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LR 5

Taiwan, and to answer Senator Wesely's question, is it going to make Red China unhappy? Are they going to call me or Senator Remmers naughty names for voting for it? I don't think so but they are going to be aware of the fact, they are going to be aware of the fact that this particular state which they have to rely on for agricultural products, too, isn't going to play the game of, we want to be your friend so we stab our old friend in the back. We will export grain to any of them and food, but not on terms of tit for tat, stab old friends for new friends. I urge you to support the resolution.

PRESIDENT: The question before the House is the adoption of LR 5. All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 35 ayes, 3 nays on adoption of the resolution, Mr. President.

PRESIDENT: The motion carries. The resolution is adopted. Anything to be read in before we go into introduction of bills?

CLERK: Well one thing, Mr. President, your committee on Urban Affairs would like to have an executive session for Monday, January 19, 1981, upon adjournment.

Mr. President, your committee on Ag and Environment whose chairman is Senator Schmit gives notice of public hearing in Room 1520 for Friday, January 30. (See page 199 of the Legislative Journal.)

PRESIDENT: We are ready then for agenda item #5, introduction of new bills. Mr. Clerk, you may proceed with the reading of the new bills to be introduced today.

CLERK: Read title to LR 229-233 as found on pages 198-200 of the Legislative Journal. Mr. President, in conjunction with that bill we have a communication from the Governor advising the Legislature as to the intent of the bill and the supplemental appropriations required by various state programs. That will be inserted in the Legislative Journal. (See pages 203-204.)

Read title to LR 233-246 as found on pages 200-203 of the Legislative Journal.

Mr. President, your committee on Public Works gives notice of hearing for January 30 and February 6 and that is signed by Senator Kremer as chairman.

SPEAKER MARVEL: There is a motion on the desk.

CLERK: Mr. President, Senator Koch offered a motion yesterday that is found on page 261 of the Journal. The motion is to rereference LB 245 from the Agriculture and Environment Committee to the Education Committee. The motion is offered by Senator Koch.

SPEAKER MARVEL: The Chair recognizes Senator Koch.

SENATOR KOCH: Mr. Speaker and members of the body, occasionally in the early days of a session the Reference Committee has many bills and what I say here on this motion is no criticism of any member of the Reference Committee or of anyone else. The issue is Veterinarian College and Medicine, but I happen to believe that that subject is Education. Now if we are talking about brick and mortar and construction, then that should be Appropriations. But in this case the Education Committee has handled the new phenomena of veterinary medicine since its beginning several years ago and I will defend the committee in terms of its fairness, how we treated it. We have spent in excess of twenty hours listening to all people in the State of Nebraska and their concerns about veterinarian medicine, and the reasons why the State of Nebraska should be seriously considering the construction and development of a veterinarian college. As I said in my opening remarks, I am not here trying to create turmoil. I am only here to discuss the integrity of the committee which I Chair and assure individuals on this floor that even though my position on the veterinarian college has not been totally in favor, that that bill will receive a very fair hearing and I am certain that the committee will also grant that type of hearing and consideration. That is the reason I am asking for this body to vote favorably that the bill be rereferred from the Ag Committee to the Education Committee and I would hope my good friend, Senator Schmit, would concede that this would be proper. Thank you.

SPEAKER MARVEL: Senator Lamb.

SENATOR LAMB: Mr. Speaker and members of the Legislature, I would just like to comment on this situation. The Reference Committee has, of course, had a number of occasions to reconsider its action. We have listened to the proposals by various people as to how bills should have been referenced and in some cases rereferenced. We looked at that very carefully. I think we have overall done a very good job and I think that to change this

situation now would open the floodgates to a number of proposals such as this one to change the referencing on the floor of the Legislature. I think that would diminish the standing of the committee and I want to compliment the committee on their very fine attendance at the Reference Committee hearings and this has been very gratifying. But to get to the case in point, as you know, Dr. Rodgers makes the reference reports to submit to the Reference Committee and in the case of LB 245 his original recommendation was that it be referred to Appropriations. There was a motion in the Reference Committee to refer it to Education rather than to Appropriations. During the discussion Dr. Rodgers was asked what his second choice he thought should be if it was not referred to Appropriations. He indicated it was Agriculture since it is directly related to Agriculture. The motion then was amended by one of the other members to strike Education and insert Agriculture and Environment Committee. That motion carried, or that amendment carried and then a motion was adopted by the group. Certainly we try to look at historical placement of bills but this is a bill which many of us believe was misreferenced last year and I see no reason to reference a bill where it was last time because of the fact that a mistake in my opinion was made at that point. I think it really deserves to be in Agriculture. It is strictly related to Agriculture and I would ask you to vote to leave it where the Reference Committee has placed it in the Agriculture Committee.

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Mr. Speaker and members, I did serve on the Education Committee the first four years...the only four years I have been here and I will say that Senator Koch has been always fair in allowing the testimony and taking care of the committee's actions on it. I do think that....I have always thought that probably Agriculture was the place it should have been in the first place. I guess we should not make the mistake of thinking that this is just a reference of a bill, because I think there is more to it than that and this is a sink or swim situation. I think what we are going to be voting on right now will determine perhaps what happens to the vet school this year, or any year for that matter. I guess the reason I support it going to the Ag Committee at this time is the fact that at this very moment the agricultural community of our state is probably as united as it has ever been. I don't know of a single farm organization that is not supporting the building of a vet school and at the same time they are also raising

some funds which has never happened to my knowledge, at least, in the State of Nebraska. It looks as though there will be \$2 million raised to help support and build the vet school. So what we are saying is that we the farmers and agricultural people that we would be letting those folks down if we do not do everything in our power to get that...keep that bill within the agricultural realm at the moment. Now you are all going to have a chance if it does get out of committee to vote later as to whether we have a vet school in Nebraska or not. In my own estimation, if we fail this year to get the funding and get it started, none of us, at least in my age group, will ever see a vet school in Nebraska. I think this is our last chance, our sink or swim chance. So, therefore, I hope that you will allow this bill to be heard in the Ag Committee and if you are not completely sold on a vet school, you will have plenty of time later to vote no. So vote yes to keep it in the Ag Committee.

SPEAKER MARVEL: Senator Newell and then Senator Vickers.

SENATOR NEWELL: Mr. President and members of the body, you know it is always interesting when we have these referencing arguments because there is always some precedent for this or some precedent for that and we look at these issues very objectively, never subjectively, never with the thought in mind that we are concerned more about whether the bill comes out than whether or not it was properly referred. You know one of the problems we have when we make decisions based on whether or not a bill will come out of that committee as opposed to whether or not it is properly referred is that we have these problems with the committee structure. I think that if we are going to use committees, and I have heard a lot of arguments on this floor, the arguments that we ought not have bill limitation, we ought to kill bills in the committee, that the committees ought to work, and Senator Schmit, I recall, made these arguments not long ago on the floor. He said, let's keep it honest, the committees can do their jobs and they should do their jobs and, therefore, we don't need to make arbitrary limitations on the number of bills we introduce, we don't need to do this, we don't need to do that, because the committee system will work. Well, the committee system can't work and won't work if we continue to make referencing decisions based on whether or not the bill will come out of the committee as we want instead of whether or not that is in fact the appropriate place for this bill to be. Now historically this bill has gone to Education. Maybe, in fact,

that is not the proper reference and I don't think that you have to continue to make the same mistakes over and over and over again, but if, in fact, it doesn't belong in Education, then I think that Jack Rodgers' first reference proposal that it go to Appropriations is a little more justified than Agriculture. Frankly, to me it seems very obvious that the bill was referred to Agriculture because there are those on the Exec Board who are supporting that and feel that it will come out of that committee. Frankly, I have no doubts it will come out of that committee. I have no doubts at all that that bill will see the light of day soon after the hearing. I have no doubts that for those people that want to see this bill moved quickly across the floor of this Legislature that Agriculture is indeed the best place for this bill to be placed. It is not right. It is not just. It is not justifiable. It is not consistent. It is not fair, but by golly it will be on the floor for us to debate, and I guess that is not a problem unless, of course, you really believe that the system, committee system, ought to work as it is theoretically supposed to work, that we look at things in context, and we look at the bills and how they relate to everything else that the committees doing, and et cetera. Now I think there has been a number of problems with referencing this year, a number of problems that I would ask whether or not we are referencing in the kind of fashion that we used to reference and that is at least trying to find some justification for making the decisions that are being made. It seems to me, and I am not part of the committee, that the referencing questions have been much more political this year than they have in the past, and that is quite unique considering all the allegations about how evil the old Exec Board was and what a wonderful group that we have here referencing the bills. There is a number of bills that I think are going the wrong place and this is probably the most blatant of those referencing decisions.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. Speaker and fellow members, I think maybe perhaps I should preface my remarks by reminding the body that maybe I am a little bit prejudiced also since I am a member of the Education Committee, since I have been deeply involved with this issue from the start. I should also like to correct what I think has been some misrepresentation here this morning that all of agriculture, everybody in rural Nebraska is in favor of this with one exception and that is Tom Vickers. That

is not true. That is not true within the members of the Stockgrowers Association, that is not true with any members of the Farm Bureau, that is not true with any members of those organizations. It might come as a surprise to some of my colleagues to know that I talk to my people out home too. They are more concerned with the services provided at a cost that they can afford. That is what they are concerned with, and that is exactly what I have been concerned with ever since this issue came to light, and that is exactly the type of an attitude and the open mind that I am going to take if we hear this issue again, and that is what bothers some people, obviously. If you are a member of a committee, if you are a member of the Legislature, you are not supposed to have an open mind on some issues, you are supposed to have your mind made up before the fact. I can't do that and my people don't want me to do that. My conscience won't allow me to do that, but that is not pertinent to this issue perhaps. What is pertinent to this issue is put greased skids under something and send it across irregardless of the fact that what we are talking about is Education. Senator Lamb says it belongs in Agriculture because it is an agricultural issue. Senator Lamb has got a college education as an Engineer, I believe, but he is working in Agriculture. So perhaps any bill dealing with the University system should go to Agriculture because obviously you could relate it back to Agriculture from practically any form of education you would get. But if you are going to be a professional and you are going to have a DVM after your name, I suggest to you that you better have an education and to not put something as educationally important as this is to the committee that has dealt with it in the past, the name of the committee is the Education Committee, that's what it is all about. Now I am not going to say that I am going to vote against that bill. Undoubtedly they think I am going to. I have got to.... it has got to be proven to me that it is the cheapest way to go. That's all I have to have proven to me, but that is not the issue here. The issue is to get that bill introduced, get it to the committee that will approve it and get it to the floor and get it across. If that is what the members of this body want to do, then so be it, but don't count me in that group. Thank you, Mr. President.

SPEAKER MARVEL: The Chair recognizes Senator Haberman and then Senator Kremer.

SENATOR HABERMAN: Mr. President, members of the Nebraska

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Unicameral, a question of Senator Lamb, please.

SPEAKER MARVEL: Senator Lamb, do you yield?

SENATOR HABERMAN: Senator Lamb, did you make the statement that the bill belongs in Agriculture because it relates to agriculture?

SENATOR LAMB: That is my own personal opinion.

SENATOR HABERMAN: Did you also make the statement that the Reference Committee used past history in placing this bill in Agriculture?

SENATOR LAMB: The Reference Committee uses past history. It uses also subject matter in determining where the bills are referred.

SENATOR HABERMAN: Thank you very much.

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: Mr. Chairman and members of the Nebraska Legislature, I am on the Education Committee. I have also been on the Agriculture Committee. I suppose I could go either way here. However, all of us are aware that not only this bill but many bills that have come before us could be referenced to several committees. This one in particular could go to Agriculture, it could go to Education, it could go to Appropriations. However, the Reference Committee saw fit for some reasons I may not know to go this direction this year. I oppose the motion to rerefering the bill because it does have a relationship with Agriculture just as well as Education, and that is where it is. I, with several of the other members of this Legislature, were in on the early study of this issue of a regional veterinary college. In the early days we did not know where it would be established. We attended several hearings and discussions. I believe Senator Kahle was there. Senator Lamb was there. There was a strong indication of a number of the other states in the old West that this is something that ought to be considered. I do know that out there these other states, some were reluctant to make any positive move at this time but I assure you that I believe, and I may be wrong, and I have been before, but I believe that once Nebraska takes the step that we are going to get others to follow, and if I did not think that this was the best for the livestock industry in the State of Nebraska and agriculture, which again I emphasize is the foundation of our economy,

I certainly would not take this position. I believe that the committee on Ag and Environment will treat the bill fairly. Everyone of us have an opportunity to go in and testify before the committee. I think they will be fair. What happens to it if and when it gets on the floor, that is all of our decisions to be made. I am going to support the present reference even though I am on the Education Committee, and maybe it is a good idea for those of us that see things in a different light also have an opportunity to listen to the discussion. Senator Koch, in spite of the fact that I bow to you most of the time, I am going to resist you this time.

SPEAKER MARVEL: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I think almost everything has been said that needs to be said. I agree with Senator Koch that the bill will receive a fair hearing regardless of where it goes. I have never aid anything to the contrary. I have made it plain many times that I think any committee could hear any bill that is introduced in this Legislature and it would receive a fair hearing. The makeup of the Committee on Committees determines the makeup of the various committees and it is by accident sometimes rather than by choice that those committee assignments are made. I know that there are those of us who feel very strongly about this issue, and I would be the first to concede that. I really appreciate Senator Newell's confidence in the Ag Committee but I would say this, there are several new members on that committee. I have not discussed the bill with many of the committee members, but I would say this that the bill will certainly receive a fair hearing. I want to call your attention to the rule on page 31 of your Rule Book, Section 2. It says that you may request that a bill be referred if it was referred in error. The bill was originally referred to the Appropriations Committee. It was adequately discussed. Motions were made. It was then determined that the bill be sent to the Committee on Agriculture. I would very much hope that you do not support Senator Koch's motion, and that you vote against the motion to send the bill to the Committee on Education.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, I would like to support Senator Koch's motion.



Education by its very nature, the Education Committee, its very function is to consider the education in all subject matter areas whether you are talking about Journalism or Agriculture, or Business, that is Education. It is not something in one subject matter or another subject matter. It is a whole category that cuts across all subject matter. The theory here is for the initial referencing is that because the subject matter area is agriculture, that it should go to Agriculture, but follow the logic of that a minute. Does that mean if we are interested in creating a business school that it should go to Banking and Commerce, that if we are interested in creating a school of natural resources that it should go to Public Works? You can go on down the line. If we are interested in expanding the Law School, should that go to the Judiciary Committee? I hope that the ludicrousness of this type of categorization is apparent to you. The job of the Education Committee is to examine education expenditures as a whole and to make some determinations as to where the education dollar is best spent. How can the Education Committee ever hope to get a handle on that kind of decision making if each subject matter committee is going to take away the important decisions that affect the overall expenditure of the education dollar every time that important decision comes along? The bill was not incorrectly referenced to Education to begin with. It was correctly referenced and now the whole Education Committee has a year...two years' involvement of time and expenditure. The staff has involvement in time and expenditure on this very question. But now we are going to go through the process of reeducating the Agriculture Committee staff, of reeducating the members of the Agriculture Committee on this very subject. Is this not a wasteful process? Secondly, let me suggest to you that every committee here has a built-in prejudice toward its subject matter area. I don't think it is saying anything particularly novel to point out to you that everybody who is on the Agriculture Committee is very interested in the promotion of agriculture, and that is perhaps as it should be, and likewise those on Public Works are interested in solving the water problems, doing something. Those in business are interested in a strong private enterprise system and seeing that it stays strong. If you allow these subject matter areas to take over questions such as the construction of education facilities, then I suggest to you that you are not going to get as objective a view of the subject as you would if you left it in the Education Committee where they are considering expenditures in all different areas, hopefully with no built-in prejudice for one area

as opposed to another. All I am suggesting to you is that you are giving a leg up to special interests legislation when you begin to say that the construction of schools, clearly an education matter, is now going to be decided by whatever committee is interested in that particular subject matter. I think that the Education Committee will give it a fair hearing. I would just point out to you that it did come out of Education Committee last time around, which I think would indicate that certainly it was given a fair hearing then, and I don't know why it would not be again. But I just ask you to think about the long term implications of the decision that is being made in this case. Thank you.

SENATOR CLARK: Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature, I thought we would just talk about politics and reality and so on and so forth. Now, if we wanted to go back and use logical arguments about why the Agriculture Committee could get it, should get the vet school, why I can give them to you. Before there was ever discussion of a regional vet school, there were three years in a row where I had bills to build a vet school and it was in Ag Committee, which they promptly killed it. But anyway, with the development of the regional concept we shifted over to the Education Committee. No question it is an educational issue, no question it is an agricultural issue. So what do we get down to, we get down to the political facts of life, and the political facts of life are these, that from the day the Legislature starts organizing, from the day it starts organizing you are going to have one side or another of one type of influence or another dominate. In this case, fortunately or unfortunately, unfortunately for me since I didn't make it, the Exec Board is dominated, I think it is fair to say, pretty much by rural interests. They are going to have a bias, if you want to use that word, towards rural interests, and I think they are going to look and they are going to say, hey, look we know the lay of the land in Education, the bill is not going anywhere. She don't stand a chance. Now whether they are right or wrong I think you could all look at it and say, well, maybe they have got some good reasons for thinking that, and I think when they look at the Agriculture Committee, they are going to say, hey, that don't look like too bad a place to try to shoot that bill out of. Those are the political facts of life. Let me tell you some other political facts of life. I have got about six or eight bills that I am keenly interested in that my

good friend, Bill Nichols, got and I figured that this was the year I was going to pass a couple of those. Well, I kind of look at the lay of the land over in that committee and I say, hey bill, you are dead we had better concentrate our efforts elsewhere. Now you are going to run into that at the beginning of every session, and my first inclination when they took a couple of my great insurance bills was to raise holy heck and raise the issue on the floor and say, no, those go to Banking, Commerce and Insurance because they are insurance bills. But this year day in and day out, morning, noon and night, we are all going to have to accept the fact that politics is an important part of everything that goes on here, whether that politics be the influence of special interests of one kind or another, power industry concerned about this and putting pressure on one person or another, and the facts of life are that if we challenge every single decision of that Exec Board, even the six wrong decisions they made on bills that should have come to Banking, we are going to spend the rest of the year here just worrying about this. If that bill, the vet school bill, has sufficient strength, the 25 or 30 votes, it may move a little faster getting out here with Ag Committee but it is still going to have the same hurdles to hop out here on the floor and if it has those votes, even if it were in Education and it were locked up there, if it has got the 25 or 30 votes it is going to be able to hop out here so it has to jump a couple hurdles more. So I guess I am going to take the attitude on this at least for the present time as I did on the five or six or eight bills that I think they have taken and given to the Judiciary Committee that should have gone to Banking and that is I will live with it a little while longer and hope they judge things a little more carefully, and I suspect yes, indeed, I kind of feel that if that bill goes to the Ag Committee it will come out on the floor and the fight will be here whether it is fought trying to take the bill out of committee from Education or fought once it gets here. But I am going to tell you all a secret. There is a separate argument for the Ag Committee. You see, there already is in existence by state law in this state a Veterinary College. The bill does not establish a veterinary college. We have had on the books for I think it is thirty or forty years a Veterinary College in the State of Nebraska. It's just that only about a dozen people know it. We did the same thing years and years ago on the Vet College that we did on so many other things that happened along. They passed the bill and then they forgot to fund it, or maybe they didn't forget. So the college is in existence. The

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education issue maybe has already been decided. That is in existence. Check me if you doubt it. We have a Vet College in the State of Nebraska. I guess now we are just deciding whether you are going to build a building the same way when we decide we are going to build a building one place or another we either usually send it to Appropriations or whatever committee has to do with that subject, in this case maybe Agriculture.

SPEAKER MARVEL: Your time is up. There is a motion on the desk. The Clerk will read the motion.

CLERK: Mr. President, Senator Dworak moves to amend the Koch motion by substituting "Appropriations" for the Education Committee.

SPEAKER MARVEL: The Chair recognizes Senator Dworak.

SENATOR DWORAK: Mr. President and colleagues, I think there are sound arguments that this should go to Agriculture, sound arguments that it should go to Education, and I just might point out that Dr. Rodgers' first blush on this bill was that it should go to Appropriations because it specifically calls for the appropriation of \$3 million. I frankly made the amendment, or made the motion that it should go to Education because they had heard it in the past, that they had spent much time this summer in discussing the bill and subsequently that motion was amended to go to Agriculture. I propose this as a compromise between Agriculture and Education based on the premise that Dr. Rodgers initially referenced the bill and, of course, he can't reference it but initially suggested that we refer the bill to Appropriations. I think that the Appropriations Committee, the mix of it with representation from across the state, with representation from each of our caucus groups probably is the committee with the balance to most objectively look at this particular proposition. So I would urge you vote to refer this to Appropriations and to quell the controversy existent on this issue.

SPEAKER MARVEL: Senator Hefner, do you wish to speak to the Dworak amendment?

SENATOR HEFNER: Mr. President and members of the body, I rise to oppose Senator Dworak's amendment. I believe that we have chosen this Reference Board with great care. I respect them all. I think that in their best judgment they have referred it to the Ag Committee and therefore I would urge you to oppose the Dworak amendment.

SPEAKER MARVEL: Senator Chambers, do you wish to speak to the Dworak amendment?

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, as Senator DeCamp pointed out without using the word "conservative" he said rural interests, the Executive Board is viewed as a conservative controlled body. Now the role of the conservative is to maintain the system to avoid radical departures, to keep things on an even keel. Now if politics will rear its head in such blatant fashion as described by Senator DeCamp, and I think he was describing the situation accurately, the term "conservative" like every other term in the Legislature means whatever who is speaking desires to have it mean. I am sure that when people said they wanted a spot on the Executive Board, one of the issues they discussed would have been the referencing of bills. I know that is what I had promised when I had run for that position from the Douglas County delegation. I had stated that I would do all that I could to make certain that bills were referred as they should be based on the subject matter of the bill and the appropriateness of sending it to one committee above all others. Now if politics is to enter in, that should be frankly stated and we should drop the pretense of having deliberative considerations of these bills before they are sent to various committees. The reason we all ought to be concerned in the first few days of the session is that we may have a bill that we think should go to a certain committee, but the precedent can be established here that it doesn't matter whether the bill should appropriately go there or not, a majority of those on the Executive Board for whatever reason decided it should go someplace else, therefore, people on the floor who have friends on the Executive Board will vote to uphold the Executive Board out of friendship rather than out of what is right and proper. I have no interest in this veterinary bill, this veterinary college bill, but I will say this about the system, you ought to remember what Senator Marvel said the first day about his loving the system and that is why he can perhaps be the Speaker for a second term. For some people the system represents the only chance that you have. There is a certain predictableness that is built in. There is a certain free knowledge you can have of how things are going to occur and they should not be disrupted based on whim or crass politics. Case law creates a problem because a judge is able to give any decision he or she chooses so on practically every issue that comes before a court you have what they call conflicting currents of law, cases going in opposite directions. Then it becomes the job if the conflict is

great enough, the conflict, the job of an Appeals Court to resolve those conflicts and say, this is the way this particular set of facts will be handled whenever they come before a court in this state or in the case of federal law the U.S. Supreme Court says in the whole country. Now if the Executive Board is to be the governing body more or less of the Legislature, something like the head and the rest of the Senators are the legs of the centipede, then the head must coordinate all of those legs in order that the centipede can move with some degree of coordination toward a predetermined goal, and that is proper consideration of legislation. So I think that the bill ought not go to the Agriculture Committee, Senator Hefner. And one thing that everybody should realize, if you want to build a political machine, the first and most important step to take if you can achieve it is to control the selection process, whether you are talking about a candidate or a system's operation. If you control that, you control everything and you make everybody beholden to you because you are right at the bottleneck where everything must pass through. So I am not in favor of the bill going to the Agriculture Committee, and I am not in favor of it going to the Appropriations Committee. I am in favor of it going to the Education Committee. So I cannot support Senator Dworak's motion.

SPEAKER MARVEL: Senator Schmit, do you wish to speak to the Dworak amendment?

SENATOR SCHMIT: Mr. President and members of the Legislature, we always like to quote history when it is on our side and we do not like to quote history when it is not on our side. Now the history of this is very clear. The bill was always heard by the Ag Committee. All the interim studies were conducted by the Ag Committee for ten years that I have been here until last year. It's a very honest statement that last year when the bill was referred I did not have the votes. Two of my colleagues, Senator Lewis and Senator Koch, decided the bill should go to Education Committee and I don't know exactly why but I don't....it did not concern me. I said then the bill would get a fair hearing and I have no problem with that. But the bill went to the Education Committee last year for the first time in the twelve years that I have been a member of this body, and now this morning we say, well, the bill belongs in Education, it has to do with Education, that they are the only people who can make the proper decision. I would like to call attention to the fact that we have four teachers' colleges and a pretty strong University that is cranking out a lot of surplus

teachers that we don't have jobs for, and that is also the prerogative of Education. Maybe we ought to take a look at that. I wonder sometimes, you know, we talk about all the research that has been done. I would like to ask Senator Dworak a question. Senator Dworak, will you yield, please?

SPEAKER MARVEL: Senator Dworak.

SENATOR SCHMIT: Very obviously, Senator Dworak, the Appropriations Committee is going to have to make a decision on this some time. You talk about the research and the expertise, how many head of cattle are on hand in the State of Nebraska at the present time?

SENATOR DWORAK: Gosh, I would have no idea, Senator Schmit.

SENATOR SCHMIT: How many head of hogs do we have on hand in Nebraska at the present time?

SENATOR DWORAK: I couldn't tell you off the top of my head how many hogs there are.

SENATOR SCHMIT: Well, I think that I have made my point. The expertise and the research, et cetera... (interruption)....

SENATOR DWORAK: I think I know how many veterinarians there are.

SENATOR SCHMIT: ....that determines whether or not we might have a need, we might have a need for a school would rest with the committee on Agriculture. That is the resource that you need to depend upon so that the Appropriations Committee, the Education Committee or anyone else can make that decision. The Appropriations Committee will eventually make the decision as to whether or not to appropriate the money and this body will then have an opportunity to review that decision, and if 25 people agree with that decision, that is the way it will be and we will live with it. But at the present time in order that the issue be resolved fairly and that all of the necessary evidence in support of or in objection to, as Senator Vickers has pointed out, be given an opportunity to be presented, I believe the bill belongs with the Agriculture Committee. I would have to oppose the motion to send it to Appropriations at this time. I would just like to say once again that Senator Dworak made the original motion to move it from Appropriations to Education. When he lost that now he comes back on the floor and

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he says, well let's go back to Appropriations, that was a good idea in the first place. I don't think there would have been any question in the Reference Committee had we left it with Appropriations. Senator Dworak made that decision. Now he is unhappy with it. Now he is trying to scramble it back onto high ground again. I oppose the amendment to move the bill to Appropriations Committee.

SPEAKER MARVEL: The Chair recognizes Senator Newell and then Senator Koch. Senator Newell....(microphone not on) the Dworak amendment?

SENATOR NEWELL: Yes, I do. I would like to ask Senator Schmit if he would answer a question for me. Senator Schmit.

SPEAKER MARVEL: Senator Schmit, do you yield?

SENATOR SCHMIT: I yield.

SENATOR NEWELL: Senator Schmit, just out of curiosity and not that I have any questions or doubts about whether you know, but could you tell us how many head of cattle there are in Nebraska?

SENATOR SCHMIT: About six and a half million; one million five hundred thousand on feed, the rest are stock cattle consisting of about one-third calves and the balance is other livestock.

SENATOR NEWELL: Now you are still doing about, right? How about hogs? How many hogs have we got? About how many hogs?

SENATOR SCHMIT: On hand we have four thousand (sic), one hundred and fifty thousand, two hundred and twelve.

SENATOR NEWELL: Two hundred and twelve. Now at least we are being a little specific this morning.

SENATOR SCHMIT: There were two hundred and thirteen but we lost one this morning.

SENATOR NEWELL: Let me ask you one other question, Senator Schmit.

SENATOR SCHMIT: Sure.

SENATOR NEWELL: Senator Schmit, the question I ask is, how much is this vet school going to cost us?



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SENATOR SCHMIT: \$6 1/2 million.

SENATOR NEWELL: \$6 1/2 million.

SENATOR SCHMIT: In addition to that, the livestock industry will put in \$2 million raised by private sector.

SENATOR NEWELL: That is a total of 8 1/2. Is that the total...that's the total bill?

SENATOR SCHMIT: That is the bill for the State of Nebraska.

SENATOR NEWELL: For the State of Nebraska.

SENATOR SCHMIT: That's right.

SENATOR NEWELL: Who else is going to....well, let me just talk with that figure, I mean that's an interesting, I mean that is a figure we can deal with as the number of head of cattle and the number of head of hogs. But \$6 1/2 million using Senator Schmit's dollar amount, that is quite a substantial appropriation. Is there anyone in this body who does not realize that \$6 1/2 million is a rather substantial appropriation? Well, Senator DeCamp, you have a point there that I don't want to get involved in. But let me make this point, it seems to me that we are talking about quite a substantial appropriation and I think that Senator Dworak who may have argued in the committee that it should be rereferenced to Education because of the historical precedence is most appropriate at this time saying that we ought to rereference now to Appropriations. Frankly, I believe that if we want to be honest and if we are trying to justify this in any other context besides the raw politics of it, then it should be, in fact, referred to either Appropriations or Education. If this is referred to Agriculture, we will all understand that the referencing process is a very political process.

SPEAKER MARVEL: You have one minute.

SENATOR NEWELL: Now I would argue that Appropriations, when you are talking about a \$6 1/2 million appropriation, is the appropriate place to view and analyze the needs. Senator Warner, if I could ask you a question. I know that you want to get involved in this debate, Senator Warner. I saw it in your eyes. Senator Warner, the committee does look at all the other appropriations relative to the University. Is that correct?

SENATOR WARNER: Generally, that would be true.

SENATOR NEWELL: Senator Warner, it seems to me, and I would only ask you not even knowing your answer, being very fearful of your answer, it would seem to me that when you are reviewing all the rest of the University's appropriations and the relative cost of higher education in the state, which is in fact quite substantial, that this bill might best be looked at in the total scheme of things and that Appropriations might be the best place. Do you agree?

SENATOR WARNER: Senator Newell, I don't know what the practice of the committee will be this year, historically at least in the last four years we did try to retain in the vicinity of one percent of the total appropriation to be available for A bills and floor amendments, recognizing that there should be funds available. This year I think we are in the peculiar position or the unique position that based upon funds available we will be hard pressed to allow as much as one percent which would be in the vicinity of \$6 1/2 to \$7 million, and we may well have to think in terms of something less than that. I am trying to avoid answering your question, if it doesn't appear that way. I do not object having it come to Appropriations. Very frankly, I guess I am willing to live with it wherever it goes, but I would be inclined to agree with those who suggest that either Education or Appropriations are probably more appropriate, and I say that only because when I looked at the reference sheet for today, 254 relating to schools requiring health instruction education, I thought at first maybe that should be referred to Public Health and Welfare rather than Education, and if that is the concept that we want to use, I can live with that one too. I think there are other similar ones.....

SPEAKER MARVEL: Your time is up. Senator Koch.

SENATOR KOCH: Mr. Speaker, my intent in bringing this issue to the floor was not to indict the members of this body, their integrity and their fairness. My name was used a moment ago by Senator Schmit as one who influenced Senator Lewis to direct LB 357 to the Education Committee and I want the record to read very clearly I had no influence on that decision. I have never attempted to influence the reference of a bill before it came to a committee and I was somewhat surprised yesterday when I heard that the veterinary college was referenced to the Ag Committee. Senator Schmit talks about ten years that it has been before the Ag Committee. I have been in this body, this is my seventh year and last year to my knowledge is the first year that we have had a major

discussion on a proposal of the vet college. I think it is inappropriate for us today to argue the merits of a vet college. It is only appropriate we should argue who should hear the bill. A moment ago we got to talking about the number of animals in Nebraska whether they be cows or hogs. Now I will give you the figures that we have, the most recent ones of 1979 that was in the Governor's budget so that none of us are mistaken. First of all, in case you didn't know it, Nebraska is ranked first in great northern bean production. That is a historical fact. We are first in alfalfa meal production. We are first in popcorn production, and if you want to know how many cattle we had as of January of 1979 or '80, the number is 6,400,000 according to the Governor's printout, and I usually believe the Governor. The number of hogs and pigs as of December 1, 1979 was 4,150,000. Now that ought to take care of the guestimates. Now to get down to the issue. I am not going to support the Appropriations move right now at all. I am here merely talking about integrity of committees and I am not here to second guess the Reference Committee. I said in my opening remarks that I did not intend to get involved in a gutter fight over individual personalities and their philosophies. If you look at the makeup of the Education Committee, it has a balance as I look at its membership and I can assure you that veterinarian medicine is primarily education and the mission of that college will be education, even though it is somewhat confined to a particular industry which is mainly agricultural in its nature. I agree with Senator Beutler, we are setting a precedent here today and we live by precedence many times, but presently we contract for seats in Optometry with other states who offer that course. There could be a bill some day that would establish a college of optometry and opthamology. The question before the body is, where would you assign it? I think you would assign it to Education. Now you could assign it to Health because that deals with the health and the vision which is most important to all of us in regards to our future.

SPEAKER MARVEL: You have one minute.

SENATOR KOCH: So I am here, Senator Marvel and others, to try to be low key, to not show a great deal of emotion. I can assure you that whatever happens this morning I will live with it and I will hold no malice toward those who make that decision. I am talking about principle and that is all I am talking about. I am talking about the integrity of the men and women who serve in this body, and I am not one who is going to be the critic and say that there are some who lack it and some who have a great

deal of it because I think we all have integrity. So, Senator Schmit who is conveniently absent, I want the record to be very clear, I did not influence Senator Lewis and that Reference Committee when they put LB 357 into the Education Committee, but you have to admit at our hearings we have been fair, I have held hearings and interim studies this summer with the committee. We were all there and let me tell you what we decided. We took that up in Executive Session, and it was this, LB 357 passed. It was still the bill to authorize a vet college. Secondly, I had read in the paper Senator Schmit explained that he would offer a bill on Nebraska's establishment of a Veterans College, and I advised the committee since that would probably happen that the committee's action should be of no action, we would let the course take its place.

SPEAKER MARVEL: You have thirty seconds.

SENATOR KOCH: The issue then, ladies and gentlemen, is Agriculture or Education, and if you think veterinarian medicine is Education in its massive form, then it should go to Education and I will not support the move to the Appropriations Committee at the present time.

SPEAKER MARVEL: Senator Chambers, do you wish to speak to the Dworak amendment?

SENATOR CHAMBERS: Just very briefly, Mr. Chairman. I would want Senator Schmit and everybody else to understand what I am trying to say and this has nothing to do with whether the bill comes out of the committee or what its fate would be on the floor, but rather how bills are going to be referred. That is all that I am concerned about in this entire matter, and I am being taught this morning as we all are about what the future course of the Executive Board is likely to be not only with reference to the bills but to everything. Patterns are being established. Territory is being marked out. I understand that if there are two young bulls, they try to establish supremacy which is the alpha male as lions, tigers, bears and any other creature might do. So if that is what is being done here today, I think those who are doing it ought to just frankly say so, then we won't waste time discussing the merits of issues as though that kind of discussion might sway anybody's mind. If votes have been lined up and the bills are going to be referred based on political considerations, admit it in the same way that I would admit it if that is what I were doing. You never have to question what my motives are. I will tell you, because I want you to

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look at the issue that I am propounding. As for Senator Schmit and the others who discussed the number of critters in Nebraska, I wouldn't be so concerned about the number when we are talking about veterinary medicine so much as I would be concerned about how many are sick and the nature of their ailment.

SPEAKER MARVEL: Senator Lamb.

SENATOR LAMB: Are there any more lights? I would call for the question.

SPEAKER MARVEL: Well, there are about three more.

SENATOR LAMB: The question.

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

CLERK: 25 ayes, 4 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate is ceased. The Chair recognizes Senator Dworak on his amendment.

SENATOR DWORAK: Mr. President and colleagues, the amendment was offered as a sincere effort to compromise. Senator Schmit, I think makes a good point about the number of cattle, the number of hogs, and maybe we should include the number of Chihuahuas, the number of Siamese and all the other type of animals that are taken care of by this particular area. I sincerely think though that the consideration when we look at this type of expenditure you have to take into account how much the technical community colleges are receiving, how much the state colleges are receiving, how much other facets of the University are receiving, general revenues, the overall budget expenditures, I think that has got to be a factor also. So, I don't think it was a ridiculous suggestion from that particular point. However, it becomes apparent to me from listening to the debate that neither side is willing to compromise. They don't feel a need to compromise at this point, so I would like to withdraw my amendment. I ask for unanimous consent.

SPEAKER MARVEL: Any objections? So ordered. Senator Marsh, do you wish to speak?

SENATOR MARSH: I call the question....(microphone not on).

SPEAKER MARVEL: The question is called for. Do I see five hands? Okay. The question before the House is, shall debate cease? All those in favor vote aye, opposed no. Senator Koch, your light is on, do you wish to be recognized?

SENATOR KOCH: Mr. Speaker, I am the author of the motion. I have a right to close, don't I?

SPEAKER MARVEL: Okay, Clerk, record.

CLERK: 30 ayes, 3 nays to cease debate, Mr. President.

SPEAKER MARVEL: Okay, debate ceases. The Chair recognizes Senator Koch.

SENATOR KOCH: Mr. Speaker, prior to the brief remarks I want to make in closing I am going to ask for a Call of the House because I think it is important that all members present help to make this decision, and I request that there be a Call of the House.

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

CLERK: 32 ayes, 0 nays to go under Call, Mr. President.

SPEAKER MARVEL: Okay, the House is under Call. All legislators please take their seats, unauthorized personnel please leave the floor. We cannot proceed until all legislators are in their seats. Okay, record your presence. Senator Cope, will you please record your presence? Senator Maresh, will you...no, he is excused. The Chair is waiting for those who are not in their seats to get to their seats. We cannot proceed until everybody is in their seat. Okay, call the roll. Senator Koch, do you wish to close?

SENATOR KOCH: Thank you, Mr. Speaker. I think that the points that are germane to the subject have been made and I am requesting that the members of this body without indicting any individual or any committee, I want to speak mainly to the point of principle, and what we do here this morning I think will establish a precedent in terms of what is educational as opposed to what may be a specific interest of certain people. As I told you a moment ago there may be other colleges which we may wish to some day establish as standing colleges and when we establish the area colleges, community colleges, there are interests there also, and that was an Education Committee bill. I am saying that veterinary medicine is Education. I know it is applicable to Agriculture primarily. One last thing,

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LB 245, 452-467

Senator Schmit, I have to close with this, you mentioned surplus of teachers. You had better look at the record today. There is not a surplus, only in a very few fields. In fact, there are shortages developing and by mid 1980's there are going to be very severe shortages for a number of reasons, and the Education Committee does not control the number of people who matriculate in a standing college. That is only controlled by the Regents and you know that. If you want to talk about surpluses, my figures show there are eight hundred and some veterinarians in this state and the veterinarians tell me that is a surplus. So let's get down to the issue. Is it Education or isn't it, and I request that the bill be rereferenced to the Education Committee. Thank you.

CLERK: Mr. President, the motion is that LB 245 be rereferred from the Agriculture and Environment Committee to the Education Committee.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed vote no. Call the roll, Mr. Clerk.

CLERK: (Roll call vote taken as found on page 287 of the Legislative Journal.)

SPEAKER MARVEL: Legislators, you are still supposed to be in your seats. The Clerk did not announce the vote.

CLERK: 19 ayes, 26 nays, Mr. President, on the motion.

SPEAKER MARVEL: Motion lost. I will raise the Call in just a minute. I want to make an announcement to the Chairmen. If you have hearings that are going to be heard next week, you have to get your notices in today. Okay, the Call is raised.

CLERK: Mr. President, new bills. (Read LB 452-467 by title. See pages 287-291 of the Legislative Journal.)

PRESIDENT: Senator Cullan, Public Health and Welfare Committee, Senator Cullan. Senator Cullan, the Public Health and Welfare Committee will meet at two o'clock. Senator Cullan, do you have a place? I can't get his attention. Senator Cullan, where do you want the meeting? I have already announced it at two o'clock. Do you want it underneath the...? Pardon? The Exec Board will meet in Room 1520 at two o'clock. Okay, 1517 for the Exec Board, two o'clock.

PRESIDENT: Okay, the Clerk will continue to read in bills for about ten minutes and then we will recess until about three-thirty.

February 17, 1981

LR 15  
LB 134, 245, 545A

PRESIDENT: While the Legislature is in session and capable of doing business I propose to sign and I do sign LR 16.

CLERK: Mr. President, I have a report from the Department of Administrative Services regarding a request for contract approval. That will be on file in my office. I have the 1980 Annual Energy Office Report. That will be on file in my office.

Mr. President, two Attorney General's Opinions, first to Senator DeCamp regarding LB 134, and one addressed to Senator Beutler regarding LB 245. (See pages 527 through 532 of the Legislative Journal.)

Finally, Mr. President, new bill, LB 545A, offered by Senator Johnson at the request of the Governor. (Read title to LB 545A for the first time.)

PRESIDENT: Ready for agenda item #5, resolutions. The first resolution is LR 15.

CLERK: Mr. President, LR 15 is found on page 495 of the Journal. It is offered by Senator Koch and Senator Marvel. (Read LR 15.) Mr. President, again that is found on page 495 of the Journal.

PRESIDENT: The Chair recognizes Senator Koch.

SENATOR KOCH: Mr. President, is Senator Marvel here?

PRESIDENT: Yes, sir, he was.

SENATOR KOCH: Well, I introduced this resolution on behalf of Mr. Locke who has been selected as the Teacher of the Year in the State of Nebraska, and all too often those who labor in the vineyards with the children of this state are forgotten symbols, but most of us give great credit to those who taught us something somewhere along the line. And having once lived in Hastings and attended Hastings College, I introduced the resolution on behalf of Senator Marvel and myself for Mr. Locke, who is a graduate of Hastings College and who not only teaches but works in that community in a lot of other efforts. And I would suggest that this body unanimously adopt this resolution recommending and honoring Mr. Locke for outstanding service to that community for some 15 years or more. Thank you.

PRESIDENT: Any further discussion on LR 15? If not,



March 9, 1981

LB 47, 56, 268, 298, 519, 245

SENATOR CLARK: The bill is advanced. The Call is raised.

CLERK: Mr. President, while we are waiting, Senator Rumery would like to print amendments to LB 47. (See page 807 of the Legislative Journal.)

Mr. President, Senator Cullan designates LB 56 as his priority bill. The Ag and Environment Committee designates LB 245 as one of their priority bills.

Mr. President, Senator Landis would like to print amendments to LB 298. (See page 807 of the Legislative Journal.)

Mr. President, your Committee on Miscellaneous Subjects whose Chairman is Senator Hefner reports LB 519 indefinitely postponed, and your Public Health and Welfare Committee reports LB 268 as indefinitely postponed.

Mr. President, Senator Haberman...oh, I'm sorry. Mr. President, your Miscellaneous Subjects Committee would like to report the Reapportionment/Redistricting Guidelines in the Legislative Journal. (See pages 806 and 807 of the Journal.)

March 10, 1981

LB 145, 203, 245

visited with you and set them up for debate.

SENATOR CARSTEN: Well we are only entitled to two so I...

SPEAKER MARVEL: I was using that as an example is all.

SENATOR CARSTEN: I don't think there is any question about the cooperation as cooperation with you, Mr. Speaker. Is is only what I didn't quite understand when you were saying you would cooperate under the circumstances as we now have them with the committee chairmen. I didn't quite understand what that meant and as I gather it just means that as soon as the committee chairman gives you those priorities then you will work from there with your list.

SPEAKER MARVEL: Yes, sir, and I would once again suggest and we will do this daily until that...the 13th is reached. Please note the deadline dates and please send your suggestions to our office. That is the only way this can avoid all kinds of problems as we have, or at least questions. Let's put it that way. Get the designations in even if you haven't heard the bills.

PRESIDENT: We have...Senator Beutler, I believe had asked to speak. That will then conclude the matter of the Speaker's announcement. We have some guests here. We have a guest of Senator Vickers, Louis Schaffert from Cambridge, Nebraska. Mr. Schaffert, you are under the South balcony, welcome to your Legislature. And we have under the South balcony Mrs. Bessie Kath mother of Page Cheryl Kath who is under the South balcony. Would you stand, Mrs. Kath? Welcome to the Legislature, from Senator Nichol's district. The Clerk will have some matters to read into the record and then we will be on Final Reading so everybody can get prepared for returning to your desks for Final Reading.

CLERK: Mr. President, Nebraska Retirement System whose chairman is Senator Fowler reports LB 145 as indefinitely postponed; 203 as indefinitely postponed, (Signed) Senator Fowler as Chair.

Your committee on Ag and Environment whose chairman is Senator Schmit reports LB 245 to General File with amendments. (See pages 821-822 of the Legislative Journal.)

Mr. President, a new resolution, LR 31 by Senator Beyer and Senator Fenger. (Read. See page 823 of the Journal.) That will be laid over pursuant to our rules, Mr. President.

PRESIDENT: We are ready for agenda item #4, Final Reading. The Sergeant at Arms will see that all persons are off the floor except legislators. You legislators will be at your desks and as soon as that occurs we will commence with Final

March 11, 1981

LR 12  
LB 17, 22A, 168A, 258A,  
132, 133, 245, 349

CLERK: Senator Remmers would like to add his name as co-introducer to LB 132.

SPEAKER MARVEL: Any objection? So ordered.

CLERK: Mr. President, Senator Clark and Warner offer amendments to LB 133; Senator Vickers and others would like to print amendments to LB 245.

Business and Labor Committee will hold an exec session Thursday, March 12 at one o'clock in Room 1019.

Banking Committee reports LB 349 to General File.

New A bills, 22A by Senator Landis. (Title read.)  
168, a new A bill offered by Senator Carsten. (Title read.)  
258A by Senator Hefner. (Title read.)

Banking Committee reports LR 12 back to the Legislature for their consideration.

Senator Warner moves to place LB 133 on General File notwithstanding the action of the Banking, Commerce and Insurance Committee.

Priority bill designation by Senators Goodrich, Labedz, and the Constitutional Revision and Recreation Committee.

Senator Koch would like to print amendments to LB 17 in the Journal, Mr. President.

SPEAKER MARVEL: As we adjourn this morning, I would remind you of the deadline on the 13th of this month as far as priority bills are concerned, and if we can be of assistance to you, why please let us know. Senator Maresh, will you adjourn us until nine o'clock tomorrow morning?

SENATOR MARESH: Mr. Speaker, I move that we adjourn until tomorrow, March 12th, 9:00 a.m.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried and we are adjourned until 9:00 a.m. tomorrow, March 12th.

Edited by:

  
Mary A. Turner

March 16, 1981

LB 206, 206A, 245

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

SPEAKER MARVEL: The House is under Call. All legislators should be in their seats. Unauthorized personnel should be off the floor and you need to record your presence. Senator Kilgarin and Senator Cope, would you please record your presence. Senator Kremer, Senator Lamb. Okay, everybody who is not absent is here so will all legislators please be in their seats and we can proceed with the roll call. Did you ask for a roll call? Call the roll. The motion before the House is the adoption of the Chambers motion in regard to LB 206.

CLERK: (Read roll call vote found on pages 938-939 of the Legislative Journal.)

SPEAKER MARVEL: The Legislature is still under Call. All legislators be in their seats. Unauthorized personnel please leave the floor.

CLERK: 31 ayes, 12 nays on the motion to override LB 206, Mr. President.

SPEAKER MARVEL: The motion carried. 206A. Senator Chambers.

CLERK: Mr. President, Senator Chambers moves that LB 206A be passed notwithstanding the objections of the Governor.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I am going to ask for a machine vote on this and now that the bill has passed the money can be taken if we win anyway so I think we should appropriate the money to cover the bill. So, I am asking that this bill be passed also.

SPEAKER MARVEL: Okay, the motion is the adoption of the A bill 206A. All those in favor of overriding the A bill vote aye, opposed vote no. Record the vote.

CLERK: (Read record vote as found on pages 939-940 of the Legislative Journal.) 33 ayes, 11 nays, 5 excused and not voting, Mr. President.

SPEAKER MARVEL: The motion is carried. Okay, we are ready for item #6.

CLERK: LB 245 was a bill introduced by Senators Schmit, Hefner, Wagner, Kahle, Lamb, Kremer, Rumery, Howard Peterson, Maresh and DeCamp. (Read title.) The bill was first read on January 16 of this year. It was referred to the Ag and Environment Committee for a hearing. The bill was advanced to General File. I do have committee amendments pending by the Agriculture and Environment Committee, Mr. President.

March 16, 1981

LB 245

SENATOR HEFNER PRESIDING

SENATOR HEFNER: Senator Schmit, would you like to present the committee amendments?

SENATOR SCHMIT: Mr. President and members of the Legislature, the committee amendments basically authorize the funding for the school of veterinary medicine and lays out the program whereby that funding will be accomplished. You have on your desk a copy of the cash flow as proposed in the committee amendments. If you like, I can go through them. If you prefer, I would rather...I could answer questions, whichever you think might be the most result and save you the most time.

SENATOR HEFNER: Senator Schmit, do you want to explain the committee amendments? There is a series of amendments to the committee amendment.

SENATOR SCHMIT: Well, Mr. President, the committee amendments as they are outlined in the sheet which I have handed out provide for an appropriation of funds from the Nebraska Capital Construction Fund for 1981-'82 of \$1,308,352. This does not include \$119,000 of General Fund that have already been included in the budget for projects coordination, so that this year for the total amount of money from the Nebraska Capital Construction Fund we are talking about \$1,308,352 plus \$119,000 from the General Fund in the budget. Now these funds that we are talking here the million three are funds which would not be spent unless we had assurance from the federal government that the entire amount of the federal funding as proposed here, \$13,381,794 will be in the budget. We talked to Congresswoman Virginia Smith. She has assured us that she will attempt to place that amount of funding in the budget and we should know by October or November whether those funds are going to be granted by the federal government. Very frankly, if those funds are not available, then the project certainly does not have much of a chance of flying, and I would say that although we would have a million three appropriated, that little or none of that money would be expended if we do not receive the federal money. In 1982-'83 we propose to receive the first \$8,300,000 of federal funds, we would use \$1,011,648 of funds that are in the cigarette tax fund that have been earned but not appropriated during the '81-'82 year. We would use an additional \$2,320,000 of funds from the cigarette tax fund for a total amount of money from the Nebraska Capital Construction Fund of \$2,331,648. That would be the Nebraska Capital Construction Fund contribution during 1982-'83.

In addition to that, there would be \$1 million dollars of private funds that would be expended during the '82-'83 year. During '83-'84 we would use an additional \$5,073,163 of federal funds and an additional \$2,320,000 of capital construction funds, as well as \$700,000 of private funds. At that time we would also have to put in finds from the sale of bonds of \$2,279,242, making a total amount of money for the year '83-'84 of \$10,372,405. In 1984-'85 we would have another \$4,640,550 that would come to the construction program from the capital construction fund and additional \$300,000 of private funds making a total of \$4,940,550 of expenditures for '84-'85. That gives us a total amount of expenditures...I will run these by you, \$13,381,794 federal, \$13,879,792 which includes the money from the cigarette tax fund and the sale of bonds, \$2 million of private funds, for a total cost of \$29,289,400. There would be approximately 5 to 6 hundred thousand dollars of additional cost due to the handling of the bonds. If there are any questions, I would be glad to answer them. If not, I move the adoption of the committee amendments.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The Chair recognizes Senator Beutler. Is this the amendment to the committee amendment?

CLERK: Mr. President, Senator Beutler moves to amend the committee amendments as follows: (Read the Beutler amendment as found on page 940 of the Legislative Journal.)

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, I have a couple of amendments up on the desk, all of which are designed to be primarily technical amendments, and to tie down a little closer the concept that is involved in the bill. As I understand the bill proposed by the proponents it is not an attack on the philosophy of what we are doing, but these amendments are designed to make sure that we do exactly what I think everybody is intending to do. Okay, the first amendment says basically this, no state appropriations shall be obligated and as you are aware, \$13,000,000 or more of the cost of the veterinary college will come out of the state building funds, but none of these shall be obligated nor shall any bonds be authorized for the Regional College of Veterinary Medicine until and unless federal funds in the amount specified in the bill have been appropriated for the project by the United States government. Please take note that the amendment does not say that the appropriations shall not be appropriated. It simply says that

the appropriations shall not be obligated prior to a commitment from the federal government that the federal funds are going to be there. According to the schedule that we have been given federal funds are anticipated to be used next year, and as Senator Schmit has indicated, should not be...it should not be in the distant future when the federal government makes known its course of action. So all the amendment is saying is that we should not obligate or spend any of our money on this project until we know that all the financial elements necessary to make the project go are in place. So, in other words, it seems to me that it is an amendment that directs itself to fiscal responsibility that we all, urban or rural or Republican or Democrat, should be able to understand. Don't throw a bunch of money out for planning. Don't go ahead and spend hundreds of thousands or the whole \$1.3 million that's planned to be spent in 1981-'82 before we know for sure that the federal funds will be there. That is the intent and the sole direction of this amendment. I would also mention to you that it also mentions bonds and says that the bonds will not be authorized. They are not intended for a couple of years any way and that shouldn't be an important point. But the City of Lincoln at this point in time as far as I know has not acted or even been requested to act upon whether they would be agreeable to issuing these bonds. So that is a matter that remains to be resolved. So that is why I included the bond provision also. Thank you.

SPEAKER MARVEL: Senator Kahle, do you wish to speak to the Beutler amendment?

SENATOR KAHLE: Well, Mr. Speaker, I am sure it is going to be a little tough to stick to the amendment but I will try. I naturally oppose the amendment because if Senator Beutler had been one of the proponents of the bill, I could understand perhaps this kind of language, but as he is not, I think it is a tactic to harm the process, and therefore oppose the amendment. If you took the amendment exactly as it reads, there probably isn't much wrong with it. But this is going to be a process and we all know it but we are going to have to go some on good faith. We are going to have to go on good faith that we are going to get a couple of other states involved. We are going to have to go on good faith that perhaps the City of Lincoln might become involved. We are certainly going to have to go on good faith as to what the federal government is going to do. So to put this in a specific amendment at this time I think is wrong. I think we need

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to work this bill through and look at it from its totality and not just from one little bit of piece that we might want to pick at toward another one. I think we need to look at this thing in the entire prospect of what is going to happen and we are certainly going to have some faith in the people that we deal with. Thank you.

SPEAKER MARVEL: Senator Lamb.

SENATOR LAMB: Mr. Chairman and members of the Legislature, I certainly agree with Senator Kahle's assessment of the amendment. We are back to the old chicken or the egg situation, which comes first. There is no way that you can have a viable project without putting up some up front money that will convince the federal government that this is a project that is on its way and will be developed with the infusion of the federal funds as has been previously indicated. And so in order not to spend any money for planning at this point would certainly just kill the project, and I think that any reasonable person would say that there is no way you can start this project without somebody taking the first step, and certainly the federal government is not going to take that first step. It is up to this state to do that and this amendment would certainly put an end to that. I oppose the amendment.

SPEAKER MARVEL: Before we proceed, there are some guests that I would like to introduce. Underneath the south balcony from Valentine, Nebraska, former Senator Otho Kime. Otho, are you there? Welcome. From Senator Kremer's District, 28 Seventh Grade students from Sandy Creek School, Fairfield, Nebraska, Mr. Dave Nienkamp is the teacher. Are you still up in the balcony? If you are, hold up your hands? In the south balcony, 200 high school students from Youth Government Day sponsored by Nebraska Council of Youth. They are over here I believe in the south balcony. And visiting the Legislature today are the wives whose husbands are attending the Packers Service Group and Packers Management Company Annual Meetings at the Hilton Hotel. We welcome all these groups and welcome you to the Unicameral. We are speaking to the Beutler amendment and the Chair recognizes Senator Schmit. Senator Schmit, do you want to be recognized to speak to the Beutler amendment?

SENATOR SCHMIT: Mr. President and members of the Legislature, I have to also oppose the Beutler amendment. I think the reason is fairly obvious. Senator Beutler says



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it does not refer to the appropriation, only to the obligation. I believe that it is very clear to us that once the money is appropriated that we must make some kind of an obligation. I think, however, it is equally clear, as I pointed out earlier, the University is not going to get themselves in a crack spending \$1,300,000 of money for a project which does not have full federal approval, and I am afraid that Senator Beutler's amendment, although conservative as I am, might have some appeal to me does not give to the federal government the clear signal that Nebraska is willing to make a definite commitment. I would therefore have to oppose Senator Beutler's amendment.

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: Mr. Speaker and members of the Legislature, I rise in opposition to Senator Beutler's amendment. I can well appreciate what Senator Beutler's concern is. However, the time has come when Nebraska is going to have to display some leadership. There are those of us in the Legislature that were in on the planning for a Regional Vet College from its very beginning, Senator Kahle, Senator Lamb, and we felt at that time that Nebraska was rather fortunate that the other states in the Old West region picked Nebraska, and there were a number of reasons. We won't have time to go into them. As time went on we met in other states, in Montana, for example, and they said there was one note that was predominant as this proposed Vet College was discussed was this, since Nebraska has been designated as the state in the Old West region as the place that we would build the College, if it were to be built, it was this, Nebraska is going to have to take some leadership and there is no way that we have demonstrated in the past that we have taken that leadership. I have been convinced and I am concerned about spending the money. Are we spending it well and properly that we are doing this? But until such time that Nebraska takes the lead and demonstrates to these other states as well as other states not in the Old West region they do have an interest in building a college in an area where livestock production and the livestock enterprise is predominant here in the Midwest. And I firmly believe that once we take that step of leadership, we are going to get the support from other states in the Old West and other states in the western part of the country that is looking for a place to send their students for veterinary medical training. Therefore, Senator Beutler, I rise to oppose your amendment because I think it demonstrates that we are not willing to take the leadership by

putting the money out in front for planning. I hope the Legislature is aware of this and some of us have tried to emphasize the importance of making this investment in our state that will do nothing but help our state and help the livestock industry which is a part of the great economy of our great state. Thank you very much.

SPEAKER MARVEL: Senator Dworak.

SENATOR DWORAK: Mr. President and colleagues, I am sure many of you like I last night watched "60 Minutes" and the scheme to obtain SDA loans. These companies for a fee of \$2500 would guarantee that they would fill out the forms and were leading you or leading the client to believe that about 90 percent of their requests were fulfilled. Well, after the investigation, the clients spent \$2500 and they didn't get any SDA loans. The only thing was the \$2500 expenditure. And I am sure you like I sat there and thought how can anybody be so naive to spend \$2500 without any insurance or any guarantee that the loan would be fulfilled. Well, this morning we are being asked to spend \$1,300,000 before one dollar of federal funds may or may not be triggered, \$1,300,000 of state appropriation in an effort for state pride and an effort to take some leadership before we have....we don't have any guarantee that there will be one cent of federal money. Now I just question how good a sense that is. I think Senator Beutler's amendment is right on target that, if, in fact, there are significant federal dollars which I question with the Reagan administration, with the massive cuts being proposed in the existing programs with virtually no expansion of new programs, with the exception maybe of defense, and I don't put the Veterinary College in that category, I really question whether a cent of state money should be appropriated before we have in writing assurance and guarantee that federal money will follow. Now if we were in an extremely wealthy state where \$1,300,000 didn't mean anything, then I would say it might be worth a gamble. But when I look at that appropriations process, when I look at the needs across this state, when I look at the needs right out there on East Campus right now, to mention the Animal Science Building, when I look at Bessey Hall on the downtown campus, when I look at Morrill Hall, when I look at Architectural Hall, we have got a lot of places for \$1,300,000 where we can gain some very tangible benefits. When I look at our water situation and the amount of money that is being requested now to fund those projects, I have some real concerns about risking \$1,300,000 without any guarantees. To me the Beutler amendment is

prudent. If, in fact, we are going ahead with this \$30 million proposition, if, in fact, the private money comes and the private money isn't there, and if, in fact, the states will appropriate their dollars to Nebraska, as I am sure we would be very willing to appropriate money for South Dakota or Wyoming, if those contingencies happen, then the project maybe is justified to fly. But to say we are going to go ahead and appropriate \$1,300,000 without any assurances that these things may or may not happen, to me is not prudent and very reckless, so I strongly urge the support of Senator Beutler's amendment.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. Speaker and members, I also rise to support the Beutler amendment and I'm a little bit at a loss to understand the problem that the proponents of LB 245 have with it, except for the fact that I understand what is going on. We might as well forget about discussing the merits of a Vet College, because that is really not what we are discussing here today. We are discussing an end run. 357 of two years ago was in complete support of the livestock industry. Suddenly they don't like 357. Suddenly they are not willing to abide by the provisions of 357 and I would like to read a couple of those provisions. We are told that we have to put dollars in the program in order to get it started. I think the philosophy is that money operates like a magnet and that state dollars will draw federal dollars. I don't happen to think that is true. One of the provisions of LB 357, and it is in the statutes, 85-180.04, says that during the planning, development and operational phases each participating state shall pay its share of the operating cost based on the number of students from each participating state. Planning, development and operational phases, suddenly they don't want to wait for the other states for planning and development. The State of Nebraska should do it itself. It also says the proponents indicate that we have to do something to show our good faith. One of the other provisions of 357 indicated, and it is under 85-180.06, says that if the conditions set forth in the above sections are met in the Legislatures of 3 out of 5 states listed in those sections, and it says it shall be binding upon the State of Nebraska. Shall be binding on the State of Nebraska, I think we have made a commitment. It is in our statutes. We have committed, provided we get the federal dollars, a commitment from the federal government, and from at least two other states. I am willing to go ahead with

that. That's fine with me. But unfortunately that doesn't seem to be fine with some people. We want to spend a million and a half dollars, or almost a million and a half, knowing that the mood in the federal government is not to send federal funds down. It seems to me that what we are doing is starting to climb a ladder and breaking the rungs off behind us. When we get up a few steps, what other direction are we going to go? I think we need to make that decision right up front. Let's be honest about it. Do we want to build a school by ourselves, or do we want to have other help? That is the decision. That's what we are talking about. I think we need to have a little bit of assistance. I don't think the State of Nebraska can afford it by itself. I wish we had a Veterinary College in the State of Nebraska. I wish every skillet in the State of Nebraska had a T-bone steak in it tonight also. I wish every garage had a Cadillac or, excuse me, Senator Goll, a Mark IV in it. Unfortunately, not everybody can afford a Mark IV, and I hate to admit this but not everybody can afford a T-bone steak in their skillet tonight either, and I am not sure... I am positive that the State of Nebraska cannot afford to be alone in the Veterinary School as much as we would like to have it. The livestock industry is not making money hand over fist right now. I don't think agriculture in general is. As a matter of fact, I don't think the outlook looks too good for the whole year, but still we are willing to commit it. One other thing I would like to point out, one of the things in a hand out, one of the fact sheets for the Vet College issue says that, and it does look bad, it looks terrible, Nebraska ranks 49th in the nation in total of veterinarians when you compare it to the receipts for livestock and products, and it ranks 48th in the nation in ratio of food animal veterinarians compared to cash receipts for livestock and products. Of course, they forget to tell you that even though Nebraska ranks 48th in the nation....

SPEAKER MARVEL: You have one minute left.

SENATOR VICKERS: ....Iowa and Kansas rank 45 and 46. Now that is rather strange. If that is going to change by building a Vet School in this state, how's come Iowa and Kansas rank 45 and 46? Economics is what dictates that, ladies and gentlemen. Economics out there in rural Nebraska, and our economy is not that great. I, for one, am going to support the Beutler amendment because we need help. We cannot afford it by ourselves. It's just that simple. Thank you, Mr. Speaker.

SPEAKER MARVEL: Senator Schmit.

SENATOR SCHMIT: I just want to comment briefly on the comments by Senator Dworak, Senator Vickers. Senator Dworak wants assurances as to what is going to happen next year and the year after and the year thereafter. I guess that I am a little ill at ease when I listen to Senator Dworak's arguments. He can become extremely conservative in those areas that have to do with livestock and agriculture. I would just like to suggest that this proposal is more definitely laid out than the bulk of the proposals that come from the Appropriations Committee. Most of those proposals provide planning money and then notwithstanding the fact that one body can not bind the succeeding body, we know that we are committed to the expenditure of those funds. If we start down the road to build the six million dollar athletic center at Chadron, we know that we are going to finish it. We begin to build the thirteen million dollar Historical Society Building, we know that we are going to finish it. We know the processes thereby which we shall finish it. We have done the best possible job that we can do to put together a cooperative effort to construct a college of veterinary medicine. If the proposal as outlined by those of us who have signed the bill carry through, Nebraska will have a veterinary college costing approximately thirty million dollars for a total capital construction outlay of approximately five million dollars. Now if this were the Play Pen at Kearney or the Historical Society Building or the Marina in Omaha and I don't mean to pick on my Omaha friends, we would be severely chastised if we would oppose a project which can provide such extensive benefits to the State of Nebraska and such minimal outlay for capital construction. Senator Vickers says everyone can't afford a steak in their skillet and I'll tell you very frankly Senator Vickers, if they can't it is not because Senator Kremer and myself are getting for the live cattle. The price of live cattle is down \$12 a hundred from what they were a year ago. The retail spread has increased 25%. It is because the retail price has not followed the wholesale price down. That is why. If we can't afford one of Senator Goll's Mark IV's it is not necessarily because Senator Goll has the Mark IV over priced, it is probably the gasoline to push the thing around might be a little out of reach. We can talk about those things forever and ever. I just want to say that the Beutler amendment is not an amendment which will do anything which we have not already done. But we must make a commitment. There are those of us who are willing to make that commitment and stand by it. There are some of you who for obvious reasons and for good reasons, I am sure, choose to vote against it. That is your responsibility to do so. You should do so. But let us not confuse the issue by hanging on to the bill, those kind of qualifications which we know will first of all guarantee

that there be no federal funds. I can just see what Congresswoman Smith will say when they ask her, what about this deal? If we. . . . Nebraska is not obligated to spend any money until we put it out. We as a federal government will not encourage, will not encourage, nor should they, as they have done in the past much to our chagrin new projects. The states must take the responsibility and show the leadership. If Nebraska chooses to do so, then the federal government has a responsibility to make a decision. If that decision is against us, at this point and time, those of us who have signed the bill have said the issue is dead. If the decision is favorable then we will proceed. I believe that we have outlined as carefully as we can the project for the discussion of this body. I am, I guess, disappointed that we would try to play on words by trying to treat a discussion between the meaning of the words "appropriate" and "obligate". Appropriation is an obligation.....

SPEAKER MARVEL: One minute.

SENATOR SCHMIT: .....it is there. We recognize it. It can be spent but it will not be spent unless the federal government comes through. I hope that this issue does not have to be rethashed every few minutes this morning. I think the issue is clear. I think the decision needs to be made. I think that most of us have made up our minds. I don't think that if we bought all of the Beutler amendments, and I believe that there are four in number, if we bought the Vickers amendment, which we can't buy. If we bought anything else that you can hang on the tree that it would change Senator Beutler or Senator Vickers mind. That is their prerogative to vote as they see fit. But I do not think that it is right to try to cut the bill into chunks whereby it is not acceptable to anyone.

SPEAKER MARVEL: Senator Kahle, your light is on. Do you wish to speak?

SENATOR KAHLE: Mr. Speaker, I call the question.

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

ASSISTANT CLERK: 27 ayes, 3 nays to cease debate.

SPEAKER MARVEL: The debate is ceased. Chair recognizes Senator Beutler to close on his amendment.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, sometimes I think that we get so emotionally caught up in what we want to do that we don't listen to good sense. Let me repeat, all the amendment says is that before we give an agency of government the authority to spend 1.3 million dollars that we require them to see that the federal commitment has been made. The way the bill reads right now they could take that 1.3 of planning money and spend it and if the federal funds don't come through all that money would have been spent for nothing. It is like a homeowner planning to buy a house. Until he knows that the money is there to buy a house he doesn't go spend two, three or four thousand dollars for an architect and architectural plans and specifications, it just doesn't make sense on a personal level and it doesn't make sense on a governmental level. There was talk about having good faith in the government. We have to treat people with good faith. That is fine perhaps, at least defensible, if someone has come to you and said we are going to kick in so much money, trust us. But the federal government has never said, has never indicated that they are going to kick in that money. We have had a change of administration since this thing began and we are all well aware that the President has embarked upon a program of gorging everybody's ox in the interest of the common good. A program that I think we are all supporting, but in my personal opinion it is highly likely that one of the areas that will be cut might well be this area. I think that anybody taking an objective look at it would have to candidly admit that. If that should happen and if that agency out there should have spent three or four or a million dollars what are the people of the state going to say to us? What are they going to say about our fiscal responsibility? Gentlemen, this amendment doesn't kill the project. The funds can be appropriated and when the funds are appropriated we are saying to the federal government the money is sitting there to be spent by the agency and the only condition is that you tell us you are giving us the money. Clear signal? How can it be any clearer than to have us waste our money and actually spend it before they tell us? Surely the proponents are not arguing that what is required in this case is that we show our good faith by actually expending the money before the federal government commits itself. Never in the history of the federal government can I remember that requirement being laid on a state. It is absolutely preposterous and ridiculous and if we from Nebraska, of all places buy that, WOW! That is all that I would say in closing Mr. Speaker. Mr. Clerk, I would ask you to change the reference from section two to section one as that is a typographical error and incorrect. It was pointed out to me, thank you Senator Barrett.

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LB 328, 477, 35, 112,  
245, 206, 206A, 22, 50,  
74, 89, 89A, 171, 194,  
425, 475, 500, 550,

SPEAKER MARVEL: The motion is the adoption of the Beutler amendment to the committee amendment. All those in favor of the motion vote aye, opposed vote no. Have you all voted? Have you all voted? Shall the House go under Call, all in favor of that motion vote aye, opposed vote no.

CLERK: 13 ayes, 2 nays to go under call Mr. President.

SPEAKER MARVEL: The House is under Call. All Legislators should be in their seats. Record your presence. Unauthorized personnel please leave the floor. Senator Fenger, Senator Koch, Senator Cope, Senator Kilgarin, Senator Kremer, Senator Schmit, Senator Vard Johnson, Senator Sieck, Senator Landis, Senator Newell, Senator Chambers, Senator Pirsch. Do we have them all now? Senator Vard Johnson and Senator Sieck. Will all legislators please be in their seats before we start the roll call. Senator Beutler everybody is accounted except Senator Vard Johnson. He is across the street. This is a roll call vote on the Beutler amendment to the committee amendment. Are you all in your seats? Okay, call the roll.

CLERK: Roll call vote. 15 ayes, 28 nays, 1 present and not voting, 4 excused and not voting, and 1 absent and not voting. Vote appears on pages 940-941 of the Legislative Journal.

SPEAKER MARVEL: Motion lost. Do you have another item?

CLERK: Mr. President, I have certificates and letters accompanying certificates regarding the overrides of LB 206 and 206A. (See pages 941-42 of the Legislative Journal).

Your committee on Enrollment and Review respectively reports we have carefully examined LB 22 and find the same correctly engrossed, 50, 74, 89, 89A, 171, 194, 425, 475 and 500, all correctly engrossed. (Signed) Senator Kilgarin, Chair.

Your Enrolling Clerk has presented certain bills to the Governor on this day. (See page 943 of the Legislative Journal).

Have a reference report referring LB 550.

Government Committee will meet in Executive Session on Thursday at 1:30 in Room 1113.

Judiciary reports 328 to General File as amended and 477 to General File with amendment.

Public Works reports 35 to General File and LB 112 indefinitely postponed. (Signed) Senator Kremer, Chair.



Mr. President, I have an amendment offered by Senator Beutler to the committee amendments. It would read as follows: Read Beutler amendment as appears on page 945 of the Legislative Journal.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I am going to go through each of the five amendments that I have, because each of them represents a point of fiscal irresponsibility. I am going to go through each one of them and I am going to ask everybody to vote on each one of them. This particular amendment has to do with the student fees. As was pointed out by Senator Schmit, the construction moneys, the state appropriations that are going to be spent to build this school are going to come someplace in the neighborhood between 14 and 15 million dollars. The argument all along has been that there will be two or more participating states sharing the cost of that 15 million dollars in construction money with us. Originally I think the plan was they would kick in, appropriate and kick in some construction money. But that didn't seem to work out to well because they were not willing to make the same good faith commitments that Nebraska seems to be willing to make all over the place. So instead, the way they are going to pay their share is through student fees. That is the concept that everybody has been talking about and that we have been told about, but there is absolutely nothing in this bill that would require them to do so. There is absolutely nothing in this bill that ties down those states to paying a share of the construction cost of this veterinary college. Under the bill, as it is currently written, there is no assurance whatsoever that any of the 15 million dollars that Nebraska is going to put out is going to be paid back to them. The bill speaks about student fees. But it doesn't say what those student fees will constitute. Does that mean fees sufficient to cover operating expenses? Or, does that mean fees sufficient to covering operating expenses plus a fair share of the construction cost. It doesn't say anything about construction cost. There is no obligation to include and to build into that fee a fair share of the construction cost. I think that I can guess why. Last summer before the Education Committee we had Iowa, the veterinary college people at Iowa and Minnesota down here before the committee and this question was posed to them. The contract prices that you are charging Nebraska or would charge Nebraska, would they include a portion of the construction costs of your veterinary college? The answer in all cases was "no, it does not or it would not". Iowa's does not. So why do we imagine for a moment, why do we imagine for a moment that with Iowa and Minnesota and now Wisconsin building a school and having slots open, why would South Dakota, why

would Wyoming, why would any state come to Nebraska and agree to pay part of the construction costs in their fees when they can go to these other places and get a contract price that doesn't include construction costs. I don't believe that we are all being totally honest with each other on this. So, I am simply requiring with this amendment that we do exactly what we say we are going to do. That we are going to charge back to the participating states their fair share of the construction costs by appropriately construction the student fees. I can talk to you about the details of the amendment. I don't think that there is any point to that. That that I have just described is the simple point to the amendment. Thank you.

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Mr. Speaker, members, here we go. I thought that there were only three more but I guess there is four more. For one thing what Senator Beutler just said is the duty of the regents, not of the legislature to determine the arrangements that we have for students. For another thing Senator Beutler is not going to vote for this bill no matter how many of these that you put on. So it is a futility and a waste of time. I don't deny him the right to do it. I'm sure that he will finish his five amendments. But I hope that you will vote this one down with even a bigger majority. Thank you.

SPEAKER MARVEL: Senator Lamb.

SENATOR LAMB: The question please.

SPEAKER MARVEL: The question has been called for. Do I see five hands? Okay, shall debate cease is the motion. All those in favor vote aye, opposed vote no. Voting on ceasing debate. Have you all voted? Have you all voted? Senator Lamb. Record the vote.

CLERK: 25 ayes, 5 nays to cease debate Mr. President.

SPEAKER MARVEL: Debate is ceased. The Chair recognizes Senator Beutler.

SENATOR BEUTLER: Mr. Speaker they are so embarrassed by these amendments they can't even address them. The bottom line is simply this: You reject the amendment and open up the state to a 15 million dollar expenditure, or you can adopt the amendment and ensure that our expenditure, assuming federal funds is not in excess of seven or eight million dollars. It is as simple as that. Thank you.

SPEAKER MARVEL: The motion is the adoption of the Beutler amendment.

SENATOR BEUTLER: Call the House.

SPEAKER MARVEL: Okay, this is amendment number two. Shall the House go under Call. All those in favor of that motion vote aye, opposed vote no. Okay, record.

CLERK: 16 ayes, 19 nays to go under Call Mr. President.

SENATOR BEUTLER: Record vote please.

CLERK: Record vote on that one Senator?

SENATOR BEUTLER: Record vote on the amendment Mr. Clerk.

CLERK: A record vote.

SENATOR BEUTLER: I would like to request a record vote on the pending amendment.

CLERK: Okay.

SPEAKER MARVEL: The motion is the adoption of the second Beutler amendment. All those in favor of that motion vote aye. Opposed vote no. Have you all voted? Okay, record the vote.

CLERK: Read record vote as found on page 946 of the Legislative Journal. 16 ayes, 25 nays, 4 present and not voting, and 4 excused and not voting.

SPEAKER MARVEL: Motion lost. What is the next item?

CLERK: Mr. President, Senator Beutler moves to amend the committee amendments. Read Beutler amendment as it appears on page 946 of the Legislative Journal.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature without further legislative action we can now have a vet college that will cost us 15 million, if it gets built, or it may just cost us 1.3 million without having anything at all. The next amendment says very simply that the total number of Nebraska students enrolled at any one time at the Regional College of Veterinary Medicine shall not exceed 50% of the total number of students enrolled. This amendment, members of the legislature, was taken from figures

given to me by the vet college proponents. The highest number they said would be Nebraska's students. I took that and I translated it into a percentage figure and I said that that shall be the highest number of Nebraska students. It is done for a very simple, but important reason. Because unless you say what percentage of the students will be Nebraska students, then it would be the prerogative of the Board of Regents, if they so chose, to say that 60-70-100% of the students would be Nebraska students. Once you allow them to say that then all of those construction moneys that we were counting on from participating states will just go up in the wind. Because all of the students will be ours and it will be our obligation to pay all of the construction money. So, I'm just asking you to adopt a safeguard that would insure, at least if you are not going to charge them for the construction cost at least you get some students in there paying some operating costs. Just having the students there doesn't insure that they pay part of the construction costs, as I explained through my last amendment. But at least if 50% of them are students from other states, at least we are getting some money in for operating costs. Hopefully I think make a strong argument for getting money back from them for construction costs too. So, I'm asking you to enact one more safeguard which is absolutely essential, otherwise we have put no fiscal controls again, on even the operating costs associated with this veterinary college. You will have passed out to you, if it has not already been passed out to you, Wisconsin's experience with operating costs. They went far, far above the original projections, doubled them. That can happen to us too. Nobody has a good handle on operating costs. But at least let's have some students there from other states that are going to pay part of the operating costs. This is something real minimal, let's get out of this. Thank you.

SPEAKER MARVEL: Senator Hefner.

SENATOR HEFNER: Mr. President, members of the body, I rise to oppose this amendment. Isn't this something? Here we are telling our own students, our own students from Nebraska that you can not represent over 50% of those students. I think that is terrible. If we are going to do it with the vet school, why not do it with the whole university system. Why don't we do it in our state colleges, why don't we do it in our tech colleges. I think what Senator Beutler is trying to do, in fact I know what he is trying to do, he is trying to kill the bill and I guess that is all right too if he has enough votes to do it. Let me remind this body that livestock is big business in Nebraska. In fact it is the largest one.

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I think that building the vet college in Nebraska, here in Lincoln, is one of the greatest things that we could do. I have often wondered how come we haven't accomplished this 50-60 years ago. Therefore I would urge you to oppose the Beutler amendment.

SPEAKER MARVEL: Some have asked me how long we are going to continue and I have no pride of authorship, so I will continue until somebody decides they want to adjourn.

SENATOR CHAMBERS: Mr. Chairman.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. President, I move that we, do you have anything to be read in?

CLERK: Yes.

SPEAKER MARVEL: Senator Fitzgerald, do you want to make your announcement?

SENATOR FITZGERALD: Mr. President and members, as you know tomorrow is the day of the Irish, March 17th. I want to make yous all today honory Irishmen so that you can wear green. The Governor and the Mayor will cut a cake at 10:00 a.m. for us, and 8:00 to 9:00 a.m. we are going to have Irish songs and Irish humor and wit. We will have Irish punch. 12:00 we are going to have Irish sausages, baked beans at the hospitality room. I wish everybody is over there. Just a minute ago I got a "pink" notice here, I don't know what it says here, Members of the Legislature, a Polish lady, is that. . . and I just looked up this word P-O-L-I-S-H in the dictionary, and it says "polish, to make smooth and shining surface. A substance used to shine a surface." So I'm really confused a "Polish Lady". I hope to see yous all tomorrow. Everybody wear green.

SPEAKER MARVEL: Okay, Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, the Clerk has something to read in and right after that I will make a motion to adjourn.

CLERK: Mr. President, a new A bill, 292A (Read title). 139A by Senator Marsh, (Read title).

Public Health and Welfare reports that LB 249 to General File with amendments.

The committee of Public Works gives notice of hearing for March 26th at 12:30.

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LR 39  
LB 245

I have a notice of priority bill designation by the Speaker  
(See pages 948-49).

Read LR 39.


Mr. President, Senator Koch would like to print amendments to  
LB 245.

SPEAKER MARVEL: Senator Chambers you make a motion that  
we adjourn until 9:00 a.m. Tuesday.

SENATOR CHAMBERS: Yes, Mr. Chairman, you sound like a  
mind reader.

SPEAKER MARVEL: All those in favor of adjourning until  
9:00 a.m. tomorrow morning say aye, opposed no. Motion  
carries, we are adjourned.

Edited by:

  
Mary A. Turner

CLERK: Mr. President, LB 245 was considered by the membership yesterday. At that time the bill was read. (Title read.) We were considering the committee amendments. There were two amendments offered by Senator Beutler to the committee amendments. I now have pending an amendment from Senator Beutler which reads as follows: This is an amendment to the committee amendments. Add a new Section 3: The total number of Nebraska students enrolled at any one time in the Regional College of Veterinary Medicine shall not exceed fifty percent of the total number of students enrolled. That is offered by Senator Beutler. It is found on page 946 of the Journal, Mr. President, this particular amendment.

SPEAKER MARVEL: The Chair recognizes Senator Beutler. Excuse me just a minute. The Chair will ask for your cooperation in focusing your attention on the important matter that is before us. Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I don't want to regurgitate every thing that I said yesterday. Let me simply remind you that the amendment before you now is the one that would limit Nebraska enrollment to the College of Veterinary Medicine, to the Regional College, to fifty percent of the students. I would remind you that I pointed out yesterday that that fifty percent figure was right at the high figure of the projections that we have been given with regard to Nebraska participation, that is, the Nebraska participation was said it would vary depending on the number of students that were in the school altogether, but even assuming the high number of students, fifty percent is about the most that anyone has ever talked about. The reason that this amendment is important, as you will recall, is because we need to put some mechanism in the bill that will ensure us that there will be participating states and that, one, they will participate in the construction costs, and that, two, they will participate in the operational costs. The amendment I had yesterday would have assured the fact that they would participate in the construction costs. This amendment ensures that there are students from other states there who will participate in the payment of construction costs. I would just point out for your information that right now under contract in other states, Nebraska sends out more or less a hundred students, in that vicinity. If there were fifty percent participation in the Regional College and if the Regional College had the maximum number of students which was projected, that would be somewhere in the neighborhood of one hundred and forty Nebraska students. So we would be increasing by about fifty percent the number of students that we are educating presently even with this limitation. We would be increasing by fifty percent the number of students

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that we are presently educating. So with that, I will leave off and ask for your support. Thank you.

SPEAKER MARVEL: Senator Kremer, do you wish to speak to the Beutler amendment?

SENATOR KREMER: Mr. Chairman, Mr. Speaker and members of the Legislature, I certainly hate to keep on standing up and opposing Senator Beutler's amendments to LB 245. He does generally have a pretty good idea, but in these amendments, I simply am going to have to oppose most of them as I understand them, and especially this one. Now let's assume that this proposed vet college facility, if it is built, will be built to accommodate I believe, what, ninety-four, ninety-five students. Now let's just say, for example, that the industry in Nebraska would accommodate additional veterinarians and we attract young students to a college of this type and say we have fifty of them, are we going to pay for outstate tuition for fifty students? Say, no, we are not going to do that but we will so we just as well educate them here in our own state as to pay outstate tuition and send them someplace else. I am not sure it is going to happen. I think, Senator Beutler, there will not probably be over fifty percent of our Nebraska students that would be involved in getting their education here at this vet college if and when it is built. However, why should we deny the last three, if we are going to pay for them anyway, and it is my strong opinion having followed this concept from its very beginning that in the long run it is going to cost Nebraska just as much or more to send them outstate as it is going to educate them here in Nebraska. Therefore, Mr. Speaker, members of the Legislature, I simply have to oppose Senator Beutler's amendment that is before us at this time for discussion.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. Chairman and members, I also oppose the Beutler amendment. I find it strange that we would come up with something like this at our University where we generally have Nebraska students attending. We have a lots of others, of course, and we do interchange students with many other universities and colleges but I think this is just another effort to try to downgrade what we are trying to do and I don't know how long this is going to go on. I think it is going to go on awhile yet. But I certainly oppose this amendment more strenuously than any of them that Senator Beutler has brought forward so far. I think it is impossible. It is unconstitutional. I think it is against a person's civil rights and a whole lot of other things that you have to



control the number of students that could be in a class. I know we do it in some other areas but this, we are starting, this is a start, a new endeavor, and we don't know how many students are going to come. We don't know what the industry is going to need by the time this facility is finished. The increase in the production of livestock is considerable in Nebraska and I passed out some things yesterday from the article that you just honored my son for being involved in and in the little square it says, "Nebraska has also steadily increased its importance as a pig producer and its share of the nation's pig crop from 4½% in 1958, 5½% in 1969 and 6½% in 1979. Nebraska is now more important nationally as a pig producer than as a calf producer. 6½% of the nation's pig crop as compared to 5½% of the nation's calf crop", and I am certainly not trying to belittle the cattle industry because their numbers are still a great lot more than the pork industry but we don't know what is going to happen in Nebraska in the next ten years, twenty years, what have you. With the water we have under us, even though we are crying shortage, we have more than most anybody else, the development of the livestock industry is certainly going to increase and perhaps the problems are also going to increase with it so we are going to need those veterinarians. So I think it is foolish to try to put a cap on the amount of students. We don't know how many we are going to need. Thank you.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Chairman, members of the body, as you well know, I do not support the idea of a vet college. If we insist upon this folly, which we might call "Schmit's Folly" or someone else like we did Alaska, although that turned out a little better than we thought it did historically, we had better make certain that if we are going to put it in place that we are going to guarantee a certain number of positions. Senator Beutler's amendment sounds as though we are limiting but I doubt that we will ever get that amount. In fact the studies we have conducted in the Education Committee indicate to us that there are more seats available in existing institutions who are fully accredited than we will ever be able to supply. Under any case, we build a vet college, the most students we will take in a freshman class will be somewhere around eighty-five, yet with declining enrollments, and obviously you are not going to listen because your mind is made up and nobody should ever confuse you with facts, with declining enrollments, the facts are that Wisconsin has stopped the building of a vet college because they are wise enough to know that all the vet colleges in this nation, there are about twenty-four of them, are going to be seeking students. Yet we say to the Regents, find ways to spend your dollars to

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spend them more wisely, and we have got standing colleges right now in the university system that are suffering. Get some of my letters, where students are junior standing in Business College and saying they cannot enroll to get the courses they need for graduating because they have a shortage of faculty, because they just can't take them until next year. These things are going on right now in the university system. For us to add a vet college at this time I believe is absolutely irresponsible. We passed LB 357 two years ago and that bill supposedly was going to take care of the desire for a vet college and that was contingent upon several things happening, federal dollars, and two other states of the Old Regional to join us. I guess what we ought to do, Senator Clark, since we have a large campus out in your area, if we pursue this folly, we should put the vet college at the Sidney campus and we will make something new out of rubble and we can justify it because it will be closer to Wyoming, to South and North Dakota, Montana, in terms of where we are going to try to get the students, and for your information, last year South Dakota sent three students to vet college. So I suggest that we ought to adopt Senator Beutler's amendment and make sure that we go through with this issue that at least half of the students, and no more than that, will be Nebraska students and I assure you for the next ten years you will be out hunting the streets to try to get that many students to fill it. Thank you.

SENATOR CLARK: Senator Koch, was that an amendment to the amendment to put it at Sidney?

SENATOR KOCH: That will be later on, Senator Clark.

SENATOR CLARK: Senator Beutler, do you want to close on your amendment?

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, again I want to repeat, if this fifty percent limitation is adopted, that will mean that the total number of Nebraska students that can be educated at the Regional School would be fifty percent higher than the number that we are educating today. We are educating about a hundred today. Presumably that is all that we need to educate. I don't know of any limitation on those funds in particular but somebody has made a decision that that is the number that we need to educate today. Given all the veterinary schools that are presently opening up, a strong argument can be made that no regional school here is necessary at all but a much stronger argument can be made that certainly the number of Nebraska students that we need to educate is not going to increase

significantly in the foreseeable future. This limitation would allow a fifty percent increase. Let me talk one minute now about something that I haven't talked about before. Operational costs at the Regional School. The reason that we want to be sure that we have some students from outstate is to pick up a portion of the construction costs and to pick up a portion of the operation costs. Right now, this year in the contracts that we are making with out of state schools, we are paying about 1.1 million dollars, 1.1 million dollars. If the Regional School goes into operation and assuming that only a third of the students are ours, the annual cost, the annual operational cost as best I can figure it deducting out the revenues would be somewhere in the neighborhood of 1.8 million. So our costs, our annual costs are going to increase from 1.1 to 1.8. Now that is assuming that one-third of the students are Nebraskans. What if all of the students are Nebraskans? What if there are no participating states? Under the bill we can proceed to have the Regional School and proceed to fill it with a hundred percent Nebraskan students, then the operational costs annually go up to about 5.5 million dollars. So if you do not change this law, this bill the way it is, you are giving an agency of our government the authority, the University the authority if things don't work out exactly as we planned, and there are big questions about that, to fill the school with Nebraska students at an operational cost about five times higher than what we are paying right now starting in about 1985-86, and those are all in terms of today's dollars, not taking into account inflation. So please, I ask you to adopt the amendment and protect us from the possibility of outrageous operational costs of that kind. Thank you.

SENATOR CLARK: The question is the adoption of the Beutler amendment to LB 245. Those in favor vote aye, those opposed vote nay.

CLERK: Senator Clark voting aye.

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

CLERK: Mr. President, Senator Beutler requested a record vote. (Record vote read. See page 964, Legislative Journal.) 14 ayes, 24 nays, Mr. President, on adoption of the amendment.

SENATOR CLARK: Amendment failed. Is there another amendment on the desk?

CLERK: Mr. President, Senator Beutler moves to amend the committee amendments. Add a new section which would read

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as follows: (Read Beutler amendment as found on pages 964 and 965, Legislative Journal.)

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, again this amendment is designed to tie down the project fiscally so we all know exactly where the funds are coming from and that they will, in fact, be there. The amendment, basically, says that we do not obligate, that doesn't mean appropriate, but we do not obligate any state funds or issue any bonds until the private donations in the amount of two million dollars have been received by the University of Nebraska Foundation and made available to the University of Nebraska for the Regional College. The entire financial set up on the Regional College has been premised on private donations in the amount of two million dollars. It used to be a lot higher than that but now it is two million dollars and all this amendment does is to ensure that that money is, in fact, available before we commit ourselves to the state funding. As you know, these private donations were to be in the form of pledges to the University of Nebraska Foundation which would be, in turn, turned over to the University of Nebraska for the specific purpose of the Regional Vet School. Well, it doesn't always happen that pledges are followed through with, that actual donations precede from the pledges, although I think that most of the time they do. In addition to that, the time period between the pledge and the actual donation of the money can be considerable and often is a considerable period of time. So this amendment would seek to ensure that the money, that the private donation money is in fact there prior to proceeding. Thank you.

SPEAKER MARVEL: Senator Kahle and then Senator Koch.

SENATOR KAHLE: Mr. Speaker, this is one I am really going to enjoy speaking to. I happen to be one of those that have pledged money for the vet school and so have other members of my family. I think this is the first, and I really get sick and tired of people talking about the vet school that have no real interest in it, it doesn't affect their lives in any way, they don't contribute anything to it, and yet they want to tell us how to do it. The industry is in the process and has had good success in raising money. It would be a lot easier if we knew this thing was a sure thing is what we are trying to do with the legislation that is before us, much easier. It is pretty hard to put money out, cash money, when you don't know whether the thing is going

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to happen or not or whether the state is going to back it, the Legislature, whether the federal money is coming in. I have no doubt, no doubt at all, that the livestock industry in Nebraska will come up with two million dollars. I am part of it. I would be ashamed if it didn't, and I am really disappointed that you don't take us at our word. Thank you.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker, a question of Senator Schmit if he would yield.

SPEAKER MARVEL: Senator Schmit.

SENATOR SCHMIT: Yes, Senator Koch.

SENATOR KOCH: Senator Schmit, how much money has the private sector raised thus far in this noble endeavor?

SENATOR SCHMIT: Senator Koch, the farm organizations have raised between four and five hundred thousand dollars. Those are contributions from farmers, livestock men.

SENATOR KOCH: They are actually in hand?

SENATOR SCHMIT: That is right.

SENATOR KOCH: Or is it a pledge?

SENATOR SCHMIT: They are in hand or they are pledged and, Senator, contrary to some of the pledges you might receive in some of the endeavors in which you pursue, these pledges are good.

SENATOR KOCH: I wasn't questioning whether they are good. They are in hand.

SENATOR SCHMIT: They are.

SENATOR KOCH: And the best estimate of the organizations supporting this is when will they have the two million dollars?

SENATOR SCHMIT: The organizations has told us that they will have the two million dollars prior to the time that we need the funds for the construction program. It is outlined in the schedule as to when those funds will come on board.

SENATOR KOCH: Thank you.

SPEAKER MARVEL: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I have been here a dozen years and going on thirteen and sat through many different kinds of processes whereby we enter into agreements and build various capital construction programs. I sat through the process whereby we built the Dental College and College of Law. I saw these many, many structures that have been constructed on the various campuses, both in this city and in Omaha. This is the first time, as Senator Kahle has pointed out, that any industry has ever voluntarily stepped forward and has made a contribution. I will say this, we were lobbied heavily and we were lobbied hard for the College of Dentistry. We were lobbied heavily for the ETV building. We were lobbied heavily for the new College of Law building but at no time, not one single dime was contributed by those members of that profession and no one ever asked whether we had a surplus, and God knows we have got lawyers falling out of the cracks all around the place, and I don't know whether or not you can say that we need to have more law students, or more teachers, or any other thing like that. I will say this that I have read and reread the bill. I can see what Senator Beutler is trying to do and I was just about reached the point where I would say, nuts, to all of the various ifs, ands, and maybes and build a blasted school and fund it as we have done with every other single institution we have built here in the State of Nebraska. We didn't say we will do it if the private industry gives us two million bucks. We didn't say we will do it if the lawyers come through with two million bucks, or the judges, or the dentists, or the doctors, or the teachers, or anyone else. We didn't say we will do it if the federal government come through with any money. We said we are going to build the thing and be done with it and the devil take the hindmost. I remember when we built the Devaney Sports Center for fifteen million dollars and you tell me, ladies and gentlemen, what is the most important? We spent...we had eight resolutions here this morning praising, seven of which praised some echelon of sports and that is fine with me. We had one which had to do with the livestock industry which is your bread and butter. It is the basic economic strength of the State of Nebraska. Now I am going to say only once that for my part, for my part, I am willing to build this school and pay for it with a hundred percent state money and do away with all the charade, all the facades, all the nonsense, all the nit picking, and we will know where we stand, and if we can get the money, fine, if we can't, let the thing go down. Let it go down but I do not want to go through the various manipulations, the various nit pickings, the various challenges that can be thrown into place in the path of the construction by the A bill which causes me some concern. I have watched government delay, hinder,

obstruct the work of this Legislature time after time, and I know how it works, and I have done some of it myself, and I can do some more if that is what you want. If you want to grind this state to a halt, you can do it. If you want to follow the leadership of those who want to tear apart, condemn, criticize, fine. Some of those same people, had they been born a hundred years ago, would be standing on the dock over in the old country, Europe, watching my grandfathers get on board the ship, and say the damn ship is going to sink. Well, it may sink and it may well give us some problems, but, ladies and gentlemen, if the ship survives, it is going to survive because agriculture is prosperous, because agriculture has made its contribution, not because of how many lawyers we crank out. And I think that it is time we take a good look. I may be wrong, I may be wrong on the vet school...

SPEAKER MARVEL: You have one minute.

SENATOR SCHMIT: ...but I will tell you one thing, ladies and gentlemen, if I am wrong on the School of Veterinarian Medicine, then I have been wrong when I voted for the School of Law and I was wrong when I voted for the School of Dentistry and I was wrong when I voted for the ETV building. But more than a hundred years ago the members of the Territorial Legislature established the University of Nebraska and many of those men were uneducated but they recognized the need for a University. They recognized the need for education and they made provisions for it. More than fifty years ago our forefathers build this State Capitol Building, one of the most beautiful buildings in the world. If you were to build it today, they would build a leanto on some shed and roof it with galvanized iron, and then they'd go out and squander ten times that amount of money on a bunch of nonsense. I have watched the bills that come through this body for a dozen years. There is a \$150 million worth of bills introduced in this body right now which will take money out of the Treasury and not make a single positive contribution.

SPEAKER MARVEL: Your time is up.

SENATOR SCHMIT: Thank you, Mr. President.

SPEAKER MARVEL: Senator Dworak.

SENATOR DWORAK: Well, Mr. President and colleagues, I certainly don't believe anyone on this floor opposing the College of Veterinarian Medicine is in any way opposing or speaking against the merits of agriculture and I really

don't see, in my opinion, where this \$30 million expenditure in that much in that way is going to enhance agriculture in this state. The thing we are talking about, specifically, are veterinarians and there has not been demonstrated from anyone, from anyone supporting this bill, that there is a shortage of veterinarians in the State of Nebraska today. There is no shortage and it hasn't even been suggested that in the future there will be a shortage of veterinarians. So why in the world, why in the world would we take scarce precious resources and throw them into an area where we do not have a need and where there is no shortage. It just doesn't make sense to me. Yes, those pioneers did come over here under undue pressures and undue sacrifices. There is no question about that, and, yes, they did build a marvelous State Capitol Building, and, yes, they went ahead with a University that we can be proud of, but the fact of the matter is they did not squander funds in doing either. This building was built and paid for as it was built. This state did not go into debt when it built this building. Now why are we talking about the private contributions right now? Because we didn't bring up the contributions. The proponents of this bill to make it saleable because they knew, in fact, that the bill by itself was not saleable, the \$30 million expenditure, try to make it more palatable to us by sugar coating it with \$2 million of private money and another \$16 million, \$17 million of federal grants. It is the only way they could make it sell. It is the only way they can make it sail. Also in my opinion, the \$2 million was supposed to indicate a tremendous grassroots support from agricultural people across this state to build this \$30 million veterinary school. Well, I don't know how long they have had to raise this money. I know that four hundred, five hundred thousand, if that is the figure, is twenty-five percent of the goal. I have not heard from anybody the cutoff date as to when the goal is to be achieved. Maybe for all I know they have done a tremendous job but maybe that support out there in the hinterlands isn't quite as burning and strong as the support in the rotunda. So I think the kind of assurances, the kind of, as Senator Schmit said, nit picking that Senator Beutler is asking for through these amendments are prudent, are proper, are good business. I don't think anybody in this room would conduct their personal business affairs on these promises, on this pie in the sky, on these things and good things that might come down the pike. So I don't see this, and I am opposed to the school because I think our University is suffering right now. In fact, it was just two or three or four years ago we were talking about cutting some colleges out and maybe we should have and I am one that would have supported that. We were talking about dentistry at one time. We were talking about



architecture at one time. We were talking about education at UNL campus. We were talking about nursing at the UNL campus. Because of the fact that our University is trying to do too many things, as a consequence, they are doing too many things poorly and now suddenly we are shifting the direction and we are putting an immediate expansion, a massive expansion, that, in my opinion, the whole University is going to suffer over this expansion the next seven or eight years. I urge the adoption of Senator Beutler's amendments. I think it is good business and I think it is prudent and I commend him for taking the lead in this area.

SPEAKER MARVEL: The Chair recognizes Senator Stoney and then Senator DeCamp. Senator Stoney.

SENATOR STONEY: Mr. Speaker, members of the Legislature, I have refrained from speaking on this particular issue because I think that Senator Beutler and the comments that he has made and the amendments that he has offered has attempted to in a very rational way address some of the concerns that some of the members in this body have, I, for one, a distinct minority, relative to the vet college. I think Senator Dworak in his comments has also touched on some of the things that I wished to say but there was one comment that was made by Senator Kahle at the time he provided his remarks, and I feel compelled to respond to that. That remark being that those of us here in the body that are not members of the agricultural community per se really should not interject ourselves into this particular conversation and this debate and this expenditure because we really have no business and we have no interest in this college. Well, that, I believe, is untrue. We, as elected members of this body, represent the people of the State of Nebraska collectively, and though we come from urban areas, we certainly attempt to do what is right for those who live in these communities but I think that there is one thing that is being overlooked when the claim is made that we, who come from these urban and metropolitan areas, have no interest. Ladies and gentlemen, there is an interest that the people that we represent have and that interest is monetary and it is economic. It is the number of dollars that will be expended for this facility. So I just thought that it should be a part of the record that although we are not directly involved in the agricultural community, indeed we will participate through the expenditure of our tax dollars for this facility. Thank you.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature,

there is an old saying that goes something very simply like this, "God helps those who help themselves." Like Senator Stoney I wasn't going to rattle or babble on this issue much but Senator Schmit said some things and Senator Beutler said some things and the incredible thing is though it sounds like they are at odds, I think they are both saying the same thing. I think Senator Beutler is saying, "Look! I am not going to do anything to help you on your vet school or any variable of a vet school or vet program until you put everything into the bill that makes sure you get federal funds and all these things everybody has talked about." Senator Schmit on the other hand is saying, "Hey, look, we need to do something or I want to do something or agriculture wants to do something but maybe we are relying on the wrong thing waiting for federal funds, waiting for this, waiting for that, and X number of schools." Very frequently in here if we will listen carefully to the opponents and proponents we will find that sometimes they are saying the same thing and I am not sure but what maybe with some of the information that has developed in recent months, with some of the developments in Washington, with some of the other realities that are beginning to come down, we aren't reaching a point where Senator Schmit, and I would guess some of the other strong supporters of the vet school, are willing to look at alternatives, and if those alternatives be to go on our own, as I say, help ourselves rather than wait for somebody to lead us or do it, then maybe that is what they are saying they are willing to do. I believe personally that there are some problems with the approach we are taking and that approach is we are going to buy all the front end money, the front end load, for a complete vet school, the one and a half million or whatever, on the theory or premise that we are going to get money from somebody else to build it. So we are going to have a pile of paper, \$2 million worth of blueprints all contingent on somebody else. I am getting gun-shy over the years now about doing things that we don't have a clear picture on. I know Senator Dworak who just spoke awhile ago about caution engineered our buying of an Elks Club for Historical Society. Then we found we had to spend I don't know how many hundreds of thousands or millions putting roofs and other things on the building. I guess the Budget Committee only really knows what happened there. And then when we got her all built and finished, I guess now we are going to have a thirteen million dollar monument to put bones in somewhere else now because they didn't like that building. So what I am saying is I think whether it be Senator Schmit or Senator Beutler or Senator Dworak or some of the other supporters and opponents of the vet school concept, I think we are ready to that point now to sit down around a table and

find out if there are some variables or some alternatives, some substitutes, that will accomplish the primary goals of the agricultural people and really get them accomplished, whether that be research centers in agricultural things or whatever, rather than maybe taking the approach of holding out a promise that may never be fulfilled and spending a couple of million dollars of money. So my personal recommendation, which probably ain't worth just about that much, would be that we go ahead and let the bill advance and that these various people sit down around that table and see if there isn't a middle ground that will do what agriculture wants in terms of really getting something done and getting it done now and getting it done economically and maybe overrides or overcomes all the problems raised by the Beutlers and the Dworaks and all those others of us who haven't opened our mouths yet but are concerned about the mechanics of the particular proposal in light of the change in Congress, the mood of the country, et cetera.

SPEAKER MARVEL: In the North balcony from Senator Carsten's District, it is my privilege to welcome 20 eighth grade students from Nebraska City Lourdes School, Nebraska City, Mr. Bob David, teacher, and Mr. Jim Hakel, teacher. Will you raise your hands if you are still up there, and if you are not, it will be recorded in the Journal that you were here. And this is Von Minden day, in the North balcony, Mr. and Mrs. Scott Von Minden of Lincoln, son and daughter-in-law of Senator Von Minden; Mr. and Mrs. Harold Von Minden of Martinsburg, Nebraska, brother and sister-in-law of Senator Von Minden; Mrs. Lida Von Minden of Martinsburg, Nebraska, mother of Senator Von Minden; and Mrs. George Naylor of Sioux City, Iowa, sister of Senator Von Minden. In the North balcony, let's give them a hand. Senator Kahle, you were next on the list, did you wish to speak? Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, this is a golden opportunity for Lincoln Senators to make friends, at least at home. I have here on my desk passed out I believe by Senator Peterson, the Lincoln Chamber of Commerce position in favor of LB 245, and here is a resolution from the Lincoln Building and Construction Trades Council in favor of LB 245, and the chance to please both business and labor with one vote is rare and the fact that I am not going to take advantage of that opportunity I know calls into question my political sanity. But I intend to support the Beutler amendment and I intend to support, as I have, all of the amendments to the bill, and even then we will be faced with a difficult position on the efficacy of LB 245 and I will tell you why. Two years ago I served in

the Education Committee that heard the bill that originally resulted in the law that we have on the books today. I voted against it in committee. I voted against it on the floor as I have voted against the Vet College each and every time it has come before the Legislature while I have been here and I will tell you why. During that conversation, during that hearing, we took testimony from proponents of the Vet College, among them those who compared our existing method of paying the tuition for Nebraska students elsewhere and those Nebraska students who will be coming to a vet college that might be created under the auspices of LB 245. There are currently ninety-eight students that go elsewhere in the state that are Nebraska students. There will be roughly one hundred and forty Nebraska students at the Vet College here. However, since it is a four year school, that means that there are ten students in each of the four classes so that in any one year we have ten Nebraska graduates under 245 that we would not have in any other circumstance, you know, with our normal appropriation of money to tuitions. Of those ten, however, statistics tell us that five will not return to their home state so that we are down now to five veterinarians produced each year by this thirty million dollar appropriation and of the veterinarians across the nation that hearing indicated clearly that small animal practice, pet animal practice is roughly fifty to sixty percent of the occupations that veterinarians go into. So of the five remaining veterinarians that we'd have in that year, three we can expect will go into pet animal practice and have nothing whatever to do with the livestock industry. What do we have with LB 245 and with a new vet college? We have a thirty million dollar expenditure. We have a continuing obligation of at least a million and probably quite a bit more than that each year, and what do we get? Two large animal practice veterinarians each year and that is what our bonus is to this state. Now I have read those figures about all of the multiplier effects, all of the research capabilities, but this idea is sold because of some believed or perceived or alleged veterinary...the lack of veterinarians across the state which has yet to be proved and be documented, and, secondly, the mechanism that we are spending all this money for is going to release to us to solve that problem two veterinarians a year. Oftentimes they do analyses at the end of the year about presents and not voting, excused and not voting, you know those tabulations. I have always believed that we should add one more to that list and it should be present and voting dumb and it seems to me that when you spend thirty million dollars, when you have a continuing obligation of one, two or three million dollars a year, and what you get is two veterinarians, you're present and voting dumb. I am going to support

the Beutler amendment, and even then, I am probably going to oppose LB 245 for exactly that reason.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. Chairman, just one comment, I think we have got clear off of the amendment that we are talking about and I only would like to answer Senator Stoney who criticized me a bit ago. I was only talking about the two million dollars that the industry is trying to raise and I certainly am not trying to wire anybody out of their right to vote, but I think when it comes to the two million dollars if you have contributed and had a part in it, you do have a right to express yourself. Thank you.

SENATOR CLERK: Senator Beutler, closing on your fifth amendment.

SENATOR BEUTLER: Fourth amendment, Mr. Speaker.

SENATOR CLARK: I have got the fifth. All right, we will give you one more then.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I feel a little bit like Johnny. Johnny's mother woke him up in the morning and shook him and shook him and said, "Johnny, Johnny, it is time to go to school", and Johnny said, "I am not going to school this morning", and rolled back over and she said, "Johnny, it is time to go to school", and he rolled over and said, "I'm not going to school today and there are two reasons why. None of the students like me and none of the teachers like me." And he rolled back over and she rolled him back over again and she said, "Johnny, you are going to school, and you are going to school for two reasons, because you are thirty-six years old and you are the principal of the school". I am thirty-six years old and I have a responsibility to the people of the twenty-eighth district. They happen to be urban but I don't think any of them feel antirural or antiagriculture. In fact, many, many of them come directly from the rural areas. We are all concerned about agriculture. We are all concerned about the long term stability of agriculture. We all will sink or swim with agriculture. The question is whether we spend money wisely and the question is whether we are spending the money on the right agricultural projects. There are water projects by the dozens that are going unconstructed because there simply is not enough money to go around. Do we spend money on a vet college when we could be spending money on that, both agricultural projects? There are some very real questions here that has nothing to do with urban

versus rural so I hope that that point is made very clearly. Nit picking, to talk about millions of dollars, is that nit picking? The largest construction project in the memory of Jerry Warner, talking about how we spend that money, is that nit picking? If it is nit picking on something like this, boy, we are going to have short debates on some of the smaller projects. Again, all the amendment does is require that the proponents of the bill do what they say they were going to do. They said in part that there would be two million dollars of private donations to help out with this major giant construction project. I am saying, fine, let's see it in the bank before we expend the taxpayer's money. Thank you.

SENATOR CLARK: The question before the House is the adoption of the Beutler amendment to LB 245. Those in favor vote aye, opposed nay. Have you all voted? Senator Beutler.

SENATOR BEUTLER: I'd ask for a Call of the House and a roll call vote.

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

CLERK: 11 ayes, 5 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. All unauthorized personnel leave the floor. All Senator will kindly check in please. Please record your presence. Senator Wiitala, Senator Burrows, Senator Kilgarin, Senator Wesely, Senator Dworak, Senator Chronister, Senator Barrett. Senator Burrows, will you check in please? Senator Beutler, do you want a roll call vote? Call the roll.

CLERK: (Roll call vote taken. See page 965, Legislative Journal.) 19 ayes, 25 nays on Senator Beutler's amendment, Mr. President.

SENATOR CLARK: Motion lost. An amendment on the desk.

CLERK: Mr. President, Senator Beutler moves to amend the committee amendments to insert a new section (3). "No state appropriations shall be obligated nor shall any bonds be authorized for the Regional College of Veterinary Medicine herein authorized for construction until and unless participating under Section (2) of this act have entered into binding agreements with the University of Nebraska for all student slots in excess of those allocated for Nebraska students."

SENATOR CLARK: Senator Beutler.

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SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I feel I have taken enough time with my amendments on General File. I would ask unanimous consent to withdraw the fifth amendment.

SENATOR CLARK: The amendment is withdrawn. Do you have anything else on the bill?

CLERK: We have committee amendments to adopt, Mr. President.

SENATOR CLARK: Senator Schmit, committee amendments.

SENATOR SCHMIT: Mr. President, members of the Legislature, I believe I explained the committee amendments rather thoroughly yesterday. The amendments provide the basis for the appropriations for the building of the School of Veterinary Medicine. It outlines the utilization of the funds from the Capital Construction fund and outlines the integration of those funds with the federal funds and with the private donations. It calls for the construction over a four year period and I believe the figures that I handed out to you yesterday that are on your desks at the present time should answer any questions. If you have questions, I would be pleased to try to answer them at this time, or else some other members of the body who are cosigners of the bill I am sure would be glad to answer.

SENATOR CLARK: We are on the adoption of the committee amendments. Senator Vickers.

SENATOR VICKERS: Mr. President, members, I rise to oppose the committee amendments and in spite of what has been said here this morning and I have purposely not spoken on this issue this morning, there are those that are from rural Nebraska that are concerned about the costs. There are those that are in the livestock industry that are concerned about the costs. There are some of us that know a little something about veterinary schools and the veterinary profession that is also concerned about the costs. Now without getting into a debate as to the merits and the need for a School of Veterinary Medicine in the State of Nebraska, I think what we should think about and talk about is costs. We are talking about dollars and how we are going to expend them. It is that simple. There are some needs for the livestock industry. There are some needs for the veterinarian industry or profession in the State of Nebraska that I think we should meet, that I think is our duty to meet and I will thoroughly admit that it would be very nice if we had our own School of Veterinary Medicine at the University of Nebraska and if we could have had one for the last fifty years it would have been nice. I might be the only member of this body that has been in a vet's school. I know what veterinary schools look like from the inside as well as the outside and I know a little bit of something about costs as far as students are concerned. I also know something about their hurt when a student doesn't get accepted. I've got identical twin sons, both of them wanting to be veterinarians. One of them got accepted and the other one didn't. Tell me about how it hurts when a child doesn't get accepted. I know all about it but I will remind this body that whether or not we have our own school doesn't mean that every student that wants to be a veterinarian in the State of Nebraska is going to get in. Nebraska, per capita, has more students in veterinary medicine than some of the other surrounding states that have their own schools but the simple fact of the matter is, as Senator Schmit so eloquently put it a while ago, is we are talking about costs and he is willing to build it himself or build it ourselves. He is willing to start down the road at building our own school by ourselves if necessary and that is the decision that we have to make here this morning. It is very clear. In spite of what LB 245 says, what it really says is an attempt to get around the provision set in the statutes by LB 357 of two years ago. LB 357 of two years ago said that two things had to happen before we could construct a school. We had to have the support of at least two other states. We had to have 50% federal funds. That is in the statutes. That commitment has been made. 245 is an attempt to make an end run around that. We are going to



start spending some funds. We are going to spend a million and a half dollars and I submit to you that once this million and a half dollars is spent, once we start climbing that ladder, breaking the rungs off behind us, the only way that we can go is to continue to go ahead. That is the decision. It is clear to me that that is the decision that we have got to make. Can we afford a School of Veterinary Medicine by ourself? If we can, if that is the decision of this body to do it, fine. Let's go ahead and do it but let's be up front about it. Let's say that is exactly what we are doing here because it is. If, on the other hand, we are concerned about the costs and we think perhaps we should make certain that we get at least the federal funds or other states involvement, then let's defeat the committee amendments and there is an amendment following the committee amendments that will do that.

SENATOR CLARK: You have one minute.

SENATOR VICKERS: That will say that we are going to wait, see if the federal funds come, see if other states become involved, if not, then we are going to get involved with some other state but we are not going to do it by ourself. That is the decision and I urge this body to turn down the committee amendments if you are as concerned as I am about the costs of construction and operation of a School of Veterinary Medicine by ourselves and how it might affect the University of Nebraska as we know it now and how it might affect the taxpayers of this state. I think it will have a detrimental effect on both. Thank you, Mr. Speaker.

SENATOR CLARK: There are 34 fourth grade students in the North balcony from Hartley School, Lincoln, Nebraska, from Senator Landis' district, Miss Norma Thompson is the teacher, and Miss Debbie Miller, teacher. Will you stand so we can recognize you, please? Senator Koch is the next speaker.

SENATOR KOCH: Mr. Speaker, I will pass for the time being. Thank you.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. Chairman and members, we had a hearing on the vets school a number of times, or hearings, while I was on the Education Committee. Last summer we had one where we brought in Dr. Massengale's counterparts from Iowa, Wisconsin and Minnesota to visit with them about the chances of getting slots in their schools and also to visit with them about how they felt in general about veterinary medicine and how they handled it in their own states. I personally asked each one of them separately whether there

was any advantage in having your own veterinary college in your own state. Every one of them spoke up and said, it certainly is an advantage to have a veterinary college in your own state. There are a number of reasons. In the past, of course, one of the reasons has been that they have been able to get federal funding for many of the projects and programs that they have. Nebraska has received very little, if any, of this funding. We also look at disease a little bit different in different states. For instance, right now the pork industry is looking at the eradication of pseudorabies in Nebraska, rather than living with it and vaccinating and not knowing whether it is being carried from one hog farm to another while Iowa has a different outlook on this whole thing. I just read an article in one of the national magazines where the federal veterinarians are saying that the states should carry on their own program. Nebraska right now has about a 6% infection of pseudorabies. If we don't do something about it it is going to grow instead of get smaller. We could eradicate it at this time instead of propagating it, promoting it with vaccination as perhaps Iowa intends to do. So there is a difference and as far as costs are concerned, if we took the entire Vickers plan that I heard about and hooked up with perhaps Iowa State and had two satellites in Nebraska, the cost is not going to be less. The cost is going to be more. That is a program that we will probably look at if this other fails and I would be willing to look at it. I think we need to have some input in Nebraska if we are going to send our students out of state but we are not going to save any money with that program and we are certainly going to have a whole lot more effect of what goes on in Nebraska if the school is built in Nebraska to say nothing of all the funds we sent out for those students for at least the three years they are going to be in another state. So the savings is the minimal thing. You are talking millions of dollars. We are going to spend that money anyhow. It just depends on where you are going to spend it. Are you going to spend it here or over there, whether you are going to have some input or whether you are not, whether we are going to have our own program in Nebraska or whether we are not? It is that simple. I hope you will support the amendments.

SENATOR CLARK: Senator Lamb.

SENATOR LAMB: Mr. President, members of the Legislature, just a brief comment. I don't think anybody thinks that this state will have a veterinary college all to its very own self, that the costs are too high and this was indicated as Senator Vickers pointed out in LB 357 which was passed previously. However, I would point out that neither Senator Vickers nor Senator Beutler supported that bill and now the

amendments which are being offered which were offered earlier, were amendments in that direction. So, I just can't see that they are in good faith, that they are not supportive of the concept and the various arguments and amendments have really been designed to slow down the bill. I urge the adoption of the committee amendments and then let's advance the bill without undue time being lost.

SENATOR CLARK: Senator Schmit, do you wish to close on committee amendments?

SENATOR SCHMIT: Mr. President, members of the Legislature, I recognize the deep concern that all of us have relative to the responsibility that is incurred when we begin a new program of instruction such as we are outlining here. I think you have to remember that if you look back over the years, that I have asked and raised many of the same questions that Senator Vickers has raised and Senator Beutler has raised, Senator Koch has raised. I have asked those questions time after time after time. I think I can answer honestly and truthfully that those questions have been resolved, at least in my mind and in the minds of many other Nebraskans. I think you have to remember also that all too often today those of us in elective office have become a group of poll takers. We like to test the wind and it isn't very hard to find out which way the wind is blowing, then we bend with the wind. Unfortunately, the wind changes direction many times within a few hours or a day or so and it is a little bit difficult to reverse the direction of the legislative body or a legislator that rapidly. We have to embark upon a responsible course of action. We have to give the reasons why we have chosen that course and then we are stuck with it. I didn't mean to bring up the white elephant of the Elks Building but that was a course of action that at one time seemed to be a responsible course of action and today we have a two million dollar building which we would like to peddle off to someone because someone wants to build a thirteen million dollar Historical Society Building. I think it is more important to invest that kind of money looking toward the future, very frankly, than look toward the past. I am proud of my heritage and I would be as willing as anyone to invest some money in that kind of a project but I think that we need to recognize that these are serious times as we have said many times on the floor of the Legislature. Money is tight. Federal programs are tight. Our own budgets are tight. I have just been reviewing here a little bill, LB 520. It calls for a five million dollar appropriation for child care plus a couple million odds and ends for increasing the ADC money. I am sure it was introduced in good faith.

It is a meritorious program I am sure in the minds of some legislators but I would just like to call your attention to the fact that if we want to pick apart any single legislative program, it is not hard to do so. I have done it myself. I am going to criticize programs as I see fit from time to time but I think that we need to look to ourselves, members of this body, recognize our responsibility, not necessarily to the children who will attend the School of Veterinary Medicine if one is constructed but to the entire State of Nebraska and the entire region there is a lot of reasons why a School of Veterinary Medicine will serve to enhance the resources of the State of Nebraska. There is a lot of joint effort between these veterinary students and the medical students. There is a lot of research that is done in a School of Veterinary Medicine that is valuable in the area of human health. A lot of these veterinarians will never practice in the large animal field or the small animal field. They will practice in the area of health.

SENATOR CLARK: You have one minute left.

SENATOR SCHMIT: They will be used to guarantee the safety of the food supply of the State of Nebraska and the United States and I don't think any of us want to turn the clock back on that. No doubt, the students will be educated one way or another. As Senator Kahle has just said, the cost will be there. Nebraska has chosen a responsible course in many other areas of education. I believe this is the responsible way to go. If the body chooses to go otherwise, then so be it but I have made my choice and I stand by it. I ask for the adoption of the committee amendments.

SENATOR CLARK: The question before the House is the adoption of the committee amendments to LB 245. All those in favor vote aye, opposed no.

CLERK: Senator Clark voting aye.

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

CLERK: 25 ayes, 8 nays on adoption of committee amendments, Mr. President.

SENATOR CLARK: The committee amendments are adopted. Mr. Clerk has some things to read in.

CLERK: Mr. President, a series of items: New A bill, 115A, introduced by Senator Fowler. (Read title. See page 966 of the Legislative Journal.)

I have an explanation of vote from Senator Higgins.

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LB 245, 11, 179, 206, 206A,  
257, 346, 396, 452,  
468, 495, 542, 543

Banking, Commerce and Insurance Committee reports LB 257 to General File with amendments. (Signed) Senator DeCamp.

Ag and Environment reports LB 542 to General File; LB 11 to General File with amendments; LB 396 General File with amendments; LB 452 and 468 indefinitely postponed. All those signed by Senator Schmit as Chair.

Business and Labor reports LB 495 as indefinitely postponed. (Signed) Senator Maresh.

Banking, Commerce and Insurance reports LB 543 to General File with amendments. (Signed) Senator DeCamp.

Senator Lamb would like to print amendments to LB 179 in the Journal.

Senator Nichol's Judiciary Committee reports LB 346 to General File with amendments.

I have a set of Rules reports from Senator Wesely's Rules Committee. That will be inserted in the Journal. (See pages 977-979.)

Mr. President, I have a communication from Secretary of State and accompanying certificate regarding the Legislature's override of LB 206 and 206A. Both will be inserted in the Journal. (See pages 980-982.)

SENATOR CLARK: Senator Schmit, do you want to advance 245?

SENATOR SCHMIT: Mr. President, I move that LB 245 be advanced.

SENATOR CLARK: We have two more amendments up here.

CLERK: Mr. President, the first amendment I have is offered by Senators Dworak, Goll, Vickers, Sieck, Warner, Lowell Johnson, Carsten, Clark, Haberman and Koch and it is found on page 868 of the Journal.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. President and members, this amendment, in spite of what some people might think, is being offered in good faith. It was suggested a little bit ago that because I didn't vote for LB 357 two years ago that therefore I was opposed to doing anything for veterinary medicine in the State of Nebraska. I would remind this body that the reason that I voted no on LB 357 two years ago was because I was afraid then, and I still believe, that federal funds will not come. I think the mood in Washington is that it is not going to come and if it does not come then where are we at? I didn't think we could afford to build one by ourselves as I said a while ago. On the other hand, I am not happy with the contract positions we have got right now. I don't like to be left that way, depending on other schools, not providing some of the services to the livestock industry and to the veterinary profession in the State of Nebraska that I think we should provide. And those services are referral clinics, more research, more diagnostic capabilities. I didn't mention it a while ago but diagnostic capabilities, we have some pretty good facilities right now in the State of Nebraska, yet it is about a 70% chance that if you have a sample taken and sent off for a diagnostic...to a diagnostic lab, the results are going to come back from Brookings, South Dakota, and I think that is rather strange. It tells me something about how we spend our funds in this state. We don't expend our funds where they are really needed in this area. This amendment quite simply would say that LB 357 of two years ago, which as I indicated a while ago, required two things to happen, two other states and 50% federal funds, would stay on the books until January 1, 1983. In other words, we are going to wait until January 1, 1983, to see if the federal funds will come, to see if other states will make a commitment and if it does, fine. If the federal funds come and if the other states make the commitment, fine, let's build a vets school. Let's build the vets school under the regional agreement that we have originally agreed to with LB 357 but because of my concerns that the federal funds will not come and because of my concern with building a school by ourselves, then I think that we should look at another alternative. Senator DeCamp mentioned an alternative a while ago and I believe this is an alternative. I think it is a viable one. It was mentioned by Senator Kahle it was going to cost more than the other provision would. Not if we build the other school by ourself, Senator Kahle, not if we operate it by ourself it certainly won't. That is what I am talking about. If we have help from other states, fine. If not, let's look at a regional agreement with an existing school and that is what this amendment does. It sunsets the other provision. If the provisions are not met

by January 1, 1983, then it says, it directs the University of Nebraska to enter into negotiations with an existing School of Veterinary Medicine with the idea being that we can have two teaching clinics in the State of Nebraska in conjunction with the existing diagnostic facilities that we have in this state to provide the research and referral services that I believe the livestock industry needs. It will also give the students going through those clinics the opportunity to become involved and aware of Nebraska. As I envision this, I see the first three years of the program being conducted in the other school in the other state, the fourth year being a sharing arrangement of the two states. The fourth year program is when most of these young people make their decisions as to where they are going to set up practice so if they can have them become aware of North Platte, Nebraska, in the Sandhills, the cow-calf industry in that state, I think it is a real possibility we will get more large animal practitioners out in that area. It would also give Nebraska control over the curriculum and the admissions through a regional agreement that it doesn't have right now with the contracting agreement. Some people seem to think that it is fine for us to have a regional school here, that there is a lot of benefits to be derived by South Dakota, North Dakota, Wyoming or whoever comes in with us. If there are benefits for those other states with a regional agreement with Nebraska, I am suggesting there is some benefits for Nebraska with a regional agreement with another school if we can't get the others to do what we said we were going to do two years ago. I would also remind you that the proponents have indicated, and I guess I like to consider myself as a proponent for the livestock industry in trying to get something done, but they have indicated that if we have our own school we can train individuals towards large animal practice. Well, that is fine. I don't know how you are going to get around the admissions, however. If the grade point is there, I don't care if they come from the middle of Omaha, it is going to be pretty difficult to tell someone with a grade point of 4 in the middle of Omaha that they can't get in with somebody with 3.5 from Farnam, Nebraska, that has been around livestock all their life can. The way that it is done is to expose them to large animals as much as possible through their clinical experience. All veterinarians have basically the same training. There is no such thing as a specialty in veterinary medicine, not until you get your DVM degree and then go on, but the fourth year program where you are sharing arrangements in teaching clinics and would expose them more to the livestock industry of the State of Nebraska, would, in fact, lean them toward large animal practice it seems to me. It would also, as Senator Kahle mentioned, there are some

diseases that ravage the livestock industry in the State of Nebraska. That is true but I don't particularly care where the research is done on that disease as long as the incidence is being picked up in the teaching clinic and then sent back to wherever the research is done. In other words, if we have a certain disease that we are seeing an awful lot of in North Platte, Nebraska, through this teaching clinic, I am sure the research is going to be done on that disease. There are no diseases that are necessarily "unique" to the state. We do have some pretty good existing facilities out here at the Veterinary Science Department. We have got an individual out there right now that has got a grant doing research on lung water and respiratory problems, interstitial pneumonia. I have visited with that individual and I asked him what he needed the most. Are the facilities adequate? What do you need the most? He indicated to me that what he needed the most was backup help. That takes dollars.

SENATOR CLARK: You have one minute.

SENATOR VICKERS: My suggestion, Senator Clark, is one that if the federal dollars don't come, if the other states don't come in, it won't cause us to spend a million and a half dollars and start up that ladder as the committee amendments do. It will say that if these other things don't happen, then here is the alternative, but let's not go back to the contracting and let's not build it by ourself. Thank you, Senator Clark.

SENATOR CLARK: Senator Warner, then Senator DeCamp.

SENATOR WARNER: Mr. President, members of the Legislature, in the four or five years that this issue has been before the Legislature, I don't think I have ever spoke on the floor on it. I am not one of those who have no real interest. I think my father was a fifty year shipper to the Omaha stockyards thirty-five years ago so I guess my family's interest in livestock is eighty, eighty-five years at least, on a sizeable scale for a small operation but I have a lot of reluctance to support the vet college. I do support Senator Vickers' amendment as a way to resolve the issue. I don't like the concept of private funds in a proposal. I didn't vote for Senator Beutler's amendment that guaranteed that to be there. I don't want to see educational facilities up for bid based upon who may put up some money in order to get a facility constructed. I think that is a bad policy. What really worries me I guess, I feel like Senator Vickers that the probability of federal money coming is highly unlikely but I am willing to see some time allowed to see whether or not in fact it will occur, and if it does not, that then we get a longer range provisions for Nebraska students. I am concerned about



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spending a million and a half or a million, three, rather, to get plans ready to go to bid. It is not unusual, I think over the last ten years there must be five, six hundred thousand, maybe more, that we have spent for projects to be developed which never were funded but it is a pretty sizeable amount. I am much more willing to support a new Animal Science Building, an additional one out there, which is not a cheap project, it is six or seven million. I don't think you can do both and I frankly think more students will be served if that is done. I frankly think maybe more research can be done if that facility is constructed if the money is used for that purpose. And the other thing I am concerned about is tying up a series of general funds, it doesn't make any difference, or Nebraska capital construction funds for three or four years. We have one facility we have done that with now, the last five years at least, if not six. We have had several million dollars tied up pending construction for the Omaha medium-minimum facility, corrections facility, which is unable to have been going on, the result of that tying up that money, however. There is a lot of other construction that could have been done, should have been done, of a kind of renovation of buildings that just plain couldn't be. Now that Omaha facility is still involved in lawsuits. It may be tied up for awhile. If we tie up here seven or eight million that may not occur for two or three years, it merely means that these other facilities that need renovation are not going to go forward either and I guess I would urge the body to support Senator Vickers' amendment because I don't see where that stops the ability of a vet college to be constructed. What it does say is that we are going to look at it for another year and a half or two and then recognize that the package that is proposed is not possible and then move on to something else. I think it is a reasonable proposal and I hope the body would accept it

SENATOR CLARK: Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature, I am going to oppose the amendment, at least at this time, and my opposition is based upon the very reason in a way that Senator Warner is supporting it. He says it postpones for a year and a half or two years making a final decision, facing up so to speak. Maybe what he is suggesting occur in a year and a half or two years is what we maybe ought to decide now. We go direction A or direction B and so I oppose the amendment on the grounds that it delays and prolongs the decision when I think it is the year to make it. At the same time I recognize inherent in the amendment is the proposal, an alternate proposal, and maybe an acceptable proposal in some form or other of intensified research. I also question, peripherally at least, the constitutionality, at least as the way it is written. That is not to say it couldn't be redone to be constitutional

but I think with the recent Supreme Court decisions on what we can or can't tell the Board of Regents to do, you might have a bit of a problem there. But I repeat my original suggestion. We move the bill over to Select File. Senator Schmit, Senator Vickers and Beutler and Kahle and the agricultural community and the University community sit down around that table and see if we can't reach a common solution that will resolve and settle this issue this year, and it may be something different, something that has not yet been proposed but is a combination of the various ideas. It may recognize, for example, that the thought of federal funds are a pipe dream. They may or may not be but we may get information that indicates that. It may be that we decide to use some existing facilities and really have the best diagnostic and research center, but at least at this time, I believe it is premature to put this amendment on because all it does is kind of buy time and duck the issue. So I urge you to reject the amendment and advance the bill to Select File and the people get together.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, first of all I would like to call your attention to the wording of the Vickers' amendment. I believe it may be, Senator Vickers, improperly drawn since we have adopted the committee amendments and so even though we might, this body may just choose to adopt that amendment, it would be incorrectly done. I think you would have to redraw it or redo your amendment. I want to point out that in the past cooperative agreements such as are described here, by Senator Vickers, have not been enthusiastically proposed by adjoining schools. The only time we ever hear any conversation, in fact, along that line comes when Nebraska talks about building their own school, and then because of the fact that adjoining schools like the revenue that they receive from the State of Nebraska, they speak in terms of some sort of cooperative agreement. I think there is very real doubt about the practicality of those agreements ever being worked out. I think, and I recognize again the competition for funds that have always existed when we get right down to the wire in an attempt to provide funding for the diagnostic lab or when we try to provide funds for the North Platte station. I well recall when Dr. Hibbs came to see me a number of times prior to his leaving the State of Nebraska to ask for additional funds, not a large amount of money, \$50,000, \$60,000, to be utilized at the North Platte station. In most cases we did not get the funds that they needed to do that research out there even though the amounts of money by other standards were insignificant. So Dr. Hibbs left the state. A fine person was

lost to this state because we did not support him. I am not criticizing the Budget Committee because I am sure they reviewed all of the demands upon them for funds but the facts are that we have not filled all the positions that are available at the Diagnostic Lab even at this time and so I question whether the enthusiasm will be there regardless of what we do without some strong direction from the body as a whole and I think that it is also true that what Senator Vickers proposes to do can be done next year, if and when the federal funds do not come forth as we have indicated several times. Senator Rumery has had conversations with persons who are close to the federal process. He indicated to me that the Reagan administration is not going to cut those funds for extension, not cut those funds for agricultural research as has been proposed by some persons. Only time will tell what will happen there. All of us recognize the necessity for a fallback position or an alternative of some kind or other...

SENATOR CLARK: You have one minute left.

SENATOR SCHMIT: But I think that to propose an alternative program prior to the time that we have failed with the number one priority is a sign of weakness and we should not buy that proposal. Therefore, I would have to oppose the Vickers amendment because, first of all, as I said earlier, I think it is improperly drawn. I don't think it does what Tom wants it to do. Secondly, because if we do not secure the funds as outlined in the bill, we can always come back next year and follow the proposal as outlined by Senator Vickers and those others who signed the amendment. I think it is the second choice position and one which we should not move into a first place position at this time. I ask you to vote against the Vickers amendment.

SENATOR CLARK: Senator Carsten.

SENATOR CARSTEN: Mr. President, members of the Legislature, I think probably Senator Warner touched on the very same things that my concerns are and it is difficult for us that are in the livestock business and those of us that represent rural areas to be against anything in the veterinary medicine or anything that deals with livestock that comes before us, and I certainly am not against it. I think my concerns are the commitment to an excessive amount of money without reasonable assurances that we are going to have some cooperation from some states as well as the federal government. We are not assured of any of that and I guess we need to move in some direction to assure those people that have shown some interest that we are sincere and that we are ready to cooperate with them. I believe, and perhaps I am wrong, but I believe that

the amendments that Senator Vickers has offered may be as Senator Schmit said the second or the first alternative to the original bill and perhaps that is wrong. I don't know. But it does seem to me that it does include in it some of the precautions that I have had all along this line. I would hope that this bill does move in one form or another and that we are able to protect ourselves as well as to move the interest of the livestock industry in Nebraska and I will support that move, if it conforms to my concerns, and I think this body is fully capable even with the suggestions that Senator Vickers has made and others that I am sure will be forthcoming that will make it a solid and concrete bill. I am going to support the amendments and will continue to work and counsel with all of those that are wanting this facility to proceed. Thank you, Mr. President.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. Chairman and members, it is awful easy to fall into what I can see is a sort of a trap in this thing. I am sure that we all feel that if we can't get the whole thing we would take something less and I may well be one of those when that time comes. I do not believe this is the time. I am not convinced at all that there won't be federal funds available and have seen nothing or heard nothing that says that the present administration is going to cut on productive issues. They are certainly after the nonproductive issues and I certainly agree but I can't imagine the country building up its military and letting the food supply go to pot. So I am not convinced that that money isn't available. Personally I feel that we should let this bill stand the way it is, even if it does cost us some money. Let's find out whether we have support from other states, whether we have support from the federal government. But if we water it down right now and say, "Well, we have an alternative which we would settle for", we are certainly not going to get anything done with anybody at this time. So I think we should resist the amendment, send the bill the way it is and see what happens. That is the only way we are going to find out for sure. Thank you.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. President and members of the Legislature, this is the first time I have spoken on this bill, and as you know, I am very conservative and I have concerns about the federal funds and the two million dollars so I support the Vickers amendment because I have to go back home and explain voting for a fifteen or thirty million dollar project and I do support the vet college but I would like to ask, if I may, Senator DeCamp one question please.

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SENATOR CLARK: Senator DeCamp, will you respond?

SENATOR DeCAMP: I guess.

SENATOR HABERMAN: Senator DeCamp, your proposal of sitting down around a round table and discussing this and ironing it out I feel is an excellent proposition and a good suggestion. However, what I would like to ask is why do you want to wait and advance the bill rather than to do that now before we advance the bill?

SENATOR DeCAMP: Because we have got a lot of things to process. This gets it into the orderly process and it is an indication to the public and to the legislators that we are willing to do something on this subject should the bill advance and so on and so forth. I just think it is a more effective way to deal with it rather than to spend the next two or three days here on General File.

SENATOR HABERMAN: Would you be willing to sit down with those people who are putting all the amendments on and trying to work something out before the bill advanced?

SENATOR DeCAMP: I am always willing to sit down at any time with anybody and try to work something out but I think with all the issues we have to process, I think you should get an initial vote on whether you are going to proceed with the idea of dealing with the vet college subject this year in one form or another or not proceed, and I think the indication on General File advancement would give, as I repeat, the signal to the public that, yes, we are going to be doing something in this area or, no, we are not. So I think that is why it should be advanced.

SENATOR HABERMAN: Thank you. It would give impetus to the bill also to advance it first. I would suggest that we iron these things out and then go ahead and advance the bill. I will probably vote to advance the bill if we get that far but I am also going to support the Vickers amendment. Thank you, Mr. President.

SENATOR CLARK: Senator Barrett.

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

SENATOR CLARK: The previous question has been called for, do I see five hands? I do. The question is, shall debate now cease? All those in favor vote aye, opposed no. Record the vote.

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

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

SENATOR VICKERS: Thank you, Mr. President. Mr. President and members, I think this issue has been debated quite thoroughly and most people's minds are pretty well made up. I would simply point out a few things, however. In spite of what it might look like, I think Senator Kahle, Senator Lamb, Senator Schmit and myself are heading the same direction, attempting to. Senator Kahle and Senator Schmit both think the federal funds are going to come. If that is the case, then I guess we don't need to worry about just sunsetting it in 1983. If the federal funds come, they will surely come before January the 1st, 1983, and if that is the case, then the provisions of 357 will hold up. 357 was, and certainly they were in support of that at that point in time, they thought we were making a commitment with 357 and I thought so, too. That was the reason I fought the bill at the time. I thought we were making a commitment that depended on some things I didn't think would probably happen but I am willing to say let's wait until January the 1st, 1983 and see if those things in fact do happen. But I will remind the members of this body that that commitment is there. We don't need to start putting money into it to make the commitment. It is in our statutes. It says that we shall and I believe that we will. What we are talking about this morning is very simple. It is very, very simple. Do we put one and a half million dollars into a program that is dependent on some other things happening that we have no control over? And then later on make a decision as to what we are going to do depending on what happens to those things we have no control over, as to whether or not we are going to continue to fund and add more dollars on top of that one and a half million. I, for one, am not in favor of putting one and a half million dollars in a rat hole unless we know the bottom is down there and it is not going to keep dropping down. I want to make sure those provisions are there first. If those provisions are there first, then it is fine with me. We can put fifteen million dollars into it. One final point, thirty million dollars is the figure used as the maximum, as the maximum amount. I believe we should have a very, very good school if we build it by ourself, if we are in conjunction with other states or if we are in a regional agreement with another state. Whatever the case may be, it should be a good facility and I have a serious doubt that we will ever build a top class first quality facility for thirty million dollars. I really am not much in favor of having a limit that is not realistic but I would urge the body's adoption of this amendment. It was

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put up in good faith. I am attempting to do something that I believe is to the best of the livestock industry which, by the way, I make all of my living from since I don't make a living at this job, and also for the taxpayers of the State of Nebraska. I urge the body's adoption of this amendment.

SENATOR CLARK: We have two distinguished visitors in the Chamber this morning. In the back on the north we have Major General Pertain, the Commanding General of the 1st Infantry Division out of Fort Riley, Kansas; and Colonel George Green, who is an advisor to General Binder, the Adjutant General of Nebraska. Would you raise your hands and be recognized please? Welcome to the Legislature. We are not on the military budget but I guess we could be. The question before the House is the adoption of the Vickers amendment. All those in favor vote aye, opposed nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted? I might remind you I never raised the Call from the last time. Senator Vickers, what do you want to do?

SENATOR VICKERS: Did I understand you to say the Call hasn't been raised?

SENATOR CLARK: The Call has not been raised. We are still under Call.

SENATOR VICKERS: How many are excused?

SENATOR CLARK: Two.

SENATOR VICKERS: Could I ask then that we require everybody to check in and have a roll call vote?

SENATOR CLARK: You certainly may. Clear the board. Everyone will register in, please. I understand we have three gone now, Senator Vickers, Chronister, and who are the other two? Nichol and Goodrich. Will everyone register in please? We are under Call. Senator Labedz, Senator Haberman, will you register in please? Senator Dworak, Senator Newell and Senator Pirsch. Do you want a roll call vote, Senator Vickers?

SENATOR VICKERS: Yes, I would like a roll call vote but I would like for the other members that are missing to get here first.

SENATOR CLARK: Senator Haberman, we are under Call. We are

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looking for Senator Pirsch and Senator Newell. Sergeant at Arms, can you find Senator Pirsch and Senator Newell? Senator Vickers, do you want to continue? Senator Newell is the only one we are short and they can't seem to locate him.

SENATOR VICKERS: Did they check his office?

SENATOR CLARK: I think that they have checked everywhere. I don't really know where they have checked.

SENATOR VICKERS: Okay, go ahead.

SENATOR CLARK: Go ahead and start the roll call. I hope we can have it a little quiet in here so that the Clerk can hear the response.

CLERK: (Roll call vote taken. See pages 982 and 983 of the Legislative Journal.) 22 ayes, 22 nays, Mr. President.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Motion lost.

CLERK: Mr. President, Senator Koch now moves to amend the bill. The Koch amendments are found on page 949 of the Legislative Journal.

SPEAKER MARVEL: The Chair recognizes Senator Koch.

SENATOR KOCH: Mr. Speaker, members of the body, there is a provision in the Constitution which allows us to go to the vote of the people for consent and advice on issues which are significant to the federal government. I have been advised that the Attorney General says that through this method we can go to the people of this state for advice and consent on an issue which I think has overwhelming concern to all of us and to the people. I don't know where most of the members of this body are getting their messages in terms of the vet college but I want to assure you that numerous people have issued concerns to me relative to the vet college and the question is, can we justify it and do we need it and can the costs that we are about to place into it be justified for us totally? We have sat here for two days now talking about the vet college but we have ignored studies, one by the recent Health Manpower Study of the federal government on veterinarianian medicine and one by Arthur D. Little carried out three years ago on the necessity of veterinarianians and veterinary medicine. I looked at a statement I have from the Board of Regents, University of Nebraska, which says and



I will state directly, "The Board of Regents, University of Nebraska, encourages and supports the regional approach to professional education in veterinarian medicine", but you note they say, "regional approach". They go on to say that, "The Board of Regents in assuming a position for the proposed Regional College of Veterinary Medicine wishes to reaffirm its position that the development and operation of this new college must not be at the expense of the present University program and their existing needs, nor be mandated without the necessary additional resources." They additionally say, "It must involve substantial funding for capital construction other than appropriated state dollars and it must be truly regional with the sharing of commitments, responsibilities and benefits by all participants." Now that is the Regents message. I also say to you that the Regents of Wisconsin recently told the Legislature and the Governor they cannot justify the vet college. A year ago when the Education Committee had a study at the request of Senator Schmit and others, the University of Wisconsin was here and so was Iowa State and other interested parties. They assured us that they would allow us additional seats for students that we have in the State of Nebraska who are interested in pursuing veterinarian medicine and I submit to you today the indications we have had that we can get as many as seventy students into those institutions which do indeed provide a quality veterinary medicine background and are fully accredited and recognized nationally. Now I want to give you a few other facts and I hope that you will listen. I think that by appropriating a few million dollars for further study is a waste of taxpayers dollars because the conclusions would be the same, that we probably cannot justify this kind of a commitment, particularly when we are looking at it by Nebraska as an island. I have yet to hear Montana, Wyoming, North and South Dakota clamoring on our doors wanting to join us. They have not, because I know some of those Senators, some of those legislators. Allocating up to thirty million dollars for initial construction of this facility would be inadequate for an accredited college. We all know that. We are talking about today's dollars not tomorrow's. I believe it would be illogical for us to spend or even indicate that we are willing to go one step further and possibly carry this mission out on our own. There is very little probability that other states will join Nebraska for the purpose of construction or operation of this college. We all know it. Because the federal government today, when they look at the funding of veterinarian college, look at the regional approach not a state approach. We know this. And not only that, but you may notice Governor Reagan, now President Reagan, has advised we should do away with the Old Regional Council. That is on his docket. To me more important is this, much

greater value at a far less cost could be accomplished by greater support for the existing department of the Ag Institute in the area of Animal Science, Veterinary Science and Diagnostic Laboratories at our present institution. What we need in this state when we talk about the livestock and agricultural business is we need a greater research facility. I looked at Dr. Dickinson's budget. He asked for one million dollars for research. Now whose fault is that? That is the fault of the Ag Institute and others who say we need more research. I submit to you that we can hire the finest pathologists, the finest toxicologists in the nation if we are willing to put out the dollars. These people in turn can help us solve the problems of animal disease. We need a modern laboratory out there and I am willing to submit my vote and my support for this kind of endeavor. I am willing to put dollars into research but I am not willing to put my dollars into another Taj Mahal when all indicators say to us there are declining student enrollments in the public schools and, therefore, we will have less demand. The studies say to us that we have a glut of veterinarians. As Senator Landis said a moment ago, when we do have these veterinarians in hand, they are going to gravitate to the large cities and they are going to deal with small animals, not the economic animals we are talking about because they can make over \$30,000 a year in that practice, whereas, in the rural practice environment, they make less than \$25,000 because today most men who live on farms do a great deal of veterinarian medicine on their own because of the pharmaceuticals which are available. Most of the time they call out a veterinarian only when they are in a crisis condition. They don't use veterinarians for nutritional advisory capacities, those kinds of things. I am in business in the cattle business in a small community in this state. We have three veterinarians in that community and we use them, not just in a crisis concern, and our vet bills prove it. I am saying that wherever you need veterinarians and you use them you will have them, but when you forget them, they are going to leave the profession, go somewhere else, or they are going to go to the Lincolns and Omahas where the business is easier and the money is forthcoming. For us to take this step today in view of the fact that our University and state college system is showing dire need for additional finances, I think is we are saying we are going to place the vet college in a higher priority than the standing colleges which we have been supporting historically. I have letters from engineering students, from bus ad students saying, "We need to improve those standing colleges. We don't have enough faculty. We can't get the courses we need to pursue our profession." Yet we are going to ignore those people.

We all know that Nebraska by its very nature, by limited population, has limited resources and I believe our challenge today is to keep the standing colleges that we have in Nebraska, possibly diminish them if we have to, but to provide the dollars to provide quality education. Had this been thirty years ago and I had been a member of this body, I would have voted for a veterinarian college but not today. There is not evidence to indicate that we need it. I know what some of you are going to say. "Well, Koch, do you want to go for advice and council?" I want to for one reason because I think the people of this state would overwhelmingly defeat this issue when they know the fact. Therefore, I am saying to you that before we get involved in the brick and mortar, we had better take a careful look and, secondly, most importantly, is this, when you go to staff it, tell me where you are going to get the staff. Are you going to raid Iowa State and Minnesota and all the other twenty-four vet colleges? Is that where you are going to buy them? I have watched us lose professional staff to other schools for higher salaries which placed accreditation of some of our colleges in jeopardy because we wouldn't meet another \$ 5000 here and there....

SPEAKER MARVEL: You have one minute.

SENATOR KOCH: ...to keep staff where we needed them. I have watched us lose some of our medicine, the College of Medicine staff to Berkeley, California. They took the whole staff of radiology out of that college a few years ago. Do you know what the reason was? Not better research facilities but, primarily, better salaries, immensely higher salaries, and until this state can demonstrate to me that we are willing to pay the faculty that have the research capabilities and the qualities we need to keep them here, then why should we take on one more endeavor which we will not be able to adequately support, and if we do support it, it will be at the expense of the present University system and the present state college system. I know that this group has obviously made up their mind and I had to say this because I had to be on record and the record is I have yet to be shown that this college will be of any great benefit to the agricultural industry and I submit to you we can provide professional in staff growth, seminars for our veterinarians through the present Ag Institute by merely beefing up the staff and providing them the necessary help they need in the field in trying to deal with animal disease and problems relating to the industry. Mr. Speaker, with that, I will withdraw the amendment. Thank you.

SPEAKER MARVEL: From District 31 from Senator Wiitala's District

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visiting students from Westside High School, Jim Tappero, Shelley Peters, Mary Clayson, Vickie Thomas, the teacher is Sheryl Wiitala and they are here for the Foreign Language Fair at UNL. Where are you located? Will you hold up your hand so we say, "Good afternoon". Okay, the motion is to advance the bill to E & R for review. Okay, all those in favor of advancing the bill vote aye, opposed vote no. Have you all voted? Senator Schmit, what is your pleasure?

SENATOR SCHMIT: I ask for a Call of the House and a roll call vote. We just as well get it over.

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

CLERK: 27 ayes, 0 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators should be in their seats. Some unauthorized personnel should be off of the floor. Do you want a roll call vote? Record your presence. Senator Wiitala, will you record your presence? Senator Koch, would you record your presence? Senator Sieck, Senator Landis, Senator Newell, Senator Pirsch, Senator Labedz. Mr. Sergeant at Arms, oh, Senator Newell is here. Senator Pirsch. She is on her way. Senator Nichol, Senator Chronister, Senator Goodrich and Senator Barrett all are excused. Senator Schmit, everybody is here but one. There she is. Okay.

CLERK: (Roll call vote taken. See pages 983 and 984, Legislative Journal.) 26 ayes, 18 nays on the motion to advance the bill, Mr. President.

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

CLERK: Mr. President, LB 245A. (Title read.)

SPEAKER MARVEL: Senator Schmit.

SENATOR SCHMIT: Mr. President, I move that LB 245A be advanced.

SPEAKER MARVEL: Senator Chambers, your light is on.

SENATOR CHAMBERS: Mr. Chairman, members of the Legislature, I have a question and it relates not just to this bill but every other priority bill. Now according to my understanding of that rule, and I could be mistaken, at every stage of consideration a priority bill will be given favorite treatment

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SPEAKER MARVEL: No objection, so ordered.

CLERK: Mr. President, Senator Koch to print amendments to LB 311; Senator Wesely to LB 361; Senator Koch to LB 245; Senator Chambers to LB 273; Senator Newell to LB 47 and Senator Koch and Burrows to LB 190. (See pages 997-1002 of the Legislative Journal.)

Mr. President, Senator Kilgarin offers explanation of vote. Finally, Mr. President, two new resolutions, LR 43 by Senator Marvel as Speaker: (Read.) That will be laid over. LR 44 by Senator Koch: (Read. See pages 1002-1003.) That too will be laid over, Mr. President.

SPEAKER MARVEL: Now before we proceed to LR 26 which is on the agenda, today is the celebration of Agriculture Day. There will be a signing of a proclamation in the rotunda and the members of the Legislature are invited. The celebration begins around eleven-thirty and I assume those of you who want can check on the rotunda. Meanwhile we will continue with LR 26.

CLERK: Mr. President, LR 26 is found on page 673 of the Journal. It is offered by the Public Works Committee and signed by its members. (Read.)

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: Mr. Chairman and members of the Legislature, LR 26 was brought to the Public Works Committee by some of the subdivisions of government in the southwestern part of the state, namely tri-county interests and some of the NRDS in that area of the state. The resolution was signed by a number of the members of the Public Works Committee and then was held up for several days in order to learn if we could, how this project would be of benefit to Nebraska and if there were any disadvantages, what they would be. You have heard the resolution read and I have had the Pages lay a map on your desk, on each one of your desks, to show you where this proposed project is as related to Nebraska. You will note on the map that the dam would be close to Ft. Morgan, Colorado, and it would provide irrigation waters on and along the South Platte River almost to or to the Nebraska state line. Now I am trying to explain to you what the advantage would be to the State of Nebraska. I would like to make five important points why I think Nebraska should support this resolution. Some ask the question, why should Nebraska get involved in a project that is not in the state itself and it is a good question and I will try to answer that as I make these several points. First of all, if Nebraska does take a positive action on the

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LR 26, 28, 30 - 32, 35 - 39  
LB 116, 230, 245, 245A, 248, 351,  
367, 381, 424, 463, 484, 511

PRESIDENT LUETDKKE PRESIDING

PRESIDENT: Prayer by Dr. Randall Sailors, First United Methodist Church, Waverly, Nebraska.

DR. RANDALL SAILORS: (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: There are no corrections to the Journal, 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 and reviewed LB 245 and recommend that same be placed on Select File with amendments; 245A Select File; 351 Select File with amendments. Signed Senator Kilgarin as Chair.

Mr. President, your committee on Nebraska Retirement Systems whose Chairman is Senator Fowler reports 424 to General File; 248 to General File with amendments; 463 to General File with amendments; 367 Indefinitely postponed. All signed by Senator Fowler as Chair.

Mr. President, your committee on Appropriations whose Chairman is Senator Warner reports LB 381 to General File with amendments; 116 as indefinitely postponed; 484 as indefinitely postponed. All signed by Senator Warner as Chair.

Your committee on Public Works whose Chairman is Senator Kremer reports LB 230 to General File with amendments; and LB 511 to General File with amendments. Signed Senator Kremer as Chair.

I have an Attorney General's opinion addressed to Senator DeCamp regarding LB 245. That will be inserted in the Journal. (See page 1015.)

I have a series of resolutions ready for your signature, Mr. President, LRs 26, 28, 30, 31, 32, 35, 36, 37, 38, and 39.

March 26, 1981

LB 290, 351, 245

know what those words mean. Record the vote.

CLERK: 29 ayes, 8 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Do you have some items to read? We are going to go to 138 next.

CLERK: Mr. President, Senator DeCamp requests consent to print amendments to LB 245. (See page 1145 of the Legislative Journal.)

SPEAKER MARVEL: The Legislature will be at ease for a couple minutes.

EASE

SPEAKER MARVEL: Okay, we are ready to go back on Select File and the first bill is LB 351.

CLERK: Mr. President, LB 351, there are E & R amendments to LB 351, Mr. President.

SPEAKER MARVEL: Senator Wesely, do you want to move the E & R amendments?

SENATOR WESELY: Mr. Speaker, I move the E & R amendments to LB 351.

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

CLERK: Mr. President, I now have an amendment from Senator Wesely, found on page 984 of the Journal.

SPEAKER MARVEL: Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker, the amendment which is found in the Journal is something that I was proposing to bring the bill back into the original form of the statutes but allow for the exception of naming for the veterans' home in Douglas County for Senator Fitzgerald. I wanted to make sure that that was done and I totally support that but I also wanted it to express a concern about making that a standard policy to name buildings for living persons. However, in discussions with Senator Wagner and Senator Koch and several other individuals I think it would be best to not amend the bill at this time and rather to look forward to a year or two from now coming in with legislation that would deal with

March 27, 1981

LB 535, 233, 245, 253, 278

CLERK: Mr. President, if I may right before that, Senator Lamb would like to print amendments to LB 245; Senator DeCamp to LB 253; Revenue reports LB 233 to General File with amendments and LB 278 to General File with amendments, (Signed) Senator Carsten, Chair. (See pages 1162-1163 of the Legislative Journal.)

Mr. President, LB 535 was offered by Senator Warner. (Read.) The bill was first read on January 29, referred to Constitutional Revision Committee. The bill was advanced to General File.

PRESIDENT: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, let me first tell you what LB 535 does not do. LB 535 does not put the issue of biennial sessions on the ballot. As a matter of fact, it has no reference to biennial sessions. What it does do is two other things. It would permit the Legislature during the odd session, adopt a biennial budget, which then could be amended, altered just as we would do a bill now in the even number years. Budgets are already submitted on a biennial basis. They have been that way forever and there is no change there. The provisions of the Constitution would permit us to do that portion if we wanted to now but I think it would, personally I support on a program basis, biennial budget so that you give an agency clear instructions as to a policy matter decided by the Legislature, those programs that should be expanded over the two year or reduced in its scope over a two year period. You still make annual adjustments for inflation or whatever other factors you want to affecting salaries so it makes no change there. It would require 33 votes to do the second year funding just as it requires 33 votes now for every budget bill so there is no impact there. The purpose is solely one, in my opinion, to permit the Legislature for a longer period of time to indicate to an agency the programs that they want to expand or the programs we want to reduce. That brings greater efficiency and orderliness. The second part of the amendment permits an A bill or funding for a new program to be extended as far out as four years and I would suggest that if you adopt that portion that you will go a long ways, in fact, you will eliminate the problem we have had since we went to annual sessions in that if you want to pass legislation that has incremental increases in funding, this would allow you to enact and authorize expenditure for up to a four year period with the incremental increase such as we have had in a number of areas would be spelled out into the budget, into the appropriations. It would then be automatically be considered by the Board of Equalization for setting rates. If you remember the problem we have had with



PRESIDENT: We are ready for Select File, LB 245.

CLERK: Mr. President, there are E & R amendments to 245.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 245.

SPEAKER MARVEL: All those 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 an amendment from Senator Koch found on page 999 of the Legislative Journal.

SENATOR KOCH: Mr. Speaker.

SPEAKER MARVEL: The Chair recognizes Senator Koch.

SENATOR KOCH: Are there other amendments? I understand that there are.

CLERK: Yes, sir.

SENATOR KOCH: I understand that there may be some agreement on other amendments. I would like to hold that amendment until a later date. If I might.

SPEAKER MARVEL: Any objection? If not, so ordered.

CLERK: Mr. President, the next amendment that I have is from Senator Beutler. Senator Beutler moves to amend page one, line thirteen. (Read Beutler amendment).

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature we are dealing with the Vet College bill again. Once again I would like to offer a suggestion which I think goes to and deals with the problem or the question of fiscal responsibility with regards to this proposition. I am not going to resurrect any of the amendments that I proposed earlier. But, I would like you to give some consideration to this particular amendment. The effect of the amendment is simply this. It changes the committee amendments to say that at least the 13 million dollars in federal funds will be forthcoming for this project before we embark upon the project. Right now the state of the bill, the state of the law is such that it is not clear how much in federal funds must be available before we proceed with the project. There are a number of ambiguities and, in fact,

the committee amendments contradict some prior law. So what I am seeking to do is simply put into the statutes what everybody I think has agreed is the fair federal share if we are going to proceed with this project. I am saying basically that we require that 13 million dollars in federal funds be available before we take off on the project. Let me remind you what we have not done on this project with regard to the fiscal controls. The way the bill is right now we could spend 1.3 million dollars for planning, even though the project may never be forthcoming. The way the bill is right now there is no control with regard to the amount of money that the participating states would put in with regard to operating costs. The way the bill is right now there is no control over the amount of money that the participating states would be required to chip in with regard to construction costs. No control, no fiscal control over any of these areas and in addition no fiscal control over the amount of federal funds which we would require. So with this amendment I am asking you to adopt at least one of the four fiscal controls that we should have on the bill. Adopt the amendment which would say that a minimum amount of 13 million dollars must be contributed by the federal government before we go further into the project. I think that this is everybody's understanding at this stage anyway. Thank you.

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: Mr. Chairman, members, I was going to start out by saying I'm sorry, but I guess I am not really sorry that I am going to oppose the proposed amendment suggested by Senator Beutler. Senator Beutler, I will agree with you to some extent that we need to be pretty sure that we are going to have some federal funds committed to this project. However, I feel that at this time an amendment that some of us have put together will come closer to doing, in a reasonable way, what you are attempting to do. First of all we have been told very clearly that there is going to be no federal funds until such time that Nebraska takes some leadership and provides some money. Now the amount of money that we have been talking about that Nebraska would appropriate plus what is being raised by the industry itself is going to be sufficient, I believe, under the present law to satisfy those that are going to bat for us in Washington. Another problem that I have with the Beutler amendment is the number itself. There is no way, I don't believe that we could tie our activity and what we do to what the federal may do, 13 million, 14 million, 15 whatever it may be. We don't know what they are going to do. I don't know if that appropriation will be made at one time or over a period of years. Depending upon what we do. I think the amendment that is on the desk will demonstrate responsibility on our part. Senator Beutler, I just have the firm conviction

that our amendment will give you what you want only I think it will put us up in front and demonstrate to the feds that we are willing to put our money up there and if we do this along with some kind of a contract or some kind of agreement with two of the other Old West states, that we have got a reasonably good chance to get some federal money but we are going at it backward. Let me give you an illustration. I have been informed that some of the southern states were interested in cleaning up the channel in Mississippi bar traffic in the Mississippi River. The request has been on the docket for a long time and nothing happened until some of the southern states around the gulf put some money up there and it was only about a third of what was needed for the project. The minute they did that it was only a short time until they got the money from the feds. Now what I think we ought to do is demonstrate our faith in what our Board of Regents will do and put some money in there and if it is not going to be built that money is not going to be wasted. It will come back in the general fund again. Senator Beutler, I simply have to oppose your amendment. I think the amendment we have up there is going to work and it is going to give us exactly the protection that you are asking for in your amendment.

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Mr. Speaker and members, I know that this is a subject that is going to be delicate to handle because we are trying to get federal funding. We can not get the federal funding without the commitment from the State of Nebraska. It is just that simple. One of the reasons I would oppose the Beutler amendment I guess, in what dealings I have had with the federal government with fundings which have not been all that much but I have had some in the past, to pin it down to an exact amount is tough. We may well want more than 13 million before we get through if inflation continues. So, I would rather leave the bill the way it is at the present time. I think we are trying to take care of the anxiety with the amendment that has been passed out which I hope will come up later that this large amount of money that we are appropriating in Nebraska will not be spent until we do get assurance of federal funds and also that two other states will be involved. I think that is the big thing we are trying to do and how we do it this morning depends on a lot of things and how many obstacles are thrown up and how you want to go at it. We cannot put pressure on our congressional delegation unless Nebraska is sincere in pushing and wanting to get behind this program. I, too, want safeguards in it. I have money invested in the industry's fund. You had your choice when you did that, whether you

wanted your funding back in case the federal money did not come in or the school was not built or whether you wanted to build some other facility out in the animal science complex. I asked that my money be returned if we did not get the federal funding and we did not build the school. Now I have the right of course, to change my mind but I think that is what we are up against. We need to put some up front money up there to get the job done and I think quibbling over the 13 million or whatever it might be, now is not the time to worry about this. We either get the money or we don't. Maybe it is 13 million. Maybe it is a few dollars more or a few dollars less. That is not what we are...I do not believe that is what we should be arguing about this morning. So I oppose the Beutler amendment.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? Okay, all those in favor of ceasing debate vote aye, opposed vote no. Have you all voted? Record.

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

SPEAKER MARVEL: Debate has ceased. Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, let me repeat very briefly what the amendment does for those of you who were involved in other conversations earlier. It is a floor amendment in two senses being presented on the floor, but secondly, because it says we have to have a "floor" of 13 million dollars on the federal funds in order to proceed with the project. I think everybody has agreed that we have got to get federal funds and the question that first comes to mind, "Well what if it comes in in the amount of 5 million or 6 million? Where are we then?" And I challenge anybody in this Legislature to tell me where we are then. I will tell you where we are. We are in a big confused mess because the law is simply not clear as to what we do in that case. What I am saying is, let's make it clear. Let's make the law clear as to what we are doing. It is 13 million dollars of federal funds that we want and if we don't get that we do not proceed. Let me tell you why it is becoming more and more apparent to me that we have to be cautious in this situation. I just talked a short time ago to the Dean of the Ohio Veterinary School. They have a hundred and thirty-eight slots in that school which they traditionally give out thirty-eight of them to out of state students. For the first time in their history, for the first time in the history of their hundred year old school, fifteen of those thirty-eight out of state slots are

open. They have never had an out of state slot open before but now they have fifteen open and they have fifteen open because three of the states they used to deal with have withdrawn and they have withdrawn because so many other schools are opening up. Let me review just briefly for you again what the history of the opening of vets schools has been in recent years. In 1974 there were nineteen veterinary schools. One was added that year at Louisiana State, nineteen of them. Since then, Tennessee, Florida and Mississippi have all put vets schools into operation. That is two hundred seventy-two more slots. With regard to those for which funding has been approved, federal and state funding has been granted and to be opened in 1983 there are four of those, North Carolina, Tufts, Virginia Poly Tech and Wisconsin, another two hundred and ninety-two students. So, all I am saying to you is if we are going to proceed with this vets school proposition, it is a highly iffy proposition with regard to getting participating states and a reasonable number of participating students from other states. So, let's at least be sure that the federal funds are there and let's at least be sure that they are there in the amount that we have all agreed upon, 13 million dollars. That is what this amendment would do. Thank you.

SPEAKER MARVEL: The motion is on the Beutler amendment to the bill. All those in favor vote aye, opposed vote no. Have you all voted? Senator Beutler. Have you all voted? Record vote, Mr. Clerk. Record.

CLERK: (Read record vote as found on pages 1210-1211 of the Legislative Journal.) 12 ayes, 24 nays, Mr. President.

SPEAKER MARVEL: Motion lost. I would like to make an announcement that I would hope we can have your attention and also your cooperation. It is absolutely necessary that we begin to put a time limit on legislation. It is also necessary that we try to promote a reasonable amount of fairness between legislators. Now, let me read you this. "There are presently forty-four priority bills on General File and twenty-one priority bills are still in the committee. Tomorrow, April 1st is the fifty-fifth day. We have thirty-six legislative days left in this session or a total of two hundred and sixteen hours which is an average six hour day. Dealing only with priority bills, total time on each bill cannot exceed two hours and that includes all stages." Let me say this again. Total time on each bill cannot exceed two hours. This includes all stages, General File, Select File and Final Reading. Now you can proceed to debate and debate and debate and you can exclude as a result of this, some bills being heard by the Legislature and there are people here, good friends

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of mine, who chide me constantly wondering what kind of a record are we trying to set. The only record we are trying to set is fairness and I would suggest to you that we have with 245, we have had substantial amount of debate and I would also try to get your cooperation to debate this bill until noon and then we will come back and start on General File priority bills. If we can not do this, ladies and gentlemen, what it amounts to is that this Legislature is simply going to go downhill and there will be many of you whose priorities will not be touched. Okay what is the next item on LB 245, Mr. Clerk?

CLERK: Mr. President, if I may read some matters in before that. Very quickly, Senator Schmit, Johnson would like to print amendments to LB 167; Senator Wesely to LB 44. (See pages 1211-1211 of the Journal.)

Your committee on Public Health and Welfare reports LB 378 to General File; 499 General File with amendments; 270 General File with amendments; 212 with amendments; 404 General File with amendments; 522 General File with amendments, all signed, Senator Cullan. (See pages 1212-1218 of the Journal.)

Mr. President, the next amendment I have is from Senator DeCamp and that amendment is found on page 1145 of the Journal.

SENATOR DeCAMP: Mr. President, members of the Legislature, it appeared to me and several others that the real stumbling block on resolving the issue of the vets school and which way we go had to do with the issue of federal funds and whether we were just going to have an indefinite forever date on this and so the purpose of this amendment was to, so to speak, "fish or cut bait," make a decision one way or another on whether we were going to have the vets school and of course that decision was contingent as has been stated many times on what happens at the federal level. So the purpose of this amendment was and is to force that issue. The second purpose of the amendment was to say, if we do not get the federal funds, then we want to use this money for another purpose, some other agricultural purpose. And so I had the money funneled off into the Beef Science Building as of a certain date so that we would not have to fight that issue again. However, it is my understanding that Senator Schmit, Kahle, Lamb, those interested in the vets school have now resolved, so to speak, the issue of the "fish or cut bait" issue which is the principal stumbling block in this thing and they have a separate amendment with a separate date. It is a little more delayed. I am perfectly willing to go along with that since, as I say, that is the big

stumbling block. I think if we adopt that amendment and any clarifying language on minimal amounts or something like that or handling of funds interim time until the issue is resolved, the bill will be acceptable to a large majority of the Legislature and we can go ahead. So, with that understanding I am withdrawing this amendment and going to support the one of Schmit, Lamb, Kahle, wherever, whoever, that does address the "fish or cut bait" question.

SPEAKER MARVEL: Senator Vickers, your light is on. Senator Vickers, are you withdrawing this amendment? Whose amendment is it? Okay, Senator DeCamp, are you withdrawing your amendment? So ordered.

CLERK: The next item is an amendment that was offered by Senators DeCamp, Schmit and Warner. I understand Senator Schmit asked unanimous consent to withdraw his name from the amendment. The amendment, Mr. President, is then offered by Senators DeCamp and Warner and it is found on page 1156 of the Journal.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: I understood the Clerk to read Senator DeCamp's name was first on the amendment so I assume he should be recognized first.

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

SENATOR DeCAMP: Well, not really. Mr. President, members of the Legislature, Senator Schmit, Senator Warner and myself sat down, had communication with a number of urban and rural senators, trying to find a gate through the, apparently through the impassable wall in trying to resolve the vets school issue. This amendment here which was signed by all three of us was essentially the same thing as the previous amendment with some clarifying technical language that triggered 1.3 million dollars to go directly into a Beef Science or Animal Science Building once federal funds had not been achieved and once a certain date was reached. In other words, it folded the vets school program or attempt and said, look, we take this money and direct it another way. Senator Schmit and others, including myself, since that time have discussed the issue, particularly Senator Lamb, as to whether this concept of triggering the funds into another program would, in fact, jeopardize the vets school. In other words, would people who oppose the vets school and favor the Animal Science Building say, hey, look, we will call our congressman, we will put pressure on the Governor. We will tell them we really do not want the vets school and just to hold off long enough for us to get this other building. For that reason, I am taking the position now that the

issue of "fish or cut bait" which I mentioned earlier, build or not build, depending upon action at the federal level is resolved in the upcoming amendment of Lamb, Kahle, et cetera, et cetera, et cetera. And for that reason I would suggest that Senator Warner and Senator Schmit and I withhold further action on this amendment pending the outcome of the Lamb, Kahle, Schmit amendment which sets a definite deadline on the school, terminates the efforts, so on and so forth. So, with the permission of Senator Schmit, Senator Warner, I would suggest we at least hold up on this amendment until the other one is resolved.

SPEAKER MARVEL: Now tell me who is to be recognized at the moment for the amendment that you referred to.

SENATOR DeCAMP: I think Senator Warner would be a good one now.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, procedurally it is my intent to go ahead with the amendment at this time so if no one else who cosigned it wants to, they can take their name off. Hearing no one, Mr. President, I assume no one wants to take their name off so I will proceed.

SPEAKER MARVEL: I think that is a correct assumption, Senator Warner. Why don't you proceed?

SENATOR WARNER: All right, I want to give my version of this amendment also as I understand it. On a number of occasions I have, as well as others in the body, have commented on the concern of tying up large sums of money in capital construction for an extended period of time. We have done that once with the Omaha Correction Complex and it has had a very adverse effect on orderly construction and other facilities of the state and I would have concern that the same thing can occur here with an equally adverse effect. Now what I understand the real concern is and it has been touched upon, is if there is any reference to the Animal Science Building, that the political impact of that will be that those who are opposed to the Veterinary College for whatever reason, will then do as has been suggested, work to not have any federal funds available. I would suggest then that the real issue before the body, if you take the \$50,000 out for the Animal Science Building in this bill, that also means that we do not put it into any appropriation bill for the next three years. Because if the \$50,000 planning money for the Animal Science Building is appropriated, then the argument can be made just as assuredly, just as accurately and just as correctly that



nothing is going to happen for that building unless the federal funds for the vet college do not come in and those who have a motivation to work in that direction will have it anyway. So I want it clearly understood by the livestock industry that the choice that they are making has a direct absolute effect of stopping any proposed planning for construction of an Animal Science Building and if that is what they want, so be it. I am not as optimistic as others that the federal funds will ever come. I think it is probably highly unlikely that they will ever come. I think that the date that is in the amendment of March 1 of 1982 is a reasonable date based upon what we have been told many times, that the information from the federal government would be available by then. It made sense to me that the deadline would be while the Legislature was in session so that if some adjustment was necessary to accommodate whatever federal limitations might be on the money if available, could be allowed for and adopted and I think that it would permit, rather it would prevent tying up funds for an indeterminable amount of time to the adverse effect of all of the rest of the capital construction the state has. The amendment that is proposed to hold this open until December of '83, has the full effect of holding 7 million dollars, assuming that the federal funds did not show up until then, has the full effect of holding up 7 million dollars for '81-'82, '82-'83, '83-'84. You compound that, at least the figure we are using now on delayed construction has a 10% inflationary factor per year, compounded over three years, so the effect of the amendment is to probably tie up in the vicinity of at least 8 to 9 million dollars of capital construction. Now I understand that the bill says that we are to disregard, the Legislature is to disregard the impact, the financial impact of this construction in looking at the balance of the state budget and that is fine rhetoric. It looks good on paper but there are going to be only so many dollars in the state budget and if you tie up 7 million it means, or more, it means that that amount of funds are not going to be available for other construction. My participation in this amendment was in good faith because I think it is imperative for the financial planning of the state to make a determination, not three years from now, but a year from now. I think it is essential that we do not tie up funds for an indefinite period of time. I'm not getting into the argument of the qualifications or the need for additional vets school. I will comment just as a side interest. Last year we had a hundred and four slots which we were funding. This year when the appropriation bill hits you it will probably be funding a hundred and thirty-three slots which were available so that

this year alone we picked up, at least from a funding point of view, twenty-nine slots for Nebraska students but that is immaterial to the issue I raise....

SENATOR CLARK PRESIDING

SENATOR CLARK: You have one minute left, Senator Warner.

SENATOR WARNER: ...and it is solely one of some kind of reasonable financial considerations for the expenditures of state funds in consideration of our entire budget over the next three or four years. I can tell you that there is going to be very little capital construction I suspect you will see this year. You will see very little next year and if we constantly tie up funds in the future we are back-logging a type of financial crisis in a renovation and maintenance of buildings. It is going to be extremely expensive. I appreciate the emotional argument that we go ahead with the vet college no matter what. I suppose there are those who would like to change maybe the name of an Institute of Agricultural and Natural Resources to the Veterinary College because almost the whole emphasis on agriculture is concentrated on this one structure and I have a real concern for the negative fallout that may occur for the rest of that campus function because of the argument that was centered around the Veterinary College and I would hope the body....

SENATOR CLARK: Your time is up, Senator.

SENATOR WARNER: ...would be reasonable in putting a reasonable termination date on which this issue is going to be before us. I urge adoption of the amendment.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Thank you, Mr. Speaker. Mr. Speaker and members, I rise to support the amendment and I would point out that there is some language in the amendment that Senator Warner was just discussing with you that is not in the bill and if we do not adopt this amendment the language will not be in any of the future amendments that I am aware of that are offered to this bill. It is one of the ones that brought up an issue that I tried to present to this body when this bill was on General File. The language is in Section 1 of the amendment and that section, under the provisions of the amendment, is not repealed or does not sunset and I think it is important that this body take that action. I attempted to offer to this body a compromise on General File that would sunset the provisions if the federal funds did not come but would, in fact, do something for veterinary medicine, for a veterinary education to

provide some services for the livestock industry and the veterinary profession in the State of Nebraska. In the intent section of Section 1 of the amendment it says, "The Legislature recognizes the need for a Regional College of Veterinary Medicine in the State of Nebraska and the importance of providing expanded veterinary medical education and services to the citizens of this state."

I think that is important. Now if we do not adopt this amendment, the amendment that comes up following this that several people have signed, that I guess they are gambling that things are going to happen. We are going to get the federal funds, we are going to get the other states by the end of 1983 and everything is going to be hunky-dory but if it does not happen under their amendment then it just wipes everything out. It does away with everything and we are right back where we started from which I have said all along was what I was afraid was going to happen and I do not want that to happen. I will repeat that on this floor. I do not want that to happen but undoubtedly that seems to be all right with the proponents of that issue. We are going to have this or we are not going to have anything. We are not going to have an Animal Science Building. We are not going to have anything else. Well, I think that is pretty narrow sided and a pretty short point of view. If it is good for the livestock industry, I don't care whether it is an Animal Science Building or a veterinary college, they are both good for them and I can not understand the philosophy that we are going to do one but not the other. Many of the proponents of this issue said one of the reasons for it is for research and undoubtedly not too many people have been out to the Animal Science Department. They are out on the East Campus. There is a lot of research goes on out there now and many of it in these buildings. If we could build more buildings to have more classroom space, as a matter of fact, there would be more research done. We do not want to spend the dollars that is required for research, not unless we can hang up a sign to say this is a veterinarian college. If that is what this body wants to do then fine, I guess go ahead and do it. I think this is a reasonable amendment. If the federal funds are going to come they are going to come about a year from now. I have been told by some people that we will probably know by October whether the funds are going to come or not and I think that is true. But to wait two more years or almost three more years, two and a half more years and then wind up with nothing is absolutely ridiculous in my point of view but again if that is what the livestock industry wants, if they want to put all of their cards in one basket and say this is what we are going to do, at the end of that point of time we are not going to have a darn thing, and I toned

that down a little bit, then that is what they can do but not with my help they won't.

SENATOR CLARK: You have one minute left.

SENATOR VICKERS: Thank you.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. President and members, I am sure we would all like to see all the building we can get and all the research that we can get in Nebraska and I am certainly one of them but as I look at this issue and we have discussed it, if we build the Animal Science Buildings that Senator Warner and Senator Vickers have mentioned there is going to be no federal funds. At least they are not in the picture at this time. I am not sure that we can't get federal funds. If I was I would probably change my mind but I do think that we can have a good chance of getting federal funds. I just read an article in the Christian Science Monitor, I should have had it copied and sent around, where the cuts that have been made in the Reagan administration are not at the grass roots level, not at the production level. They want agriculture to produce more and the livestock industry to produce more. So, what we are saying now is it is impossible to get the money this year we think. I will admit that. The hearings are being held right now for the funding for this fiscal year and to get our representation in Washington enough ammunition that quick to get those funds by October of this year does not look very possible. We have not given up by the way but it does not look very possible. So then we are going to shove that over another year. It is not what we like but it is what is going to happen. That is the reality of the thing. I do think maybe we are better off by waiting another year because then we will have--the new administration will have their shakedown period. We will certainly know where their emphasis is going to be. When you look at the vast amounts of money that they are still passing out to different projects in the country, a few billion dollars have been shaved off but there are still many billions of dollars available. I think what we, that have worked hard on this, are afraid of, and I might as well say it frankly and right out before you, is that we dilute the program to get a vets school by saying, oh well, we will settle for something less, that we are certainly not going to get the federal money and we will never have the vets school, that is for sure. There is nothing to say that we can not come back here next year or the year after and say, well we have failed to get a vets school. We will support the program out at the Animal Science Department that will do what some of you want to do now but I have yet to hear anybody that

is a proponent of the vets school come up with anything but a way to slow it down or to stop it. The Beutler amendment that we just heard and now the Warner amendment and I know that Senator Warner is serious about what he says. He is in the livestock business but most of us feel that this is the chance, the last chance, that we have to get some federal funding. We can always build the Animal Science Research with Nebraska money but we are not going to get federal money for a vets school unless we push for it and push hard and put some money in the pot to show that we are serious and that is where we are this morning. So, I plead with you, I ask you to go along with the amendment that a number of us have proposed which would terminate this whole act by December 31, 1983, and give us a chance to go for that federal money and to go for the whole ball of wax instead of diluting it and saying, well, we will settle for less. I hope you will oppose the Warner amendment.

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: Senator Warner, if I may ask you to respond to a question. I just want to take a minute to clarify a couple of points that I don't believe are clear in your amendment and which were not clear before you had the amendment for that matter, but I think it is important to get them on the legislative record. The existing committee amendments which you are amending now say that an estimated thirteen million three hundred eighty-one thousand seven hundred et cetera dollars shall be federal funds. Your amendment references 85-180.05 of the Nebraska statutes which was part of LB 357 which we passed last year. Now that section of the statute says that in order for the University to enter into contracts with participating states, in order to do that, not in order to build the college but in order to enter into agreements with participating states, that federal funds will be available in the amounts sufficient to pay at least 50% of the capital construction cost. Now, in your opinion, Senator Warner, if the 13 million plus that is specifically set out in the committee amendments to LB 245 is obtained from the federal government, does that equal the 50% of capital construction costs that are required in order to enter into agreements with participating states?

SENATOR WARNER: Yes and no. It will be a matter of definition, Senator Beutler. If you apply the definition to capital construction only to pertain to the brick and mortar I would assume that the 13 million, if the approximately 30 million dollars figure is right, the 13 million could well constitute 50% because a portion of that 30 million is for

equipment which we traditionally do put into capital construction necessary. The equipment is a part of the appropriation. So it gets...on the surface it would appear not but it is conceivable that that 13 million would constitute the 50% if you spend out the equipment within the building. I am not talking about furnace type equipment but laboratory equipment, that kind of equipment.

SENATOR BEUTLER: Let me ask you specifically what your intent is then. You reference 85-180.05. Is it your intent that capital construction costs as used in that statute would mean the total cost of the construction of the vet college or does it mean something else?

SENATOR WARNER: As far as my intent would be, I think, and I am establishing my intent right now, but I think reasonably I would have to tie it to the brick and mortar contract because we do on occasions do not include equipment within a capital construction contract. So, on that basis 50% would be the brick and mortar contract which would be something a little under the 30 million.

SENATOR BEUTLER: Okay, so the effect then of 180.05 as far as you are concerned is that the federal funds really don't have to be half of the total cost of construction of the vets school. They can be considerably less.

SENATOR WARNER: Right. They could be something less.

SENATOR BEUTLER: How much less could they be? What is the bottom figure we are talking about?

SENATOR WARNER: I had a breakdown, this is totally from memory now, but as I recall, maybe Senator Schmit or somebody else could help but as I recall there probably is in the vicinity of 3 million, give or take, in that estimate that could properly be identified as equipment and that is, I may be off a little there. Which would make somewhere in the vicinity of 26, 27 million for construction.

SENATOR CLARK: You have one minute left.

SENATOR WARNER: (interruption).....construction.

SENATOR BEUTLER: Okay, thank you very much.

SENATOR CLARK: Senator Lamb.

SENATOR LAMB: Mr. President, members of the Legislature, I rise to oppose the Warner amendment and I would like just to take a moment to tell you why reluctantly I do oppose

that amendment. First of all, from the very beginning we have said and I have said and have not varied from this, I have not varied from the original concept that this college would be built. It would have two other states participating. We would have the federal funding and at this point we are now in the upcoming amendment which we are offering, we are adding another dimension. We are saying also there will be a sunset which will be set at a reasonable time. The reasons I oppose Senator Warner's amendment are difficult but nevertheless, I feel strongly about it. First of all, the sunset date in his amendment is really unreasonably early. March 1, 1982, is almost upon us and there is no way you can get the federal bureaucracy in most cases to work that fast. Secondly, I oppose the sections in the bill which refer to the animal science complex but not because I oppose that complex at all. In fact, I am supportive of it but the very fact that it should not be mixed in with this issue. I see this amendment as pitting two groups, two agriculturally related groups against each other. We will have the people that are really interested in the animal science complex over anything else and over the vet college, really influencing our congressional delegation to say, hey, let's not make the federal money available for the veterinary college because if that money is not available then we get what we really want which is the animal science complex and I don't think it is proper for these two groups to be competing in this manner and I don't think it is necessary. I think we should keep the bill on the track that it was originally conceived and that has to do with the veterinary college, not get this other issue mixed in with it. I think it is logical that we go ahead and with the bill as proposed with the future amendment and I urge you to oppose the Warner amendment.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I originally signed the amendment with Senator Warner and Senator DeCamp because as I visited with Senator Warner, know of his long association with the livestock industry, I know that he is not anti-agriculture or anti-vet school but he does have some knowledge of the mechanics of putting together the funding for a project such as the one we are contemplating here today. I know that he recognizes, probably to a greater extent than at least I do, the importance of meshing the various actions. I felt that perhaps there ought to be some sort of a situation that would trigger action by members of the Congress. I know that there are those of us on this floor who have worked for a long while for a school of veterinary medicine and each time we have reached a certain stage. We were told that another stage

would be necessary. We discussed at the time that we drew the amendment and I discussed it with Senator Lamb and Senator Kahle, the possibility which they feel very deeply about that the Warner amendment, I guess it is the Warner amendment now, or DeCamp amendment, would possibly send the wrong signal back to the Congress. At that time Senator Warner did not think it would and I tended to agree with him. I think it is unfortunate from any standpoint that if a structure or a facility is needed and necessary and deemed to be necessary to the state, that we put a certain deadline on it because all of us know the realities of life within a legislative body and understanding the appropriations process, recognize how the idea for a school or any other building or any other facility is developed and grows and finally becomes a reality. I guess I really became concerned on Friday morning when I read the major newspaper in this state and the headline read, "DeCamp Move Could Spill the End of the Effort on the Vet College," and I think that in reality that kind of headline probably triggered the fears of the supporters of the school of veterinary medicine both within the body and outside the body that there might be something less than a sincere effort devoted towards the construction of a school if we adopted this amendment. I think it is extremely unfortunate that it is an either/or situation between the Animal Science Building and the school of veterinary medicine. I have not noticed that same correlation or that same attempt to tie together for example, the Historical Society Building with the vets school. I have not noticed that same attempt to tie together any of the other facilities that we are talking about building, either at the state colleges or within the university or in any other facility but there seems to be some reason why we tie these two together in an either/or situation and it concerns me deeply that in so doing, we try to create a controversy which might very well result in nothing being achieved. I think it is extremely difficult for any of us on this floor to project what the federal government response will be. We were told with some, I thought authenticity, that we would have some knowledge this year as to whether or not we would get some federal funds. I know that Congresswoman Virginia Smith is working diligently on that proposal and I think it is important that there be a coordinated effort and I think that we need to give to the members of the Congress, as definite a signal as possible....

SENATOR CLARK: You have one minute left.

SENATOR SCHMIT: ...as to whether or not we want to build a school, not a school or an Animal Science Building. I would like to, you know, put that Animal Science Building in the



project also. I don't think there is any reason why we couldn't put the \$50,000 for animal science in the budget and let it come along. I am sure that Senator Warner has some good reasons why it might not work. I understand the necessity for planning and I think he and members of the Budget Committee have worked hard at this. But I must agree at this time that we should not in any way, shape or form send a confusing signal to the Congress or to the members of the Congress relative to what is our priority at this time. It does not mean that I do not continue to support the Animal Science Building.

SENATOR CLARK: Your time is up, Senator Schmit.

SENATOR SCHMIT: I will do everything in my power to get it built.

SENATOR CLARK: Before we call on the next speaker I would like to introduce 65 Catholic women from all parts of the state. They are from the Tri Diocesan. They are from all over the state I understand. Will you stand and be recognized, please. They are in the South balcony. Welcome to the Legislature. We have 25 students from Senator Dworak's district in the North balcony. Cindy Blum is the teacher. Would you stand be recognized, please. Welcome to the Legislature to you also. Senator Wagner is next, the last speaker.

SENATOR WAGNER: Mr. Speaker, I call the question.

SENATOR CLARK: Seeing that you were the last speaker I guess it is all right. Senator Warner, do you wish to close on your motion?

SENATOR WARNER: Yes, Mr. President, members of the Legislature, just briefly. I am aware that my actions are suspect because I have not previously supported the veterinary college. Now there is nothing I can say that would remove that from anybody's mind other than just to tell you that that is not the motivation for having been involved in the offering of this amendment. My motivation is exactly what I said it was which is, first, I think there needs to be a reasonable time. March of '82 seems to me is not all that unreasonable. March was not picked by accident. It was picked because the Legislature was in session. I did not want to pick a time irregardless what year you want to use, when the Legislature was not in session because it could well be that some appropriate action would be required in order to qualify for the federal funds, build a structure and I think that termination date sunset ought to be at that point. Now all capital construction is in competition. It is always either/or. It is either the Chadron building or the Kearney building or Wayne

building or UNL building or an Ag Campus building, excuse me, Institute of Agriculture building, UNO, Med Center, Corrections, Institutions. The list goes on and on of either/or. When I raised the question of animal science versus vet college it is purely one of political judgment. Based upon eighteen years here the odds of two major structures on one campus at the same time are not probable. It certainly is possible but it is not probable. But my real concern lies in tying up funds for an indefinite period of time in three years is indefinite because in terms of the kind of problems we have faced as in capital construction and I think that it would be far better money management of taxpayers funds not to have that potential facing us for three years and the adverse impact that it has on future sessions to be able to accommodate other requirements that the state had. So, with that I would only say that there is no point putting any planning money in for animal science in another bill because the impact of the fear of those who have expressed fear. There is no point in putting the money in another bill because the result of the political effect of those who might discourage federal funds are still there and I would suggest that the only way that you can prevent the people who are opposed to the vet college, also opposing the federal funds is to make sure they do not have any other alternative and the way you do that is you do not put any planning money in for the Animal Science Building and if the body chooses to do that, that certainly is going to be my position on the Appropriations Committee as one vote and one vote in this body that we add no money. Because the impact of the fear that I have heard expressed is identical. It makes no difference what bill you put that planning money in. If it is in, the potential for the political argument that has been expressed is the same. So with that, Mr. President, I move adoption of the amendment. It is in good faith and I think it is a reasonable way to resolve this issue within a reasonable amount of time.

SENATOR CLARK: The question before the House is the adoption of the Warner amendment. All those in favor vote aye. All those opposed vote nay. Have you all voted? Senator Warner. Record the vote.

SENATOR WARNER: I'd just as well ask for a Call of the House. I am not going to ask for a roll call vote, however.

SENATOR CLARK: Do you want a roll call vote?

SENATOR WARNER: Somebody else might. I just want to give everybody the opportunity to vote so I will ask for a Call of the House and they can call in. There may be some who don't want to vote.

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

CLERK: 16 ayes, 0 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. All senators will return to their seats. All unauthorized personnel will leave the floor. Senator Stoney, for what purpose do you arise?

SENATOR STONEY: I think it is the prerogative of any member to request a roll call vote and in Senator Warner's absence of requesting this I would request that it be a roll call vote.

SENATOR CLARK: A roll call vote has been requested by Senator Stoney. Will all legislators please register in and stay in your seats please.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Kilgarrin, will you please record your presence. Senator Koch, will you record your presence, please. Senator DeCamp, will you record your presence. Senator Barrett. Senator Chambers, will you record your presence, please. A roll call vote has been requested. Is everybody in their seats? Okay, call the roll. Do you want to indicate what the vote is about?

CLERK: Mr. President, the amendment is offered by Senators DeCamp and Warner and is found on page 1156 of the Journal.

SPEAKER MARVEL: Call the roll.

CLERK: (Read roll call vote as found on page 1219 of the Legislative Journal.) 22 ayes, 21 nays, Mr. President.

SPEAKER MARVEL: Motion lost. What is the next item?

CLERK: Mr. President, the next amendment is offered by Senators Lamb, Kremer and Kahle. Don't want it, Senator? Withdraw? Okay. Mr. President, the amendment after that is offered by Senator Schmit, Lamb, Kahle and Kremer. Do you know which one we are on, Senator? Okay.

SPEAKER MARVEL: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I believe it is obvious from the vote on the Warner amendment that there is considerable concern about the possibility of stretching out for a long period of time

any indefinite word as to the future of the fund from the federal government. Therefore, myself and those others who have been mentioned have indicated that we should perhaps look at a cutoff date and that is why we have proposed that at this time. Very frankly, I do not like to say that on December 31, 1983, there will not longer be a need for a school of veterinary medicine in Nebraska if we do not have the federal funds but because of the reasons Senator Warner has given and certainly those reasons are valid ones, we are not tying up funds indefinitely. Perhaps the only fair thing to do that we do establish some kind of a cutoff point. I have to say this that I do not think that the opponents of the vets school are going to be any less vigorous in their opposition with the defeat of the Warner amendment. I think that opposition is going to be there. It is not that it is necessarily, I think there is nothing lacking in integrity, those people have the right to think differently than we do. They are going to pursue their position but I believe that this amendment here will or should at least in part, solve some of the concerns that have been expressed by Senator Beutler and the deep concern that has been shown by Senator Warner relative to the indefinite tying up of funds while we wait for the federal government to move. All of us know that the ways of the federal government are difficult to project and impossible to comprehend and it would be very unlikely that we will get the answers that we want as rapidly as we can. I, for one, have not given up on attaining the federal funds this year. We know that measures can be taken which can provide for federal funds and I am sure that if those funds should be forthcoming we would be in a goal position and we would not need to be deeply concerned with this amendment, but because of the deep concern of the present administration and the members of the Congress, because of the cutbacks that have been expressed in the past and some of which we can expect in the future, everything is somewhat in doubt and we feel that this amendment would give a definite cutoff date. We recognize that there is going to be a hold position on some other projects and that there is going to be some time lost but the supporters of the school have chosen to buy that. I would hope that we do not become divided and that was one of the reasons why I considered the Warner amendment because there was evidence of good faith on the part of some persons who have shown a reluctance to support the school of veterinary medicine to go along if certain timetables could be met. I hope that this timetable, although not as rapid as the one which was expressed in the Warner amendment, does give some satisfaction to some people who are concerned and that it will provide for some additional support. I would hope that we do not reach a position where we are in a standoff position which does not give us any kind of a clear position but

which can only further cloud the issue. If we are going to try to build a school we should proceed and hopefully the date we are giving here today is enough of an indication that if by that time the money has not been forthcoming, we go in some other direction. I would suggest that those of us who are interested are going to have to work more vigorously to bring about the contracts with neighboring schools, to bring about those federal funds that we have in the past...

SPEAKER MARVEL: You have got one minute.

SENATOR SCHMIT: ...but this amendment adopted to 245 coupled with the commitment of a \$1,300,000 will be a clear-cut signal to both adjoining states and to the federal government that the Nebraska Legislature has made a commitment which it is willing to live up to and the next move is up to someone else. I hope you support the amendment.

SPEAKER MARVEL: We are speaking to the amendment as referred to by Senator Schmit. Senator Kahle, do you wish to speak to the amendment?

SENATOR KAHLE: Mr. Speaker and members, Senator Schmit explained it very well. We had a lot of discussion on it this morning. My effort in working on this amendment was to try to solidify our efforts. Now some may say, well you didn't do it. You only are dividing it by not adopting the amendments that were brought forth this morning. I hope you don't feel that is true. My family has been in the farming and livestock business in the same area and actually on the same section for a hundred years this year. My whole past has been connected to livestock and to agriculture, my past I say because the building of the vets school in Nebraska or the improvement of the Animal Science Department id not going to do much for me but I thank my ancestors and those that were in this body over the years for providing the facilities that we now have especially in the field of agriculture and in animal science. When I think of how we used to fight the diseases of animals, hog cholera, many, many others and today that is almost a thing of the past. We have others to take their place but I am looking to the future and I guess if it takes an extra year or so to get the facilities that I think we need, I am willing to do that. So, I hope that we will get together this morning now and pass a meaningful bill with a sunset in it with some funding in it to make it have some teeth that we can go to our representatives in Washington and also to our university and to those around us and get this put together. And if we can't, I will be the first one to support an alternative but I do

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not want to dilute the effort at this time even though it may cost us a year or two. So, I hope that you will support this endeavor and that we can get this settled at least for the present session and go on to other things that need to be done. Thank you very much.

SPEAKER MARVEL: Senator Lamb.

SENATOR LAMB: I would call the question, Mr. Chairman.

SPEAKER MARVEL: The motion before the House is, shall debate cease. All those in favor of ceasing debate vote aye, opposed vote no. Have you all voted? Do you wish to cease debate? Senator Dworak.

SENATOR DWORAK: Mr. Speaker, I understand that there was lights on and we only heard the side from two proponents and another proponent called the question and it was my understanding there were other lights on and it seems to me the rules we have been following is that both sides of an issue should be heard.

SPEAKER MARVEL: That is exactly what I was trying to do yesterday and that is exactly what I would like to do today. There were no lights on originally when I came to sit up here. There are now one, two, three, four, five, six who indicated they wanted to speak. One of those six is Senator Lamb who called for the question. Okay, record. So we won't cease debate, Senator.

CLERK: 24 ayes, 14 nays to cease debate, Mr. President.

SPEAKER MARVEL: The Chair would appreciate, and I think as long as this is an issue, I am going to find out, all those who are--I don't even know what the sides are, so, all those who are in favor of the position opposite to Senator Lamb, record your vote. That is the best I can do this morning. I would suggest to you that I tried to plead with you a while ago to get some of these things settled or we are just going to sit here in limbo. Those who are on...Senator Schmit, is Senator Lamb on your side on this issue? Okay. Those who are for the Schmit, Lamb position indicate by turning on your white light. This will give the Chair some help in trying to determine how to call and that is exactly what you are asking for. Is that right, Senator Dworak? Okay.

SENATOR DWORAK: I am not asking for a call. I just said that the issue was not debated. There was only one side of the issue given and it was my understanding there were lights on from people that wanted to discuss the issue on the other side. I am not asking for a tally, Mr. Speaker.

SPEAKER MARVEL: I am asking for one. Okay, now if you will turn your lights off we will get the information on the other side. Senator Schmit, will you turn your light off, please. Senator Kahle, Senator DeCamp, Senator Hoagland, Senator Clark. Okay, now those who wish to speak on the other side indicate your desire to do so by turning on your white light. We are speaking on the Schmit amendment. Senator Vickers, do you wish to speak on the motion?

SENATOR VICKERS: Yes, I do.

SPEAKER MARVEL: Okay, you are recognized.

SENATOR VICKERS: Mr. Speaker and members, strange as it may seem perhaps to some people, I offered an amendment on General File to sunset the same provisions that Senator Schmit, Senator Kahle, Senator Lamb and Senator Kremer are attempting to sunset and I attempted to sunset it one year earlier. I would have extended it a year if that is what they desired but that was not the case. The difference is, I was putting up an alternative. I was saying that if we are going to sunset then let's do something else. Now I suppose I should stand up and say I am in favor of sunseting it. We are going to make sure the provisions are met and if they are not we are going to sunset it at a certain date. Well, I can not do that and the reason I can not do it is basically because of the same reason that Senator Kahle got up and gave such an eloquent speech about how his family had been on the farm for a hundred years. I can't say that. We haven't been in that area that long. I have only been there on that place where I am at since I was eight years old and obviously, I might look that old but it has not been a hundred years yet. I do derive my livelihood, such as it is from livestock. I am in the hog business and that livelihood is not that great right now. I don't have to come here to lose money. I can do it back home but livestock is my life. It has always been my life and it always will be my life and I am interested in the veterinary profession. I am interested in research. I am interested in all the various aspects of livestock production and I am not ready or willing to say that we are going to strike all the references in the statutes on a specific date if certain other things that we have no control over don't happen as it relates to veterinary medicine and veterinary medicine education but that is what the proponents are going to do. I don't know whether they have looked at the statute books or not but I have and there is no place in the statute books that veterinary medicine is even indicated that I know of and by December 31, 1983, if

certain things that we have no control over, the other states and the federal government don't happen then we are going to wipe all that off the statute books and I guess we are going to indicate we don't need anything. Senator Kahle talks about an alternative. What alternative? There isn't any alternative. We are going to have to decide then. I am not ready to do that and I won't do it. If we can't have an alternative, if we can't have some other direction to go, if we can't even have an intent language such as Senator Warner attempted to do that indicates that we recognize there is a need, then I want it to go just like it is. Undoubtedly, the livestock interests think this is great. They jumped on the bandwagon. Let's just stick right here, put all our eggs in this basket. If it doesn't happen then we will just wipe it all off. Well I will tell you what. I will remind those interests in 1984 if this happens that I am going to be out here leading the fight to get something done. I don't want to go back to the contract positions. Maybe they do but I don't and if that is what you want to do then, fine, go ahead and do it but not with my help you are not because I am going to remind you. A lot of you people that are here as proponents now are not going to be here in 1984 and I might not even be here and we are going to have more of an urban body perhaps and we won't even have any intent language that this is what the Legislature expects and wants to do. That is just great. I hope the livestock industry is proud of themselves. As a member of the livestock industry I am not too damned proud of you.

SPEAKER MARVEL: Senator Beutler, do you wish to speak? Okay, does anybody else wish to speak? You have got about ten minutes before you need to leave to go out to the Ag College. Senator Kahle, your light is on. Do you wish to speak?

SENATOR KAHLE: Could I try ceasing debate one more time?

SPEAKER MARVEL: Will you hold just a minute? Senator Dworak, are you back there? Do you wish to speak? You don't wish to speak. Okay, Senator Kahle.

SENATOR KAHLE: I move we cease debate then or if there are no other lights, proceed.

SPEAKER MARVEL: Okay, the motion before the House is, shall debate cease. All those in favor vote aye, opposed vote no. The vote is, shall debate cease. Do you wish to cease debate? Record.



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

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

SENATOR SCHMIT: I will be very brief, Mr. President. I think the issue has been discussed thoroughly. I think we all need to recognize the need for some sort of a definitive period. I know that Senator Vickers is concerned and the rest of us are about no progress in certain areas. We decided to go for a vet school and we may or may not have the votes but at least we are going to know where we are at a certain time. I think that we just go ahead and vote.

SPEAKER MARVEL: Okay, the motion before the House is the Schmit amendment. All those in favor, and Senator Schmit was closing. All those in favor vote aye, opposed vote no. Have you all voted? No, this is the Schmit amendment. Have you all voted? Record the vote.

CLERK: 26 ayes, 5 nays on the adoption of the Schmit, Lamb, Kahle, Kremer amendment, Mr. President.

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

CLERK: Mr. President, I now have an amendment from Senator Koch found on page 999 of the Legislative Journal.

SPEAKER MARVEL: The Chair recognizes Senator Koch.

SENATOR KOCH: This amendment, Mr. Speaker deals with the private dollars. What it does it would repeal the private dollars as a part of the vet college and it would instead allow us to issue 4 million some hundred thousand dollars out of bonds to raise it. I do this because there is a recent lesson that we should all be reminded of was Arizona where a group of enthusiastic individuals decided that they were going to help that university in building edifices for certain kinds of reasons. You remember what happened out there was that the coach was indicted along with several others. The university tried to remove them. Immediately this group of enthusiastic individuals withdrew all their support because they thought the coach was not wrong, that he could do no wrong. Now I have a feeling when we get people involved in raising private dollars into a sector of education we are making a mistake. I happen to believe that the men who are out here in the rotunda and they gather here every time we talk about the vet college, that their interest is genuine but if we are going to build this institution of higher learning, then we should do it out of

our own tax dollars plus those that may be forthcoming from the federal government. I think we are setting a bad precedent and every time we want a new addition to the university system, that we are going to go to the private sector and say, get busy and get subscriptions for pledges, because to me that gives those individuals who have pledged 2 million dollars possibly a little more leverage that we might like in the conduct of that college. I, for one, believe if it is worthy of our consideration then we should say we will do it out of federal dollars and out of state dollars. That is the way we should conduct our business. I would suggest that the money that has been raised by the individuals who have subscribed to the pledge would be that they would take that money and give it to the university foundation and let them use it in their wisdom for research or what other causes promote the university system. So, if we are going to be serious about the vet college, how it is going to be built and how it is going to be financed, then we ought to take it out of our own dollars plus those dollars that may be forthcoming from the federal government. I ask for the adoption of this amendment.

SPEAKER MARVEL: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, I rise to support the Koch amendment and again, I know it will be misunderstood. As I have great respect and admiration for any industry that wants to show their support with hard dollars and that is what the livestock industry is doing here and they are to be commended for it but long term policy I have the same concern that Senator Koch has expressed. That if capital construction in the State of Nebraska once becomes established that the structure to be built is one where there is contributions then I can see where there is going to be some real adverse effects. We have done it once that I can recall with the Omaha Office Building. Essentially it got through because of the promise of local funds. There is another structure or two that I recall seeing some news stories to be built because of contributions and that is all meritorious but at least I want to be on record of expressing concern that we do not fall into the trap of only providing capital construction facilities at any state institution but particularly institutions of higher learning based on the fact that there is a local contribution or individual contributions of some nature that makes the determination. Because that is the poorest way I can think of to establish priority and while I do not expect Senator Koch's amendment to be enacted, and I even have some reservations because I know how it is going to be interpreted to vote for it but as a matter of state policy rather, I have a lot of concern that we once

get this kind of a precedent established, that every time there is a facility that somebody has to put up the money because the choice for those appropriate facilities are most likely to be determined by interest groups then rather than a matter of elected officials using their best judgment to put the facility in that most constructively serves the interest of the state.

SPEAKER MARVEL: Senator Kahle, do you wish to be recognized? I think this will be the last...well, let's see. Okay, why don't you go ahead. Let's see if we can get the discussion wrapped up so at least we can take a vote on it. Senator Kahle, I recognize you and then Senator Kremer.

SENATOR KAHLE: Mr. Speaker and members, I have long thought that what was said by Senator Koch and Senator Warner is probably correct but I think that the support of the industry is also very important and that is one of the reasons I have supported this issue. Because it is awful easy to talk about things and we all talk about tax money and how much taxes we pay but when you go beyond that to try to get a project going, I guess you would call it, if your church was asking for funds you would call it a sacrifice. So, I see this only as being an industry that is extremely concerned and would like to get something moving and as an incentive. I would hope too that it does not become a common thing that every time we want to build a building in the State of Nebraska that we ask somebody to go out and solicit funds but these funds were gathered for a purpose through the university foundation and I don't believe they can be turned off. I don't believe that they can be transferred for another purpose. Now that may be wrong because they are in the university foundation fund but in my own particular case I have asked that my funds be returned if a vets school is not built. Now I may change my mind as time goes along to see what we can do as Senator Vickers has said and I assure him right here and now that he won't be alone if this fails in getting something done. So, I think we should turn this amendment down. We just found out this morning that we got some substantial support just lately again from the industry. So, I think we should use that money to what it was intended for. Thank you.

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: Mr. Chairman, I will be very brief. I rise to oppose the amendment that is before us for discussion and I will tell you why. I had a long telephone conversation with Congresswoman Virginia Smith last week and I will try to quote exactly what she told me with respect to the possibility of getting federal funds. She said, you have got two positive

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LB 245, 291, 311, 355

things going for you. Number one, the fact that the industry itself is willing to put some money into it. Now if at this time when we have been guaranteed that the 2 million will be there provided by the industry, is going to be a signal to our people at the federal level that we have lost our interest, we are pulling back. The second thing she said you have got going for you, that under the present attempt to put some state money into it is going to be of great help for me if you expect me to do something for you. I think it is unwise at this point to say we are not going to put that in and I think that it is something that is positive that will be used if we expect to get any federal funds. I do oppose your amendment, Senator Koch, at this time.

SPEAKER MARVEL: If there is no objection we will stop here and come back after one-thirty and wind up the discussion because we are not going to get it done before noon. So, if there is no objection we will recess. Senator VonMinden, will you recess us until one-thirty? While we are waiting for that the Clerk has some things to read in.

CLERK: Mr. President, new A bill, 266A by Senator Wesely. (Read title as found on page 1220 of the Journal.)

Your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 197 and find the same correctly engrossed, 197A, 291, 290, 311, 355 all correctly engrossed, (Signed) Senator Kilgarin, Chair. (see pages 1220-1221 of the Journal.)

SPEAKER MARVEL: Senator Von Minden.

SENATOR VON MINDEN: Yes, Mr. Chairman, I move we recess until one-thirty.

SPEAKER MARVEL: Okay, the motion is to recess until one-thirty. All those in favor say aye, opposed no. The motion is carried. We are recessed until one-thirty.

Edited by:

*Marilyn Zank*  
Marilyn Zank

March 31, 1981

LB 245

RECESS

SPEAKER MARVEL: Okay, you can record if you like. We have got twenty-five members.

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

SPEAKER MARVEL: Do you have anything to read in?

CLERK: No, sir.

SPEAKER MARVEL: Do you have an amendment?

CLERK: Yes, sir.

SPEAKER MARVEL: Okay.

CLERK: Mr. President, when we left this morning Senator Koch had an amendment pending to LB 245. The amendment is found on page 999 of the Legislative Journal.

SPEAKER MARVEL: The Chair recognizes Senator Koch.

SENATOR KOCH: Mr. Speaker, are there other lights on the discussion of the amendment?

SPEAKER MARVEL: There are no lights. It is all dark, Senator Koch.

SENATOR KOCH: Is that a Freudian slip or was that intentional?

SPEAKER MARVEL: No, that was done on purpose.

SENATOR KOCH: Mr. Speaker and members of the body, to show you what a good sport I am, since I was just the guest of gracious hosts and I had good beef smothered with a blanket and I don't like blankets that much, I will forgive them for that. I have made my point. It is on how we use private funds and what may indeed in the future be somewhat of a problem with us. I will withdraw the amendment in good faith.

SPEAKER MARVEL: Hearing no objection, so ordered. What is the next item, Mr. Clerk?

CLERK: I have nothing further on the bill.

SPEAKER MARVEL: Senator Schmit, do you want to advance the bill?

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LB 245, 245A

SENATOR SCHMIT: Mr. President, I move the bill be advanced as amended.

SPEAKER MARVEL: The motion is to advance LB 245E. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 27 ayes, 7 nays on the motion to advance LB 245, Mr. President.

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

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

SPEAKER MARVEL: Okay, advance the A bill. Who else is on this bill? Senator Hefner, you are the second in command. Would you move the advancement of the A bill, 245A?

SENATOR HEFNER: Mr. President, members of the body, I move LB 245 A to E & R engrossing.

SPEAKER MARVEL: (mike not activated)...that motion vote aye, say aye I guess, opposed no. Machine vote. All those in favor of advancing the A bill vote aye, opposed vote no. Record the vote.

CLERK: 28 ayes, 9 nays on the motion to advance 245A, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. What is the next item?

April 1, 1981

LB 17, 40, 47, 84, 151, 220,  
245, 245A, 313, 478

particular bill. I will get another shot on Select. But I hope you mark well what you are doing this morning, and I hope the impact of it will not be lost on you. So, Mr. Chairman, I am making that request for a Call of the House and a roll call vote.

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

CLERK: 17 ayes, 11 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please take your seats. Record your presence. Senator Beutler, Senator Newell, Senator Schmit, Senator Hoagland. Mr. Sergeant at Arms, will you see if you can find Senator Schmit, please?

CLERK: Mr. President, while we are waiting for Senator Schmit, I have an Attorney General's Opinion that is addressed to Senator Carsten and one addressed to Senator Haberman. (See pages 1247 through 1252 of the Legislative Journal.) Senator Pirsch would like to print amendments to LB 17, and Senator Landis and Howard Peterson to LB 478, and your Enrolling Clerk respectfully reports that she has presented to the Governor for his approval the following bills: 47, 84, 151, 220, and 313.) (See pages 1252 through 1256 for amendments to LB 17 and 478 in the Legislative Journal.) And your Committee on Enrollment and Review respectfully report that they have carefully examined and engrossed LB 245 and find the same correctly engrossed, and 245A correctly engrossed.

SENATOR CLARK PRESIDING

SENATOR CLARK: Do you want to continue, Senator Chambers, or do you want to wait for Senator Schmit? Call the roll.

CLERK: (Read the roll call vote as found on page 1246 of the Legislative Journal.)

SENATOR CARSTEN: Mr. President, may we have the motion restated. I am not quite sure that anybody knows....

SENATOR CLARK: The Clerk will restate the motion.

CLERK: Mr. President, the motion is to overrule the Speaker's agenda by removing LB 40.

SENATOR CLARK: If you want to support the Chair, you vote no.

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LB 197, 197A, 245

CLERK: 28 ayes, 17 nays, 1 present and not voting, 3 excused and not voting. Vote appears on page 1937 of the Legislative Journal.

PRESIDENT: Motion carries and LB 197 passes. We will now read.....before we take up LB 197A, Senator Warner, will you for the record firm the fact this would take 30 votes, is that correct?

SENATOR WARNER: Yes, that would be correct.

PRESIDENT: All right, thank you Senator Warner. Thirty votes will be required. We will now read on Final Reading LB 197A.

CLERK: Read LB 197A.

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 197A pass. All those in favor vote aye, opposed vote nay. Have you all voted? Senator Marsh, for what purpose do you rise?

SENATOR MARSH: I rise to ask for a check in of all of those who are present and then a roll call vote please.

PRESIDENT: Would all of you indicate your presence so we know how many are here. Senator Schmit will you check in please to show your presence. Senator Burrows will you do the same. Senator Landis I think is. . . .Senator...all right then, Senator Landis will you check in. Thank you. Now they are all here except for the few. We will proceed then with a roll call vote on LB 197A. Proceed Mr. Clerk will a roll call vote.

CLERK: Roll call vote. 31 ayes, 14 nays, 2 present and not voting, 2 excused and not voting. Vote appears on page 1938 of the Legislative Journal.

PRESIDENT: Motion carries. LB 197A passes. The next bill on Final Reading is LB 245 Mr. Clerk.

CLERK: Mr. President, right before that I have explanations of vote from Senator Warner. (See page 1939 of Legislative Journal).

Mr. President, I have motions on LB 245.

PRESIDENT: Read the motion.



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LB 245

CLERK: Mr. President, the first motion I have on LB 245 is offered by Senator Warner. Senator Warner would move to return LB 245 to Select File for specific amendment. I believe Senator it is the one in the Journal on page 1156.

PRESIDENT: Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, I'm not going to spend a lot of time. The amendment was proposed earlier. My concern is two things. One is that as the bill is proposed we tie up substantial amount of funds that could otherwise be used for other renovation, capital construction for operations of state government for at least two years and it has the impact when funds are tied up to delay construction would eventually be.....becomes more expensive. Secondly the amendment does provide \$50,000 for planning funds for the animal science complex building in the event that the funds for a veterinary college from the federal government are not forthcoming and also if two states do not meet the requirements it has a cut off of March 1st of 1982. I know that there are those that feel that that is inadequate time in order to acquire the federal funds but I think it is a matter of policy, it is dangerous, it is poor policy to tie up the volume of money that we are talking about for a two or three year period when there are other pressing needs. It does also provide \$50,000 of planning money for the construction rather for the planning of that animal science building which could then be utilized and the funds proposed for the vet college of General Fund money or a portion of it would then be made available if we construct that facility which is an alternative and some in the livestock industry at least feel is equally or even perhaps of more significance than additional veterinary college. My purpose is not to oppose the veterinary college by this amendment but the purpose again is to hopefully provide little better fiscal management of the states funds and at the same time in the event that the federal funds do not materialize. That the livestock industry of the state has, as a result of this legislation, a facility, I think, could be significant in terms of classroom programs, in terms of expanded research opportunities with their existing facilities and at the same time will not further delay other needed construction by tying up funds for an indefinite period of time or at least a minimum of three years. The amendment has been offered before and it was voted down. But, I feel that it is a more desirable route and I at least wanted to offer it once again for consideration.

PRESIDENT: Chair recognizes Senator Schmit.

SENATOR SCHMIT: Mr. President, members of the Legislature, I would have to rise in opposition to Senator Warner's motion. I think as he has indicated the motion had been discussed before. We had debated it at some length. The issue I believe has been resolved here on the floor. The reasons we have given in the past are still valid and are still in force. I see no change whatsoever except for the one fact that the livestock industry continues to progress toward its own goal of raising funds to assist in the construction and very totally unprecedented move from the time that I have been here in almost 13 years. We just received the announcement of a major contribution of a half a million dollars from another source that is going to be a substantial improvement in our fund raising efforts. But most of all I believe that it is important that we take note of the fact that the University has agreed not to spend funds until we first have the federal funds guaranteed and secondly we have those agreements with adjoining states. Now, the third and final reason and then why I would have to oppose Senator Warner's motion is because I do not want to give any kind of negative signal whatsoever to the Congress or to neighboring states that Nebraska is not 100% serious in this effort. To adopt Senator Warner's amendment, would, I believe, convey that kind of message. I think it is extremely important that we proceed. If the Governor vetoes the bill then so be it. I think it is also important to recognize one more thing. I'm not just sure how the fiscal process is worked for the State of Nebraska. I understand our resources are down, our revenue is down, it might very well be that this is kind of like having someone carry a check for a \$1,300,000 when you are over due at the bank Senator Warner, because or over drawn at the bank, because we are not going to have the money there anyway and we are not going to use this money until such time as we actually are assured of those federal funds. So in effect we may not have surplus funds lying around. If we took that 1.3 million and committed it to another project, which we knew we were going to spend the money on, we might aggravate our financial condition rather than relieve it. As I said earlier I think the issue has been well defined. I believe industry, those of us who support the concept of the school have not changed our position, I'm sure they will re-enforce my statement. I would have to ask you not to adopt the Warner amendment.

PRESIDENT: Chair recognizes Senator Kremer.

SENATOR KREMER: Mr. President, members of the body, neither am I going to take a lot of time. I think everyone here knows the position of most of us and maybe a few that need a little bit of persuading. I would like to re-emphasize some statements that have previously been made by a number of us. If this amendment passes, it is my strong opinion that we are sending a message or a signal to Washington that we are not sure what we want. I can see no way that we get any action from that level of government in this short period of time. It takes time. We are going to have to deal with the other states, and we can. I have spoken to that before. Even South Dakota as uncertain as they seem to be have said through a number of their representatives that they still are interested and that is the most negative of the other states. I think that we are going to see a strong support, not only in the other states in the old west but states that are not a part of the old west. There is no way that I feel that we can arrive at a contract or an arrangement with these states in this short period of time. We could lose this. I have long felt that the building of a vet college would not only benefit the agriculture interest or the livestock people but it is going to benefit the entire university complex. I believe if we could build a vet college that we are going to have one of the strongest universities that relate to....all interests in the State of Nebraska and especially this interest that is growing and growing as livestock production, especially livestock feeding begins to shift from the south to the north. Here we are in an area where more livestock is produced and more livestock is fed than any other place and yet we do not have a vet college. I also firmly believe that it is going to cost us no more and maybe less in the long pool to build our own college than to send our students out state. There are so many reasons why we need to support the move to build a vet college in Nebraska. We have debated it before. It is no use to take any more time but I am really fearful that by adopting the Warner amendment we are going to lose this concept that we believe so strongly is going to benefit everyone in Nebraska, including the consumer. This ladies and gentlemen ends my discussion of the bill. I hope that we can generate enough support to defeat the Warner amendment and to pass 245. Thank you.

PRESIDENT: Chair recognizes Senator Kahle.

SENATOR KAHLE: Mr. President, members, we have debated this issue long and loud. I just want to bring a couple of things to your attention. I passed out on your desk just a few minutes ago that Iowa Beef Packers have pledged \$500,000

toward the two million dollar fund that the industry is trying to raise which puts us well within reach of obtaining that part of it. We do not know of course what we can do with the federal government. All we are asking this morning is a chance to try and we feel that any deviation from that drive such as in Senator Warner's amendment will subtract from what we are trying to do. I realize that Senator Warner is sincere and probably feels that we do not have a chance to get the federal money. I'm not convinced of that at all. He wants to do the best that he thinks is right for the livestock industry in Nebraska. I think we under estimate the potential of agriculture. I woke up early this morning thinking about this bill and several others that we have before us and I got to thinking about the wealth we have in agriculture. I believe the papers called yesterday for a seven billion bushel corn crop is what we need in order to keep our reserves where they are at and to feed our livestock and to have some for export. Seven billion bushels times three dollars and a quarter a bushel. You do your own figuring. That is the wealth of one crop in the United States. Nebraska has a big share of that crop and when you add all of the other things that go with it, and of course livestock industry is tied in very close with our grain production. I think we are under estimating the potential in Nebraska and have for a period of many years. So I'm....I hope that we can go ahead and as far as the funding is concerned, I think Senator Barrett is next on the list and will be reading you a letter to, I hope, substantiate the claims that this money will not be spent until it is needed. One thing, I'm optimistic and we are talking about ear marking this money and leaving it lay for two years or so. I'm not sure that is true. All the bill says is we have to get the federal funding, we have to get two other states to go in with us and it does say something about the private funding which I think is no problem at all. So within a year, for instance, we could be in the process of using that money. So I don't think we should say that it is ear marked and just not used and thrown away until the time comes, not thrown away but not used. I'm optimistic, I think that it may be long before December 31, 1983. Thank you.

PRESIDENT: Chair recognizes Senator Barrett.

SENATOR BARRETT: Mr. President and members, I also rise in opposition to the Warner amendment which will in effect sunset the bill in March of '82, an amendment

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LB 245

which was tried by Senator Warner unsuccessfully earlier in the session. I would hope that it would again be unsuccessful again today. I too am concerned about tying up funds, about federal funds not being forthcoming and I would like to read into the record at this point a letter which I had passed out on your desks this morning which I hope you have had an opportunity to read, dated April 24, 1981, "Dear Senator Barrett: We have received your request regarding our position on the expenditure of appropriated funds in the event of passage of LB 245 and 245A, the bills which would establish a college of veterinary medicine on the campus of the University of Nebraska in Lincoln. We would expect that those funds appropriated in LB 245A from the Nebraska capital construction fund would not be expended until, number one, such time federal funds referred to in the same bill are assured and number two, the Board of Regents has entered into the agreements with other states provided for in the legislation. I trust this statement will clarify our position in the matter. Sincerely, (signed) Ronald W. Roskins, President, University of Nebraska." This is a letter that I requested, it did allay some of the fears that Senator Warner has and some of the fears that other members of this body had. I would hope that you would not support the Warner amendment. Thank you.

PRESIDENT: Chair recognizes Senator Hefner.

SENATOR HEFNER: Call the question.

PRESIDENT: It won't be necessary. You are the last speaker, so Senator Warner, you may close.

SENATOR WARNER: Mr. President, in closing I don't mean to take a lot of time but again the only reason I have offered the motion again is my own conviction that it is not well...good to tie up funds for a number of years, two or three years, with so many critical needs. Secondly, that under this motion should the federal funds not materialize and not withstanding the good work of our Congressional delegation and support generally for agriculture it is hard for me to imagine with the massive federal reduction that are talked about that are obviously going to occur that these funds in fact can materialize and I....because of those reasons and the desire to see something done to assist the agriculture industry, particularly the livestock industry, I have offered the amendment for the body's consideration.

PRESIDENT: Senator Warner just closed on a motion to return LB 245 for a specific amendment. The question before the House is the return of LB 245. All those in favor vote aye, opposed nay. Have you all vote? Senator Warner there is

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LB 245, 245A

only one excused as of this time, so do you want to go ahead? Okay, record the vote.

CLERK: 19 ayes, 25 nays on a motion to return Mr. President.

PRESIDENT: Motion fails. Now we have a situation will the Speaker want to make a statement about it? Mr. Speaker, we have a problem, as I understand, that there are several motions on the A bill and they must...they should be read together. Do you want to take up the motions on the A bill before we read either one of them or how do you wish to proceed? We can...right now we are ready to read LB....all right. We will take up the motions on the A bill because obviously if that can't be read, neither one of them should be read because they should be read together. So we will take up the motions on the A bill Mr. Clerk. LB 245A

CLERK: Mr. President, first of all Senator Hoagland had amendments printed on 1387 that he wishes to withdraw.

PRESIDENT: They are withdrawn Senator Hoagland.

CLERK: In that case Mr. President, Senator Hoagland now has a motion to return LB 245A to Select File for a specific amendment and that is on page 1592 of the Journal.

PRESIDENT: Chair recognizes Senator Hoagland.

SENATOR HOAGLAND: Mr. President and colleagues, what this amendment does quite simply is strike section one of the bill which appropriates 1.3 million dollars for this next fiscal year. Now I would encourage you to open up your bill books and take a look at the bill because I want to say just a couple of words about it. First of all section one of LB 245A, as I indicated, appropriates 1.3 million dollars, section two of LB 245A appropriates for the same next fiscal year a \$119,000 and then section seven of LB 245A indicates that none of the appropriations in Sections three through six shall be reaffirmed unless three conditions are met. Number one, 13 million dollars in federal funds are forth coming. Secondly, an agreement is entered into with two or more states by the Board of Regents and third, 1.5 million dollars in private funds, private donations to the University of Nebraska foundation are forth coming. Now we have heard representations on the floor as recently as this morning by Senator Schmit that this 1.3 million dollars that were appropriating in Section one is not going to be spent by the Board of Regents unless those three conditions are met, principally unless the 13 million dollars is appropriated by the federal government. Now it strikes me

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LB 245A, 245

SENATOR CLARK: The question before the House is the adoption of the Vickers amendment to 245A. The motion is to return the bill. All those in favor vote aye, all those opposed vote nay. Have you all voted? Record the vote.

CLERK: 15 ayes, 24 nays Mr. President on the motion to return the bill.

SENATOR CLARK: Motion fails. Do you have any other motions on the bill?

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

SENATOR CLARK: The Clerk will read LB 245. Everyone will be in their seats on Final Reading please.

CLERK: Read LB 245.

SENATOR CLARK: All provisions of law according to procedure having been complied with, the question is, shall the bill pass with the emergency clause attached. It takes 33 votes. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting aye.

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

CLERK: 35 ayes, 14 nays, 0 not voting. Vote appears on page 1940 of the Legislative Journal.

SENATOR CLARK: The bill is declared passed with the emergency clause attached. The Clerk will now read 245A with the emergency clause attached.

CLERK: Read LB 245A.

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass with the emergency clause attached. It takes 33 votes. All in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting aye.

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

CLERK: 34 ayes, 15 nays, 0 nays. Vote appears on page 1941 of the Legislative Journal.

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LB 245, LB 39  
LR 180

SENATOR CLARK: Bill is declared passed with the emergency clause. Clerk will read 39E.

CLERK: Mr. President, if I may right before that, I have explanation of votes from Senator Warner. (See page 1941).

Mr. President, an Attorney General's opinion addressed to Senator Hefner regarding reapportionment. (See page 1942).

Mr. President, a new resolution LR 180 offered by Senator Wesely. (Read LR 180).

Mr. President, with respect to LB 39, I have a motion on the desk.

SENATOR CLARK: Read the motion.

CLERK: Mr. President, Senator Koch moves to return LB 39 to Select File for a specific amendment. The amendment is on page 1282 of the Journal.

SENATOR CLARK: Before I call on Senator Koch I would like to announce what we are going to do is go through till 12:00 and come back at 1:30 and be on Final Reading because we will never finish it this morning. Senator Koch.

SENATOR KOCH. Mr. Chairman and members of the body, the amendment proposes one thing. That is that we provide a date certain and that would be a one year sunset which means the legislature would annually treat the issue that we are discussing in LB 39 which has to do with medical assistance. I believe that with the problems that we have in terms of the federal government, their budgeting, our budgeting that if we are going to provide some relief to counties the best we should do is on an annual basis make a determination whether or not we should continue. So my amendment says that it shall be a one year provision. The legislature next year would have to review that to see if we want to continue to a great degree. I ask for the adoption of the amendment.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. President, members, I know that it is going to seem strange to some of my colleagues but I am going to support Senator Koch and hope that we can pass this bill with the one year stipulation in it. I know that it is going to be rough because the Governor said that he was going to veto it, at least in its entirety. I have several



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LB 22, 22A, 157, 157A, 158, 158A,  
168, 168A, 197, 197A, 245, 245A,  
253, 253A, 292, 292A, 317, 317A,  
427, 427A, 529

RECESS

SPEAKER MARVEL PRESIDING

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

SPEAKER MARVEL: The Clerk has some items on the desk that need to be read in for the record.

CLERK: Mr. President, I have for your signature LBs 197, 197A, 245 and 245A, LBs 168, 168A, LB 157 and 157A, LB 427 and 427A, LB 292, 292A, LB 317 and 317A, LB 22 and 22A, and LB 158, 158A, and 253 and 253A, Mr. President.

Mr. President, Senator Chronister would like to print amendments to LB 529 in the Journal. (See page 1963 of the Legislative Journal.)

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign engrossed LB 197, engrossed LB 197A, engrossed LB 245, engrossed LB 245A, engrossed LB 168, engrossed LB 168A, engrossed LB 157, engrossed LB 157A, engrossed LB 427, engrossed LB 427A, engrossed LB 292, engrossed LB 292A, engrossed LB 317, engrossed 317A, engrossed LB 22, engrossed LB 22A, engrossed LB 158, engrossed LB 158A, engrossed LB 253, engrossed LB 253A. Before we begin with some other bills, it is my privilege to introduce a number of visitors from Senator Cope and Kahle's Districts, ten students, 1st to 10th Grade, First Church of God Christian Academy, Kearney, Pastor Larry Lautaret, Jane Perry, teacher and Chester Trew, sponsor. In the north balcony. Will you hold up your hands so we can see where you are? Okay. From Senator Howard Peterson's District, eight students K through 12th Grade, Calvary Academy, Grand Island, Nebraska, Agnes Rich, Louise Bonne and Bonnie Skala, teachers. Where are you located? Okay. From Senator Chronister's District, eleven students from District 9, District 43, Wisner, Nebraska. Miss Koester and Miss Kansier, teachers. North balcony. Where are you located? Okay. From Senator Dworak's District five students, 3rd and 7th Grade from Christian Liberty Academy, Leigh, Nebraska, Susan Turvy, teacher, also Barbara Hall, in the south balcony. Are you in the south or north? From Senator Beutler's District sixteen 4th Graders, Hawthorne Elementary School, Lincoln, Nebraska, Mrs. Stephenson and Mrs. Anderson, teachers, in the north balcony. Where are you located? From Howard Peterson's District seven students K through 12th Grade, York Christian Academy, York, Nebraska, Edward Moray, Irene Moray, teachers. Where are you located? Okay. From

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LB 22, 22A, 144, 144A, 157, 157A, 158,  
158A, 168, 168A, 188, 188A, 197, 197A,  
204, 204A, 207, 207A, 243, 245, 245A,  
317, 317A, 253, 253A, 292, 292A, 427, 427A

Mr. President, your committee on Enrollment and Review respectfully reports....your Enrolling Clerk reports that she has presented to the Governor those bills that were read this morning on Final Reading. (See page 1977 regarding LBs 207, 207A, 188, 188A, 144, 144A, 204, 204A, 197, 197A, 245, 245A, 168, 168A, 157, 157A, 427, 427A, 292, 292A, 317, 317A, 22, 22A, 158, 158A, 253, 253A, in the Legislative Journal.)

SENATOR CLARK: I would like to announce the guests of Phyllis Todd from Senator Beutler's District, Mr. Kim, Mrs. Kim and Mrs. Bae-Pusan from Seoul, Korea. They are under the south balcony. Will you stand and be recognized, please? They are in the south balcony. Welcome to the Legislature. LB 243.

CLERK: Mr. President, LB 243 was a bill introduced by Senator Schmit. (Read title.) The bill was first read on January 16, referred to Ag and Environment. The bill was considered by the body on April 10, Mr. President. At that time the committee amendments were adopted. There was an amendment from Senator Schmit that was adopted. The bill failed to advance on that date, Mr. President. I have nothing further on the bill.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I am going to ask you once again to consider LB 243. The bill was heard and discussed and debated at length. The previous time it was up it received 23 votes to advance on a Friday afternoon with about 27 or 8 people on the floor. I think that the fact that we have discussed the bill should perhaps wipe out any reason for a lot of lengthy debate. I know there are a lot of other bills that you want to get to today. I just want to say in reply to a piece of material that is lying on your desk, two and a half pages in length, which casts serious doubts about the problems that LB 243 can cause, I want to say this. You will recall that Senator Kremer and myself and along with several...at least 23 others in this body successfully added about \$2 million to the water development fund. There are rumors now that they may want to cut that back in the Executive Office to \$3 million from 4. That means that we will have about an additional \$800,000 in the water development fund, 50 cents per capita. Not exactly an overwhelming amount of public support I would guess for water development. My concern as I have indicated many times on this floor is this, if we are going to use funds that have been generated by a subdivision of government for

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LB 158, 158A, 197, 197A,  
LB 352, 204, 204A, 245,  
245A, 292, 292A, 383, 512

take your seats and the Sergeant at Arms please get those who are not in the Chamber. There are none excused. I take it back, Senator Higgins is excused. Senator Koch and Senator Fowler, would you punch in please? Senator Maresh, Senator Wiitala, Senator Warner, Senator Lamb, Senator Hefner, Senator Newell, Senator Landis, Senator Hoagland, Senator Pirsch. Senator Koch, did you ask for a roll call vote? Okay.

CLERK: Mr. President, while we are waiting, your committee on Public Works reports LB 383 to General File with amendments.

Senators Peterson, Nichol, Burrows, Lowell Johnson, and Sieck would like to print amendments to 512; Senators Beutler and DeCamp to LB 352.

Mr. President, a communication from the Governor addressed to the Clerk. (Read. Re: LBs 158, 158A, 197, 197A, 204, 204A, 245, 245A, 292, 292A. See page 2090, Legislative Journal.)

SENATOR NICHOL: Senator Lamb and Senator Carsten are the two that are not here yet. Senator Koch.

SENATOR KOCH: Mr. Chairman, can we take call in votes and speed this up?

SENATOR NICHOL: If you would like.

CLERK: Senator Chronister voting yes. Senator Hefner voting yes. Senator Hoagland voting yes.

SENATOR NICHOL: Record, Mr. Clerk.

CLERK: 26 ayes, 19 nays, Mr. President, on the motion to advance the bill.

SENATOR NICHOL: The bill is advanced.

CLERK: Mr. President, finally, the last item I am going to read in is a new resolution offered by Senators Kremer, Haberman and Rumery. (Read. See page 2092, Legislative Journal.) That will be laid over, Mr. President.

And, Mr. President, I have notice of hearing from Senator Warner regarding a meeting of the special committee regarding Federal-State-Local Fiscal and Program Policy.

SENATOR NICHOL: You will recall that Speaker Marvel announced