are waiting.

CLERK: Mr. President, while we are waiting, a new resolution offered by Senators Kahle, Nichol, Wagner, Richard Peterson, Hefner, Warner, Rumery, Schmit, Vickers, Carsten, Maresh, Lamb, Sieck, LR 193. (Read LR 193 as found on pages 2361 and 2362 of the Legislative Journal.) That will be laid over, Mr. President.

PRESIDENT: Looking for Senator Schmit. Senator Schmit... is he....Senator Schmit just pushed his button. Senator Wiitala. Senator Newell is here. Senator Warner wishes to....

SENATOR WARNER: Mr. President, could I, while we are waiting, ask for a point of personal privilege?

PRESIDENT: Yes, Senator Warner, you may. State your point.

SENATOR WARNER: Mr. President and members of the Legislature, I would just like to on behalf of Betty and myself thank each of you for your thoughts, books, flowers, cards, letters, prayers, and the great many nice things that all of you have done. And Betty is getting along real well, and thank you.

PRESIDENT: Thank you, Senator Warner. Speaking for all of us, we are so pleased Betty is getting along that well and you can express our greetings back to Betty. Senator Hefner seems to be the only one that should be here that's not here. Here is Senator Stoney...he is here. Senator Hefner, we are waiting. Senator Johnson... Senator Johnson, do you want us to wait? Do you want us to wait for Senator Hefner? He is the only one that is not here. We could....

SENATOR V. JOHNSON: He is here. Why don't we just go ahead.

PRESIDENT: Why don't we proceed. All right. I believe everyone is at their desk, so let's proceed, Mr. Clerk, with the Final Reading of LB 138.

CLERK: (Read LB 138 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 138

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LB 138, 512

pass? All those in favor vote aye, opposed nay. This will require 40 votes. Well, we are not going to leave the board open much longer, got a long day. Record the vote.

CLERK: (Read the record vote as found on page 2363 of the Legislative Journal.) 40 ayes, 8 nays, 1 excused and not voting, Mr. President.

PRESIDENT: LB 138 passes with the required constitutional majority to place on the ballot. The next bill... now there are a number of bills that were either taken up or moved back yesterday. Mr. Clerk, maybe we ought to give them those bills up here. Would everyone look at your agenda and strike off the bills we have already handled, so you will know why I am calling the next bill? Mr. Clerk, do you want to read those?

CLERK: Mr. President, I will read the ones that we will not consider today.

PRESIDENT: That we will not consider, right.

CLERK: LB 213, 234, 234A, 318, 322, 389, 389A, 531, 352, and 552.

PRESIDENT: Okay, did everyone get those? That means the next bill on Final Reading then this morning is LB 512.

CLERK: Mr. President, I have a motion on the desk.

PRESIDENT: Read the motion.

CLERK: Mr. President, Senator...well...Mr. President, Senator Howard Peterson would move to return the bill to Select File for a specific amendment. The amendment would read as follows: (Read the Peterson amendment as found on page 2364 of the Legislative Journal.)

PRESIDENT: Motion to return. The Chair...

CLERK: Oh, you want the bracket one. I'm sorry, Senator. Mr. President, Senator Peterson would move to bracket LB 512.

PRESIDENT: The motion is to bracket?

CLERK: Yes, sir.

PRESIDENT: All right, the motion is to bracket. The

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LB 138, 216, 320, 376,  
406, 466, 512.

PRESIDENT: All right, would you verify the vote?  
Proceed to verify the vote.

CLERK: (Reread the roll call vote as found on page  
2370 of the Legislative Journal.) 24 ayes, 23 nays,  
2 present and not voting, Mr. President.

PRESIDENT: The motion fails...the bill fails on Final  
Reading.

ASSISTANT CLERK: (Read LB 320 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure  
having been complied with, the question is, shall LB 320  
pass with the emergency clause attached? All those in  
favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on pages  
2370 and 2371 of the Legislative Journal.) The vote is  
37 ayes, 12 nays. All members were voting.

PRESIDENT: All right, LB 320 passes with the emergency  
clause attached. The next bill on Final Reading is  
LB 406, Mr. Clerk. And again I would urge all members  
to please stay at your desks as much as possible. It  
is very confusing to see everybody running around and  
politicking on the floor. It just shouldn't be and the  
people that sit there would like to have those others  
sit there too. Thank you.

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

PRESIDENT: Yes, you may.

CLERK: Mr. President, I have a proposed rules change  
offered by Senator Wiitala, and, Mr. President, the  
bills we read this morning are ready for your signature.

PRESIDENT: Okay, while the Legislature is in session  
and capable of doing business, I propose to sign and I  
do sign LB 138, LB 512, LB 466, LB 376, LB 216. Proceed  
then, Mr. Clerk, with the reading of LB 406.

CLERK: (Read LB 406 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure  
having been complied with, the question is, shall LB 406  
pass? All those in favor vote aye, opposed nay. Record  
the vote.

CLERK: (Read the record vote as found on pages 2371

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LB 138, 216, 376, 466, 512

CLERK: Mr. President, one item. Your enrolling clerk has presented to the Governor LBs 138, 512, 466, 376 and 216.

PRESIDENT: The Chair recognizes Senator Hefner for purposes of an announcement.

SENATOR HEFNER: Mr. President and members of the body, since we are going to adjourn tomorrow and will not be here in June, I want to make this announcement today. If you remember, June in Nebraska is Dairy Month and I am going to give you just a few facts and figures about Nebraska's dairy industry. There are 13 cheese plants in Nebraska located in all parts of Nebraska. Seventy million pounds of cheese are produced in this state each year. Fourteen million pounds of ice cream are produced...were produced last year. And would you believe this, there are 120 thousand dairy cows in the state. Cash receipts from dairy products were approximately \$165 million last year. The dairy industry is a very important and competitive industry in Nebraska. It adds much to the economy of the state. And right now I am having some of the Pages pass a little package of cheese to you and you can have your choice...I think there is six different varieties, and these are complements of the new cheese company in Hartington, Nebraska, located in the heart of Nebraska in good old Cedar County in northeast Nebraska. Thank you very much.

PRESIDENT: The Chair at this point....Senator Cope, just a moment, I have some guests to introduce and then I will recognize Senator Cope. The Chair would like to introduce on behalf of Senator Labeledz some guests from the great State of California, Paul Kalmanovitz, Jack Miller, Bernie Orsi and Marv Bowerman, all from the Falstaff Brewery. Would those gentlemen stand with Senator Labeledz back there and be recognized. Welcome to this nation's only Unicameral Legislature, gentlemen. Now, Senator Cope, I recognize you.

SENATOR COPE: Mr. President and members, if we would have just known this a little ahead of time, we would have had cheese from the Ravenna Cheese Company which is in District 36, my District, one of the 13.

PRESIDENT: The Chair recognizes Senator Rumery.

SENATOR RUMERY: Mr. President and members of the Legislature, I am glad to see two non-cowmilkers supporting the dairy industry. Some of us have known this for some time and I am glad they have taken the leadership to

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

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

May 29, 1981

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.

January 14, 1982

LB 138, 231, 233, 622,  
664, 722, 825-833

SPEAKER MARVEL PRESIDING

DR. PALMER: Prayer offered.

SPEAKER MARVEL: Roll call. Please record your presence. Record.

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

SPEAKER MARVEL: Do you have anything under item #3?

CLERK: Yes, sir, Mr. President, your committee on Administrative Rules and Regulations gives notice of hearing for Wednesday, January 20.

Mr. President, your committee on Business and Labor gives notice of hearing for January 20, 27 and February 3 and that is signed by Senator Barrett and Senator Johnson.

Mr. President, I have two Attorney General's opinions, one addressed to Senator Labeledz regarding LB 138 and one addressed to Senator Fowler regarding LB 231. (See pages 280-282 of the Legislative Journal.)

Mr. President, Senator DeCamp would like to print amendments to LB 622 or 233. (See pages 282-283 of the Journal.)

Mr. President, I have received two reports from the Middle Republic NRD and the Lower Platte South NRD regarding payment of attorney fees. (See pages 283-284 of the Legislative Journal.)

I will have on file in my office a report I received from the Director of State Engineer Department of Roads pursuant to LB 722.

Mr. President, new bills: (Read by title for the first time LB 825-833 as found on pages 284-286 of the Legislative Journal.)

SPEAKER MARVEL: We are ready for item #5, Final Reading, and the Chair recognizes Senator Vard Johnson.

CLERK: Mr. President, Senator Johnson would move to suspend Rule 6, Section 7(b) to permit the Final Reading of LB 664 today.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I want to thank you for your indulgence with this particular measure. As you know this is the bill that would name the gymnasium for the Nebraska School for the Deaf after Mr. Nick Peterson who is an alumnus of the Nebraska School for

March 3, 1982

SENATOR HABERMAN: A Call of the House.

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

CLERK: 9 ayes, 1 nay, Mr. President, to go under Call.

SENATOR CLARK: The House is under Call. All Senators will return to their seats and check in, please. Will all those that are in their seats please check in and we'll get the Appropriations Committee in here. Senator Cullian, will you check in please. Senator Newell, will you check in. If everyone will return to their seats please. We are waiting for the Appropriations Committee. Just as a little side light I thought you might like to know this process usually takes eight minutes to get a vote when you have a Call of the House. Senator Schmit, will you check in please. Sergeant at Arms, will you keep everyone in their seats, please. We're looking for Senator Warner, Senator Rumery, Senator Cope, Senator Dworak, Senator Lowell Johnson, Senator Goodrich. The Clerk would like to read a few things in here while we are waiting.

CLERK: Mr. President, a new A bill offered by the Revenue Committee. (Read LB 740A. See page 950 of the Legislative Journal.)

New resolutions, LR 235 by Senator Kremer and Vickers. (Read.) LR 236 is a resolution offered by Senator Fowler, Beutler and Burrows. (Read. See pages 950-952 of the Legislative Journal.) That too, will be laid over, Mr. President.

Senators Landis, Hoagland, Newell, Beutler, Fenger would like to print amendments to LB 359. (See pages 952-953 of the Legislative Journal.) And I have an Attorney General's opinion addressed to Senator Labeledz regarding LB 138 and LB 531. They will both be in the Journal. (See pages 953-954 of the Journal.)

SENATOR CLARK: Sergeant at Arms, have you gotten the Appropriations Committee? We're looking for Senator Warner, Senator Johnson, Senator Cope, Senator Rumery. Senator Haberman, did you want a roll call vote? Alright, thank you. Senator Dworak, Senator Goodrich, would you check in, please. The Clerk will call the roll.

CLERK: (Read roll call vote as found on pages 949-950 of the Legislative Journal.) 24 ayes, 22 nays, Mr. President.

SENATOR CLARK: The motion lost. Next motion.

CLERK: Mr. President, Senator DeCamp would now move to amend the bill. The amendment is on page 833 of the Legislative Journal.