

January 20, 1981

LB 3, 278, 468-489

CLERK: Mr. President, new bills. (Read LB 468-489 as found on pages 291-297 of the Legislative Journal.)

Mr. President, your committee on Urban Affairs gives notice of public hearing for February 4, 11 and 18, 1981.

Mr. President, the Business and Labor Committee would like to meet underneath the North balcony at 2:00 p.m.

Mr. President, Senator Chronister would like to have his name added to LB 3 as co-introducer.

SPEAKER MARVEL: No objection? So ordered.

CLERK: Mr. President, Senator Warner offers proposed rules change which will be submitted to the Rules Committee for their consideration. (See pages 298-300 of the Journal.)

Mr. President, Senator Wesely gives notice of Rules hearing scheduled for January 27.

Mr. President, Senator Hefner and Howard Peterson want to add their name to LB 278.

SPEAKER MARVEL: No objection? So ordered.

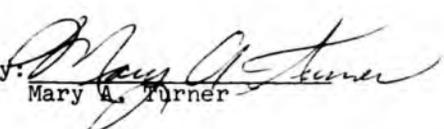
CLERK: Mr. President, I believe that is all that I have.

SPEAKER MARVEL: Senator Rumery, do you want to recess us until three-thirty?

SENATOR RUMERY: One-thirty?

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

Edited by:

  
Mary A. Turner

RECESS

March 24, 1981

LB 488

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Okay, record.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Do you have any items to read in?

CLERK: Briefly, Mr. President, your Committee on Government reports LB 488 to General File with amendments. (Signed) Senator Kahle as Chair. (See pages 1106 and 1107 of the Legislative Journal.)

SPEAKER MARVEL: Anything else?

CLERK: No, sir, that's all.

SPEAKER MARVEL: Senator Hefner, are we ready for your...?

CLERK: Mr. President, Senator Hefner moves for the introduction of a new bill by the Miscellaneous Subjects Committee, Request #925.

SPEAKER MARVEL: Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, I move for the introduction of Request #925 and this is establishing the Public Service Commission districts. A statement of intent was passed out this morning and you should have it on your desk, but I will explain it a little more fully to you. The Miscellaneous Subjects Committee in their last Executive Session decided to introduce separate bills for the reapportionment issues. At the present time we have two bills that are in committee and we are going to use them for the congressional districts and the legislative districts. So today we are asking your approval so that we can introduce four more bills to take care of the rest of them. The purpose I have in the total of six bills is to help keep the reapportionment issues separate. The committee felt that it would more clearly describe each issue, and, like I say, the first bill that we are going to act on is for the purpose of establishing the Public Service Commission districts. The second one will be the Supreme Court judicial districts, and the third one, the Board of Regents district, and the fourth one the State Board of Education. We feel that this way we cannot only keep the districts more distinct and clear but we can also keep the counties and the precincts that are in each district more clearly and distinct. Ten years ago the Legislature did it this way and it worked

LB 134, 165, 165A, 181, 186,  
303, 336, 336A, 459, 459A,  
485, 488, 544

May 19, 1981

It is printed, I am sorry. Mr. President, Senator Vickers would like to print amendments to LB 186. (See page 2119 of the Legislative Journal.)

Mr. President, your Enrolling Clerk has presented to the Governor the bills that we read on Final Reading this morning. (Re: LB 181, 165, 165A, 303, 336, 336A, 459, 459A and 485.)

Mr. President, Education offers a hearing notice for confirmation hearings regarding certain gubernatorial appointments.

Mr. President, Senator Vickers would like to print amendments to LB 544. (See pages 2116-2118 of the Legislative Journal.)

And finally, Mr. President, one last thing, Mr. President, Senator DeCamp asks unanimous consent to add his name to LB 134 as cointroducer.

SENATOR CLARK: No objections, so ordered. I think they are trying to find our Sergeant at Arms out there. Walt (Robbie) Robinson is visiting the Legislature today, the former Sergeant at Arms. He is at the back of the Chamber. Welcome, Robbie. We will now take up LB 488.

CLERK: Mr. President, LB 488 was a bill introduced by Senator Goodrich. (Read.) The bill was first read on January 20. It was referred to the Government, Military and Government Affairs Committee. The bill was advanced to General File. There are committee amendments pending by the Government Committee, Mr. President.

SENATOR CLARK: Senator Kahle, the committee amendments.

SENATOR KAHLE: Mr. President and members, I move the committee amendments and the committee amendments do considerable with the bill. LB 488 increases the salaries for constitutional officers for the next...(interruption.)

SENATOR CLARK: (Gavel.) Could we have it a little quiet, please. It is awfully hard to hear up here.

SENATOR KAHLE: LB 488 increases the salaries for constitutional officers for the next four year term of office beginning in January of 1983. The offices are for the Governor, the Lieutenant Governor, Secretary of State, Attorney General, Auditor of Public Accounts and State Treasurer. The bill as introduced set a base salary for each officer plus Section 3

which as interpreted, to give an additional salary increase based on the percentage increase state employees receive. The officers, except the Governor, also would receive access to a state owned motor vehicle with fuel and maintenance provided on a twenty-four hour basis. Now the committee amendments substantially change all this. The committee amendments strike Section 3 which would increase the officer's salary based on the percentage increase given to state employees. The committee accepted a fixed salary for each year during the term of office from 1983 through 1986. Section 4, on supply of a state motor vehicle to the officer is retained but language is added that the vehicle is to be used for official state business only and a record of their use of the vehicle will have to be kept. The old and new salaries based on the committee's amendments are the Governor's salary from \$40,000 to \$50,000; the Attorney General from \$39,500 to \$48,000 and all the other constitutional officers, the whole group, the state Treasurer, the state Auditor, the Secretary of State and all those officers would be from \$32,000 to \$40,000. The committee also accepted an amendment offered by the Public Service Commission raising the Commissioners salary from \$25,000 to \$27,000. Now in the bill as it was drafted, of course there were escalations in the salary to cover the cost of living and the committee felt that we would rather set a fixed salary for the term of their office and that term of course runs much longer than most of us realize and I would like to cover that with you. The statutes provide that the filing fee for these offices is 1% of the annual salary they will make in that office. Time for filing, now remember this, is seventy-five days before the primary for incumbents and sixty days for all others. Of course that filing date will be next spring. So what we are talking about now, the last paycheck they would receive on the salaries we are talking about today would be about five and a half years from now. So rather than to have an escalator in the salary as they wanted in the first place, a percentage raise each year, the committee felt that it would be better to set a substantial salary and leave it that way for the entire period. I move the committee amendments.

SENATOR CLARK: There is an amendment to the committee amendments.

CLERK: Mr. President, Senators Beutler and Wesely move to amend the committee amendments. (See pages 2119-2120 of the Legislative Journal.)

SENATOR CLARK: Senator Beutler. Senator Wesely.

SENATOR WESELY: Mr. President, members of the Legislature, the amendment that Senator Beutler and I have cosponsored is one which we reached individually and I guess we both saw the same problem with the same bill and that was the concern that this bill provides for a car, a state car for constitutional officers. Originally the bill had provided that car on a twenty-four hour basis as they saw fit and needed. The committee amendments did indeed tighten that up and I think that Senator Kahle and the committee should be commended for that. Nevertheless, in terms of further research my office contacted the Transportation Service Bureau and found that, in fact, they already were being served by that bureau, that they were already able to get a car if they needed to. The Auditor's office even was assigned fifteen cars that they felt were necessary to carry out the functions of their office and, in fact, were able to get the necessary transportation that they needed if they wanted to apply to the Bureau to get it. Now there seems to me no need whatsoever at this point to put into law that they have a special classification and have direct access to a state owned car. Whether or not, these are supposedly using it for state business, I don't think that they need to have that special privilege. I think we have seen in Washington, D.C., you have probably seen recent articles about the chauffeur driven limousines for our top diplomats and officials in Washington and I get angry when I hear that sort of thing and then to see in this bill, not nearly as extensive of a provision of a perq. but, nevertheless, provision of a state owned car to these individuals does not seem necessary in the least. So with the research, I think that what you can say is that we do not need that provision and we do not need to grant them that special status, that they can if they want to apply to the Bureau and get a car when necessary, just like we do. You know, the way we get our state transportation is if we have a hearing or some sort of state function we have to attend we go and we apply to the Bureau and ask for a car if possible and then we get granted the car if we can justify it and we take the car and we drive to where we need to and that way there is a check and balance and clearly, in the terms of state business and necessary use of a state vehicle. Also you know about the reimbursement that we have if we use our own car but to grant a special status to the constitutional officers and give them their own car, I think is going too far and so I would ask your support of the Beutler-Wesely amendment to the bill and strike that provision.

SENATOR CLARK: Senator Higgins, did you want to talk to the amendment to the committee amendments?

May 19, 1981

LB 488

SENATOR HIGGINS: This is the amendment to which committee amendment?

SENATOR CLARK: This is the Wesely amendment to the committee amendments.

SENATOR HIGGINS: And the committee amendment addresses itself to what?

SENATOR CLARK: Addresses itself to the salaries.

SENATOR HIGGINS: All of them?

SENATOR CLARK: Yes.

SENATOR HIGGINS: Including Public Service Commission? Yes, then I do want to speak to that.

SENATOR CLARK: All right. Senator Vickers, did you want to talk to the amendment to the committee amendments? Senator Goodrich, did you want to talk to the amendment to the committee amendments?

SENATOR GOODRICH: Yes, Mr. President. Mr. President and members of the body, I rise in opposition to the Beutler-Wesely amendment to the committee amendment. I personally think the committee did a good job of amending the particular bill that we have got in front of us. I wholeheartedly support the committee amendment and I oppose the Beutler-Wesely amendment to the committee amendment and what they are proposing to do, for the sake of those that may not have caught it, was to strike the provision of a car, a state car, for each of the constitutional officers, that they could have on a twenty-four hour basis. The committee amendment puts in a provision in there that they must keep rigid records. They must only use it for state business. Now, I would suggest for example, that there are many times for example, when a constitutional officer and especially the state Treasurer, needs to have a car other than straight daytime business hours. The Secretary of State does an awfully lot of traveling around the state to confer with, to handle recount type proposals, to handle every conceivable type of speaking engagement. They all have speaking engagements that take them out of Lincoln at night. The Treasurer, for example, during the course of the committee hearing on this thing, the public hearing, related to us for example, something that we would rather not make public but he does on occasion, for example, have bank deposits to deliver and that can entail large sums of money. We will just put it that way. The car that he actually is driving is an old model car and I think frankly, we do not want a state Treasurer out making a delivery of a

deposit when he has in his possession large sums of state money and have car troubles. We want him to have a car. We want him to have a good, dependable car and we do not want it marked either. We want that to be a plain car with a regular state license plate on it, yes, but with no other markings so that he can safely get to and from his, the bank assignments that he has. We want these gentlemen to have dependable transportation when they go out on speaking engagements and that sort of thing. Since the committee put in the restrictions that they can only use it on state business, they must keep a detailed record of where they went and the mileage on each of the trips. For that reason I suggest that we reject the Beutler-Wesely amendment. Let them have those cars. The total cost of those cars to those gentlemen each year will be approximately \$41,285. That is not an exorbitant amount. That is an expenditure, for example, that would be well worth making just to keep these gentlemen from having difficulty and have them have access to cars on a twenty-four hour basis so that they do not have to check them in and out late at night or at times when they cannot make it back, for example, to Lincoln from a speaking engagement or something like that, on official business meetings that they have to attend. I strongly urge you to leave the cars in, reject the Wesely-Beutler amendment.

SENATOR CLARK: I would like to introduce to you Dr. and Mrs. Joseph DeFlyer and daughters, Erika and Elizabeth, of Grand Forks, North Dakota, and Sonja Placek of Milford, Nebraska. They are the daughter and son-in-law and granddaughters of Senator and Mrs. Richard Maresh. They are under the South balcony. Would you stand and be recognized, please. Welcome to the Legislature. I think Erika is over here on her grandfather's lap. The next speaker is Senator Kahle.

SENATOR KAHLE: Mr. President and members, I also object to the Wesely amendment. I think that these people that serve our state in the constitutional offices, at least most of them, do a lot of public relations work for the state and as Senator Goodrich said, do spend time at night and different times during the day and night and it is not easy for them to check the cars in and out as would be required. So I think that we certainly can afford in the State of Nebraska to provide this service to these people that are elected and do serve our state and I think that most of them, that I know at least, have done a good job with public relations over the State of Nebraska and the money that we spend for their automobile travel, if it is for that purpose and the way our amendment reads, they are going to have to prove to us and to the state, that they have used it for this

purpose. So I think we should not be so chintzy that we do not provide them with this service. Thank you.

SENATOR CLARK: Senator Higgins.

SENATOR HIGGINS: Mr. President, Senators, I think Senator Kahle really made some good points there when he said these people are elected and they do serve the state and I want to remind you, I am elected and I serve the state and I think I ought to get a car, especially this summer. I am on three committees. Senator Labeledz already told me we are going to have three studies in Constitutional Revision and if I have got to travel clear across the state and I only get \$400 a month, then I think I should be provided a car. I know, I get mileage, hopefully, but I think I serve the state just as well as these other people that were elected and I would like to have a car waiting for me twenty-four hours a day and I will tell you, Senators, if we amend this bill to include a car for all the state elected officials including us, I will keep records. I hav got to keep a record anyway when I travel across the state. So, I don't know if I am going to vote for this amendment of Senator Beutler or not. Senator Beutler, would you have any objections to amending your amendment to include state senators be furnished with a state car? Just for when we are traveling, just for when we need it.

SENATOR BEUTLER: I am declaring a conflict of interest, Senator Higgins.

SENATOR CLARK: I think you are getting into a constitutional question also.

SENATOR HIGGINS: Oh, well in that case I guess I will just have to say I urge the support of Senator Beutler's amendment.

SENATOR CLARK: Senator Beutler is the next speaker.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, I just want to make a short couple of points, the first point being that cars have been around since the 1920s. So have our constitutional officers and they have not seen fit up to this point in time and have seemed to be able to perform their functions perfectly well without this special bit of compensation, without this kind of special privilege. The second point, the cars are available. They are at the Motor Pool. The reason that we have a Motor Pool is so that we can use the cars efficiently so that there are not very many cars sitting around. If each constitutional officer has his own special car some of those cars are just going to be sitting around part of the

May 19, 1981

LB 488

time which is contrary to the whole concept of the Motor Pool. There are lots of people who use cars heavily. County Extension Agents use cars all the time. There is probably more justification for giving a County Extension Agent a car full time than there is for giving the Treasurer or some of these constitutional officers a car full time if the theory behind it is the useage of the car but the Motor Pool concept is a real good concept and I think we should stick to it and I think the constitutional officers should be a part of it just like everybody else is. In addition to that this kind of an act is a highly symbolic act. It smells of eliteism and I don't think that during these times when we are asking the taxpayers of Nebraska to make special sacrifices in a lot of different areas that it is time to be giving constitutional officers special privileges including their own special car. I suggest to you that this is unnecessary fluff, unnecessary expense and highly detrimental in a symbolic sense and I hope that you will adopt the amendment. Thank you.

SENATOR CLARK: Senator Stoney.

SENATOR STONEY: Mr. President, members of the Legislature, a question of Senator Goodrich if he would respond, please.

SENATOR GOODRICH: Yes.

SENATOR STONEY: Senator Goodrich, how many units are we talking about here?

SENATOR GOODRICH: Five.

SENATOR STONEY: We are talking about a total of five vehicles.

SENATOR GOODRICH: Right.

SENATOR STONEY: At the present time these individuals do not have state owned automobiles for their own personal use.

SENATOR GOODRICH: Not unless they check them out at the Motor Pool, or whatever they call that pool over there, and the problem is that they do not have access to them at night. If they got a call for a problem at night, they can't go get one at night, that type of thing.

SENATOR STONEY: So we are talking about five vehicles at probably an average of, what would you estimate the average cost of these vehicles to be, eight to nine thousand dollars?

SENATOR GOODRICH: Your fiscal note says \$6,557 average cost of the vehicle, \$1,200 for gasoline, \$500 for maintenance.

May 19, 1981

LB 488

\$8,257 times five is \$41,285...

SENATOR STONEY: Annually.

SENATOR GOODRICH: ...per year. Right, annually.

SENATOR STONEY: Thank you, Senator Goodrich. Well, ladies and gentlemen, we all know and we have read newspaper accounts and we have heard through the various media sources that there are reductions in our revenues as we anticipated them earlier and it seems now that it would be a time for all of us here at the state level and especially these constitutional officers who this perq. would be given to, to be conservative and attempt to ... I guess no one is interested in this particular presentation. Oh, I guess they are. Senator Labeledz said they really are. I think it is an opportunity for these individuals to express their conservatism and to express their concern over the limited resources that are available for appropriation. I think that they, as the members of the Legislature do, own private automobiles, and if it is necessary for these persons to use these to fulfill their duties and responsibilities, then they are in a position to submit any mileage for the expense of using that vehicle and that to me would seem to be a more sensible approach than for the State of Nebraska to have to, at a time when there are limited resources available for appropriation, expend an additional forty plus thousand dollars. So I would urge you to support Senator Wesely's amendment which would eliminate the vehicles for these individuals. Thank you.

SENATOR CLARK: Senator Koch. Senator Wesely, would you like to close?

SENATOR WESELY: I guess there are subsequent amendments on this. I, again, Senator Beutler and I are trying to eliminate the provision in this committee amendments which would allow constitutional officers, there are five of them, who would have access to a state owned car, at their convenience, I guess, supposedly only for state business but nobody else really has that privilege that I think we are providing for in this case. The cost, as Senator Stoney said, is forty some thousand dollars according to the fiscal analysts office. They do not need it. They already have access to the Transportation Pool. They can get a car if they need it on state business and I think that this is an extravagance that we cannot afford in this state and would urge your support for the amendment.

SENATOR CLARK: The question before the House is the adoption of the Wesely amendment. All those in favor vote aye. All

May 19, 1981

LB 488

those opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Once more, have you all voted? Record the vote. Senator Beutler.

CLERK: 15 ayes, 7 nays, Mr. President, on adoption of the amendment to the committee amendments.

SENATOR CLARK: It is adopted. Senator Kahle. Did you have another amendment? Another amendment to the committee amendments.

CLERK: Mr. President, Senator Koch would move to amend the Beutler-Wesely amendment by reinserting sections 4 and 5 and substituting the word "moped" for the word motor vehicle.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Chairman, I was going to use that motion but since we prevailed the other way I will withdraw it but it is worth a good laugh this afternoon. Thank you.

SENATOR CLARK: It is withdrawn.

CLERK: Mr. President, Senator Vickers would now move to amend the committee amendments by striking Section 1 thereof.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. President and members, Section 1 of the committee amendments is the one that deals with the Public Service Commission and the raising the salary from \$25,000 to \$27,000. If you will look at the committee amendments you will notice that the section of the statutes that they are changing is from the revised statutes of the supplement of 1980 which tells you, those of you that are new members here, that the salary was adjusted last year. We did have a bill in this body last year to raise the salary to \$25,000. Now it seems to me that if we raise the salary one year we do not need to come right back the next year and raise the salary another two thousand dollars. I have got nothing against the Public Service Commission but it seems to me that \$25,000 for the job that they do is an adequate salary at this point in time. I realize that they do spend quite a bit of time at that but I do not think we have had any absence of people that, qualified people, attempting to get that job and it seems to me that if we are in a position in this state where we are trying to get by with spending less

May 19, 1981

LB 488

money with watching the taxpayers dollars than being such good employers, if you will, since we are representing the public, by raising our public employees salaries this often is not necessarily good business practice. So I urge the body's adoption of this amendment to the committee amendments and leave these salaries stay the same for, let them at least wait more than one year before we start raising their salaries again.

SENATOR CLARK: Senator Higgins.

SENATOR HIGGINS: I rise, Mr. President, to support Senator Vickers' amendment. I think, like he said, they just received a salary increase two years ago and you give them another two thousand dollars a year when I don't think their duties have increased at all in the last two years and it has been my experience many times in trying to reach these Public Service Commissioners, that I can't ever find them in office. Infact, you can't even find out where to reach them or get them to return a call. I think in view of the Governor's veto of so many programs, that I don't think the Governor would want this kind of a salary increase. We saw his vetoes yesterday and I know that the spirit of this entire legislative body is to save money and I think for \$25,000 a year, why we could probably find twenty-five thousand people ready to take that job right now, qualified, and I haven't really seen the Public Service Commission do that much for the people. You know, they set the rates for the telephone company, the taxicabs. Have you seen those rates going down? I have seen them going up. So I don't know, maybe we ought to cut their salaries and then maybe they would cut some of those rates they have been allowed to be increased, so I rise in support of Senator Vickers' amendment. Thank you, Senators.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. President, I object to the amendment. I think that while you say two years ago their salary was raised, we are talking about a salary five and a half years from now and I do think that we are going to increase the duties of the Public Service Commission. We have a bill, I guess it will be on Final Reading tomorrow morning and it deals with grain elevators which will put more duties on these people. And by comparison the \$27,000 is not a very big salary if they spend the time that they should be spending, at least, on this job. So I oppose the amendment. I think the \$27,000 is reasonable. Thank you.

SENATOR CLARK: Senator Goodrich.

May 19, 1981

LB 488

SENATOR GOODRICH: Mr. President and members of the body, I rise in opposition to the Vickers amendment for a couple of reasons. Number one is that these salaries, for example, can only be set every four years for the constitutional officers and every six years for the Public Service Commissioners. We are dealing with something that they will have to live with for six years. Now this does not go into effect, cannot go into effect, until 1983. That is when the new constitutional officers take their offices. You cannot raise the constitutional officers salary during the course of his office so consequently, none of these salary increases go into effect until 1983. Even the public service officers which will go into effect in 1983 and then you can't change it again for six more years and so it is for that reason that we must reject the Vickers amendment. We must reject anything else that would affect the slowing down of this particular bill because of the fact that, heck, we only get a chance to do it every four years. We are doing, in fact, in the elimination of the cars for example, we only gave them about a 7% raise. We limited it to 7% because the cars were supposed to make up the difference between that and what the ordinary employees get, state employees get or we wiped out the cars. Now, for example, if we do not reject the Vickers amendment we would not be able to give these public service commissioners any increase in salary for another six years. It is for that reason that I strongly urge you not to adopt the Vickers amendment, reject the Vickers amendment so that we can at least handle it this session so we can establish the filing fees, we can establish everything and get this particular matter handled so we don't have to wait another six years.

SENATOR CLARK: Senator Fowler.

SENATOR FOWLER: Mr. President, there has probably been no one as critical of the Service Commission as I have. I find in many ways that I agree with Senator Higgins that they have been unaccountable, that they have not listened to a broad base of opinion, they have been responsive mainly to the industry but I do not think the solution is to penalize the commissioners by reducing the future salary. I think that if indeed we need changes in the Public Service Commission the way to do it is to make the salary attractive enough to attract qualified candidates and hopefully have districts drawn in such a way as to make it possible for those candidates to run. So I find myself strangely aligned with Senator Goodrich in opposing this amendment, believing that, in fact, we should keep the Public Service Commission salary at an increase, at least a slight increase as this bill calls for.

SENATOR CLARK: Senator Vickers, do you wish to close?

SENATOR VICKERS: Very briefly, Mr. President. Mr. President and members, I just again point out to the members of this body that last year we raised these salaries from \$20,000 to \$25,000 and in spite of what people are saying on this floor that we can only do it so many years, we did it last year. It might not have taken effect right away but if we are going to pass a bill every year to give them a couple of thousand dollars, you know, what is that old saying, a few million here and a few million there and after a while it adds up. Pretty quick you are talking about big money and I guess the same logic could be used here. A couple of thousand dollars here and a couple of thousand dollars there doesn't really amount to a whole lot, remembering also that we are not taking any cars or any fringe benefits away from the Public Service Commission. If you will read the rest of the statute that we are dealing with here, they do get mileage. They get their expenses paid and if I understand it correctly they also have the use of the state vehicles. So I think there are some other benefits that are attributable to that job. It just seems to me that if we raise one of our employees, one of the public employees salary \$5,000 one year, coming right back the next year and asking for another \$2,000 is being a little bit much. So I would urge the body's adoption of this amendment.

SENATOR CLARK: The question before the House is the adoption of the Vickers amendment. All those in favor vote aye. All those opposed vote nay. Have you all voted on the adoption of the Vickers amendment? Once more, have you all voted on the Vickers amendment? Record the vote.

ASSISTANT CLERK: 6 ayes, 16 nays on adoption of the Vickers amendment to the committee amendments.

SENATOR CLARK: The amendment failed. We are back on the committee amendments. Do you have any more amendments? The committee amendments. Senator Kahle, did you wish to close on the committee amendments?

SENATOR KAHLE: Mr. President, I move that we adopt the committee amendments as amended on LB 488.

SENATOR CLARK: The question before the House is the adoption of the committee amendments. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting yes.

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

May 19, 1981

LB 488

CLERK: 26 ayes, 3 nays, Mr. President, on adoption of the committee amendments as amended.

SENATOR CLARK: On the bill itself, Senator Goodrich. The committee amendments are adopted.

SENATOR GOODRICH: Mr. President, members of the body, the committee amendments now become the bill. What it is, is salary adjustments for the constitutional officers, salary adjustments for the Public Service Commissioners and I might also add that there isn't a neighboring state to Nebraska that does not pay more than \$30,000. For example, South Dakota offer their Public Service Commissioners pay \$30,000; Kansas, \$37,500, will go to \$44,000 July 1, '81; Iowa, \$35,300; Minnesota, \$36,000; Wyoming, \$32,446; Colorado, \$44,000, so what we are doing is we are adjusting the salaries by about an average of 7% annually for the constitutional officers, public service officers. We have now stricken the cars off of it. I mention that we can only do this every four years, for constitutional officers, every six years for Public Service Commissioners. There is no fiscal impact for this bill this year. The first fiscal impact will come in '82-'83 and there will be about \$40,242, just round that out since we lumped off the cars, we reduced that a little. For that reason, since we have discussed the committee amendments thoroughly, it is the bill, I move the bill be advanced.

SENATOR CLARK: Senator Higgins, on the advancement of the bill.

SENATOR HIGGINS: Would Senator Goodrich yield to some questions, please?

SENATOR GOODRICH: Yes.

SENATOR HIGGINS: Senator Goodrich, how much rent does the Governor pay on the mansion?

SENATOR GOODRICH: Not a whole heck of a lot.

SENATOR HIGGINS: You don't mean he has got subsidized housing?

SENATOR GOODRICH: Oh, I would guess maybe we could consider that as part of his remuneration for suffering through the toils of dealing with the Legislature.

SENATOR HIGGINS: Does he have a car furnished?

SENATOR GOODRICH: Yes, he does and we have not given him a car in this bill either.

May 19, 1981

LB 488

SENATOR HIGGINS: Does he have a chauffeur?

SENATOR GOODRICH: For his protection, yes.

SENATOR HIGGINS: Did he veto a bill that would have increased \$10 a week to women with children, ADC, that would have amounted to \$520 a year for one woman and child?

SENATOR GOODRICH: I believe you are correct in that regard.

SENATOR HIGGINS: Have you asked him if he wants this \$7,500 increase for himself which is approximately \$7,000 more than he wanted to give to one woman with a child?

SENATOR GOODRICH: I did not discuss this with him because I figured that he knows all about it and if he wanted it changed he would have discussed it with me.

SENATOR HIGGINS: In other words then, the Governor himself, you would assume, wants a \$7,500 a year increase?

SENATOR GOODRICH: Well I am not going to speak for the Governor. You can do that if you want to.

SENATOR HIGGINS: Well he didn't ask you to withdraw it. I mean, you are speaking for the bill, so \$7,500 over a four year term is going to be about \$30,000. I happen to know a few people who would be more than happy to take that office for the present salary of \$40,000 and they would even pay rent on the mansion. I have to oppose this bill simply because we have been sitting here listening all through this session that we are supposed to follow our leader in Washington and tighten our belts. Now if the Governor is going to go along with a \$47,500 salary for himself every year... Senator Marsh, you keep interrupting me. If you want to make a point, go ahead. It isn't for him? As far as I am concerned, his best advisers have assured us all that he will be the next Governor, that the opposite party does not have a candidate, at least not a male candidate. So I am going to have to say... I am going to vote for this salary increase because I want to see if the Governor is going to veto this like he vetoed the money for the retarded, like he vetoed the lousy \$520 a year for the ADC and I hope everyone else here gives the Governor this salary increase and then the people will see how serious he is about we in the Legislature and him tightening his belt. This one he can't say, the Legislature overspent. He is going to have the opportunity to veto it. So Senator Higgins is going to vote for the salary increases for all these people.

SENATOR CLARK: Senator Haberman, for what purpose do you arise?

SENATOR HABERMAN: Point of order.

SENATOR CLARK: What is your point? State it to the Chair.

SENATOR HABERMAN: I asked the Governor about the increase, Senator Higgins, and he said he did not care whether the increase was granted or not. So there is the answer to your question, Senator Higgins.

SENATOR CLARK: That is not a point of personal privilege. Senator Wesely.

SENATOR WESELY: Mr. President and members of the Legislature, Senator Higgins raised some good points. I am surprised she is still going to vote for the bill. I think that there are a number of points that should be raised in opposition to the bill even as amended. Number one, I remember that our present Governor ran on a platform of cooperation with the Legislature and then when we provided a constitutional amendment on the ballot to increase our salaries through a compensation review commission and he talked all about cooperation except when it came time to do something that was right and that was to provide better compensation for this body of legislators. He was not anywhere to be found, never said a word, did not help us in the least. I do not think that was very helpful to us quite frankly and I have never heard him since talk about the fact that we are underpaid. When Senator Goodrich talks about comparisons of constitutional officers salaries versus other states, I think you can talk about \$40,000 here and \$50,000 here and that sounds just terrible that they do not make that \$50,000 but when you are making \$4,800 a year it does not quite sound like that bad of a situation I do not think and I guess my feeling is if the Governor, I don't know if he seems to care a whole lot about whether he gets this additional money. He is doing pretty well as it is. I think he has got his housing and his transportation taken care of and other items, but it would be nice if he cared a little bit about us for a change, if he cared a little bit about our situation because quite frankly I think it is unconscionable to have a legislative body, whether it be this state or any other being paid as low as we are. And yet we have a situation where our Governor has not helped us and I think to turn around and provide him with a salary increase when he does nothing, in fact, to assist us is wrong. In addition let's talk about the other constitutional officers. I have a resolution concerning the state treasurer and state auditor. I quite frankly don't

May 19, 1981

LB 488

think we need a state treasurer or state auditor. The state treasurer's functions could be handled quite well by DAS. Most of their functions have been diverted elsewhere anyway. We don't need that office. We don't need that expense. The function can be held by DAS. It can provide the check and balance we need anyway. As a matter of fact, if you would give me a chance I could talk quite a bit about that subject. I don't think I will but I don't think we need that office. I think it is not necessary under the present situation and it is a waste of our money. I hope we will look into that and determine whether or not that is, in fact, the case and make the determination. The state auditor is doing an important job. It is an important function. There has been some controversy during the past year and quite frankly twenty-four other states have the state auditor under the Legislature. I don't think we need a state auditor. Quite frankly, that should be a legislative function, the oversight of the executive branch. The appropriation process could handle that. The fiscal analysts office could be expanded and we do not need a state auditor. So we are talking about increasing salaries, at least in a couple of cases for state officers that are not necessary. So in addition to the Governor's lack of support for our efforts in the past, I think you can see from the other offices that I just don't see any need for this bill and I don't see a need for a couple of those offices. So your opposition to the bill would not be harmful and, in fact, would be helpful to the State of Nebraska.

SENATOR CLARK: Senator Nichol. The question has been called for. Do I see five hands? I do. All those in favor of ceasing debate vote aye. All those opposed vote nay.

CLERK: Senator Clark voting yes.

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

CLERK: 22 ayes, 4 nays to cease debate, Mr. President.

SENATOR CLARK: Debate has not ceased. Senator DeCamp, you are next to speak. Senator Koch, did you want to talk on the advancement of the bill? No, we did not cease debate.

SENATOR KOCH: Well, Mr. Chairman, Senator Wesely alluded to some remarks that I think are very appropriate. I have no problem with providing salaries to constitutional officers in terms of their responsibilities but recently I was examining the costs of gasoline when I first came here as opposed

to what it is costing me now and I am absolutely certain all of you review your expenses as well and right now I can just virtually use my three hundred and some odd dollars a month just buying gas for the car for the purpose of carrying on the business of the state. Senator Wagner and I were just visiting about this, that it is terrible when this body subsidizes the state and provides a service, good, bad or indifferent but I was impressed by the World Herald's poll that the Governor has 60% popularity and we have 55% popularity. That is not bad because there is only one Governor and there are forty-nine of us so I think we are holding up pretty well. But what bothers me oftentimes when this body is putting to the people an opportunity to increase the salary, the lack of the voice that is needed from the executive branch to help that to happen and I am getting very concerned. I will support LB 488 but with considerable reluctance because I think it is time that the executive and other chief state officers say to the people if they are influential. You take the Attorney General, wins that position very easily. The former state treasurer always won that position very easily. Every time they have a platform I think they have the responsibility to say, listen, we know that our salary is not as great as it could be when you look at other states but if you want to see someone that is getting whipped, take a look at your state Legislature in terms of their salaries and our expenses and only those of us who can afford it and take it out of our own personal means can afford to be here and serve diligently and I don't know how some people can afford to be here because it is almost impossible, even though you may have other income to support your endeavor or your obituary column some day when it looks good, they are going to see "Senator". So I will support the bill with reluctance and hope that some of those people sometime would live in our shoes and say possibly we need an increase because the cost of living affects us just like it does anyone else. Thank you, Mr. Chairman.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, if I recall we had some of these same people stand up on this floor and say we need higher salaries for the judges. How can we attract good men to be judges if we do not pay them, or women, a good salary? Now I believe, I don't know for sure, but three or four of these people are attorneys and if they go out into the private sector they could make more money. This is the same argument that was used for judges. They do not have to be a judge. These people do not have to run for public office but if we wish to attract good people for a public office, he or she, Democrat or Republican, then we

May 19, 1981

LB 488

should pay them a salary. I will support 488 and beings as I don't remember whether I was cut off or not, Mr. Speaker, on my other remarks, but I did discuss the salary increase with Governor Thone and he said it made no difference either way. However, I would like to add before I sit down, I noticed that there are quite a few people in the opposite party of mine which would be the Democratic Party, that are opposing this. I wonder what their feelings would be if the state office was loaded with Democrats instead of Republicans, male or female. Thank you, Mr. President.

SENATOR CLARK: Senator Beutler.

SENZTOR BEUTLER: Call the question.

SENATOR CLARK: The question has been called for. Do I see five hands? I do. All those in favor of ceasing debate vote aye. All those opposed vote nay.

CLERK: Senator Clark voting yes.

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

CLERK: 24 ayes, 3 nays to cease debate, Mr. President.

SENATOR CLARK: Debate does not cease. The next one is Senator Kahle.

SENATOR KAHLE: Mr. President and members, I have been up before so I am going to make it short but Senator Wesely was really out of order because we don't have anything to do with whether we have these officers or not at this time at least. That is a constitutional thing. I guess those of you that are so upset with their salary as compared to ours, it's wide open. You can file next spring and we will know after today hopefully, we will know hopefully after today what it is going to cost you to file, so I think that perhaps we should look at that two ways. Maybe, Bernice, that Governor's mansion wouldn't look so bad but anyway, I think that we should be fair with these people and I think we look at personalities over there in those offices now and they are going to change. There is no question about it, at the next election. So let's look at the office rather than the people. I think we are within reason with these salaries and I hope you will support the bill.

SENATOR CLARK: Senator Marsh.

SENATOR MARSH: Mr. Speaker and members of the Legislature, I rise to support LB 488. I do have one comment to Senator

May 19, 1981

LB 488

Wesely for I have heard the Governor say on more than one occasion how underpaid the Legislature was and that there needed to be a ground swell so that there was a change in the salary of the Legislature and I think that needs to be put on the record. Thank you very much.

SENATOR CLARK: Senator DeCamp. The question has been called for. Do I see five hands? I see ten. All those in favor of ceasing debate vote aye, opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 27 ayes, 0 nays to cease debate, Mr. President.

SENATOR CLARK: Debate has ceased. Senator Goodrich, do you wish to close on advancing the bill?

SENATOR GOODRICH: I just think everything has been said that needs to be said and I move to advance the bill.

SENATOR CLARK: All those in favor of advancing the bill vote aye. All those opposed vote no.

ASSISTANT CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

ASSISTANT CLERK: 28 ayes, 6 nays on the motion to advance the bill.

SENATOR CLARK: The bill is advanced.

May 20, 1981

LB 213, 243, 320, 321, 488

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill is 213.

CLERK: Mr. President, if I may right before that, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 488 and recommend that same be placed on Select File; 320, Select File; 243, Select File; 321, Select File. All signed Senator Kilgarin, Chair. (See pages 2148 and 2149 of the Legislative Journal.)

Thank you Senator Haberman.

SENATOR CLARK: Senator Nichol, did you want to...

SENATOR NICHOL: Mr. Chairman, is there anything before the, OK, then I would just say this. Senator Koch covered mostly what I was going to say except that Senator Haberman, you're willing to spend \$6½ million on some one thousand students but you're having a hemorrhage here to raise it from \$100,000 to \$200,000 for something over 30,000 people, students in the state. Senator Haberman, shame on you.

SENATOR CLARK: Question before the house is the advancement of LB 320. All those in favor say aye, opposed nay. The bill is advanced. LB 488.

ASSISTANT CLERK: Mr. President, there are E & R amendments on LB 488.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 488.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed nay. They are adopted.

CLERK: Mr. President, I now have an amendment from Senator Higgins. (Read Higgins amendment as found on page 2277 of the Legislative Journal.)

SENATOR CLARK: Senator Higgins.

SENATOR HIGGINS: Mr. Speaker and members of the Legislature, briefly what this amendment does is give the same increase in salary to the Governor, whoever he or she might be in 1983, as our present Governor felt the ADC people should get, ten dollars a month, a hundred and twenty dollars a year. Before we vote on this I want every one of you who voted with the Governor to recall the Governor's own words when he vetoed LB 561, this is a time for us to be conservative. I am going to read you our own Governor's words back when he sent the message May 13th, not all of it. I am not going to bore you that much. "For the 1980-81 fiscal year through April revenues are approximately 24 million dollars below projections. With this information there is good substantial cause for concern," and this is Governor Thone's words, not mine, "For increased restraint in accomplishing our budget setting duties." Now that was May 13th. Today, Senators, you got another veto message from the Governor, you got another message from the Governor and in it he says, "As I have stated many times recently, with the current downturn in state revenues it is neither prudent nor appropriate to embark on new or expanded programs at this time." I think a 10 thousand dollar a year raise for the Governor

May 26, 1981

LB 488

is kind of a new program. One of the reasons I think the Governor should not be given a 10 thousand dollar a year salary increase, no matter who he or she might be, and I am not speaking about the other constitutional officers because they do not get the same perks that the Governor gets. Now I hope you will listen closely to this. Our Governor is provided with a cook whose salary is \$8,496 a year. Do you know they have got women in York that could come and cook dinner for the Governor and his wife every day and that would be training, their rehabilitation. Our Governor has an \$11,314 a year social secretary. Again, we can save \$11,314 a year by using an inmate from York. I am sure that they have got some there that can type to be a social secretary, and the housekeeper, \$9,612. I am talking to you people that are being conservative this year and say we have got to save money. What is wrong with taking a woman from the York Penitentiary and saying, you dust the bannisters. We can save \$9,600. Now this is the killer, this is the killer, the Governor's budget for food, \$14,084. Now two years ago when he took office the previous Governor's budget was \$7,148. So Governor Thone is telling us that in two years food prices have doubled. This is the same Governor that said, "Don't give people back \$3 more on their food sales tax refund. Let them have a dollar at the most." But the Governor himself is showing us food costs have doubled because he has jumped the budget from \$7,100 to \$14,084. Now you think he does a lot of entertaining. You bet he does but I will tell you something you don't know. A lot of people that entertain in the Governor's mansion are given the bill and they have to pay for all that food and drink. Several groups have had to pay so that it did not come out of the Governor's \$14,084 a year budget. Now to my knowledge, so far, the Governor has not sent a message to the Legislature to increase his salary or the next Governor's salary \$10 a month but we have had his message on LB 561 that we should be fiscally responsible and cut the budget for the mentally retarded and don't give women on ADC with one child more than a \$10 a month increase. I know that the Governor is going to have to make up his mind to sign this bill, whatever way it ends up. If we are going to go with Senator Goodrich's 6% per annum increase, which is a pretty good idea, he says, for saving us money, but I just want to say this. If the Governor says he is going to sign this bill in its present form giving him 10 thousand dollars a year increase, I offered this amendment so that the other constitutional officers who do not get \$14,000 a year for food, who do not have a housekeeper, a social secretary and a cook, he can still sign it and let those fellows have their pay increase and he can take what a woman and

5823

one child on ADC gets, \$10 a month increase. I think they are going to get about \$230 a month now to live on. That is all I have to say on this bill at this time until closing. If anybody else wants to speak in favor of this, I would be happy to hear their reasoning in view of what your own Governor has told you, to toe the mark, to be fiscally responsible. So I would like to hear the arguments for increasing these salaries. Thank you, Senators.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I would like to make several points in response to the amendment which Senator Higgins has brought to the body. The first point I would make is the Governor has not, to the best of my knowledge, been requesting that the Legislature increase the salary of constitutional officers. He certainly has not contacted me or have I seen him lobbying this issue to push for an increase in his own salary and so I think one thing that all of us should know is that he has not been exactly begging the Legislature for an increase in his own salary and so I think I just want to make it clear that that has not been his position publicly or otherwise that I know of. The second thing is that the chief executive of the State of Nebraska, in my opinion, is not highly paid. I do not think that we pay the executive officers of the State of Nebraska, the other constitutional officers and many of the department heads of the state sufficiently. It is difficult to obtain high quality personnel in many of the branches of state government because of the low salaries that we do pay executive officers, both directors of different agencies and as well as, I think, the other constitutional officers. So I really believe it is unwise of us to cut back at all on the recommendations that the Government and Military Affairs Committee made. I think the Governor's salary should be considerably in excess of the \$50,000 that the Government Committee recommended to us but I am willing to go along with their proposal and I wish that we would make significant changes in all of these salaries considerably beyond what the recommendations are. If anything, we are being too stingy with these salaries at the higher levels of state government and in the long run the people of the State of Nebraska pay for it by not being able to attract the kind of personnel we need to run state government. Another point I would make is that a small increase from Senator Higgins' perspective in the ADC program has a very large significant effect on the budget of the State of Nebraska. I don't know

exactly what the figure is. I could look it up but we are talking about very few dollars when we are talking about increasing these salaries of the executives in state government. So I really would urge you to reject the Higgins amendment and hopefully we will move this bill without further debate.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I really appreciate what Senator Ernestine Higgins or Senator Marge Chambers or which ever it is, had to say because she came right down the line and I think it is time now that those who have a sense of compassion bring before the Legislature head on, the way we feel about the lack of compassion when dealing with other issues. I think Senator Peterson would agree with this \$10 raise and probably say it is too much because the Governor can get a garden. Who would not be willing to give the Governor a little plot of ground? Give him a shovel, give him a pitchfork, let him go out there and dig a little bit, cut some of that extra belly that he is developing from eating twice as much food as the former Governor. Now Exon was taller, he was stockier and didn't have as much flab so I think in raising a garden, not only will the Governor have some more food but he can do some exercise. We know, don't we, Senator Peterson, that a sound mind and a sound body is the ideal and that when people have something to do with their body in a physical way like tending a garden they won't send messages over here saying I am going to veto LB 39 or I am going to veto LB 352, Senator Cullan. As a law student he has learned things about modus operandi, that you determine a pattern of conduct by a certain individual in getting an idea as to whether or not they did a certain other thing. Well when the Governor has a pattern of expressing his opposition to bills before they get over there and he refuses to express opposition to this one, silence gives consent. He wants this bill. He is hungry for it. A man who eats twice as much as Governor Exon has got to have more money and he can't get his garden producing it in time to satisfy that voracious appetite. Now, if his intent is not to run for Governor, he ought to declare it. Just like when there was some controversy about the Treasurer which I don't remember all the ins and outs but he said something about the person who gets this job ought to be willing to run again and let the public know exactly what we are dealing with. So it would be good if he would apply those principles to himself. Let him declare that he does not intend to run. Then he has no interest in this bill whatsoever, but I can see him over there sitting

in that office in a darkened corner, shadowed, rubbing his hands in anticipation, Senator Cullan, for this huge increase after doing a Scrooge on the women and children on ADC. By God, the budget can't stand it, and our compassion stops when it comes to the dollar sign and we are going to give this man who has established the principle of frugality, who has said to the news media that the public will determine whether or not my values are correct in cutting all these programs. This man is to be rewarded with this amount of money that is contemplated by the overly generous Government Committee? Why that is preposterous. \$10 is too much. \$1 dollar is more like it and then we are being overly generous. Let us follow the pattern that the leader is setting. It is obvious that he is your leader. You cannot deny that. When a man pops his finger and you jump, it is clear he is your leader and your leader has said on all of these vetoes and every other pronouncement relative to cash, that you have lost your marbles. You don't have any sense. He doesn't know what you are breathing in this air over here but it is making you crazy because you are trying to think and your job is not to think. Your job is to do what the Governor tells you to do and you have done it admirably up to now but you are missing the mark on this bill because you are going contrary to his desire. His desire would be to have a dollar a year increase and then he would probably feel that you are...

SENATOR CLARK: You have one minute left.

SENATOR CHAMBERS: ...overly generous. So what I would suggest is that we take very seriously Senator Higgins' motion. I think that it is essential on this floor that not everybody be swept away, bulldozed and buffaloeed by either the Governor or some political party outside this chamber and I think that Senator Higgins' motion offers us an opportunity to inject a bit of sanity into the proceedings and some realism. Senator Higgins, having been here going on eleven years I doubt that your motion will get enough votes to be adopted but you have got one from me for sure and I will stick with you all the way through.

SENATOR CLARK: Senator Howard Peterson.

SENATOR H. PETERSON: Mr. Chairman, I call the question.

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

CLERK: Senator Clark voting yes.

May 26, 1981

LB 488

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

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

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

SENATOR HIGGINS: Senator Cullan, you said the Governor hasn't asked for a salary increase. Has he come around and asked anybody to drop him from this bill, the Governor's increase? I have not heard of it. I know Goodrich told me this afternoon, "Hey, Marge, I've got a new amendment. We are just going to increase it 6% in '83 and then 6% of that in '84 and '85." If he doesn't want it why aren't they scheming and trying to find ways to get him something? But so far all I have seen come from the Governor is veto, veto, veto of the poor people and I have not seen him send a message back yet even indicating he would veto this bill or even sending out feelers to find out whether or not anybody would be interested in taking his name or his increase off. Senator Cullan said this bill is a drop in the bucket. You know that old poem we learned as kids, "Little drops of water, little grains of sand, make a mighty ocean, make a mighty land." This little drop of water for all the constitutional officers and the Governor will amount to a little drop in the bucket of \$271,040 over the four year term of these people. That is a drop in the bucket. Wait until the people back home read we just dropped another drop in the bucket of \$271,040 in order to give higher salaries to the constitutional officers and the Governor. I repeat, we all know what ADC means. Those people have subsidized housing. What do you call that mansion across the street that the Governor pays no rent on? Those people have food stamps. What do you call a \$14,000 a year food budget? I wonder how many families could actually eat off of \$14,000 a year, seriously? Senators, I think I have made my point and, Senator Goodrich, I am not going to withdraw my amendment as you asked. I want to see how many of these conservatives are going to vote conservative on this amendment. Now here is the roll call vote on how we voted on ADC and now we will see how we vote to be fiscally conservative on this bill. Thank you, Senators.

SENATOR CLARK: The question before the House is Senator Higgins' amendment. All those in favor vote aye. All opposed vote nay. This is a record vote. Have you all voted? Senator Higgins.

SENATOR HIGGINS: Mr. Speaker, I would like to know how

May 26, 1981

LB 488

every senator in this body stands on this issue of fiscal conservatism so I will Call for the House.

SENATOR CLARK: A Call of the House has been requested. All those in favor of a Call of the House vote aye, opposed vote nay. Have you all voted on a Call of the House? Record the vote.

CLERK: 14 ayes, 19 nays to go under Call, Mr. President.

SENATOR CLARK: The House is not under Call. Do you want a record vote?

SENATOR HIGGINS: Yes, roll call.

SENATOR CLARK: Do you want a roll call?

SENATOR HIGGINS: I want to find out where everybody stands.

SENATOR CLARK: A roll call vote has been requested. Senator Marsh, for what purpose do you arise?

SENATOR MARSH: I wonder if it is all right if everyone chooses not to vote on this issue.

SENATOR CLARK: Well you do not have to vote on the issue. That is one thing. Call the roll.

CLERK: (Read roll call vote as found on page 2277 of the Legislative Journal.) 9 ayes, 28 nays, Mr. President.

SENATOR CLARK: The motion lost.

CLERK: Mr. President, I now have an amendment to the bill offered by Senator Goodrich and DeCamp.

SENATOR CLARK: Senator Goodrich. Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature, the hour is late and I will be brief. Remember we are talking about constitutional officers and we are talking about the new term. That could be Charley Thone, it could be Bernice Labeledz, it could be anybody. We are talking about the office. I do not think the present bill can pass muster over a veto and I think it would get vetoed from the information I get. I do believe the constitutional officers probably merit an increase, therefore, for the new constitutional officers, whether they be Bernice or Howard anybody, Charley Thone, whoever, I am saying, put them basically within the same guidelines that you decided a while

May 26, 1981

LB 488

ago to retain. You said 7%. I am saying 6%, one point lower, same principle though. If everybody else can live within it, maybe they can live within it too and it corresponds with the same rule that we are applying. So you would cut all the increases and starting the new term, have 6%, et cetera.

SENATOR CLARK: I have Senator Kahle, Senator Hefner, Senator Chambers, Senator Goodrich, Senator Marsh, Senator Labeledz, Senator Higgins and Senator Haberman. The first one is Senator Kahle.

SENATOR KAHLE: Mr. President and members, we were given this idea when this came before us in the committee and I, for one, am gun shy of building in percentage increases, especially for constitutional officers. I don't know, I think Johnny DeCamp has left the room right now or is on his way but I would like to ask him a question and that is, how do you determine what the filing fee is for these officers when you have their salary on a sliding scale? Because that is what it is the day when they file or the first term, the first year of the 6%?

SENATOR DeCAMP: Sure, right.

SENATOR KAHLE: Or is it the second or is it a combination of the four?

SENATOR DeCAMP: The year in which they file.

SENATOR KAHLE: Well that is not very fair. Is it? I think that constitutional officers especially should receive a certain fixed salary. If you think the ones that we have come up with in committee are too high, why I think you have a perfect right to change them but I just do not believe that we should put our constitutional officers under the same or under a stiff guideline with increases each year. We don't know what the increase in the cost of living is going to be. It may be way more than 6% and it may be less than 6%. With the Reagan administration doing all the things that they are going to do, we are hopeful that it will be less than 6%. So I would think that if the constitutional officers would file and know exactly what they are going to get for the next four years, actually about five years from the time they file, it would be much simpler and much easier to work with and I do think there would be a problem of filing because you do have it built right in their salary that there is going to be 6% each year and I don't see how you can say that it is the first year when it is built right into the statutes or into the law that they are going to get 6% each year and I think I

May 26, 1981

LB 488

would challenge it. I think it has to be the average. So I cannot buy this amendment. I think that if you do not like the salaries that we have there, that you think they are too high, but I do think they ought to be fixed and they ought to know exactly what they are going to get for the next four years.

SENATOR CLARK: Senator Hefner.

SENATOR HEFNER: Mr. Chairman, I call for the question.

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

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record.

CLERK: 28 ayes, 2 nays to cease debate, Mr. President.

SENATOR CLARK: Senator DeCamp.

SENATOR DeCAMP: I waive it.

SENATOR CLARK: The question before the House is the adoption of the DeCamp amendment. All those in favor vote aye, opposed vote nay. Have you all voted? Once more, have you all voted on the DeCamp amendment?

CLERK: Senator Clark voting yes.

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

SENATOR DeCAMP: I would ask for a Call of the House and then take call-ins if you would for a while.

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

SENATOR KAHLE: Mr. President, I object to taking call-ins when they do not know what they are voting on.

SENATOR CLARK: Record the vote.

CLERK: 15 ayes, 11 nays, Mr. President, to go under Call.

SENATOR CLARK: The House is under Call. All Senators will check in please. Return to your desks. All unauthorized personnel will leave the floor. Will you all check in,

please. Senator Goll, Senator Kremer, Senator Schmit, Senator Maresh, Senator Haberman, Senator Pirsch. Senator Sieck and Senator Goll are excused. Senator Kremer, Senator Schmit, Senator Pirsch. The Clerk will announce what we are voting on, please.

CLERK: Mr. President, we are voting on the DeCamp-Goodrich amendment to LB 488. Senator Koch, Senator Koch changing from yes to no. Senator Beyer changing from no to yes. Senator Fenger changing from no to yes. Senator Newell continuing to vote no.

SENATOR CLARK: Call the roll. Let's keep it quiet so he can understand, please.

CLERK: (Read roll call vote as found on page 2279 of the Legislative Journal.) 20 ayes, 24 nays, Mr. President.

SENATOR CLARK: The motion failed. Do you have anything else on the bill?

CLERK: Mr. President, Senator Chambers now moves to amend the bill. (Read Chambers amendment as found on page 2279 of the Legislative Journal.)

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this is an offer that you ought not be able to refuse. You already endorsed the principle of attaching the salaries of some people to that of the top dog so now we bring it to another category and we attach the puppy dogs salary to that of the big fido. Now, what can be wrong with this? You have LB 111 on Final Reading endorsing this principle. You do not want all of the constitutional officers to be given the same salary. The others below the Governor receive a lesser amount but there is nothing that indicates intrinsically any of these people are less worthy of a salary than the Governor but because the Governor's position is considered to be at the pinnacle, everybody has to receive a bit less. So let's not give them so much less that they feel insulted. In this society you are valued in terms of how much pay you receive. If we want full measure from all of these officers, and I am certain you could not get a single one to say he or she feels less worthy than the Governor, this is a way to deal with the situation of constitutional officers' salary from now on. You never have to worry about coming in here and perhaps having an auditor who has done something which offends you as the present auditor has done where I am concerned by cowering

to the Governor and making certain political decisions but maybe because he did that and I am hostile toward that, I should not be in a position to dock the salary of every future auditor. So if we are talking about the office as Senator DeCamp has indicated and as I am sure others will indicate, let us set a salary scale, a salary system which deals with the offices as such. If it is good enough for the Supreme Court and all the other judges, it certainly ought to be good enough for all these other constitutional miscellaneous people or these miscellaneous constitutional people. I have to say something here about strategy too and then I want to ask Senator Labeledz a question. When the question is constantly called because people are irritated all that they do who call the question is irritate those who want to speak. So then a strategy must be found to give everybody the opportunity to speak and how do you do that? You offer an amendment. So if you want to call the question, call it as many times as you want to. Now, Senator Labeledz, here is the question I would ask you because your name has been mentioned as one of those who might consider residing in the Governor's mansion as the legitimate occupant, not taking one of those jobs as Senator Higgins was talking about earlier. If you were Governor, what would be the salary you think you would require to be adequately compensated or to live? To live on, let me put it like that.

SENATOR LABEDZ: Alright, thank you, Senator Chambers, I can answer that. Right now with my regular job I am making less than \$20,000 a year and to be paid \$40,000 a year I would say I would be living like a millionaire because that would be a double of the salary that I am getting now and I couldn't work any harder than I am right now. I would prefer to see the money going, as Senator Higgins said and as you said, to the ADC or to the mentally retarded and those were two of the bills that were vetoed.

SENATOR CHAMBERS: Thank you, Senator Labeledz. Members of the Legislature, those of you who now may have given me your attention, I want to tell you what this amendment does and it is very simple. It is very, very simple, so simple that even a member of the Nebraska Legislature who has been here all day can comprehend. If your attention span is about ten seconds you will get this. It says that the Governor will be paid \$42,000 a year which is a \$2,000 increase over what he is getting now or about 5%. So that person will get an increase. Then all other constitutional officers as named in this bill will get a salary equal to 98% of that. How can you beat it, Senator Hefner? It is fair. It is reasonable. It uncomplicates

May 26, 1981

LB 488

everything and it puts things in their proper perspective. So I am asking your attention to this amendment and that you will vote to adopt it. It is offered in seriousness even though I might be smiling because some smiles are only from the teeth out. Often when people are smiling they are most serious and deadly. That is not the case in this instance. If you have any questions or concerns that you would like to express to me that I might address on closing, I am available and accessible, unlike the Omaha City Council.

SENATOR CLARK: Senator Higgins. ...speak to it?

SENATOR HIGGINS: Only to the bill.

SENATOR CLARK: Senator DeCamp. The question has been called for. Do I see five hands? I do. All those that want to cease debate vote aye, opposed vote nay. Record the vote.

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

SENATOR CLARK: Debate has ceased. Senator Chambers, I guess you have nothing to answer. There have been no other...

SENATOR CHAMBERS: Mr. Chairman, Senator DeCamp was wondering what the Attorney General makes and I think his is thirty something, thirty-nine, five. There is nobody who makes more than the Governor right now and under this amendment nobody still would make more than the Governor. So if you adopt this amendment I will withdraw the kill motion that I have up there but if you do not, we are going to ride with the tide and go with the flow.

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

CLERK: 8 ayes, 23 nays, Mr. President, on the motion to adopt.

SENATOR CLARK: The motion fails. What further do you have on the bill?

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

May 26, 1981

13 488

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. Chairman, I move to suspend the rules and take up the issue tonight.

SENATOR CLARK: Senator Kahle, do you want to talk to that motion?

SENATOR KAHLE: Mr. President and members, I support Senator Haberman. I think it is time we face up to the issue one way or the other. We do not have that much time. I think this is an issue that needs to be decided this year. These people have not had a change in salary for...well it would be, by the time their office expires in January of 1983, it will be about six years from the time that salary was decided when they ran for office and I know it is late and we have a lot of things to go through yet but I believe it would be foolish to postpone this until tomorrow or the next day and make it impossible to pass. I think we owe it to the constitutional officers. If you do not like the figures that are in there, why that is another issue but to evade it completely and not face up to it and find all kinds of excuses to delay it and to foul it up and to cast reflections of our constitutional officers, which we do not know who they are going to be when this salary comes into effect, I think is plain foolishness. So I think we should face up to the fact, vote the salaries that you see fit but let's do it now and get it done. Thank you.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, it really matters not to me whether you take the motion up now or not because I would say the same thing today that I would say tomorrow. However, we can be here as long as you want to be here and, Senator Kahle, I promise I will stay with you. So you all can suspend the rule if you want to but I will tell you this. There have been all kind of discussions about whether the rules ought to be suspended or whether they should not. So I do not think this vote will depend on how we feel about suspending the rules. That will not have anything to do with it. Senator Kahle said a decision should be made about this bill. I have heard grumbling that the bill ought to just go on and be killed so maybe this vote on the motion to suspend the rules will say something. If you want to kill the bill do not vote to suspend the rules. I guess that will effectively do it.

SENATOR CLARK: Senator Lamb. The question has been called for. Do I see five hands? I do. All those in favor of

May 26, 1981

LB 488

ceasing debate vote aye, against vote no. Record the vote.

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

SENATOR CLARK: Debate has ceased. Senator Haberman, do you wish to close? The question before the House is suspension of the rules to take up the motion immediately. That will take 30 votes. All those in favor vote aye, all opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted on suspending the rules? We have eight people that have been excused. Sorry, there is only seven now. Have you all voted on suspending the rules? Yes. Do you want a roll call vote? A Call of the House has been requested. Okay, record the vote.

CLERK: 30 ayes, 10 nays, Mr. President, on the motion to suspend rules so as to consider the kill motion today.

SENATOR CLARK: The rules are suspended. We will take up the kill motion now. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, seldom have I been asked to speak before the body by acclamation in the overwhelming way I was just on that vote. Obviously you all enjoy my oratory, my rhetoric, the way I turn a phrase, the symmetry with which I turn a sentence. So since you insist on having that I am not going to deprive you of it. I should tell you why this bill should be killed. It is not a good bill. It does not have the support that it would take and I have got to ask Senator DeCamp a question to see if there is an additional factor. Senator DeCamp, were you told that the bill in its present form would be vetoed by the Governor? Is that what you were told?

SENATOR DeCAMP: I will tell you exactly what I was told.

SENATOR CHAMBERS: Thank you.

SENATOR DeCAMP: I was told that the Governor would either veto the bill or figure some way so that he personally did not, if he were Governor assuming, that he personally did not take any salary increase whether it be like Virginia Smith's technique of giving it away or something. His concern was the other constitutional officers, the Attorney General, so on and so forth. That is what I was told.

SENATOR CHAMBERS: Thank you. Then, members of the Legislature, it seems to me that those of you who don't like what I am doing should want to kick the Governor on out of the bill, give him what he wants as you have been giving him all the rest of this session, amend him out, but you will not do it. You sit here saying there is a cancer on the body of this bill. It needs to be excised. Somebody has got an amendment to do that. I do not have confidence, Senator Goodrich, in the body's rationality at this point so I have got to push forward. I have taken this position. I think the bill ought to be killed against the advice of those who, from time to time, may have a kindly thought toward me, against their advice I will not withdraw my kill motion. I will not withdraw another motion I have up there. If you want to stay here we will stay. Now is the time when Dracula gets his revenge. I sat all session and I watched and I listened and I paid very close attention to the things that transpire in this Chamber. I am aware of things, keenly aware of things that happen in the rotunda and now we come to the last few days and issues that are of grave concern to some people and you are compelled to stay here and you are compelled to listen to a discussion that may not be too pleasing to you and I don't think it could be pleasing to anybody who favors giving salary increases, to have me stand up here and say we ought to kill the bill, whose design is to accomplish that purpose. But that is precisely what I am saying. We talk about the sacrifices as has been said so many times. It starts at the national level. It filters down through the political subdivisions at the local level. Lids are imposed. The President and Stockman are praised for their slashes but I have not heard one person on this floor who calls himself a conservative or herself a conservative make any comment about David Stockman saying he needs several millions of dollars more to run his office. Silent night when that occurs. Well now, let us at the state level give some direction and show that these people who have chosen to run for these offices knowing what the salary is, as we are told, will live with the salary they expected to get. I don't think they are being paid an unreasonably low in amount in Nebraska. Everything is cheap here. You do things on the cheap in this state. As far as Senator Kahle being concerned about the fact that they cannot get a salary during their term of office, you can't get a salary increase during your term of the Legislature if your term is a hundred years. So that is the wrong argument to make here. By comparison the term of any other person or the time between salary increases is like the batting of an eye. Let us show that fiscal restraint. Let me reach

into the bag of politician's cliches. Let us do the thing that is difficult. Let us bite the fiscal bullet. Let us put the shoulder to the wheel and nose to the grindstone. And let us do those things that made America great. Frugality, let us not be spendthrifts. Let us not be wasteful. Let us not give people more than they need to survive at a decent level. And if two people are expected to survive at a decent level on \$280 a month, then certainly these cats who get into office, desiring to become fat, can survive at the salary level they are at now. So I am moving that we kill this LB 488. There are people in this body who are very concerned about the Governor's welfare although he is not too concerned about theirs because in degrading the entire Legislature as he has done, he degrades everybody who is in it. You can't go back to your individual constituencies and say everybody else is a dog and I am all right. The Legislature has been merged into the office of the Governor and perhaps some senators think that by giving the Governor an increase we will get some of that increased salary. Since we have given to him our authority and our powers maybe we ought to get some of the money he has for administering two positions, that of the Governor and that of the Legislature, but it does not work that way. What would be harmed if we killed this bill? Nothing. Nobody who is in office now can get the increase during their term of office. If the salary level stays where it is and the person running for the office is running because of the inducement provided by the salary, if the amount is insufficient they won't run. Certainly we do not want people running for these offices just for the money. We want them to run for the same reason that members run for the Legislature, dedicated, devoted, prestige as Senator Nichols says, right. So that when you leave your home they think you are out there in Washington carousing with Rita Jenrette and all the other "scarlet women" of Washington, D.C., feasting with the lobbyists, being flown all over the country. Let these other constitutional officers have the same things that we have. So I hope that you will consider this motion, give it a green vote, Senator Haberman, to match your coat and your tie and give this bill the faith that it deserves. Then to quote another cliché which is popular around here when our issue is waiting, we can get on to the important matters which would seem to say that this is not important. So if it is not I am giving you a chance to dispose of it. I doubt that anybody else will speak because not many have the temerity to step into these troubled waters this late in the day, both the individual day and the legislative day, meaning the session. But

May 26, 1981

LB 488

this is the thing, this is the time that you have an opportunity to observe what is known as the American spirit when you say, looking with a steely glint in your eye, Senator DeCamp, a man's got to do what a man's got to do.

SENATOR CLARK: Senator Haberman, Senator Goodrich, Senator Newell, Senator Koch and Senator Nichol. Senator Haberman first. He will pass. Senator Goodrich.

SENATOR GOODRICH: Question.

SENATOR CLARK: The question has been called for. Do I see five hands? I do. All those that wish to cease debate will vote aye, all those opposed will vote nay.

CLERK: Senator Clark voting yes.

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

CLERK: 27 ayes, 2 nays to cease debate, Mr. President.

SENATOR CLARK: Senator Chambers, did you have....? The question before the House is the indefinite postponement of LB 488. All those in favor vote aye. All those opposed vote nay. It does take 25 votes. Have you all voted on the indefinite postponement? Once more, have you all voted? Record the vote. A record vote.

CLERK: (Read record vote as found on page 2280 of the Legislative Journal.) 14 ayes, 23 nays, Mr. President, on the motion to indefinitely postpone.

SENATOR CLARK: The motion lost. Is there anything further on the bill?

CLERK: Mr. President, the next amendment I have is offered by Senators Goodrich and DeCamp. It would amend the bill by striking the section of the bill increasing the salary for the Governor.

SENATOR CLARK: Senator DeCamp.

SENATOR DeCAMP: The amendment speaks for itself. Senator Pirsch, it strikes the portion of the salary increase dealing with the Governor, deals with all other constitutional officers, keeps them the same in the bill, strikes anything to do with the Governor. He seems to be kind of a thorn in the bill along the way I have noticed.

May 26, 1981

LB 488

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: This is what everybody has been griping about, the Governor's salary, and his increase. Well here is an amendment that even old Margie over here can support because we are not giving poor old Charlie a raise and I am even thinking that maybe Senator Ernie can support this because old Charlie isn't going to get a raise. That is what everybody has been whoop-de-dooing about. Well, Margie, you can take a different slant. You have got to look at it different. Now we have got to look at it that if this was for good old J.J., what would we be doing? We would not be doing it. Well then let's don't do it for old C.T. Let's don't give him a raise either. Let's just go ahead and say to C.T., you are making enough money, you have got the house to live in, you have got the chauffeur, you have got the car, this is enough, C.T., we are not going to give you an increase so let's all vote for this one and then we can pass on to another bill and possibly try to go home. Thank you, Mr. President.

SENATOR CLARK: Senator Newell. We have seven more lights on.

SENATOR NEWELL: I got it. I call for the question.

SENATOR CLARK: The question has been called for. I see five hands. All those who wish to cease debate will vote aye, opposed no.

CLERK: Senator Clark voting yes.

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

CLERK: 26 ayes, 8 nays to cease debate, Mr. President.

SENATOR CLARK: Debate is ceased. Senator DeCamp.

SENATOR DeCAMP: Mr. President, it is a very simple amendment. It strikes the Governor. However, Senator Cullan is opposed to it and did not get a chance to talk so I will waive my closing time in favor of the amendment so that he can speak in opposition to it.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I think it is appropriate that Senator DeCamp allow, he spoke in favor of it so now I would like to speak against it. I think it is ridiculous of this Legislature to yield

May 26, 1981

LB 488

at this point in time simply because we are tired or Senator Chambers and Senator Higgins and a few others oppose what evidently on General File and earlier today, the majority of this membership wanted to do. Whether Governor Thone wants this increase or whether he does not, whether Senator DeCamp wants this increase or whether he does, not does not really make much difference to me because we do not know who is going to be the Governor in the future. What we should be voting upon is what the salary of the Governors of the State of Nebraska and the other constitutional officers should be. The State of Nebraska is in excess of a billion dollar business. It is an operation that provides services to the people of the State of Nebraska. It is important and the Governor of the State of Nebraska should not be so meagerly paid. How many executive officers or corporate officers in the State of Nebraska make many, many times what the Governor is currently paid? Now we do not think that the Governor, of course, should be paid in that same bracket but the Governor of the State of Nebraska should not be paid so meagerly as he is today and I think it is an insult for us to pass a bill that raises the salary of the other constitutional officers and does not raise the salary of the Governor. I will personally vote against this bill if you adopt this amendment and I think more importantly, we have allowed a very small membership of this Legislature to determine the fate of this issue. It is only six thirty-three and I am not willing to yield to Senator Chambers or Senator Higgins at midnight, much less this early in the day. It is a bad precedent for us to set to yield to these people just because it is at this time of the day. If we supported this bill on General File and if we supported it previously, then we should support it now, irrespective of who the Governor is now and irrespective of who the Governor is going to be. I just urge you to reject it. It is ridiculous.

SENATOR CLARK: The question is the adoption of the DeCamp-Goodrich amendment. All those in favor vote aye, all those opposed vote nay.

CLERK: Senator Clark voting yes.

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

CLERK: 12 ayes, 26 nays, Mr. President.

SENATOR CLARK: The motion lost. Do you have anything further on the bill?

CLERK: Mr. President, Senator Chambers would move to amend

May 26, 1981

LB 488

the Governor's salary to \$65,000 per year, all constitutional officers to receive 95% of the Governor's salary.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, apparently the raise that I offered in the other bill was not considered adequate. Senator Cullan has made an appeal for not cutting the Governor's salary which, in effect, would have happened if you had not given him an increase because everybody else would have gotten one. He made his appeal based on what executives in other lines of work may receive and he is quite correct. They receive quite a bit more than the Governor of the State of Nebraska. One of them who is now head of Chrysler put Ford in a lot of trouble and now he is doing the same thing for Chrysler and he is making close to a million dollars in cash and a lot of other fringe benefits and with all due respect to all the people who have stumbled and blundered and fumbled their way through the governorship of Nebraska, the state still, despite all of that problem is not in as bad a shape as Chrysler. So, if those people are entitled to these huge amounts of money then you might be willing to give the Governor a substantial increase. \$10,000 is not really an increase. If you are insistent on raising the salary and you are doing it for the office then raise it by a considerable enough amount. Then everybody else would not receive the 98% of that that I proposed when the raise was a lesser amount but only 95% and I think this will give everyone of those constitutional offices, not only a decent increase, but it will provide uniformity and I think that is to be desired. So, if you adopt my amendment you would take the Governor from \$40,000 to \$65,000 which is a mere \$25,000 increase and that is not unreasonable in these inflationary times because the dollar is not worth very much. Now whatever 95% of 65,000 is, that is what all these other fellows would receive. So instead of getting a \$10,000 increase the Governor would get \$25,000. Each one of these other people would get 95% of the \$65,000 total salary that the Governor would have. If you were upset with the \$42,000 amount, it is obvious that that was too small. We have not had a vote at this stage of consideration on the \$50,000 which is the consideration in the bill as it stands now. So maybe you feel that \$50,000 is about right and you might feel that \$40,000 for the Lieutenant Governor who is just a whisper away from the governorship or a heartbeat is what they say, depending upon what you whisper, it could just be a whisper, he is up to only \$40,000.

May 26, 1981

LB 488

Now there is a \$10,000 difference there and the Secretary of State who is most noteworthy around here for bringing in those long complicated bills with all kind of zingers hidden away in all the verbage, he will get \$40,000 the same as the Lieutenant Governor, \$10,000 less than the Governor. Now the Attorney General is the one that raises my eyebrows. With the proposed increase for the Attorney General you have just a \$2,000 difference between the Governor and the Attorney General. He will get \$48,000 and maybe that is in recognition of his new duties that he shares with the present Governor. So maybe he should get \$48,000 when the others only get 40. The auditor will have \$40,000. The state treasurer will have \$40,000. Oh, I wish you could have heard what Senator Dworak said. It was a zinger but I do not talk like that. The public service commissioners will only get \$27,000. I had not noticed that they are kind of separated. They are double spaced down here. I did not even know they were a part of the bill. Certainly they should get more, they set the telephone rates. They set the cab rates. They do a lot of other things. They double dip. Some of them do that. So they are certainly worthy of more than a mere \$27,000. So, members of the Legislature, I hope that you will review the amendment that I am offering. It will raise the Governor's salary to \$65,000, a measly \$65,000, Senator Rumery, in these inflationary times and then give all of these other dedicated constitutional officers or officials, whichever they choose to be called, 95% of what the Governor makes and I think that is fair and I think it is proper. With some of the bills that came through here for attaching our salary to that of the Governor, it was felt that we are not worth a third of what a Governor is worth. Some people may have thought a half but certainly no more and here we are going to take these people and give them 95% because I, a senator, who will never get a salary increase, want to see somebody else do better than I am able to do serving the State of Nebraska. So I hope you will vote favorably on this amendment, give the Governor's office what that office is entitled to, give these other officers what they are entitled to but if you fail to do that from the fact that no other amendments have been adopted, you apparently are insistent on sending the Governor LB 488 in its present form and before you make such a mistake I want to remind you that he has sent word here that he will veto the bill and you know what that means. You know what that means. That is awesome when he shakes that veto pen at the legislature so I am expecting you to defeat my amendment. Then I am expecting you to do something other than what this bill says

5847

May 26, 1981

LB 488

right now. Otherwise the Governor will get you and you know what that means.

SENATOR CLARK: Senator Nichol. The question has been called for. Do I see five hands? I do. All those in favor of ceasing debate vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

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

CLERK: 26 ayes, 1 nay, Mr. President, to cease debate.

SENATOR CLARK: Debate is ceased. Senator Chambers. The question before the House is the adoption of Senator Chambers' amendment. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? Record the vote. Do you want a record vote?

CLERK: (Read record vote as found on page 2281 of the Legislative Journal.) 3 ayes, 31 nays, Mr. President.

SENATOR CLARK: The motion lost. Do you have another amendment on the bill?

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

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

SENATOR DeCAMP: Move it.

SENATOR CLARK: The question before the House is the advancement of LB 488. All those in favor say aye, it is debatable. Senator Koch.

SENATOR KOCH: Mr. Chairman, I rose to ask that we that we have a record vote of the advancement of this bill. I do it for two reasons.

SENATOR CLARK: On the advancement?

SENATOR KOCH: Yes. I do it for two reasons because I want to eliminate the negative and accentuate the positive and I want to make sure we are handling the money like you would your mother's egg money.

May 26, 1981

LB 488

SENATOR CLARK: Senator Cullan. The question has been called for. Do I see five hands again? I do. All those in favor... Yes.

SENATOR CHAMBERS: Now Senator Cullan walked in earlier on an issue and called the question and you said, no, there had been no debate. So if you want to make the ruling, I will challenge it but there has been no debate and I know everybody is hot but they are voting now on the movement of the bill and not amendments and there has been no discussion of the bill or that motion and I think it is premature to call the question.

SENATOR CLARK: All right, we have got seven lights on. I have got all night. Take your time. Senator Newell. Senator Labeledz, do you want to call the question, too?

SENATOR LABEDZ: No, I was just going to speak for just a short moment. I know everybody is tired but I was adding up while the debate was going on, the Governor's salary is now \$40,000. I do not have the figures in front of me because I destroyed them but there was also \$14,000 in food, \$9,000 for maintenance of a car and about \$30,000 if I recall in salaries for the housekeeper, the social secretary and maid service. That does not include, and that is almost a hundred thousand right there, that does not include the maintenance of the house, the free rent. In other words, there is over a hundred thousand dollars in benefits that we are not considering here. That is including the salary of course, the \$40,000, and I will vote against the bill because I think that is more than adequate. Thank you.

SENATOR CLARK: Senator Higgins.

SENATOR HIGGINS: Senator Labeledz just said what I have been trying to say all day in all seriousness. Do you want to give a \$10,000 increase to somebody that has already got almost a hundred thousand dollars in fringe benefits and those are all tax free? Maybe you ought to just not give him a salary and just raise his expenses \$40,000 and he will not have to pay any taxes. Thank you, senators.

SENATOR CLARK: Senator Cope. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I am going to support the advancement of this bill as it is. Senator Haberman suggested that I not offer any more amendments which I will not do, Senator Haberman. I

May 26, 1981

LB 488

received word that Mr. Heinemann has said, let his people go. I will accept that too and I am going to vote to advance the bill because I think the Legislature is tired enough now to go ahead and put this bill on the Governor's desk and we are going to see if Senator DeCamp gave us correct information. We will see if he vetoes it and that is the reason I am voting to advance the bill and I am sure it is the reason everybody else is going to vote. We are having a constitutional crisis on this bill. Does the Governor control the Legislature or does the Legislature control itself? As has been pointed out by others in the debate this afternoon, this bill has received support all the way across the board and it kind of pleases me that in the face of a threat of a veto by the Governor you are going to send the bill on through and stick with your resolve. I am proud of you and I am going to join you, Senator Kahle, in voting to advance this bill.

SENATOR CLARK: Senator Hoagland. Do I see five hands? I do. All those in favor of ceasing debate vote aye, opposed vote nay. Record the vote.

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

SENATOR CLARK: Debate has ceased. The question before the House is the advancement of the bill. All those in favor vote aye, all those opposed vote nay. A record vote has been requested.

ASSISTANT CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

ASSISTANT CLERK: 27 ayes, 11 nays on the advancement of the bill.

SENATOR CLARK: The bill is advanced. Senator Haberman.

SENATOR HABERMAN: Mr. President, I move we adjourn until eight-thirty tomorrow morning.

SENATOR CLARK: We are down to twelve bills and they have to be off today. It is not a debatable motion. We are trying to find out what has to happen up here first.

SPEAKER MARVEL: According to the rules we have a right to make a comment and the comment is if you want to destroy

May 27, 1981

LB 12, 172, 242, 302, 321,  
344, 376, 411, 488, 494

SPEAKER MARVEL: The House is under Call. All legislators should be in their seats and record your presence. Senator Burrows, will you record your presence? Senator Koch, will you record your presence? Senator Schmit, will you record your presence? Senator Remmers. Mr. Sergeant at Arms, we have two excused and we need to find Senator Schmit. After we have completed this activity, will you please remain. We have an announcement to make. Senator Newell, are you ready for the roll call. Do you want a roll call vote? Okay, call the roll.

CLERK: (Roll call vote taken. See page 2313, Legislative Journal.) 23 ayes, 25 nays, Mr. President.

SPEAKER MARVEL: The motion lost. May I have the attention of the Legislature for just a moment. I would like to read a statement. "The Governor has notified us that he will act on all legislation by Friday, May 29th. Through the Governor's cooperation in taking this prompt action, it will enable us to meet on Friday, May 29, 1981, and adjourn sine die that day." It is now my recommendation that we continue with our original calendar and meet this Friday and adjourn that date sine die. I believe this accommodates most of the members desires. However, please understand that all bills not correctly engrossed at the start of business today, the 88th Day, cannot be considered on Final Reading until the final date, the 90th Day. This proposal allows us to accomplish all goals set forth for this legislative session. If you have questions, I would suggest that you talk either to Senator Lamb or to Mr. O'Donnell. Do you have something you wish to read in?

CLERK: Yes, sir. Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed LB 172 and find the same correctly engrossed; 242, 302, 321, 344, 411, 488, and 494 all correctly engrossed. (Signed) Senator Kilgarin.

Mr. President, I have an Attorney General's opinion addressed to Senator Lamb regarding LB 376.

SPEAKER MARVEL: Underneath the South balcony, it is my privilege to introduce as a guest of Senator Jim Goll his daughter visiting from San Francisco, Mrs. Sarah Goll Haskell. Where are you located? Will you please stand up so we can see where you are? Welcome to the Unicameral. What is the next order of business, Mr. Clerk?

May 29, 1981

LB 488

all right, Mr. Speaker?

SENATOR MARSH: Mr. President.

PRESIDENT: Yes.

SENATOR MARSH: I object to it being held over, so it would have to be a motion. I object.

PRESIDENT: All right. Okay. Senator Chambers.

SENATOR CHAMBERS: Point of order, if I may, from the Chair.

PRESIDENT: Yes. A point of order. State your point, Senator.

SENATOR CHAMBERS: If the Speaker had said it would be passed over, then wouldn't Senator Marsh have to make the motion and it would take 30 votes?

PRESIDENT: To overrule, yes. Okay, the motion correctly is to...if the Speaker makes the provision that it would not be on the Final Reading list, then it's overruling the Speaker's orders, that is correct. Speaker Marvel, I will let Speaker Marvel address the issue.

SPEAKER MARVEL: I was asked originally simply to cross out 488 and let it ride. I refused to do this because this isn't the way we are supposed to operate, and, therefore, the only other way I know that somebody can get 488 off of where it is is if there are amendments on the desk. Are there amendments on the desk?

CLERK: Yes, sir.

SPEAKER MARVEL: Well, will that take care of obliterating 488?

PRESIDENT: Well, we'll have to discuss them and then it may hold over. That's right, Mr. Speaker.

SPEAKER MARVEL: The original request was to strike and we refused to do this, so this is where it rests now.

PRESIDENT: So you want it on the agenda and you want to take up the motions on the desk. Is that it?

SPEAKER MARVEL: Yes, subject to requests that will be made otherwise, yes.

PRESIDENT: Okay. Well then, Senator Marsh...Senator Marsh, then that answers your question too, and, Senator Chambers,

6117

May 29, 1981

LB 488

you too. All right, so then LB 488 is before us with the motions on the desk, I guess. So let's...Senator Kahle, does that answer your question? Okay. All right, we will proceed then, LB 488 with motion on the desk.

CLERK: We have motions, but we will....

PRESIDENT: Senator Higgins, pardon me.

SENATOR HIGGINS: As a Freshman, I don't understand this. What are we doing to this bill? We debated it, you know, for a couple of days. Now, are we going to read the bill? Are we going to vote on it today?

PRESIDENT: If there are motions on it, we will do like we do on everything else. We will have final debate, which, you know, we have been doing all session long which we never used to do that we are now doing regularly.

SENATOR HIGGINS: We are going to read the bill, and then vote on it?

PRESIDENT: No, right now we are going to listen to any motions on the desk.

SENATOR HIGGINS: Okay.

PRESIDENT: Okay. Any other questions? Senator Clark.

SENATOR CLARK: I would move to have the bill laid over. Take a vote on it.

PRESIDENT: I believe that takes precedence too, that motion to lay the bill over until...well, just lay it over. That takes care of it.

SENATOR HIGGINS: Isn't that a debatable thing, or not, Mr. Speaker?

PRESIDENT: Yes, that's debatable, yes. All right, okay, Senator Kahle and then Senator Higgins and Senator Kahle was on for...now this is a motion now to lay over, which is the first motion which takes precedence. Motion to lay over. Senator Kahle, then Senator Higgins. Senator Clark, did you wish to address it before Senator Kahle does? Let's let Senator Clark make his statement on his motion and then Senator Kahle.

SENATOR CLARK: In the first place Senator Goodrich isn't here and Senator Goodrich wanted the bill laid over, and as long as they want it laid over, it is not a necessary

May 29, 1981

LB 488

bill this year and I think it is the ideal time to lay it over.

PRESIDENT: Okay. Senator Kahle.

SENATOR KAHLE: Mr. President and members, it is true that it is not absolutely necessary that that bill pass this year, but you are running against a deadline early in the session next year. And I am not sure how fast we will progress but that determination of salary has to be made in the case of an incumbent 75 days before the May Primary and 60 days for a nonincumbent. So you are running yourself into a hole, I think. I think this is foolishness not to face up to this issue. If you don't like the figures that are in the bill, let's change them, but to put it off until next year, we are going to put ourselves in a bind and we will have to pass that legislation during some of the first weeks in the Legislature because if we don't, of course, then I expect they will have to run on the same salary they are running now... or they are getting now, if that is what you want. But if you expect to have the salaries so that they can pay their filing fee on whatever salary you set, it has to be done very early in the next session. And so I think we are being foolish in not facing up to it right now.

PRESIDENT: The Chair recognizes Senator Cullan and then Senator Higgins. Senator Cullan was ahead.

SENATOR CULLAN: Mr. President, members of the Legislature, we have debated this issue several times. There is absolutely no reason to lay this bill over at this time. If we do not like the bill, then vote against it. But let's read it, let's decide the issue. Let's let the Executive Branch do with this bill as they please. But let's not pass this issue over. Let's not duck this issue at this time. Let's face it and meet it squarely. I see no reason for us to pass this bill over. Now is the time to take some action one way or another.

PRESIDENT: Yes, Senator Marsh.

SENATOR MARSH: Mr. President and members of the Legislature, we need to address LB 488 this year. Today happens to be the last day of the current session, therefore, this is the time it needs to be addressed. Right now we can say the dollars in LB 488 are for the next person who fills the position in the next regular term. By next spring there may be candidates already and it would be much more difficult to be talking about the office instead

May 29, 1981

LB 488

of the individual. I strongly support the need for passage of LB 488 this year. It actually will mean dollars into government at whatever level rather than postponing the same decision next spring. Time is of the essence. This is the day LB 488 needs to be passed.

PRESIDENT: Senator Higgins, finally.

SENATOR HIGGINS: Thank you, Mr. President.

PRESIDENT: Thank you for your patience.

SENATOR HIGGINS: Mr. President and Senators, I don't understand how someone introduces a bill, they fight for it on General File. They spend hours of the Legislature's time for it on Select File. I even asked the introducer of this bill, it's a little ironic that the top offices we are considering increasing salary are all the opposite party of the introducer, but he said that there is reasons for doing that, and I am sure he had a good one. But I find it unbelievable that the introducer of the bill, who has fought so long and so hard for it, is at this time excused and I will bet everybody in here a dollar and a half that when we come back to 376, he's back. So, Senator Clark, would you yield to a question, please? Okay, Senator Clark, why do you want to lay over the bill?

SENATOR CLARK: In the first place the introducer is not here, and I understand he wants to lay the bill over. There is absolutely no reason for the bill this year. There will only be four bills on Final Reading and if you can't read those the first two days in the next session....

SENATOR HIGGINS: Talk on your time, Bob, I just wanted the answer. So the introducer isn't here, but he made the motion and then he got excused. Now we will see how sincere the introducer is if he comes back to vote on 376. My point is this. Let's do it today. We have wasted too much of our time deciding whether or not we should up these salaries or not. I agree on one of the rare times with Senator Marsh, let's do it today. Let's show the people of the State of Nebraska that we are not here to waste time. You are either for the raises or you're agin' them. So, I say, let's go ahead and vote on this bill and if the introducer of it doesn't think enough of it to be here, and if he had some good and valid reasons not to want you to vote for it today, I can't understand why he wouldn't be here to give us his reasons or at least why didn't he tell his friend, Senator Clark, why

May 29, 1981

LB 488

he wants it laid over. So, really Senators, we have not been given any reason not to vote on this bill today. Thank you.

PRESIDENT: The Chair recognizes Senator Lamb.

SENATOR LAMB: Mr. President and members of the Legislature, without taking very much time I would say that there is really no necessity for this bill to be passed this year. There is no reason why we can't do it early next session. I suggest that the motion to bracket the bill be accepted.

PRESIDENT: All right. The Chair recognizes Senator Koch. It's kind of hard to hear in here, could we have a little bit of attention. Senator Koch, go ahead.

SENATOR KOCH: Mr. President, is this a motion to lay over?

PRESIDENT: This is the motion to lay over, yes, sir.

SENATOR KOCH: Then one question I would have is that motion, any time it's brought up always has precedence over other motions? Or if that's a last minute effort, and other motions are pending?

PRESIDENT: Yes, this is a....this takes precedence on this stage, certainly.

SENATOR KOCH: So any time during the next session when I want to get a motion, I can just lay over and it takes precedence over any other motion.

PRESIDENT: You can try if you've got the votes, yes.

SENATOR KOCH: Okay, thank you.

PRESIDENT: Senator Wesely. Senator Wesely calls the question. Do I see five hands? I see twenty-five it looks like. But anyway, all those in favor of ceasing debate vote aye, opposed nay. Record the vote.

CLERK: 28 ayes, 2 nays to cease debate, Mr. President.

PRESIDENT: Senator Clark, you may close on your motion.

SENATOR CLARK: The reason I want to hold the bill over... I couldn't care less about the salaries one way or the other. The only way I want to do it is the introducer

May 29, 1981

LB 488, 494, 531, 544

is not here, we are only going to have four or five bills on Final Reading next year, if we can't take care of those in the first two days of next year, maybe we ought to get another Legislature. So there will be absolutely no reason why people cannot run next year and know exactly what they are running and know what the salary is going to be and what their filing fee will be. That is the only reason I want to lay it over. I do not care about the salaries either.

PRESIDENT: All right, that is the closing. The question is, the motion to lay over LB 488. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 27 ayes, 15 nays to lay the bill over, Mr. President.

PRESIDENT: Motion carries. The bill is laid over. The next bill on Final Reading then is LB 494, Mr. Clerk.

CLERK: (Read LB 494 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 494 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: 45 ayes, 0 nays, Mr. President. I am sorry. (Read the record vote as found on page 2416 of the Legislative Journal.) 46 ayes, 0 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 494 passes. Speaker Marvel, the next bill is passed over. Is that correct?

SPEAKER MARVEL: What, 531?

PRESIDENT: 531.

SPEAKER MARVEL: It's my understanding that the introducer wants it passed over.

PRESIDENT: Is that all right with you?

SPEAKER MARVEL: Yes.

PRESIDENT: Okay, the next bill on Final Reading is LB 544, Mr. Clerk.

CLERK: (Read LB 544 on Final Reading.)

March 24, 1982

LB 202, 488

PRESIDENT: The rules are being followed and will be followed and you will get a decision on your motion by whoever is presiding when that matter comes before this body.

SENATOR CHAMBERS: Then, Mr. Chairman, if I am to be torpedoed in this fashion, I am not going to holler if you turn off the mike, but I am going to do what the rules now allow me to do, I am going to be judged in a way contrary to the rules so I am going to use the rules for the rest of the session.

PRESIDENT: Fine.

SENATOR CHAMBERS: I feel this is totally wrong....

PRESIDENT: Fine.

SENATOR CHAMBERS: ....it is arbitrary, and were I a different individual, I think the body would insist whether they like me or not that the rules be followed and not an arbitrary decision by the Chair, but to show...to show that I can graciously be dealt as discriminatorily on the floor of this Legislature as I am out there in the street, I will accept it.

PRESIDENT: Thank you.

SENATOR CHAMBERS: On the street if somebody came to me with fists, they would get fists. If they use the rules to discriminate, I will use the rules to fight. That is what I intend to do.

PRESIDENT: Senator Chambers, you are well aware of the rules, and you use them very well. All right, and so the body will use them and you will get your chance on this one when it comes up. The next matter for business is General File agenda item #6, and I guess we start with 761, Mr. Clerk.

CLERK: Mr. President, if I may right before that.

PRESIDENT: Yes, go ahead.

CLERK: Senator Goodrich would like to print amendments to LB 488 in the Legislative Journal. (See page 1397 of the Legislative Journal.)

April 8, 1982

LB 726, 488, 816, 942

Senator Kilgarin, Senator Wesely, are you here? Yes. Senator Lowell Johnson, Senator Peterson. Senator Landis, I see him, he is here. Senator Pirsch, I know I see her. And Senator Schmit, I see him too. Senator Schmit, do you want to push that light and we are ready, I think that is it. All right, we have them all here now. Call in votes will be accepted or do you want to just go ahead and save time and have a roll call vote?

SENATOR VICKERS: Go ahead.

PRESIDENT: All right, we will have a roll call vote on the advance of LB 726 to E & R for Engrossment. Everybody is at their desk. Proceed, Mr. Clerk, with a roll call vote to advance.

CLERK: (Read the roll call vote as found on pages 1839 and 1840 of the Legislative Journal.) 22 ayes, 18 nays, Mr. President.

PRESIDENT: The motion fails. The bill does not advance. Okay, do you want to...the Clerk has some matters to read in at this time.

CLERK: Mr. President, just one item. Your Enrolling Clerk respectfully reports that she presented to the Governor at 4:30 LB 942.

PRESIDENT: Senator Lamb, what do you wish to do? Do you want to get started on 816? You know it will take...it could take the rest of the day I guess.

SENATOR LAMB: Mr. President, I will move we adjourn until nine o'clock Tuesday morning.

PRESIDENT: 9:30 or....

SENATOR LAMB: Nine o'clock.

PRESIDENT: Nine o'clock Tuesday morning. Motion to adjourn. What? (Microphone not on)....hear that. We are not....we are still under Call, are we not? So just check in, just everybody check in at this point. We will have everybody check in before we do anything.

CLERK: Mr. President, Senator Fowler would like to print amendments to LB 488 in the Journal. (See pages 1841 and 1842 of the Journal.)

PRESIDENT: The House is still under Call so let's all check in. Senator Cullan, do you want to put on your light.

CLERK: It was filed a few minutes ago, Senator.

SENATOR LAMB: I think we will go right down the motions that have been filed previously because I don't think we can jump in with a motion that has been filed right now and take it ahead of the other motions.

SENATOR CLARK: All right, we will go to LB 488.

CLERK: Mr. President, with respect to LB 488 the first motion I have is from Senator Goodrich. Senator Goodrich would move to return LB 488 to Select File for a specific amendment and the Goodrich amendment is on page 1397 of the Journal.

SENATOR CLARK: Senator Goodrich.

SENATOR GOODRICH: Mr. President, members of the body, this is the bill dealing with the constitutional officers pay raise. You will recall that we discussed this once before. The amendment that I am proposing for us to bring the bill back to adopt is the five-five-five-five amendment that they would get 5% each year and the first year they would only get it for the first, I'm sorry, for the second six months of the fiscal period of the forthcoming year because they cannot get their raises until after they take office again so consequently it would only affect them in the second six months of this coming fiscal period, total cost \$9,600. I move the return of the bill to adopt this amendment.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. President, nothing has changed since we talked about this before and while it won't cost a whole lot of money in this next fiscal year you are adding 5% increase each of the next three years and possibly another half a year because the term of office won't end until then. And we just voted down the judges salary so I think we are on the wrong track on this issue. I wish that Senator Goodrich would have come in with a revised bill that would have allowed perhaps the 5% across the board for one year or for each of the four years only once for 5%, a 5% increase and let it go at that because I think this is not being fair if we are going to raise the constitutional officers salary and we're not going to do anything with the judges. So I guess all you can do now is vote your feeling because I don't think we have time to debate it or fool with it or change it.

SENATOR CLARK: The question before the House is the return of the bill for a specific amendment. All those in favor

vote aye, opposed vote nay. Have you all voted? We are on a fifteen minute time limit with the bill. If we would all vote it would help. We are still under Call. Record the vote. Senator Goodrich.

SENATOR GOODRICH: Mr. President, I am going to have to ask for a roll call vote on this and I wish the senators frankly knew what the bill was. They would be voting on it.

SENATOR CLARK: All right, all senators will check in, please. We will have a roll call vote. We are using up his fifteen minutes here if we don't record in. Senator VonMinden, Senator Pirsch, Senator Kremer, Senator Warner, Senator Cullan, Senator Fowler, Senator Dworak. The Clerk will call the roll.

CLERK: (Read roll call vote as found on pages 1883-1884 of the Legislative Journal.) 22 ayes, 23 nays, Mr. President, on the motion to return the bill.

SENATOR CLARK: The motion lost. The next amendment. We've got eight minutes left on the bill.

CLERK: Mr. President, the next amendment I have is offered by Senator Fowler. I understand he wishes to withdraw.

SENATOR CLARK: It is withdrawn.

CLERK: Mr. President, the next amendment I have is offered by Senator DeCamp.

SENATOR CLARK: Senator DeCamp.

SENATOR DeCAMP: Mr. President, very briefly the amendment gives 5% to the judges for the next two years, identical to state employees.

SENATOR CLARK: Is there any discussion on the amendment? Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, it looks like the same old Cullan horse wearing DeCamp and Hefner and Haberman colors this time. They have run him around the track I don't know how many times. Eventually maybe it is going to come in in the money. I think that we have got a situation here which we have yet to recognize. No one doubts the integrity or the validity of the reasoning why the judges ought to have more money. The same is true for every single state employee. Visiting with a member of the judiciary over the weekend I discovered that there are people in their offices who draw

April 13, 1982

LB 488

less than \$700 a month gross, that is gross, less than \$700. Now they do happen to be female, I'll concede that so maybe someone thinks they don't need so much money but I disagree. I think that there are people in the State of Nebraska whose salaries are so ridiculously low there isn't any way in the world they can survive on them let alone live decently. We are not in a position apparently to deal with those salaries and I can point out very frankly that the salaries of the judges are not adequate but they are starting somewhere around the \$40,000 - \$41,000 for the county judges and I would consider that to be, although not adequate, certainly much, much better than many of our state employees in our system, even in our University system. So I think that if you are going to vote to give this raise, and I recognize the problem that you have that the judges will not be able to have a raise again until 1985, but we do not know what is going to happen to the economy. We have had kind of a hard shell attitude on budgets around here lately and I would suggest that if we are going to be consistent that perhaps if we all tough it out together we might turn the thing around a lot faster than if we have one special class which has a little bit better of an advantage. I would hope that you would not adopt the DeCamp proposal. I believe it is not fair to many of the hard-working state employees and I certainly do not think it is fair to a lot of the people across the State of Nebraska whose businesses are in trouble and who are out of jobs and who do not have the resources today to pay the extra half a cent sales tax we have just saddled them with. So I would ask you to vote against the amendment.

SENATOR CLARK: Senator Sieck. The question has been called for. Do I see five hands? I don't...I do now. Shall debate now cease? All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: The question is ceasing debate. Record the vote.

CLERK: 25 ayes, 8 nays to cease debate, Mr. President.

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

SENATOR DeCAMP: Mr. President, very briefly, Senator Schmit mentioned hard times. Believe me if you have read a paper there is no one in here understands hard times better than John these days. We decided we would have a very moderate pay increase for state employees. We fought over it, haggled over it, so on and so forth. We agreed on it. All I am saying

10770

April 13, 1982

LB 488

is another major area of state people, judges, on a relative basis get that identical 5%. I know they wanted lots more. Lots more isn't possible. Maybe this is and remember it is just identical to state employees.

SENATOR CLARK: The question before the House is the adoption of the DeCamp amend...no, we have to return the bill first. It is the return of the bill for a specific amendment. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: We are voting to return the bill for a specific amendment. Have you all voted on the return of the bill? How many excused, Mr. Clerk? Two excused. Record the vote.

CLERK: 26 ayes, 18 nays, Mr. President, on the motion to return the bill.

SENATOR CLARK: The bill is returned. Now on the amendment and we have got thirty seconds left on the bill. All right, the question before the House is the adoption of the amendment. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted on the amendment? Or would you rather have a Call of the House? Record the vote.

CLERK: 25 ayes, 20 nays, Mr. President, on the motion to adopt the amendment.

SENATOR CLARK: The amendment is adopted. Now the return of the bill. All those in favor of readvancing the bill say aye, opposed. A machine vote has been requested. All right vote aye or those opposed vote no.

CLERK: Senator Clark voting yes.

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

CLERK: 25 ayes, 19 nays, Mr. President, on the motion to readvance the bill.

SENATOR CLARK: The bill is readvanced. LB 547.

CLERK: Mr. President, Senator Goodrich...did you want to...? You don't need yours now?

SENATOR GOODRICH: Yes.

10771

April 13, 1982

LB 412, 488

SENATOR CLARK: The question before the House is the return of LB 412. Senator Newell.

SENATOR NEWELL: Mr. President, I do support the DeCamp amendment. I would urge others to support it. I can't for the life of me understand why this is such a good idea but I am for it.

SENATOR CLARK: Any further debate? The question is the return of the bill for a specific amendment. All those in favor of returning LB 412 vote aye, opposed vote nay. Record the vote.

CLERK: 28 ayes, 7 nays, Mr. President.

SENATOR CLARK: The bill is returned. Senator DeCamp.

SENATOR DeCAMP: I'd just move adoption.

SENATOR CLARK: Is there any discussion on the amendment? If not, all those in favor of the amendment vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 28 ayes, 7 nays, Mr. President, on adoption of Senator DeCamp's amendment.

SENATOR CLARK: The amendment is adopted. Now the readvancement of the bill. All those in favor of readvancing the bill say aye, opposed. The bill is readvanced. We go to LB 488.

CLERK: Mr. President, Senator Goodrich would move to return LB 488 to Select File for a specific amendment.

SENATOR CLARK: Senator Goodrich.

SENATOR GOODRICH: Mr. President, if I could have just a couple of minutes of your time and if you will listen I can explain what the problem is. LB 488 as it stands right now on Final Reading has got the judge's pay bill in it, the five and five for judges but it's got the original full load increase on the constitutional officers. For example, the Governor goes from \$40,000 to \$50,000. The Lieutenant Governor goes from \$32,000 to \$40,000, et cetera, right on down the road and the Governor, and nobody really wants that bill in its present form. What we want to do is bring the bill back and get the constitutional officers' portion of the bill down so that they only get 5% the first year and 5% the second year and that is it. That is all they get is

10826

a total of 10% over the four year period and I'm asking you, for example, to return the bill so that we can reduce the amount of pay raise that the constitutional officers get from that full load down to five and five just like we are doing for the judges. I urge you to return the bill so we can reduce the amount.

SENATOR CLARK: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I would remind the body that this bill with these figures in it has failed once on Final Reading. You brought it up earlier in the session and there were not sufficient votes at the levels which are now in the bill. On your desks, being passed out now, is a column of numbers that has been circled by Senator Goodrich and myself indicating the maximums that will be achieved by the passage of this amendment. These are not generous raises. They amount to a two and a half percent increase for each of the next four years. They fall in two increments of five percentage points apiece but because of the rule as far as salaries being set prior to the taking of a term of office it will amount to a 2½% increase for most of these offices. We have assurances that these are standards which will pass muster, so I've been told, across the hall and anything higher than this will not. I also point out that this is consistent with the actions that we took earlier today with respect to judges salaries and for that reason I would move the adoption of the amendment and hope that you will support it.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. President, members, I think this is a fair analysis of what we should be doing for these constitutional officers and do support it. Thank you.

SENATOR CLARK: Senator Newell. Senator Schmit. All right, is there any further debate? All right, the question before the House is the return of the bill. All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 27 ayes, 6 nays, Mr. President, on the motion to return the bill.

SENATOR CLARK: The bill is returned. Senator Goodrich, on the amendment.

SENATOR GOODRICH: Mr. President, members of the body, all we're adopting now is a 5% raise for constitutional officers starting January 6, 1983, which means they only get 5% for half of that first year. Then they would get 5% January 1,

April 13, 1982

LB 488

1984, so it is a total of 7½% and the cost, for example, for this coming six months would be \$9,600. I move the adoption of this amendment. The Governor does not want the bill the way it is now and we are asking you to reduce the amount to this figure.

SENATOR CLARK: Senator Hefner.

SENATOR HEFNER: Mr. President, I have a question of Senator Goodrich.

SENATOR GOODRICH: Yes.

SENATOR HEFNER: Senator Goodrich, what do we do in '85 and '86?

SENATOR GOODRICH: Nothing. They go through those years without any raise.

SENATOR HEFNER: Okay, so you are going to stop with a 2½ and a 5% raise which will mean a total of 7½%. Is that right?

SENATOR GOODRICH: Over four years, yes.

SENATOR HEFNER: Over four years. Okay, I support this amendment.

SENATOR CLARK: Senator Higgins.

SENATOR HIGGINS: Mr. President, I would like to ask Senator Goodrich a question.

SENATOR CLARK: Senator Goodrich.

SENATOR GOODRICH: Very well.

SENATOR HIGGINS: Senator Goodrich, why doesn't the Governor want the bill in its present form?

SENATOR GOODRICH: Because it is way too much money, way too big of a raise. In the present form, he would go from \$40,000 up to \$50,000 and in my amendment, if you adopt it, it is \$40,000 up to \$44,100, during the 1983 year. And that is where he would stay for the rest of the four year period.

SENATOR HIGGINS: So the Governor thinks the original bill was way too much of a raise for he and other constitutional officers, but now the raise is not too much at 5% for him and the constitutional officers? And 7½% over the next four years?

April 13, 1982

LB 488

SENATOR GOODRICH: That is what the Governor has indicated that he did not want the bill in the full load so we're bringing it back to amend it down and the other constitutional officers have to take the ride with him.

SENATOR HIGGINS: Then the Governor is in favor of a 7½% raise for the constitutional officers but 5% he might veto for the other state employees?

SENATOR GOODRICH: I can't speak for the Governor, Senator Higgins. I have to wait until it hits his desk to see what he does.

SENATOR HIGGINS: Okay, I just wanted to get it on the record. Thank you, Senator Goodrich.

SENATOR CLARK: Is there any further debate on the amendment? If not, all those in favor vote aye, opposed nay. While we are waiting for the vote here, Senator Haberman, did you have a point you want?

SENATOR HABERMAN: Are we going to stay in session this evening?

SENATOR CLARK: Well, as soon as I announce this vote you can ask Senator Lamb that.

SENATOR HABERMAN: Thank you.

SENATOR CLARK: Record the vote.

CLERK: 25 ayes, 10 nays, Mr. President, on the motion to adopt Senator Goodrich's amendment.

SENATOR CLARK: The amendment is adopted. Now the return of the bill. All those in favor of the return of the bill to Final Reading say aye, opposed. The bill is returned to Final Reading. Senator Cullan, for what purpose do you arise?

SENATOR CULLAN: Mr. President, I move to stand at ease until a quarter of twelve.

SENATOR CLARK: Well the only one that can respond to that is Senator Lamb. This is not debatable.

SENATOR LAMB: Mr. President, we're keeping in contact with the bill drafter's office so that she can advise us as to how much work there is that she has to get done so we can get it entered in the Journal by twelve o'clock. So it will probably be somewhere between ten and ten-thirty that we can adjourn, recess until....

April 13, 1982

LB 212, 212A, 404, 404A, 488  
547, 626, 816, 816A, 933

SENATOR CLARK: All right. Do you want to read the bills in.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and re-engrossed LB 933 and find the same correctly engrossed; 547 correctly engrossed, 488 correctly re-engrossed; 816 correctly engrossed; 816A correctly engrossed; 404 correctly re-engrossed; 404A correctly re-engrossed and 212 and 212A both correctly re-engrossed, Mr. President, signed by Senator Kilgarin as Chair.

SENATOR CLARK: We are waiting on LB 255 and LB 255A. Are they on their way up? A motion to read in.

CLERK: Mr. President, Senators Hoagland and Wesely move that LB 626 become law notwithstanding the action of the Governor. That LB 626 become law notwithstanding the action of the Governor.

SENATOR CLARK: Any more motions on the desk? Who wants a point of order?

SENATOR DeCAMP: Mr. President, can this be taken up tomorrow? We're in session tomorrow, right?

SENATOR CLARK: That is right.

SENATOR DeCAMP: Is there any problem with taking the motion up tomorrow?

SENATOR CLARK: Which one, the one he just read?

SENATOR DeCAMP: The one he just read.

SENATOR CLARK: That will be taken up tomorrow. Wait a minute, wait a minute. Evidently this has to be considered today because this is the fifth day according to the Clerk.

SENATOR DeCAMP: Mr. President, and may I speak briefly? I'm the sponsor of 626. I personally have no intention of offering a veto override. I'm one of those that believes if you have the votes, you try it or reasonably have them. I don't have the votes. I think in the next six months people will learn the bill is necessary. I don't think that information is available today.

SENATOR CLARK: Well I didn't make the motion. Senator Beutler did and Senator Wesely I think, Hoagland and Wesely, I'm sorry. Senator Wesely, do you want to take it up?

April 16, 1982

LB 412, 488

opportunity to discuss all these other extraordinary aside issues at that time, but I think it would be in the best interests of this Legislature and the best interests of all if we put LB 412 off until after we know whether we need to deal with it.

PRESIDENT: Ready then for your motion. The motion then is the return of LB 412...yes, that's right the only motion is that you will take it up after 816. Is that right? It's just to defer it until after 816. All right, all those in favor vote aye, opposed nay. Record the vote.

CLERK: 26 ayes, 8 nays, Mr. President, on the motion to lay the bill over.

PRESIDENT: Motion carries, the bill is laid over. We will go on to the next bill and, Senator Lamb, would you preside, please, I do not preside on this next bill.

SENATOR LAMB PRESIDING

SENATOR LAMB: Is this bill too hot to handle? Senator Carsten, for what purpose do you arise?

SENATOR CARSTEN: Mr. President, point of clarification if I may. As I understand, the action that we just took changes the order that the Speaker has set for us. Does that only take 25 votes to change that order? That is my question.

SENATOR LAMB: Senator Carsten, I thought of that at the time but under the circumstances I did not object if the body wanted to do it with 25 votes and nobody else in the body objected to that procedure, I didn't feel strongly enough about it to object myself.

SENATOR CARSTEN: Mr. President and members, I guess if the body is comfortable with that decision, it is all right with me but I don't think that we really followed the rule as we have laid down for ourselves. That is all. Thank you.

SENATOR LAMB: The next bill is LB 488.

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

SENATOR LAMB: Read the motion, please.

CLERK: Senator VonMinden would move to return LB 488 to

April 16, 1982

LB 488

Select File for a specific amendment, that amendment being to strike the enacting clause.

SENATOR LAMB: Senator VonMinden.

SENATOR VON MINDEN: Mr. Speaker and members of the Legislature, little did I realize when I came down here two years ago that I would be attempting to kill a bill on Final Reading. After I came down here I thought what a great process we have. All the bills go to committee first and they go through there up or down. They go through two more readings and then the Final Reading, but a great part of this bill did not go through our legal process and that is a raise for the judges' salaries. Just to refresh you a little bit how that came about, it was heard in the Judiciary Committee. They testified on it. We decided that it shouldn't be moved on. We killed the bill six to nothing. That is when Bell Telephone made a big night the next two days with all the powerful judges getting on the phone and phoning up everybody and saying we should reconsider. Monday morning we reconsidered under the south balcony over here. I have nothing against that but I will have something against several of the other senators not in the committee that were standing six feet away urging us to reconsider. Get it on the floor, they said, and vote it up or down, which to me is the wrong process to do. After we did finally reconsider and get it up, it came on the floor then and several times different senators in the General File we could not move it. So then later on it was two days ago different senators, some of my good conservative Republicans, excuse me conservatives, decided they wanted to attach that one major bill to another major bill. Now I won't object to that. I think perhaps some bills need to be put onto other bills that are bills that will help the State of Nebraska or perhaps help a big segment of society. But this help here was for a 107 judges. I don't think it went through the legal process the way we proceed with our bills. I am objecting to that. I don't know if all you people know for sure what Supreme Court judges get. Taking out of the Blue Book this morning, they get \$48,315. The district court judges, anything over 150,000 population, get \$45,882. The rest get \$44,382. The county judges, over 100,000, get \$41,517. Those counties are Cass, Sarpy, Otoe, Douglas and Lancaster. The other county judges get \$35,955. Now I say to you that is not a bad salary. A Supreme Court judge getting \$48,000, he would have to at least make \$90,000 to compensate for the \$48,000. If he was an attorney down town he would have to have at least two secretaries for perhaps

10968

April 16, 1982

LB 488

\$30,000. He would have to have a room, a law office. He would have to have attorney dues. He would have to have a law library. So I say to you the salary is not that bad. Some other things I would like to say to you, job security. Since when does a judge ever beat the.... come home with a pink slip and say to his wife, well, I don't think we can make the house payments, I have been relieved of my job. They have a job until they are 72 years old except if they foul up somewhere along the line, and you know that is not about to happen. Health insurance. Once a lawyer becomes a judge he becomes a state employee with all the benefits that other state employees have. Generous retirement funds. It would boggle your mind the retirement these judges have after they are in there a few years. Prestige. It's something like the state senators. How many of you state senators are going to give up your job because you don't make any money? One state senator has already spent \$10,000. He has taken in \$14,000 for a \$4800 a year job. I say these judges are not going to quit. The prestige of a judge, once he is a judge he is always referred to as a judge, the same as a state senator. One other thing I would like to say to you. If we cannot afford a 3.75 raise for the workers in the State of Nebraska who are perhaps making 10, 12, 14 thousand dollars, how in the world can we afford a raise of 5 percent for judges who are making 40 and 50 thousand dollars? I want it perfectly clear here though I am not objecting to one part of the bill. I am not objecting to the constitutional raises of those different officers. I am objecting to the way of putting one major bill onto another major bill without going through the legal process. With that I will close. Thank you.

SENATOR LAMB: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the body, I would rise to support Senator VonMinden's motion. I recognize the deep concern that we have for adequate salaries for constitutional officers and judges. I want to point out to you that I believe the Governor could veto a portion of the bill and allow a portion of it to stand, for example, the judiciary if he felt needed those raises, he could sustain that part of the bill and at the same time veto the raises for the constitutional officers. I think it is absolutely inconsistent at a time when the low paid state employees are not going to receive this kind of a raise that we attempt to give one in a greater amount to the higher paid employees. I think the basic costs of living are well covered under the present salaries. At this time

10969

we do not know if the economy is going to go back up again or it is going to continue its downward trek. If it should be continuing its downward spiral, then we certainly do not need to increase the disparity between the upper echelon employees and the lower level employees. I believe it is wrong to do it at this time. I recognize the problems that those employees will have to face, but I think the constitutional officers which are drawing salaries in the almost middle five figures to at least upper level of the average of state employees of the State of Nebraska certainly are not being asked to sacrifice that much. In no way do their sacrifices compare to the employees who draw perhaps \$900 or a \$1000 a month. So in view of that I would ask you to sustain, support Senator VonMinden in his attempt to strike the enacting clause from LB 488. Again I thought perhaps someone else might comment. I believe the Governor does have the ability to separate the two to sustain the raises for the judges, for example, and delete the raise for the constitutional officers. Or he could do it in reverse, whichever he felt was the more adequate. But at this time I want to reemphasize once more that salaries from 30 to 40 thousand dollars certainly at least pay for the cost of living. This is not true of many of our low paid employees both in government and out of government across the State of Nebraska who have had to make substantial sacrifices and will be called upon to make substantial sacrifices in the future. I support Senator VonMinden.

SENATOR LAMB: Senator Higgins.

SENATOR HIGGINS: Mr. President, I am between a rock and a hard place because I was for the judges' salaries and I am for the constitutional officers' increase. I think these people deserve a raise and I think the Governor would deserve a raise if all he got was \$40,000. And if it weren't for the fact that our Governor, and next year I fully expect it to be a Governor of my political persuasion, if our Governor didn't get free housing, free utilities, free automobile, free gasoline, free oil, free auto maintenance, free maid, free cook, free chauffeur, free social secretary, I could without any qualms at all vote for an increase for the Governor because he doesn't make as much money, if you look at just the salary, as the Omaha Public School Superintendent gets, and I think the responsibilities of the Governor are a lot more. But when I add up all the fringe benefits the Governor gets, I just can't vote for that. I say this fully expecting either Bill Burrows or Bob Kerrey to be the next Governor.

April 16, 1982

LB 488

So people are going to say, well, gee whiz, don't you want to help a member of your own party? No, for the same reason I voted against the city sales tax for Omaha last year. Fully expecting an in-law of mine to be the mayor, I still voted against the sales tax which they told me Omaha would need desperately. So this is a tough decision for me to make and I really believe that the judges deserve the increase and the constitutional officers, and if we ever have it where the Governor pays his own utilities and pays for his own house and doesn't use it for fund raisers, then I will vote for a salary increase for the Governor but now I am going to have to vote against LB 488 since we have put the judges in there. I was going to vote against it all along but the judges, gee, I really wanted to see them get the increase. So everybody else can vote like I am going to have to. If you are between a rock and a hard place like I am, why just go with your conscience.

SENATOR LAMB: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President and members, I certainly hope that you will not kill the bill. Now let me kind of talk to Senator VonMinden. He was concerned about the process and how it just seemed to change and so on. It is kind of like a race track or going to the races in here. You start out the season with kind of the slower ponies and some of the slower things like, well like starting out at Grand Island. You move onto the little better tracks and by the, you know, by the height of the season when things are really going fast, you are like at Aksarben and those ponies are going by fast and things are happening a little quicker. What has happened is the process with 25 votes decided that they wanted to put Judges' pay on a particular pony that was kind of whistling by, 488, add another jockey on it, the constitutional officers. But the process was followed, public hearings, input from everywhere. If the Governor chooses, you could have your input there and influence to get him to veto this portion or that portion, that would be the proper approach. I would suggest to Marge if she supports the one concept, she should vote for the bill and do everything she could then to get that portion she disagrees with struck out by the Governor in a veto. But I urge you not to kill the bill. I think the Governor's last pay raise was, what, 16 years ago. Ours was at least as long I think too. But anyway, the bill is modest in its increase. I think it is the same as the state employees, so I would urge you not to kill the bill, go ahead and advance it and use whatever influence or pressure you can

April 16, 1982

LB 488

on the Governor to veto those portions you disagree with.

SENATOR LAMB: At this point I would like to introduce Gary Stover who is in the north balcony. He is our Big Red Harry Husker. If you would look up in the north balcony, he is a guest of Senator Beyer. Welcome to your Legislature, Harry. Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, I guess I would like to visit a little bit with you about this bill and I would urge you to reject Senator VonMinden's motion to kill it. I guess I am going to forget about the judges because I have talked about them so many times on the floor of this Legislature, I don't need to. With the exception of Senator VonMinden's talk about the big powerful judges reviving their bill, I don't think the credit goes to the big powerful judges, I think it goes to the redhead from Omaha, Senator Kilgarin, who urged and jabbed the Judiciary Committee into reversing its action. So I don't think that there was a lot of contact by judges to members of the Judiciary Committee, and I think if you visit with members of the committee, they will confirm that. I would ask you a second if you would listen for a second to think of the state's Attorney General. The state's Attorney General is paid \$39,700 currently. I think that it is incredible that we would ask the Attorney General to work for \$39,700. There are a lot of attorneys who make tremendously more than that. In fact, I know classmates of mine who will start, one for \$32,500. That is only \$7000 less than our state's Attorney General and I think that is ridiculous. This individual hasn't even passed the state bar exam. You know, I can't believe that we would hold our constitutional officers in such low regard in this body. Just because we are not paid commensurate with what legislators should be made, does not mean that we should punish or abuse the constitutional officers in the State of Nebraska by refusing to give them even this 5 percent salary increase. I urge you to reject Senator VonMinden's motion. I urge you to advance and adopt LB 488 even though I personally believe that it is grossly inadequate so far as judges are concerned and so far as our constitutional officers are concerned as well. I urge you to reject the motion and then to get about advancing LB 488.

SENATOR LAMB: Senator Newell.

SENATOR NEWELL: Question.

April 16, 1982

LB 488

SENATOR LAMB: The question has been called for. Do I see five hands? I do. All those in support of ceasing debate vote aye, those opposed vote no.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Have you all voted? Record.

CLERK: 27 ayes, 3 nays to cease debate, Mr. President.

SENATOR LAMB: Debate has ceased. Senator VonMinden to close.

SENATOR VON MINDEN: Mr. Speaker, members of the Legislature, all I want to ask you is vote your conscience. Although maybe it was germane to the bill, it is wrong and you know it is wrong to tie one major bill to another major bill. I, too, feel sorry for the people making \$32,000 but I do not feel sorry for the judges making \$48,000. I inquired to a couple different secretaries just recently about how many hours the judges work. You know what they told me? Fifteen to twenty hours a week, now maybe not all of them that way but some of them that way. I just want to say again \$40,000 is a good job. They have it until they are 72, then they retire with a pension that will boggle your mind. The rest of the time I want to give to Senator Schmit.

SENATOR LAMB: Senator Schmit.

SENATOR SCHMIT: Mr. President, members of the Legislature, I am not going to comment upon how long the judges work. I think they probably work many hours that the secretary might not recognize. I am certain that they are hard working judges. I am not talking either about and I won't argue with Senator Cullan about whether or not the salaries are adequate. I think they may be inadequate. I know there are many salaries that are inadequate across the State of Nebraska today. I know that many business men are finding themselves in an inadequate position and I believe that in those kind of times it is inconsistent as I said earlier to raise the constitutional officers when we do not find the funds and the resources to raise many other employees, and I come back again and say that there are many business men today who would like to raise their employees but whose business will not justify it. There are many employees who work in the private sector who deserve a raise and are not going to get one. It is totally...I guess I would like to be optimistic and say the economy is going to turn around in

April 16, 1982

LB 488

the next five or six months and that we could well afford these raises. I do not see it on the horizon at this time. If it does turn around, we can at least correct the problem with the constitutional officers. If the Governor feels that the judges deserve that raise and because of the peculiar problem they face, they decide that they have to give them that raise, that is up to the Governor. But I certainly do not believe that we ought to raise these constitutional officers at this time. So I would at this time support Senator VonMinden's motion to strike the enacting clause on this bill. I agree with him that two bills should not have been tied together. We have piggybacked bills before in this area and usually we hope that we all get along for the ride. In this case the salary increase for the constitutional officers, deserving as it might be, could very well cause the demise of the salary increase for the judges. So, therefore, I would have to oppose the bill and ask that you sustain Senator VonMinden's motion.

SENATOR LAMB: The motion is to return LB 488 for a specific amendment. Those in support vote yes, those opposed vote no.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Have you all voted? Have you all voted? Record. Senator VonMinden.

SENATOR VON MINDEN: Can I have a roll call vote?

SENATOR LAMB: Roll call vote has been requested.

SENATOR VON MINDEN: Mr. Speaker....(microphone not on)... record their presence.

SENATOR LAMB: Will all members please record your presence? We are under Call. All senators take your seats and record your presence, please. Senator Haberman. Senator Beutler, would you please record your presence? Senator Labedz. Senator Warner. Would the Sergeant at Arms try to locate Senator Warner. There he is. Please begin the roll call.

CLERK: (Read the roll call vote as found on page 1984 of the Legislative Journal.) 23 ayes, 22 nays, Mr. President.

SENATOR LAMB: The motion fails. At this time I would like to introduce nine students from Senator Chronister's

April 16, 1982

LB 488, 520

District, School District 14 at Oakland, teacher, Teresa Wagner, in the north balcony. Would you please rise and be recognized and welcome to your Legislature. Please read the bill.

CLERK: (Read LB 488 on Final Reading.)

SENATOR LAMB: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? All those in favor vote aye, those opposed vote no.

CLERK: Senator Lamb voting no.

SENATOR LAMB: Have you all voted? Have you all voted? Record. Roll call has been requested. Could we have quiet? Would all senators please take your seats for the roll call. It is hard to hear up here. Please begin the roll call.

CLERK: (Read the roll call vote as found on page 1985 of the Legislative Journal.) 25 ayes, 22 nays, Mr. President, on passage of the bill.

SENATOR LAMB: LB 488 passes on Final Reading. LB 520.

CLERK: Mr. President, the first order of business I have on 520 is a request from Senator Johnson to unbracket the bill to permit its Final Reading.

SENATOR LAMB: Senator Johnson.

SENATOR V. JOHNSON: Yes. Mr. Speaker and members of the body, I would like to pick up with Senator DeCamp's horserace analogy. Senator DeCamp was discussing the last bill with Senator VonMinden and he indicated that oftentimes a piece of legislation in this body is like the racing season where you start out at the very beginning with the races out in Grand Island and you pick up and you finally get to Aksarben and the like. Well 520 is an interesting bill because 520 was introduced January 20, 1981 and after a fairly slow start it came out of committee in early 1982 and finally on March 31, 1982 only 17 days ago for the first time an A bill appeared, and the A bill after amendments and a considerable amount of work is at \$55,000. But the A bill has not advanced with this bill, so it is not up on Final Reading. Interestingly enough the A bill to 488, the bill we just enacted, is likewise not up on Final Reading. Now I did not feel it appropriate to withdraw the A bill as I did for 522

10975

April 16, 1982

LB 404, 404A, 488, 574,  
816, 602, 602A, 759, 787,  
799, 816A

SENATOR LAMB: LB 799A passes on Final Reading without the emergency clause. LB 816.

CLERK: Mr. President, the bills that have been read on Final Reading thus far are now ready for your signature.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and I do sign LBs...engrossed LBs 404, 404A, 488, 574, 602, 602A, 759, 787 799. So let's proceed then, Mr. Clerk, with LB 816.

CLERK: (Read LB 816 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 816 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: (Read the record vote as found on page 2000 and 2001 of the Legislative Journal.) 29 ayes, 17 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: The bill fails to receive the number of votes constitutionally required to pass the bill with the emergency clause, so the question now is, shall LB 816 pass without the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Senator Carsten, do you want me to record the vote? Record the vote.

CLERK: (Read the record vote as found on page 2001 of the Legislative Journal.) 29 ayes, 17 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 816 passes without the emergency clause attached. We are now ready, Mr. Clerk, for LB 816A, if you will read.

CLERK: (Read LB 816A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 816A pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 2002 of the Legislative Journal.) The vote is 30 ayes, 16 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

10987

April 16, 1982

404, 404A, 488, 547, 602,  
602A, 868, 761, 787, 799,  
816, 816A, 799A, 412, 933

PRESIDENT: Go ahead Mr. Clerk.

CLERK: Mr. President, I would like to read a couple of items in if I may.

PRESIDENT: All right, go ahead and read some matters in.

CLERK: Senator Hefner offers explanation of vote. (Regarding LB 868, see page 2017 of the Legislative Journal).

I have two notices of bills having been presented to the Governor. (Regarding LB 761 and 787. See page 2017 of the Legislative Journal).

Mr. President, Senator Fowler would move that the Legislature would override the line-item reduction that reduces the appropriation from the Highway Cash Fund to the Department of Roads Operation Cash Fund.

PRESIDENT: Chair recognizes Senator Fowler.

SENATOR FOWLER: Mr. President, if I could have some attention I'll briefly explain with the issue is in the veto here.

PRESIDENT: (GAVEL)...either they are all out or they are all paying attention so go ahead.

SENATOR FOWLER: Among the vetoes was three and a half million dollars in highway funds. Now, if there is anything I think that has been a priority in the Legislature, it has been and something that many people from outstate Nebraska said is a growing need is money for roads. Now the level of appropriation that we established is based on the Department of Roads request for what they felt was necessary and I think they cut that back from what they really feel is needed to build a good highway system in Nebraska. Now the Governor for reasons that I can not quite understand vetoed three and a half million dollars in highway funds. The only rationale that I can determine is that it is to maintain the gas tax at the current level. Now three and a half million dollars is a 3.2% cut in the state funds for the road construction program. The reason it was does is that revenues in the highway fund as revenues in all other funds in the state are low. What I do not understand is when we have raised every other conceivable tax and fee to make up for a lack of revenue suddenly when we get to the roads program and the gas tax and the variable gas tax that