

April 14, 1981

LB 557, 558, 559, 560,
561, 562.

introduction of Request #935 by the committee.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: I so move, Mr. President.

SPEAKER MARVEL: The motion is the introduction of the bill. All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 31 ayes, 0 nays, Mr. President, on the motion to introduce.

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

CLERK: Mr. President, Senator Warner moves for the introduction of Request #950 by the Appropriations Committee.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President, I move the introduction of the bill.

SPEAKER MARVEL: All in favor of that motion vote aye, opposed no. Record the vote.

CLERK: 31 ayes, 0 nays on the motion to introduce, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is introduced. The Clerk is going to read the titles and then we will have a motion to put the bills on General File.

CLERK: Mr. President, new bills. LB 557 by the Appropriations Committee. (Read the title to LB 557 for the first time.) LB 558 introduced by the Appropriations Committee and signed by its members. (Read title to LB 558 for the first time.) LB 559 by the Appropriations Committee. (Read title to LB 559 for the first time.) LB 560 introduced by the Appropriations Committee and signed by its members. (Read title to LB 560 for the first time.) LB 561 signed by the Appropriations Committee. (Read title to LB 561 for the first time.) And finally, Mr. President, LB 562 offered by the Appropriations Committee. (Read title to LB 562 for the first time.)

Mr. President, Senator Warner now moves for suspension of rules, Rule 3, Sections 4 and 12, and Rule 6, Section 1, so as to place LB 557, 558, 559, 560, 561 and 562 directly

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LB 559, 560, 213, 11

is \$770,000 additional funds for mental retardation over and above what the Governor's recommendation is and the balance essentially would be committee policies. I am trying to see what is included in here that was not in the Governor's recommendation. I don't think #4 was. #4 would not have been in his budget. #2 was in his budget.

SENATOR BEUTLER: Was in his budget?

SENATOR WARNER: Was. I can't answer specifically on #3 because we didn't have a breakout on that so it may or may not have been.

SENATOR BEUTLER: Okay, but it is a combination of those items listed there plus the salary differential, is that basically it?

SENATOR WARNER: Essentially that would be the difference plus the difference in mental retardation regions, that would be a major big item, \$770,000.

SENATOR BEUTLER: And that wasn't in the Governor's budget because that represented a difference of philosophy or...?

SENATOR WARNER: His budget, as I recall, had a level of thirteen million, four hundred and some thousand, four hundred and twenty-five, I believe, and for the region aid, we are at a higher figure. I don't know if it is philosophy or judgment difference.

SENATOR BEUTLER: Thank you, Senator Warner. Thank you, Mr. Speaker.

SPEAKER MARVEL: The motion is to advance 559 to E & R for review. All those in favor vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 26 ayes, 1 nay on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: Okay, the motion is carried. The bill is advanced. We now go to LB 560.

CLERK: Mr. President, if I may, right before that, Senator Hoagland would like to print amendments to LB 213 in the Journal; and Senator Schmit to print amendments to LB 11.

Mr. President, LB 560 (read title). The bill was read on April 14 for the first time. It was referred directly to General File, Mr. President.

SENATOR WARNER: Mr. President, I move the bill be advanced. Again this includes the appropriation for the Nebraska Coordinating Commission, the State Colleges, the University of Nebraska, and again perhaps it is best, I would be glad to respond to any questions relative to the budget. The same general policies that were in effect for all agencies that I have described, the increase in salary compensation was at the same nine percent level. There is a one percent level of distribution for fringe benefits for higher education. Those areas generally where adjustments were made in any of the agencies budgets for increases would have reflected usually education in an area that would generally be either in the area of engineering or related to computer or in computer sciences or related to bus. ad. as a generalization. There would be one or two other isolated cases where adjustments were made for expansion in other areas but the general philosophy of the committee was to give emphasis to academic educational programs for any expansion money.

SPEAKER MARVEL: The Clerk has an amendment on the desk.

CLERK: Mr. President, Senator Johnson, Vard Johnson moves to amend the bill. (Read Johnson amendment as found on page 1544, Legislative Journal.)

SPEAKER MARVEL: Senator Johnson.

SENATOR V. JOHNSON: Yes. Mr. Speaker, members of the body, my amendment is a very simple amendment that would, in effect, take about \$250,000 out of LB 560. It is monies that at this juncture have been earmarked for the University of Nebraska Central Administration. Now my purpose in this amendment is really very straightforward and it is very simple. I have a certain sense of indignation about what has been happening to university people in Omaha in conjunction with the negotiational process for some fair pay, for some fair pay to our faculty people in Omaha, and the faculty in Omaha has felt sufficiently maltreated over the last two years that it has formed an organization to negotiate with the Board of Regents for a respectable salary, for some halfway decent money. And at virtually every turn in the negotiational process the Board of Regents and the Central Administration have thwarted the efforts of the faculty for any kind of financial justice and we now have people in Omaha in our university that are leaving the system, that are declining to give the system their full productivity simply because they can't get a respectable wage. The university faculty in Omaha has not had a salary increase since September of 1979 notwithstanding, notwithstanding the fact that you and I have appropriated money, that we have appropriated money

for that faculty. They haven't had a pay increase simply because the Board of Regents and the Central Office says, "Well, as long as you are in negotiations, we are not going to pay you any money that the Legislature has appropriated." Only three weeks ago the Nebraska Supreme Court held that particular practice to be an inappropriate labor practice in the bargaining process with public employees and the Legislature, incidentally, had spoken to the other issue that happened to involve welfare workers in Douglas County who likewise didn't get the pay increase that we had appropriated because they, too, were in negotiation and we had a special resolution memorializing the state and Douglas County to provide them their pay increase and the state didn't do it. So finally the Nebraska Supreme Court says, "Look! You can't do that to public employees." Well it is being done right now to those men and those women that are teaching our children in Omaha and it is a demoralizing practice. Now I don't have the sophistication of Senator Warner and Senator Fowler and Senator Stoney and Senator Lowell Johnson and the others because I am not a member of the Appropriations Committee but one of the things that I learned in civics class when I was a student in high school was that the power of the purse is the most important power that we have and I want to send a Message to Garcia and the message very simply is, "Central Administration, start doing right by our people in Omaha and by our children", and the only way that I think that I can do it is to make certain that they, too, have no dollar increase this year. That is all I did and that is all this amendment does. It says you provide Central Administration precisely what they got last year. Now I am not even sure of the efficacy of this amendment. You know I go through this appropriational package and I go through this blue book and I see that we are going to do this and that and this and that and this and that for the university system, but as you well know, the Nebraska Supreme Court four years ago held that you and I can't do anything with the university system. The most we can do is appropriate dollars in gross and the Board of Regents can allocate it as it well sees fit. So it could well be that my \$250,000 amendment wouldn't actually be used in Central Administration. Maybe the Board of Regents would use it elsewhere but the point of the matter is I think it is important for we who control the purse strings to say to the Board of Regents and to the Central Administration, that is doing the negotiating process, "Come on. Let's do right by the people. There is no reason why you should let this go to an impasse. You can negotiate. You can negotiate in good faith, and gentlemen and gentleladies can arrive at a mutual agreement for the benefit of all, for the benefit of all", and it is for that reason that I offer the amendment.

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SPEAKER MARVEL: Before we continue, underneath the South balcony as guests of Senator and Mrs. Richard Peterson, Mr. and Mrs. Duane Sellin from Norfolk. Will you folks make yourself known so we can welcome you? And from Senator Cope's District, Cope and Kahle, 13 students from Kearney, Nebraska. Their teacher is Larry Lautaret, underneath the North balcony. Where are you located? Up above, there you are. Can't see through the light. Welcome! Senator Newell. Let's see, we are now on LB 560. Senator Newell.

SENATOR Newell: Mr. President, I would like to ask Senator Johnson a quick question.

SENATOR JOHNSON: Yes.

SENATOR NEWELL: Senator Johnson, I have been visiting with a few people and I support your amendment. I think not only is the purpose correct but anytime you can cut back Central Administration is not all bad no matter what your reason is. But I have been visiting with a few people and they are very concerned about the computer.

SENATOR V. JOHNSON: About the computer?

SENATOR NEWELL: Yes, you have got to have money for the computer, because, you know, computers, those machinery things, they are really good. People aren't near as important as computers and machinery.

SENATOR V. JOHNSON: Right.

SENATOR NEWELL: And then there is a little money in there for some sort of program that they are developing, some coordinated program in there, too. If we put just the amounts of those two things back in and then, which I don't know exactly, maybe Senator Warner could help or maybe Senator Fowler could help in terms of just how much those two programs are, we might be able to find a little more support for this amendment and, you know, machinery is an important thing. I mean that is a critical need. Senator Warner...Senator Fowler, where did he go? He was the one that was real concerned about the machinery. Well, Senator Johnson, since neither one of them are available for comment, if I offered an amendment to put that back, would you see that as a friendly amendment so that we can have the machinery but in the end try to cut Central Administration, the increases that they are asking for in terms of personnel and other kinds of things.

SENATOR V. JOHNSON: I don't mind, Senator Newell. I mean

I will do whatever it takes to make certain this amendment carries. The interesting thing is that my amendment only takes \$250,000 out of their budget, and when I look at my blue book, why I see that they have \$175,000 as being allocated for the computer and \$99,000 as being allocated for administrative aide assistant. You put those two together, that is \$275,000 which is more than my amendment is cutting out. So I (interruption).

SENATOR NEWELL: Oh, all right, I am sorry. I misunderstood your amendment. I thought you were cutting all increases from last year. I am very sorry, Senator Johnson. I will support your amendment. I misunderstood. I would like to speak just quickly in support of Senator Johnson's amendment. You know one of the things I think is very critical for the Nebraska Legislature and the public to understand is not only is Nebraska a cheap employer, which we all know and we have all sort of appreciated and we need all those additional dollars for new programs and expanded rolls, not only are we cheap, which is no great sin in and of itself, and not only have we not kept pace with inflation in terms of trying to help our employees live in these very difficult times, that also has its justifications, I expect, but, you know, we are a bad faith employer, too. We do not try to discuss or analyze or in any way negotiate with our employees. We have a policy which is one in which if there is in fact recognition of some organization for purposes of collective bargaining, what we believe in in Nebraska is that you should delay and you should stonewall for as long as you possibly can and maybe they will go away. That has been our ongoing philosophy, not only that but the fact that we are cheap and so forth, and I think it is important for this Legislature to stand up and be counted in terms of where we want to be, what we want to be, and what sort of signals we want to send to our employees, whether in fact we believe that they have those rights that we have actually given them and whether they should be able to use those rights which we have given them. So I support the Johnson amendment because I think it is one way to show not only the University that this Legislature is concerned about living up to the agreements that we have made. I thank you. I urge support for the Johnson amendment.

SPEAKER MARVEL: Senator Warner, do you wish to respond?

SENATOR WARNER: Mr. President, members of the Legislature, as I understand the purpose of the amendment is to indicate some dissatisfaction with the Board of Regents in the process of negotiations at UNO and I guess if there is someone that feels there is a problem, I would assume that the

problem is with the Board of Regents rather than with the administrative people within the Central Administrations. However, I would suggest that this body has authorized negotiations by law some years ago. In fact I voted for the bill, LB 15, as I recall was the number, and if you want negotiations, then that is what you have got. Now if the Legislature wants to be the negotiation team for each agency and each group, you know, that is one policy, too. What we are doing in the appropriation bill, if you look on page 24 of the bill itself, there is a reappropriation of the unexpended balance for the salaries that would have been authorized by the level of appropriation last year in its increase. Those of you who are advocating, by your remarks at least indicating a higher level of funding should be negotiated, I would only call your attention that under the appropriation bill should the Board of Regents authorize a level of increase over and above and greater than what the general fund appropriation for the current year will permit, then that money would have to come out of cash funds. The fact they take it out of cash funds it will not be a part of the continuation budget for 82-83 and then the University would be back in before the Legislature next year asking for a general fund pickup in their continuation budget for the salary paid for those who are negotiating over and above the salary that was approved for the rest of the employees of the University. And I can well recall on numerous other instances where the University has made an expenditure of cash funds. In fact they did it for salaries about three years ago, as I recall, and the Legislature objected strenuously. In fact we did not pick it up. They objected strenuously to the fact that the University had gone out and paid a higher salary than was consistent with the general fund appropriation and they had used cash funds to do it. If, in fact, you want to increase the salaries then for those who are negotiating over and above what is currently appropriated and you want to provide the money to do it and you want it in the continuation budget for next year, then you are talking about a deficiency budget, a deficiency appropriation increase in the bill that we have already advanced. I assume the amendment is essentially offered for the purposes of discussing the issue but I would suggest that I don't think as a matter of public policy that the Legislature wants to get itself in the position where it is the negotiating team for every contract that may come along. So I would urge that you do not support the amendment if it is going to a vote because it creates far more complications in the long run than perhaps it appears, and secondly, I would think most importantly, if we are going to have negotiations, that means that the two teams, the two sides, whatever agency you talk about, should

have the flexibility to do that negotiation in good faith without the Legislature attempting to impose itself over one or the other of the two negotiating sides during the process itself. The one suggestion that was made that those salaries could have been paid out during the current year I cannot specifically respond to to why that was not done. I gather...I assume from at least one Supreme Court decision this perhaps is a practice. I don't know directly if that Supreme Court decision mentioned or affects directly the University of Nebraska, but in any event, the funds are reappropriated for UNO in a like dollar amount that the rest of the campus or any other agency had during the current fiscal year and I think that is where the issue should be dropped by the Legislature.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker and members of the body, I share Senator Johnson's concern but this is not the proper place to try to get even for an issue and Senator Warner is correct when he states that if we believe in the art of negotiation professionally, then that procedure must follow through. Even though those staff members at UNO haven't had an increase since 1980, that is due to the process where impasse has been reached and the court is going to make the final determination and I wouldn't want to be guilty of taking out a recrimination act against the Central Systems and the administration because of this because the Board of Regents properly handle it like the school board does when it reaches impasse with its professional staff and that is not unusual. We go through this quite often and I remember LB 15, too, as passed by this body and it was with some agonizing by the membership ~~but~~ they passed it but it is a fact in the State of Nebraska and I think we should allow it to work freely and then live by the decision of the court in the best interest of those who seek relief. So I would oppose Senator Johnson's amendment to try to get at the Central problem through the Central staff and administration. That is not a fair way to reach equity for all parties involved.

SPEAKER MARVEL: Senator Newell.

SENATOR NEWELL: Mr. President, members of the body, I'd like to explore just for a second Senator Warner's comments. Senator Warner, you indicated that we, something, by the way, I very much agree with, that we should not try to be the bargaining team for the University or the state agencies. I agree with that totally. Basically a policy setting team, that is our responsibility as a Legislature is to set policy and to appropriate funds but we do have a concern about fairness and we do have a concern about whether or not the policies

that we have set are being legitimately carried out, whether in fact the whole negotiations process that we have authorized through a very clear policy decision are in fact being carried out or whether they are being thwarted. Now, Senator Warner, you have indicated that you feel that there is in fact good faith negotiations which is the key, which is really the policy that we have set, we need good faith negotiations. Senator Warner, have we in fact to your knowledge and in your opinion had good faith negotiations in this regard?

SENATOR WARNER: I do not know to the contrary, let me put it that way, Senator Newell, but I should, because I think what I said was not quite accurate, so I should clear up one point. All the other state employees that work for the University during the current year, the salary adjustment was on the average of eight and a half percent. The amount that is reappropriated here is based upon the last offer of the Regents to the group at UNO and it is actually a 10.4 percent. So I think in uniformity with the rest of the University, we probably should reduce the dollar amount that is reappropriated back down to the same 8½ percent that the other employees got and we are almost 2 percent higher at UNO than what other faculty and state employees of the University system received on the average. So I misspoke in saying that we were treating UNO the same as the rest of the agencies. Actually they are 2 percent better off so we had better reduce it, I guess, for uniformity.

SENATOR NEWELL: I don't know about that, Senator Warner. I really was asking another question altogether. I don't mind you making a speech on my time and I don't mind you making points on my time but it would make me feel a lot better if you got around to trying to answer my point which was simply whether or not to your knowledge we have in fact had good faith negotiations as the policy is set out and whether or not, as you stated before, we are presently in negotiations?

SENATOR WARNER: Senator Newell, I think that is one of the points of contention, whether or not it has been a good faith negotiation and I am not in the position, any better than anybody else in the body, to make that determination. I wouldn't attempt to. I think that probably would be a matter that would go to the court for determination on factual basis.

SENATOR NEWELL: It seems to be where they are headed, Senator Warner, that is without question there. Senator Johnson, I would ask you this question. In fact, I would turn over my time to allow you to answer this question if you would like, and that is, has in fact in your opinion there been good

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faith negotiations between the University...

SENATOR V. JOHNSON: No.

SENATOR NEWELL: ...I am going to give you a little more time to answer that if you would like to take it and you may answer it now if you like.

SENATOR V. JOHNSON: The question simply is, has there in fact been good faith negotiations between the Board of Regents and the faculty at the University of Nebraska at Omaha? In my opinion, the answer is "no". And why do I say that the answer is no. Because the Board of Regents has not seen fit to provide the faculty members there the pay increases that you and I have appropriated. Well, you say that should be all right. That should be all right. The Supreme Court of Nebraska in an opinion I have in my hand which I am going to read has held that's an unfair labor practice so it is not a good faith negotiation withholding that pay. The Supreme Court said in the case of Local #2088 versus County of Douglas, it said this: "Furthermore, Nebraska Constitution Article XV would indicate that public employees may not be discriminated against or punished because they have sought collective bargaining and have reached an impasse with a public employer." "In the case of Local Union #647 versus the City of Grand Island it was determined that any attempt by management to dissuade employees from joining a union is an unfair and unlawful act. To withhold from the employees a salary which the governmental employer has determined is at least the minimal appropriate wage for no other obvious purpose but to punish the public employee is not permitted. Logic indicates to us that the wages to be paid for similar work during the given year to employees not involved in the dispute would be the minimum wage the employer could pay to those employees involved in the dispute. Any other conclusion would result in the employer favoring nondisputing employees over disputing employees." That is the Supreme Court. So I don't think those negotiations have gone on in good faith because that is exactly the practice the court condemns that our Board of Regents has engaged in.

SPEAKER MARVEL: Senator Hoagland.

SENATOR HOAGLAND: Mr. Speaker, colleagues, I would just like to make a couple of brief remarks in support of Senator Johnson's amendment. Senator Newell and Senator Johnson have just covered the precise reason why I am supporting this amendment and that is I think it is very unfair to withhold the entire wage increase for eight or nine months now simply because an impasse has been reached and I think the good

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faith thing for the administration or the Board of Regents to have done is to have given the members of the faculty of UNO the minimum increase they were entitled to and then left the margin, withheld the margin while the negotiation was taking place. But I think to withhold the entire increase for nine or ten months now is not fair and that we should adopt this amendment. Thank you.

SPEAKER MARVEL: The motion is the advancement of the bill. Okay, the motion is the adoption of the Johnson motion, an amendment to LB 560. Do you want to close?

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I think that the issue at stake is an extremely important one and that issue, very simply, is the legislative body's control through the purse of some of the actions that occur in our public institutions. Senator Warner has said and Senator Koch has said, well, if we are going to have negotiations, let's have it and let's not as a Legislature interfere in the process. Now my amendment in no way, in no way, tells the negotiators what to do, but my amendment does express a displeasure, a displeasure, that I certainly feel, and I hope a majority of this body feels, at keeping University people at low wages without seriously negotiating and treating their requests appropriately. I have in my hand the most recent study of the Nebraska Commission for Postsecondary Education on faculty pay and it shows faculty pay at virtually all institutions in this state. In 1979-1980 assistant professors at the University of Nebraska at Omaha, if they were men, earned \$17,000. Associate professors at the University of Nebraska at Omaha, if they were men, earned \$21,000, and full professors at the University of Nebraska at Omaha, if they were men, earned \$25,800 and some odd dollars. If they were women they earned less. If they were women they earned less by \$2,000 almost across the board. Now that is not very much money that we pay our people who have PhDs to go into the classrooms and educate our children. In my opinion it is important for us to emphasize the importance of higher education and we do that through respectable wages but when people are not well paid they lose interest and they drop out. Now these men and women have felt the need to form a union and they have formed that union and they are in the process of negotiating. Now it seems to me totally wrong for the Board of Regents to continue to penalize them by withholding from them their pay increases that you and I have allowed and so, too, the Supreme Court agrees. Now I don't think that is negotiating in good faith to do that. The only way that I know of as a State Senator to tell the Board of Regents to communicate in no uncertain terms my disapproval of the process is to withhold some money from the University system. My amendment withholds \$250,000, a pittance on a budget in excess of \$150 million, a pittance, a small, small point. It is aimed for the Central Administration because they are

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the principal negotiators for the University system but again the Board of Regents can spread that \$250,000 diminution among virtually every program it sees fit because under Supreme Court interpretation it has got the prerogative to do so. I can't think of a more important issue for us to be involved with, Senator Koch. You are a strong supporter of education and I am a strong supporter of education and so, too, is virtually every member in this body, and if we allow the morale of our people in higher education to continue to be eroded, to continue to be eroded by Board of Regents inaction and cavalier action, we do a real disservice to our children and to public education. I ask you to approve the amendment so that our message is heard and made clear.

CLERK: Mr. President, the amendment offered by Senator Johnson would provide for no increase in General Funds for the University of Nebraska Central Administration.

SPEAKER MARVEL: (Gavel) Okay, you have heard the motion. All those in favor of the Johnson motion vote aye, opposed vote no. Have you all voted? You want a record vote?

SENATOR V. JOHNSON: Yes, I do want a record vote.

SPEAKER MARVEL: Record the vote.

CLERK: (Record vote read. See page 1545, Legislative Journal.) 6 ayes, 25 nays, Mr. President.

SPEAKER MARVEL: The motion is to advance 560 to E & R for review. All those in favor vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 26 ayes, 3 nays, Mr. President.

SPEAKER MARVEL: Motion is carried. The bill is advanced. Senator Warner.

CLERK: Mr. President, LB 561 (read title).

SENATOR WARNER: Mr. President, I move the bill be advanced. 561 is the bill that contains all the various aid programs both to governmental subdivisions as well as the individuals. It contains \$372,926,613 of general fund money which is approximately 52 percent of the total general fund appropriation to be made. The total authorization is \$638,940,000, \$230 million of that being federal funds. If you look at the blue book, it starts on page 65 and then by agencies reflects the dollar amount that is contained in each of the

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Senator Warner, are you ready for 163 as amended.

SENATOR WARNER: Yes, Mr. President, I move that the bill be advanced. As indicated, it is merely the reaffirmation of current projects underway.

SPEAKER MARVEL: All those in favor of the adoption of the amendments...all those in favor of advancing the bill vote aye, opposed vote no, 163. Record.

CLERK: 27 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: Motion is carried. The bill is advanced. Now we are ready for 562.

CLERK: Mr. President, LB 562 (read title). The bill was read on April 14 and referred directly to the General File, Mr. President.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President, I move that LB 562 be advanced. Briefly, the bill contains roughly \$3.7 million for 309, for the continued deferred maintenance of various buildings, a variety of small projects. There is no major construction of any major building contained in the budget bill for reasons I have discussed numerous times before so I move the bill be advanced.

SPEAKER MARVEL: The motion is the advancement of LB 562 to E & R for review. All those in favor vote aye, opposed vote no. Have you all voted? Record.

CLERK: 28 ayes, 0 nays, Mr. President, on the motion to advance the bill.

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

CLERK: Mr. President, Senator Newell would like to print amendments to LB 560; Senator Labeledz to 466; Senator Haberman to 559.

And Senator Schmit offers notice of hearing for gubernatorial appointments confirmation.

SPEAKER MARVEL: Senator Vard Johnson, would you like to recess us until tomorrow morning at nine o'clock?

SENATOR V. JOHNSON: Mr. Speaker, I move that we recess until

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LB 160, 161, 163, 232, 241,
252, 326, 557-562

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend Dwayne Lueck from Trinity Lutheran Church, Martinsburg, Nebraska. This is Senator VonMinden's pastor.

REV. LUECK: Prayer offered.

PRESIDENT: Roll call. Has everybody registered your presence? Record the presence, Mr. Clerk.

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

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

CLERK: Mr. President, correction, page 1577, line 7, add Senator Hefner's name after Sieck.

PRESIDENT: Correction so ordered. Any messages, reports or announcements, Mr. Clerk?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 252 and recommend that same be placed on Select File with amendments; LB 326 Select File with amendments; LB 232 Select File with amendments; LB 160 Select File; LB 161 Select File; LB 557 Select File; LB 558 Select File; LB 559 Select File with amendments; LB 560 Select File; LB 561 Select File; LB 163 Select File with amendments; LB 562 Select File, all signed by Senator Kilgarin as Chair.

Mr. President, LR 60 is ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LR 60. We are ready then for agenda item #4. The Sergeant at Arms will see that all members are at their desks and clear the aisles for Final Reading. We are ready for Final Reading as soon as everyone takes their places. We are about ready for Final Reading. As soon as everyone is in their place we will commence Final Reading. All right, we will commence. The first bill on Final Reading, Mr. Clerk, is LB 241.

CLERK: (Read LB 241 on Final Reading.)

PRESIDENT: (Interrupts reading.) Pardon me, Mr. Clerk, will you stop please. Senator Koch, for what purpose do you arise?

have been made on the floor and first of all, in response to the defective roof situation. If the prime contractor does a job for you and you say as a homeowner that the roof is defective and you get into a dispute about that, under LB 512 you can still file a lien against the homeowner. What 512 addresses itself to is not to parties who have dealt directly with one another, but with parties who have not dealt directly with one another. Homeowners and people in the second and third and fourth tier in the construction industry, the subcontractors and the suppliers of the subcontractors, so this has nothing to do with defective roofs and even if the lien law didn't apply, the contractor has the right to go to court and sue the homeowner. That is the traditional way we settle things in this society and they can do it in that situation too. Senator Higgins, if you really want to do dirt to the attorneys, I suggest you vote to advance the bill because the attorneys are getting more out of this law the way it is right now than anybody, believe me. The law is unclear. They are suing people right and left, liens being filed all over the place. It is a heyday for attorneys. If you want to do damage to the attorneys, make the law clear. Make it concise and there will be a lot less litigation and a lot less attorneys fees. Again, Mr. Speaker, I would just close by asking the body to advance the bill and I reiterate once more that for those of you who are concerned about additional protection for the subcontractors and material men but who are not satisfied with anything we have presently, our minds are open. We will sit down and have a couple of conferences and see if some additional protections for subcontractors can be worked out but I am firm that if both groups cannot be protected, it really in all fairness should be the homeowner who is protected. Thank you.

SPEAKER MARVEL: The motion is the advancement of the bill. All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 27 ayes, 5 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Do you have some items you want to read in first?

CLERK: Yes, sir, if I may. Mr. President, Senator Schmit would like to print amendments to LB 529. Senator Kahle would like to print amendments to LB 529, Senator Goodrich to LB 512, Senator Koch to LB 560. (See pages 1594-1596 of the Legislative Journal.)

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LR 67
LB 559, 560, 512

SPEAKER MARVEL: Shall the House go under Call? All those in favor of placing the House under Call vote aye, opposed vote no. Do you want to accept call ins, Senator Schmit? Okay. Record the vote.

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

SPEAKER MARVEL: Okay, the House is under Call. All legislators should be in their seats. Please record your presence. The Clerk is authorized to take in call in votes.

CLERK: Senator Labeledz voting yes. Senator DeCamp voting yes.

SPEAKER MARVEL: Senator Goodrich, Senator Hoagland, Senator Kilgarin, Senator Newell, Senator Wagner, Senator Wesely.

CLERK: Senator Cullan voting yes.

SPEAKER MARVEL: Senator Wesely, Senator Goodrich, Senator Newell. Mr. Sergeant at Arms, we are looking for Senator Wesely and Senator Goodrich. Here comes Senator Goodrich. We are looking for Senator Wesely.

CLERK: Senator Nichol voting yes.

SPEAKER MARVEL: Okay, record the vote.

CLERK: 25 ayes, 16 nays, Mr. President, on the motion to adopt the Schmit amendment.

SPEAKER MARVEL: The motion carried. The amendment is adopted. Are we ready for the next....?

CLERK: Mr. President, the motion now is to advance the bill.

SPEAKER MARVEL: The motion is to advance LB 559. All those in favor of that motion say aye. Opposed no. The motion is carried. The bill is advanced. LB 560.

CLERK: Mr. President, if I may right before we get to that, I have some items to read in. Senator Vickers would like to print amendments to LB 512. (See page 1668 of the Legislative Journal.)

Senator Lamb wants to have a meeting of the Executive Board tomorrow morning, Mr. President, at 8:00 in Room 2102.

Study resolution, LR 67, offered by Senator Beutler. (Read

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LB 132, 241, 255, 486, 560

LR 67 as found on pages 1668 and 1669 of the Legislative Journal.)

Mr. President, your committee on Appropriations reports LB 255 to General File with amendments. (See page 1669 of the Legislative Journal.)

I have a message from the Governor addressed to the Clerk. (Read message as found on page 1669 of the Legislative Journal regarding LBs 241, 486 and 132.)

Mr. President, with respect to LB 560, I have no E & R amendments. There are Appropriations Committee amendments, Mr. President, found on page 1640, 1641.

SPEAKER MARVEL: Senator Warner, do you wish to explain the committee amendments?

SENATOR WARNER: Yes. Mr. President, I move adoption of the committee amendments. There are three in number, none of which has any impact on...or any addition of dollars. The first amendment merely changes some program numbers in the state college appropriation to accurately accommodate the state accounting system. The second amendment is an adjustment in the salary policy for the Coordinating Commission...the maximum salary of the Coordinating Commission for Postsecondary Education for one of the positions and the adjustment, which again is no increase in money. It's \$47. And the last amendment is only language clarifying that the University's budget submission next year for '82-'84 would be under the interchange program classification structure with the University of Nebraska at Lincoln. The Institute of Agriculture, the University of Nebraska at Omaha, the Medical Center, and the Systems Office will be submitted as individual budgets which is what we traditionally do anyway, but it spells it out in the bill. I would move adoption of the amendments.

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

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

SPEAKER MARVEL: The motion is carried and the committee amendments are adopted.

CLERK: Mr. President, I now have an amendment from Senator... well, Senator Newell had amendments on 1547 that he would like

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to withdraw.

SPEAKER MARVEL: Hearing no objection, so ordered.

CLERK: Mr. President, Senator Koch now moves to amend and the Koch amendment is found on page 1596 of the Journal. The purpose is to provide \$149,365 General Funds, University of Nebraska, Lincoln, for General Engineering Program in Omaha.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker, I have an amendment that has been restated, and I would pass over that amendment and move to the one I have before you today.

CLERK: You want those substituted....To redistribute \$150,000 General Funds from the University of Nebraska Medical Center?

SENATOR KOCH: Yes, that's correct. That is the correct one.

CLERK: Okay. So you want to withdraw the other one, is that right, Senator?

SENATOR KOCH: Yes.

CLERK: Okay. I have a couple ahead of you, Senator. Okay. Mr. President, the next amendment I have is offered by Senator Maresh, and the Maresh amendment is found on page 1609 and 1610 of the Journal.

SENATOR MARESH: Mr. Speaker and members of the Legislature, this is to provide some mileage for the State Extension people to travel outstate. The Appropriations Committee did not allow any increase for the cost of mileage, and that amounts to \$75,000 and then we have for five additional County Extension faculty which are supported by Extension Boards across the state. And as you know, the county pays for the operating expense and about 25 percent of the salary. These staff are needed to meet the increasing need for information and education in production, agriculture, energy programs, natural resources, horticulture, home economics and expanded 4-H clientele. The cost is \$72,500. I move that this amendment be adopted.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President, I would rise to oppose the amendment. There are increased Extension people indicated

in the appropriation. The recommended...includes for three additional agents with state funds. Actually it comes out four when you get the matching funds that normally is there. The budget has positions for 172 such individuals across the state. The travel the current year that was authorized is \$408,465. The actual amount that they would have allocated next year will be decided by the Regents when they break up...break it up, because we do not, or the Legislature does not allocate by program, travel, all those breakdowns that are there. And I guess in summing it up, I would imagine that out of the hundred and some million that the University would be appropriated, 144 million, almost 145, that there ought to be adequate funds to do some increase in travel if they wish. I think the problem that this came up with is the people read in the paper that the committee had a policy which we did have that traveling cost would...was based on '79-'80 actual with no increase. But that travel item is not fuel cost. That travel item deals with airplane travel and that kind of travel, and that was an across the board committee policy with some exceptions. When it comes to such things as fuel where they purchase motor vehicle fuel, that was figured at \$1.50 a gallon. There was normal reimbursement for replacement of motor vehicles where they are state owned at their traditional level, the whole series of calculations that should have adequately taken care of the increase in travel cost that is pointed out, unless, of course, the Regents choose to use the funds some other way. And if they choose to do that, there is nothing you can do about it, or that we can do about it in any event under the current constitutional provision. I would oppose the amendment.

SPEAKER MARVEL: Senator Marsh, do you wish to speak to the Maresh amendment?

SENATOR MARSH: Yes. Thank you very much, Mr. Speaker. I would like to again say, we did allow in our budgets, Senator Maresh, for four additional County Agents if the Regents choose to do the split of dollars in that way. And since we have allowed those additional dollars, I cannot support your amendment, and I hope the entire legislative body does not add these extra dollars. We still have a number of A bills waiting for the processing of the budget documents across our board. Some dollars need to be left for A bills. If we continue to put in \$100,000 here and a \$109,000 there, we will not have adequate dollars left to do the things that we intended to do when those bills were advanced to Final Reading. I oppose the amendment.

SPEAKER MARVEL: The motion is the adoption of the Maresh

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amendment. Senator Maresh, do you have a close? Okay, all those in favor of adopting the Maresh amendment to LB 560 vote aye, opposed vote no. Have you all voted? Have you all voted? Senator Maresh.

SENATOR MARESH: We have only 27 people voting.

SPEAKER MARVEL: Senator Maresh, what's your pleasure? Record the vote.

CLERK: 12 ayes, 19 nays, Mr. President, on the motion to adopt.

SPEAKER MARVEL: The amendment fails.

CLERK: Mr. President, the next amendment I have is offered by Senator Burrows. (Read the Burrows amendment as found on pages 1670 and 1671 of the Legislative Journal.)

SENATOR BURROWS: Mr. Speaker, members of the Legislature, this amendment would take \$400,000 and it is distributed through the campus so that by putting a limit on the salary increases between \$3200 and \$3400, they could achieve this amount. It takes \$12,000 from the Central Administration budget. It takes \$388,000 from the UNL, UNO and Med Center. It splits this down by taking \$168,000 from the UNL total appropriations, \$12,000...or UNL, that was; \$12,000 from UNO appropriation, and \$208,000 from the Med Center budget. Now the intent of this amendment is to have the Regents limit in dollar amount whatever that \$400,000 specifically figures out to be, the total of any salary increase, and that total would range somewhere between 32 and \$34,000. We were working with 419 salaries of which I have passed out copies on your desk that deal with Central Administration, UNL, UNO and the Medical Center. Of these 419 salaries, they amount to \$19 million, just slightly over \$19 million. The 9 percent increase on these 419 salaries amounts to \$1,710,000. Now by simply limiting it to from 32 to \$3400 we are saving \$400,000 of the taxpayers' money. I would like to put in perspective with the legislative salaries. Maybe if we make some cuts like this on the highest salaries in the state, the people would give us a 32 or \$3400 salary increase for the next three years, and I don't think anybody would be dissatisfied in here with that, if we could be assured we got something like this each year for the next three years. I think the public is tired of seeing these huge salaries take huge increases where the top salaries get more increase than the bottom salaries get in total amount of salary. I believe that high salaries are in order to a degree, but I think it

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is ridiculous when you look at the Chancellor's office, the President's office and look at these salaries along with the additional salary base they get from the Foundation, the extras with the home for the President, and some of these are really realizing salaries in excess of \$100,000. The Med Center is only state salary we are talking about. We don't include on this schedule that I passed to you, it does not include monies received from the Foundation. It does not include from the Med Center the extra money received by the medical personnel working there which far exceeds the amount they are, in many instances that they are receiving from the state. Now, the problem with this, and will be brought out, is that constitutionally we cannot supposedly tell the Regents what to do. But this is rather moot because the Constitution of the State of Nebraska does not tell us how much money we have to appropriate and if the Regents do not listen to appropriation direction from the Legislature, we do not have to give them as much money as they ask for next year and we can make our increases in cuts, we can add zeros to the increase. We have the total hammer over the appropriations budget because we decide how much money, and that is the final hammer that lays there, regardless of that court decision. So if the Legislature has the intent to do it, we can take these funds and demand that the University, especially with the follow-up we have next year in the budget, take and limit that salary increase to something like \$32...\$3400, and that is a sizeable increase. Now these people that are making \$35...\$36,000 and up in the University, if this is placing financial hardship on them, I assure you they are poor business managers of their own personal savings, and if they are that poor as business managers, they have no business drawing salaries like this being funded by the taxpayers of the State of Nebraska. If the argument comes that we will lose top quality people, I assure you if you measure quality by salary, we rather reduce our importance to a great degree with those of us working here with a purpose at \$4800 a year. I do not think that we want to keep people that are taking that job and holding that job solely for the sake of the salary, that do not have an interest in our state and enjoy the living circumstances they have in a fine city like Lincoln, Nebraska. I think we will improve the quality of our University personnel if any are lost because they are simply taking that job looking for that added buck where they might get somewhere else. I urge the body to adopt this amendment. We will be putting back more dollars than we have....back into the treasury than we have taken out in the previous amendments. It gives you a chance to clear yourself with the voters if you have supported these other amendments adding to the budget in a way that won't hurt anyone. Thank you for your time.

SPEAKER MARVEL: Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, I rise to oppose the Burrows amendment. I think it is very easy for us to sit here in the Legislature and look at the pay scales and so forth, look at some of the figures which many of us of the average public seem to be very substantial salaries. But it is very easy for us to cut those people and to throw the salary schedules that have been hopefully based upon and premised upon some logical criteria. It is easier for us to sit here and throw those salary schedules out of balance. If we are going to be competitive in the University of Nebraska with other facilities, with other institutions, then we have to have competitive salaries, and to cut simply the top just doesn't accomplish anything. If Senator Burrows wants to discourage people from seeking the leadership positions within the University of Nebraska, I think he can do that. But if we are going to give an individual a 10.5 percent increase in salary, then we should give it for all individuals irrespective of what their pay...of what their current level of compensation might be. I guess I would harken back to what Senator Schmit has said on the floor of the Legislature many times, and I recall his discussion last year when we talked about salaries for state employees. He said if you are going to have someone who is doing a good job for you, then you are going to have to compensate them well for that. I believe that we have a good University of Nebraska, that our administration is a competent administration and that we should support them as best we can. It is really pennywise and pound foolish for us to cut \$400,000 from these administrative positions. I think it will hurt us in our ability to be competitive. It will simply shift more of these kinds of things if we do intend to maintain a quality institution and attract the people we want, it will simply shift more of these kinds of things to the Foundation if they can find the funds. The state has an obligation to maintain a university with a competent and sound administration and to maintain faculty that have those criteria, and I think it would be extremely unwise of us to simply take a swat at those who are at the top levels of the administration and faculty of the University of Nebraska. If you want to reduce the salaries, if you think the salaries are too high, the salary increase that the Appropriations Committee has suggested, then you should reduce it across the board. Let's not disrupt the salary schedule that is in place and let's not punish those simply because they happen to be at the top of the structure in the University of Nebraska. I urge you to oppose the Burrows amendment.

SPEAKER MARVEL: Senator Marsh.

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SENATOR MARSH: Mr. Speaker and members of the Legislature, I urge you to oppose the amendment as well. Senator Burrows did state, but I am not sure everyone was listening, we do not have the ability to say you will cut just certain salaries at the University, that is a decision which was decided in a court of law. We do not have that authority. The \$400,000 or any figure removed from the budget will not necessarily be removed from those salaries. I recall perhaps before half of this body was here, that another Senator who went on to Washington took out \$500,000 and where did the cut really come? The groundskeepers, the janitorial staff. It hurt but it didn't hurt where he intended it to hurt. What I am saying is, if you think the total overall budget is too high, you have a right to cut, but do not assume it will come in this quarter. I urge you to reject the amendment.

SENATOR NICHOL PRESIDING

SENATOR NICHOL: Senator Warner.

SENATOR WARNER: Mr. President, I just briefly would oppose the amendment. It has already been pointed out that essentially the purpose for which Senator Burrows is offering the amendment really would not necessarily be accomplished. I think he has called attention to the Board of Regents of his concern, and I would hope they would take that into account when they do their allocation of the budget as approved by the Legislature, but I would hope the body would not adopt the amendment.

SENATOR NICHOL: Senator DeCamp. The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye, opposed nay.

CLERK: Senator Nichol voting aye.

SENATOR NICHOL: Record, please.

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

SENATOR NICHOL: Senator Burrows, did you want to close, please?

SENATOR BURROWS: Yes. Mr. Speaker and members of the body, I want to bring one point out very clear on this as far as the constitutional ability. We have the leverage here in proposing and passing the budget each year. We have the total leverage over the Regents, and if we feel it is proper to set a limit of 32 to \$3400 on the amount of

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increase of salary that is provided to the Regents, we can do it and we can enforce it by next year's budget appropriations. There is no difference in constitutionality of reducing the total amount of salary increase than in reducing a 10.5 increase to a 9 percent. The constitutional problems are the same. We have already done this in the budget. We didn't give them what they asked. They can ignore us on the 9 percent salary increase just as well as they can ignore us on a limitation on the total amount of salary increase. It is clear as a bell on this issue. So I would urge the membership to remember we are talking about 419 people that are drawing over \$19 million and I don't believe the taxpayers of this state will justify this in any way. I think they are entitled to know that these salaries are running in excess of an average of \$45,000, these 419 salaries. These people are not suffering hardship. It is a clear place to take \$400,000 from the budget without hurting anyone. I urge the membership to adopt this amendment. Thank you.

SENATOR NICHOL: The question is, shall the Burrows amendment be adopted? All those in favor aye, opposed nay. Senator Burrows, there are seven excused.

SENATOR BURROWS: Let it go then.

SENATOR NICHOL: The amendment fails.

CLERK: 9 ayes, 23 nays, Mr. President.

SENATOR NICHOL: The amendment fails.

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CLERK: Mr. President, the next amendment I have is from Senator Koch. (Read Koch amendment as found on page 1671 of the Legislative Journal.)

SENATOR NICHOL: Senator Koch.

SENATOR KOCH: Mr. Chairman, members of the body, recently it has been brought to my attention and I think a number of other people on this floor, the Regents made a decision that the preengineering courses offered at the UNO campus would terminate effective July 1 of this year. People talk about receiving mail and I have received a considerable amount from students and from members of the profession of engineering and from industry, highly concerned about the I think rather irresponsible action of the Regents in the fact that I asked them to logically provide me with information of how they came to that conclusion when they have two hundred and fifty students enrolled in those courses. My correspondence also indicates to me that a number of people who have achieved the degrees in engineering, matriculated in that preengineering school at UNO campus and as a result today have their degrees and are practicing successfully and I believe that we should place in LB 560 an amendment to the extent that we direct the University to reestablish a program at the UNO campus. Now if they intend to put preengineering at the UNL campus, that may provide some relief, however, I remind you that there are many students in the Omaha area who go to school part time in the evening and those who are matriculating in preengineering, that means then that they would have to make a journey of fifty miles or more to this campus and return in the evening and then pursue an occupational endeavor to try to carry on their wishes in education. If we are going to do anything in engineering, it is my belief that possibly we should have moved our engineering program completely to Omaha when you look at the total program and the kinds of opportunities that might be available in a total engineering procedure. So what I am proposing here is that we take \$150,000 that the University was appropriating or asked for that would have gone to the Medical Center to stabilize the Eppeley Center and advise the Regents that this money should be used for the perpetuation of the pre-engineering college at the campus of UNO which is a part of UNL and our University system. It is interesting to me when we talk about programs and I don't want to become sarcastic but when I look at the Vet College the Board of Regents say that we have no opposition as long as our other programs are not affected, however, I think it is time that the Board of Regents establish some priorities in terms of programs which are viable and important to our economy and to the future of people seeking higher

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education and since we are going to pass 506 which is a tax on cigarettes to help to support the Eppley Center, which I am in favor of, then I think it is also important that we direct a \$150,000 of General Funds to the perpetuation of the engineering program at the University campus in Omana. I ask for the adoption of this amendment.

SENATOR NICHOL: Senator Warner.

SENATOR WARNER: Mr. President, I rise to oppose the amendment. I hope I can explain adequately or appropriately, if I can use that word, Senator Koch, why I feel we should not support it. We have consistently encouraged the Board of Regents to reallocate funds within the institution rather than just asking for more money and in this case some feel perhaps they made a mistake and if they did, then I think they ought to have the responsibility to correct it and it is no problem for them to do it because the money was not taken away. It was reallocated. What the book shows is that we took away that budget line, not only for this engineering program they are talking about but also Centennial College which was what the Regents themselves have done and the money would have been placed then when those people who were involved in those programs were reassigned or those positions reassigned, the budget that is now before us reflects that money to be spent wherever the Regents had indicated it was to go. So we don't need to add money nor to have that program reestablished and I think if we begin, this is one of the first times the Regents have come in, if we immediately begin to overrule every time they make a decision, we are going to discourage them from doing the very thing that many of us have been suggesting to them for a good many years that instead of just asking for more money for every program, their first choice ought to be to reallocate existing funds to more appropriate purposes and in their experiment with this approach, I assume they may make mistakes but I would suggest that they are the ones that ought to correct it if, indeed, it was because it is not a funding problem. The other concern that I would only point out to you that the funding that Senator Koch is proposing is the \$150,000 which is in the appropriation bill for the Eppley Center and it is presumed, I suppose, that LB 506 and 506A will pass and that may be a reasonable assumption but if in the event it is not, then the effect of this amendment would be that even the \$150,000 for the Eppley Center would be gone and the Eppley Center would be the loser. So I am not sure that this is the place, in fact, where Senator Koch wants to make the amendment unless he is absolutely sure that 506 is going to pass in some-where near and existing form. But my main reason is that we do not need to take this action. The funds are there.

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The University Board of Regents can reestablish the program. They can reallocate the money because no money as such was taken away, only the line item that showed that activity was confirmed, or not confirmed, but was recognized as was their budget submission form. So I would hope the body would not adopt it and leave the Regents assume the responsibility they keep telling us all the time they want.

SENATOR NICHOL: Senator Sam Cullan.

SENATOR CULLAN: Pass.

SENATOR NICHOL: Senator DeCamp. The question has been called. Do I see five hands? I do. The question is, shall debate cease. All those in favor vote aye, opposed nay.

CLERK: Senator Nichol voting aye.

SENATOR NICHOL: Have you all voted? Record please.

CLERK: 26 ayes, 3 nays to cease debate, Mr. President.

SENATOR NICHOL: Debate has ceased. Senator Koch, did you wish to close, please?

SENATOR KOCH: Well first of all, Mr. Chairman, it has been my observation today that we've got a new MPQ'er here and I think it is neat and that is Mr. DeCamp. He moves the previous question all afternoon. Obviously he is not much interested in the appropriation bills right now and I understand the expediting of business. I understand Senator Warner too but when I read the Blue Book put out by his committee and I go through here when they tell me elimination of funds of the general engineering program, \$149,000, I cannot be so assured the Board of Regents will exercise good judgment and place that program in operation. I get as frustrated with the Board of Regents as many of you do occasionally and I understand what you are saying. We ought to make them bite the bullet and if they get enough pressure, then they will put the program in because obviously they have got enough money hidden in this budget some place to do it, but when I read the page 62 of your handout, I don't see that. I have confidence that 506 will pass because it had great support across the board. It is like motherhood and country and in there is the \$500,000 to provide stability to Eppler Cancer Center plus as you remember, \$700,000 or more or a million two for research as it relates to smoking related diseases and I approve that. But I think it is important that I not just speak on the floor

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but get the attention of the Regents because oftentimes they are not listening to this intent. They don't get the letters. I think it is important we put it back in and I also think it is important then that the Appropriations Committee can assure me that a very valuable program is not going to be discontinued when it has the student interest that that program has demonstrated. As I told you I received a considerable number of letters from students at that campus and from industry in that community who indicate to me that there is a need to continue. It can be justified not only in terms of investment but also in terms of financial outcomes. So, therefore, that is the reason I would like to see this amendment adopted and then if we find the Regents are hiding money in the Appropriations Committee which the Appropriations Committee has not been able to detect, then let's handle that at a different time. I ask for the adoption of LB 560. I didn't put it in here just as a joke. I am serious about this. Thank you.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, point of order I guess.

SPEAKER MARVEL: We have ceased debate.

SENATOR DeCAMP: I know, I know. We ceased debate because I made the motion to cease debate and I had enough votes but there is a provision in the rules that the Speaker determines that there hasn't been enough debate on the subject or hasn't been fair on both sides that he can open it up again. Several members have indicated to me that I called the question too quick and I would be the last to do that so if the Speaker feels that there are some people, I guess there were quite a few on the list wanted to yank on it, I....

SPEAKER MARVEL: Senator Johnson, for what purpose do...? Okay, the motion is the adoption of the Koch amendment. Is that right? No, we're going to... The Chair... The motion is the Koch amendment to the bill. Okay, Senator Koch, have you closed? I am a latecomer, I'm sorry.

SENATOR KOCH: Senator Marvel, I want Senator DeCamp to know that I was just being humorous. I was not serious. Gosh, John, you are so sensitive, I can't believe you.

SPEAKER MARVEL: Senator DeCamp, he was being fictitious. Okay, the motion is the adoption of the Koch amendment. All those in favor vote aye, opposed no. We are voting

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on the Koch amendment to the bill. Senator Koch. Have you all voted? Senator Koch.

SENATOR KOCH: Mr. Speaker, in lieu of what this may cost me later on when we get to Kearney and Chadron, I will just leave the record stand and make a record vote out of it.

SPEAKER MARVEL: Okay. Mr. Clerk, record. A record vote has been requested.

CLERK: (Read record vote as found on page 1671 of the Legislative Journal.) 16 ayes, 20 nays on adoption of the amendment, Mr. President.

SPEAKER MARVEL: The motion lost.

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

SPEAKER MARVEL: The Chair recognizes Senator Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, before we advance this bill I do have a question of Senator Warner.

SPEAKER MARVEL: Senator Warner, do you yield?

SENATOR WARNER: Yes.

SENATOR V. JOHNSON: The question is this, Senator Warner. Last year we appropriated some \$375,000 to the Board of Trustees of the Nebraska State College System as instructional improvement money which essentially was discretionary money. This year we are appropriating none of that \$375,000 to the Board of Trustees of the Nebraska State College System. I understand that that same sum of money has in effect, been placed in the budgets of the four state colleges. Is that correct?

SENATOR WARNER: That is my understanding of the...well, let me say it a little clearer than that. The committee did not recommend any discretionary fund this year prior to the Board of Trustees or the Board of Regents in either case. Now the instructional improvement fund that the Board of Trustees have for the state colleges was initiated at one time for a pilot type project perhaps is the word and if ...in instructional purposes and if the program seemed to be worthy, then they would come back in the following year and request that as a new and expanded program. I will say for myself, I have had some reservations that some of those funds in the past have not

really been used for instructional improvement programs, at least not as I would understand them. We did, by motion, roll into each of the campuses, an equivalent amount of about what that would result in it so their total budget would not have been changed, in my opinion, had we put a discretionary fund in. What we probably would have seen then was some dollar amount less in each of those campuses that would collectively be equal to whatever we put into the improvement fund. But we may go back again next year but based on some of the things that have occurred the last year or two, it seemed to me it was appropriate to kind of call their attention this way.

SENATOR V. JOHNSON: Well then, Senator Warner, under your understanding of the budgeting process, will the respective college administrators in a sense have the same degree of discretion over the monies rolled into that budget as the Board of Trustees now had or presently has for the total sum of money?

SENATOR WARNER: Well, like I say, that except my presumption, I don't know how the Board of Trustees work but if somebody works for me, I would expect that the presidents are going to reflect what the Board of Trustees want them to do on those things rather than at the campus level, at least if they were working for me and they weren't doing that, they damn well wouldn't be working very long.

SENATOR V. JOHNSON: So, in other words, an ongoing instructional program that the Board of Trustees had approved ought to be carried on by the respective college administrators. Is that correct?

SENATOR WARNER: I would assume that they would have that flexibility.

SENATOR V. JOHNSON: Okay, thank you, Senator Warner. I have no further questions.

SPEAKER MARVEL: Okay, Senator Higgins, do you wish to be recognized on advancement of the bill?

SENATOR HIGGINS: Mr. Speaker, I just wanted to mention to the body that I guess the reason they were going to close the Engineering College down to one class in Omaha is so that when we get the money for the Veterinarians College we can just use that empty Engineering College Building in Omaha and we won't have to build a Vet College then. That is what I wanted to mainly point out and I voted for the amendment but I will go the other way now that I know what the intent is. Thank you, Mr. Speaker.

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LB 560, 444, 482, 562

SPEAKER MARVEL: All right, Pat, now we are advancing the bill. The motion is to...advance the bill. All in favor of advancing the bill say aye, opposed no. You want a record vote? Okay, a record vote is requested. The bill has been advanced. Okay, the Clerk has got a couple items to read in.

CLERK: Mr. President, I have amendments to 562 from Senator Kahle, Lamb and Schmit to be printed in the Journal. (See page 1672 of the Legislative Journal.) Senator Kahle to print amendments to LB 444; Senator Hoagland to LB 482, Mr. President. (See pages 1672-1673 of the Legislative Journal.)

And I have a final reminder, Mr. President, the Executive Board will meet tomorrow morning at eight o'clock in Room 2102. That is all that I have, yes, sir.

SPEAKER MARVEL: Senator Landis, do you wish to adjourn us until 9:00 a.m. tomorrow, Friday?

SENATOR LANDIS: With deep pleasure I would move to adjourn until nine o'clock Friday morning, Mr. Speaker.

SPEAKER MARVEL: All in favor of that deep pleasure say aye, opposed no. The motion is carried. We are adjourned until nine o'clock, Friday, April 24th. (sic.)

Edited by Arleen McCrory
Arleen McCrory

May 5, 1981

LB 209, 557-562

CLERK: 14 ayes, 17 nays, Mr. President, on adoption of the Hoagland amendment.

SENATOR CLARK: The amendment failed. Senator Haberman, would you like to recess us until one-thirty right after the Clerk reads something in.

CLERK: Senator, excuse me, if I may. Mr. President, I have amendments from Senator DeCamp to LB 557, 558, 559, 560, 561 and 562 to be printed in the Journal. (See pages 1756-1757 of the Legislative Journal.)

Urban Affairs Committee will have an executive session at 11:00 a.m. underneath the North balcony on Thursday, Mr. President.

Mr. President, the Miscellaneous Subjects Committee will meet in executive session in Room 2102 at noon today. Public Works Committee will meet underneath the North balcony right after recess at noon. That is signed by Senator Kremer. That is all that I have, Mr. President.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. President, I move to recess until one-thirty this afternoon.

SENATOR CLARK: You have all heard the motion. All those in favor say aye, opposed no. We are recessed until one-thirty.

Edited by Arleen McCrory.
Arleen McCrory

May 5, 1981

LB 70, 163, 172, 184, 242, 250,
285, 302, 310, 324, 369, 375, 494,
497, 527, 557, 558, 559, 560, 561, 562.

aye, opposed vote no. Have you all voted? Senator Burrows.

SENATOR BURROWS: I would like a Call of the House and a roll call vote.

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

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

SPEAKER MARVEL: The Legislature is under Call. Please return to your seats. Record your presence. Senator Burrows, do you want to record....Senator Kahle, Senator Hefner, Senator Goodrich, Senator Wagner, Senator Landis, Senator Newell, Senator Chambers, Senator Pirsch, Senator Labedz, Senator Higgins. While we are waiting, under the north balcony Mr. Jack Fletcher and his son, Monte, Jack is a former resident of Lincoln County, Nebraska, and now lives in Upland, California, and they are guests and friends of Myron Rumery. And from Senator Remmers' District, 14 students from Tablerock, Nebraska, Mrs. Griffith, teacher. Should be in the north balcony. Are they?

CLERK: Mr. President, while we are waiting, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 163 and find the same correctly engrossed, 557, 558, 559 and 560, 561, 562, all correctly engrossed. (Signed) Senator Kilgarin. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 242 and recommend that same be placed on Select File, 494 Select File with amendments, 369 Select File, 310 Select File with amendments, 497 Select File with amendments, 250 Select File, 302 Select File with amendments, 70 Select File with amendments, 285 Select File with amendments, 324 Select File with amendments. (See pages 1771 through 1773 of the Legislative Journal.) Mr. President, Senator Schmit, Kremer, Chronister and VonMinden move to place LB 375 and 377 on General File pursuant to Rule 3, Section 18(b). Senator Carsten would like to print amendments to LB 172, and Senator Lamb to LB 285. (See pages 1769 through 1771 of the Legislative Journal.)

SPEAKER MARVEL: Senator Labedz, Senator Higgins, Senator Chambers, Senator Goodrich. Senator Burrows, do you want to start the roll call? We have four that still are unaccounted for.

May 7, 1981

LB 557, 558, 560, 561

PRESIDENT: LB 557 passes with the emergency clause attached. The next bill on Final Reading will be LB 558, Mr. Clerk.

CLERK: (Read LB 558 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 558 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 1820 of the Legislative Journal.) The vote is 47 ayes, 1 nay, 1 excused and not voting, Mr. President.

PRESIDENT: LB 558 passes with the emergency clause attached. The next bill on Final Reading, Mr. Clerk, is LB 560.

ASSISTANT CLERK: (Read LB 560 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 560 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on pages 1860 and 1861 of the Legislative Journal.) The vote is 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 560 passes with the emergency clause attached. Before we go on to LB 561, the Chair takes pleasure in introducing some guests, first of all some guests of Senator Beyer, five students from the American Political Behavior Class of Papillion High School, Steve McIntosh, Jim Hungerford, Rick Scherer, Aaron Schramm and Greg Noll. Would they be recognized, and welcome to your Legislature....greetings, welcome to your Legislature. We also have up here in the north balcony from Senator DeCamp's District, nine 8th Grade students and two adults from Inman Public Schools, Inman, Nebraska, Mr. Chuck Dziowgo (phonetic), teacher. Would they just stand and be recognized, or welcome to your Legislature. We also have from Senator Hoagland's District seven Seniors and two children and one teacher from Duchesne Academy in Omaha, Mrs. Ann Kemmy, teacher. They are up here in the north balcony. Would they wave to us and show us where they are. Back in that end. Welcome to your Legislature. And last but not least, we have from Senator Chronister's District eleven 12th Grade students and two adults from Snyder High School, Snyder, Nebraska, Mr. Alan

May 7, 1981

LR 117, 118
LB 160, 161, 163, 232, 557,
LB 389, 558, 559, 560, 561,
562

be reviewed before anybody would receive any assistance under this program to ensure that some existing program can't take care of their needs. So all it is is an amendment to add educational programs to that other list to make sure that we don't provide assistance that can't otherwise be provided.

SPEAKER MARVEL: All those in favor of the adoption of the Wesely amendment, or the...yes, it's the Wesely amendment, isn't it....Wesely-Schmit amendment vote aye, opposed vote no. While we are waiting for your vote, from Senator Lowell Johnson's area it is my privilege to recognize thirty-five 7th and 8th Graders from Trinity Lutheran School, Fremont, Nebraska, four teachers and Harold Bergt, in the north balcony. Will you hold up your hands so we can see where you are and welcome you to the Unicameral. From Senator Fenger's District ninety-seven 4th Graders, Belleaire School, Bellevue, Nebraska, Myrtle Bailey, Marge Mosier, Connie Franklin and Ray Nesbitt teachers, in the north balcony. Where are you located, please? Welcome to the Unicameral. And from Senator Beyer's District four Sophomores from Papillion High School, Corey Swanson, Laurie Thompson, Kathy Gothier and Michelle Buchard, all from Papillion, and they are a part of the American Political Behavior Class. Are you still up there? Okay. The record will indicate they were here. Record.

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

Mr. President, if I may before we proceed to the next amendments, Senator Dworak would like to offer explanation of votes. I have study resolutions from Senator Vickers, LR 117. The purpose of this study is to examine irrigation development in the Sandhills region of Nebraska. (See page 1824 of the Legislative Journal.) LR 118, by Senator Hoagland. The purpose of the resolution is to study the adequacy of existing laws in Nebraska regulating the sale and possession on handguns. (See page 1825 of the Legislative Journal.) That will be...both referred to the Executive Board, Mr. President.

Mr. President, budget bills are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LB 160, 161, 163, 232, 557, 558, 559, 560, 561 and 562.

CLERK: Mr. President, the next amendment I have to LB 389 is offered by Senator Maresh. (Read the Maresh amendment

May 13, 1981

LB 412, 160, 161, 163, 232,
557, 558, 559, 560, 562

are related and as the interest rate goes up, unless you are going to drive up the price of land even higher, the interest rate goes up then the period of time which is set necessarily must be reduced. For that reason I move the three year provision.

SENATOR CLARK: Being that I was told to close at four o'clock, it is now eight minutes after four, we still have to read the Governor's message, we are going to break off right here and read the Governor's message. Then we will adjourn for the day.

CLERK: Mr. President, I have a series of things. The first obviously is the Message from the Governor addressed to Dear Mr. President and Senators: (Read letter as it appears on pages 2006-2008 of the Legislative Journal).

Mr. President, in conjunction with that I have a letter addressed to the Clerk, from the Governor, Engrossed Legislative Bills 160, 161, 163, 232, 557, 558, 559, 560 and 562 were received in my office on May 7th. These bills were signed by me on May 13th and delivered to the Secretary of State. Sincerely, (signed) Charles Thone, Governor.

Mr. President, Senator Wagner would like to print amendments to LB 302 in the Legislative Journal.

Your Enrolling Clerk has presented for the Governor his approval of bills that were read on Final Reading today, Mr. President.

SENATOR CLARK: Senator Remmers, would you like to adjourn us until 9:00 a.m., tomorrow morning.

SENATOR REMMERS: Mr. Speaker, I move we adjourn until 9:00 a.m. Thursday morning.

SENATOR CLARK: You heard the motion. All in favor say aye, opposed, we are adjourned until 9:00 a.m., tomorrow morning.

Edited by L. M. Benischek
L. M. Benischek

January 25, 1982

LB 69, 560, 589, 598,
646, 654, 865

by Senator Kilgarin as Chair.

Mr. President, your committee on Banking, Commerce and Insurance whose chairman is Senator DeCamp to whom is referred LB 589 instructs me to report the same back to the Legislature with the recommendation that it be advanced to General File, 598 to General File, 646 to General File and 654 to General File...I'm sorry, 646, and Education reports LB 654 to General File. Those are signed by their respective chairmen, Mr. President.

Mr. President, Judiciary gives notice of cancellation of hearing for Wednesday, February 3 and I have received two reports, one from the University of Nebraska pursuant to LB 560 passed last session, a report from the Upper Big Blue Natural Resources District regarding payment of attorneys fees and, Mr. President, Senator Marsh would like to print amendments to LB 69 in the Legislative Journal. (See pages 395-397 of the Legislative Journal.)

Mr. President, I have a unanimous consent request from Senator DeCamp asking that the Banking, Commerce and Insurance Committee hold their hearings in Room 1113 tomorrow and Judiciary Committee would hold their public hearings in Room 2230, just switching hearing rooms.

PRESIDENT: Any objection? Hearing none, so ordered. We are ready then for agenda item #4, Motions. The first motion on gubernatorial appointments from the Agriculture Committee. Senator Wagner, will you handle the motion. The Chair recognizes Senator Wagner.

SENATOR WAGNER: Mr. Speaker and members, the Agriculture Committee held their confirmation hearings on Friday, the 15th and the three people we confirmed were Homer Loutzenheiser for the Environmental Control Council, All Wood for the Environmental Control Council and Donald Larson for the Nebraska Gasohol Committee. The committee acted favorable on these nominations. It is our recommendation that the Legislature approve of them.

PRESIDENT: Any discussion as to the motion of the Agriculture Committee? Hearing none, the question is the approval of the gubernatorial appointments for the Agriculture and Environment Committee. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 28 ayes, 0 nays, Mr. President, on approval of the report. (See vote on page 397 of the Legislative Journal.)

PRESIDENT: Motion carries. The report is approved. The next motion concerns LB 865, a motion to withdraw. Is Senator Goodrich here? Would someone make the motion for