

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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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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appropriations for those different aid programs. I should point out just by way of information that the level in that dollar amount that I gave you includes the dollar amount for personal property tax exemption at the \$70 million level or continuing it as it now exists. It has nothing to do with the fund distribution or any of those issues but the total dollar amount is included there so that there is no duplication in the funds nor are there any funds left out. I move the bill be advanced. I would be glad to answer any questions.

SPEAKER MARVEL: The motion is to advance 561 to E & R for review. All those in favor vote aye, opposed vote no. Have you all voted? Record.

CLERK: 26 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill is what, LB 163.

CLERK: Mr. President, LB 163 was introduced by Senator Marvel at the request of the Governor. (Read title). The bill was read on January 14 and referred to Appropriations. The bill was advanced to General File. There are committee amendments, Mr. President.

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

SENATOR WARNER: Mr. President, I move adoption of the committee amendments. LB 163 is the reaffirmation for those capital construction projects currently underway. The committee amendments reflect adjustments to provide for the necessary cash flow by year to reflect the construction progress that is being made. There are no new projects. There are no projects of buildings that are discontinued. So it is merely the continued authorization for projects currently underway and I move the committee amendment be adopted.

SPEAKER MARVEL: The motion is to advance 163. Okay, we will try the committee amendments first. All those in favor of the adoption of the committee amendments vote aye, opposed vote no. Record.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

SPEAKER MARVEL: The committee amendments are adopted.

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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?

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LB 134, 506A, 561

SENATOR DeCAMP: Mr. President, I got about ninety percent of what I had this morning in it, I don't know why you are objecting. But if you object, what the heck.

SPEAKER MARVEL: Do you have anything else, Mr. Clerk?

CLERK: With that out of the way, Mr. President, I have a new A bill, LB 506A, offered by Senator Cullan. (Read the title to LB 506A for the first time.) Senator Kremer would like to print amendments to LB 561, Mr. President. (See page 1640 of the Legislative Journal.)

Mr. President, sorry, one final thing. Senator Warner would like to print the Appropriation Committee amendments to the various Appropriation bills in the Journal. (See pages 1640 through 1643 of the Legislative Journal.)

SPEAKER MARVEL: Senator Rumery, would you like to recess us until Thursday, April 30th at 9:00 o'clock?

SENATOR RUMERY: Mr. President, I am more than happy to move that we adjourn until tomorrow morning at nine.

SPEAKER MARVEL: The motion is to adjourn until 9:00 a.m. April 30th. All those in favor of the motion say aye. Opposed no. The motion is carried. We are adjourned.

Edited by:

Marilyn Zank
Marilyn Zank

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LB 245A, 369, 494, 561

to LB 494. Record.

CLERK: 27 ayes, 0 nays, Mr. President, on the advance.... no, on the adoption of the committee amendments. Excuse me.

SENATOR DWORAK: The Chair recognizes Senator Maresh to explain LB 494.

SENATOR MARESH: Now, as amended, the bill provides that those elevators who do not have the automatic shutoffs, shall have the manual shutoff, and this will clarify the objection that the person had that appeared against the bill. So I move that the bill be advanced as amended.

SENATOR DWORAK: Motion is to advance LB 494, as amended.

CLERK: Senator Dworak voting aye.

SENATOR DWORAK: Please vote on LB 494. Record.

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

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: LB 369.

CLERK: Mr. President, if I may, right before that, Senator Chambers would like to print amendments to LB 561 and Senator Vickers to 245A. (See pages 1686 and 1687 of the Legislative Journal.)

Mr. President, LB 369 was introduced by Senator Bill Burrows. (Read title.) The bill was read on January 19 and referred to Retirement. It was advanced to General File. There are committee amendments pending by the Retirement Committee, Mr. President.

SPEAKER MARVEL: Senator Fowler.

SENATOR FOWLER: The Retirement Committee amendments are technical in nature, clarify a couple aspects of this bill. The bill allows credit for leaves of absence to be credits to the retirement system for teachers on leave of absence but the teacher is required not only to pay their own share but to pay the school district's share of those retirement benefits as well. The committee amendments just clarify what will be the salary used in determining benefits and that salary would be the salary received immediately prior to the leave of absence and it puts a limit on the length

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LB 561, 284A

SPEAKER MARVEL: Do you have your green sheets in front of you? The first thing we are going to take up this afternoon is appropriation bills, 561, 163 and 562 and hopefully when that is complete we can go back to Select File and try to continue in that important area.

CLERK: Mr. President, I have no E & R amendments on LB 561. I do have a series of amendments. The first, Mr. President, is from the Appropriations Committee and that amendment is found on page 1640 of the Journal.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President, I move adoption of the amendment. This makes no change in anything. All it does is make sure that this appropriation bill will accommodate correctly the passage of 284A, regardless what that future format of that bill might be, including the format that it is currently in. It is merely the technical amendment to accommodate whatever would occur so there wouldn't be any technical problem with either of the two bills as far as the appropriation itself is concerned. It has nothing to do with allocation. So, I would move that the amendment be adopted.

SPEAKER MARVEL: The motion is the adoption of the Warner amendment as explained by Senator Warner. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Record the vote.

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

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

CLERK: Mr. President, the next amendment I have is offered by Senator Kremer and it is found on page 1640 of the Journal.

SPEAKER MARVEL: Senator Kremer. The Chair recognizes Senator Kremer.

SENATOR KREMER: Mr. Chairman, Pat, I believe I have an amendment to my amendment up there.

CLERK: Yes, sir, you do.

SENATOR KREMER: I will move the amendment. I will explain the amendment to the bill that I originally had up there and then I will explain what my amendment is. My amendment was that we change the appropriations for the development

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fund and adjust it up 1 million dollars. I did some careful checking. We do not need quite that much and I am going to be realistic. I am moving to amend the amendment and adjust it to 4 million dollars. I would like to have 5 million. I sometimes question whether the money is there. I know that we can stand the 4 million. It will give us considerable more money that we are going to have to have in the way of developing the impoundment of some of the water in our state if we are going to meet the challenge of the future beginning right now. So I move that we adopt the amendment to my amendment to LB 561 and adjust it from 5 million to 4 million.

SPEAKER MARVEL: The motion is the discussion on the Kremer amendment to the Kremer amendment. Senator Schmit, do you wish to discuss Senator Kremer's amendment?

SENATOR SCHMIT: Mr. President, members of the Legislature, I support the amendment to the Kremer amendment. I think the original amendment was a more realistic one, however, I will subscribe to Senator Kremer's wishes and go along with the present amendment. I believe his recognition of the fact that we do need those funds. I think it is unfortunate that we have not made the commitment that we should have made. I think it is entirely unrealistic to believe that we will ever do anything substantial in the area of water development unless we make a more realistic commitment and recognize that the amount of money which we are allocating is not a large amount but it is an improvement over what was in the budget and I would ask that you support it.

SPEAKER MARVEL: Senator Sieck, do you want to speak to the Kremer amendment?

SENATOR SIECK: Yes, Mr. President, members of the body, I do support the Kremer amendment. In view of the fact that in the Upper Blue area our groundwater has dropped one foot this year it shows the need that we do need to develop some water projects. We are in the process of developing School Creek and that is in the present appropriations from the State Commission of \$393,000 and this is part of the total program. I feel this is necessary and we've got to begin building more of these structures and the long view plan of the Upper Blue, we have several of these coming in. We need to establish a fund to do this job. If we are going to stop the depleting of our groundwater we've got to start thinking of putting some of these water projects on our land. So I heartily endorse this water development fund.

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SPEAKER MARVEL: Senator Wagner, do you wish to speak to the Kremer amendment as explained by Senator Schmit?

SENATOR WAGNER: Yes. Mr. Speaker and members, I, too rise to support the Kremer amendment. I think it is something we should have been doing a long time ago. We are way behind. It is a step in the right direction and to make it short, I support the amendment and hope the others will too.

SPEAKER MARVEL: Senator Warner, do you want to speak to the motion now?

SENATOR WARNER: Well, yes, just at this point to make it clear I will speak on the amendment after it is adopted. It should be pointed out that the effect of the amendment is to increase the recommendation from the committee from 2.175 million to 4 million or a 1.8 million dollar increase in the total appropriation. I will merely make that point. If it is adopted we can talk about the whole problem.

SPEAKER MARVEL: Senator Schmit, do you want to speak to the...? Do you want to close or do you want Senator Kremer to close? Okay, Senator Kremer, do you want to close on your motion?

SENATOR KREMER: On my amendment to my amendment.

SPEAKER MARVEL: Yes.

SENATOR KREMER: Well I simply repeat what I said. I am trying to be realistic. We can get along perhaps if we have to with a little bit less. We need 5 million. In fact we need 10 million but I am willing to go along with what the immediate demand is and it should be a little bit over 4 million. I am rounding it off to 4 million which will give us considerable help and that is my comments. I am trying to be honest and I am trying to be realistic so my proposal is to cut the amendment to LB 561 going to 5 million back to 4 million for water development that we are going to desperately need from here on out if we are going to do for Nebraska what we need to do. It is an investment in Nebraska, not an expenditure. So I move the amendment to my amendment.

SPEAKER MARVEL: Okay, Senator Kremer has closed on his motion and the motion now is the adoption of the Kremer amendment to the Kremer-Schmit amendment. Is that right? Okay, all those in favor of the motion vote aye, opposed vote no. Have you all voted? Have you all voted? Senator Kremer.

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LB 561

SENATOR KREMER: Well I can't understand this. I am trying to save money. There we got it.

SPEAKER MARVEL: Record.

CLERK: 26 ayes, 11 nays, Mr. President.

SPEAKER MARVEL: The motion is carried and the amendment is adopted. Now the motion is the Kremer and the Schmit amendment as amended. Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, I rise to oppose the amendment and again, explain the committee's recommendation. First the basis for the total appropriation to the Resource Development Fund and the Water Conservation Fund came out of the committee, it was 3.6 million which was the equivalent of the legislation that was introduced to earmark two cents of the existing cigarette tax and when that bill was indefinitely postponed I think the committee took the position that at least the equivalent of that amount ought to be put into the bill and that is the amount that is recommended to you. Now a couple of things have happened since then. I see from the press that the Natural Resources Commission has come up with a different priority, at least I presumed it was a different priority which I suppose in part is the basis for their support for requesting of additional funds. It is a little strange to me that some of those priorities drop, one of them drops down to seventh when it is 60% of the project is complete which is almost a million dollars. But it seems that a project that far along ought to have had a higher priority than some that they put up as a first priority that only has a 5% completion. They are only looking for \$47,000 for the '81-'82 year. Either you have to question a previous funding or something. There is adequate funds within the appropriation. You can take care of the first six priorities as identified by the Natural Resources Commission in their newest priority listing or as the committee recommendation there is adequate funds to take care of all those projects or which are more than 12% of the projected cost as has been identified and most of those projects with that amount or less generally are not going to receive that much funding this year or at least they are not going to be held back or that much this year if we do not increase the funding. And the bottom line of course just falls down to what the intent of the body is to stay within existing level of available revenue. If you will look on the back of your sheet there is approximately 3.8 million that is available within existing receipts for all A bills and for amendments. That is after the action has taken place for this. There

is a recognition of a revenue reduction should the food credit goes up to by \$3.00 but that is a revenue reduction but we use that as the same basis to show the impact on budget but the true figure you should look at for available funds is 3.8 million. Now you can take a million eight of that for this purpose, two and a half for some other purposes and a million three somewhere else, two or three other bills I could mention. You are going to be well over the available receipts. I don't have to remind the body, I am sure, that the receipts at the end of March was about 13 million below projections. I understood from the media that that may drop, at least there may be a 5 million additional below the end of April and at some point we just have to recognize that the addition of funds, even though they are for meritorious purposes, cannot be done within existing rates, within existing guidelines of available receipts if the body wishes to stay within those limits. Specifically on this project, on this amendment, it would appear to me that by and large adequate funds are provided for the next twelve months and if there is to be additional projects started, there would be a minimal need of funds during this twelve months for the Natural Resources Commission to consider it...

SPEAKER MARVEL: You have thirty seconds.

SENATOR WARNER: ...so I would urge the body does not adopt the amendment. I think it is questionable whether it will cripple the program in any fashion if it is not done in the next twelve months. Secondly, you cannot add a million or so or two at a crack with two or three bills left up there and not have an impact upon the total budget that is going to trigger rates or at least going to make it extremely tight. In view of the economy I don't think this is the time to do it so I urge you to reject the amendment.

SPEAKER MARVEL: Before we proceed to the next speaker, in the North balcony from Senator Wesely's district are 33 students from St. John's Elementary School, Lincoln, Nebraska. Miss Essay is the teacher. Would you raise your hands so we can see where you are? Welcome to the Unicameral. And also in the North balcony from Senator Koch and Senator Labedz's districts, 40 students from Karen Western, Ralston, Nebraska. Jean Carey is the teacher. They are in the North balcony. Would you raise your hands so we can see where you are? Okay. Welcome to the Unicameral. Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I would have to agree with Senator Warner that

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LB 561, 527

the budget is no doubt tight. In fact, it may be tighter than we believe it to be at this present time. That is one reason why I introduced LB 527 which I believe could have been used to have increased the cigarette tax and may have provided some funds for this kind of a project. I would like to call your attention and I don't often do this to the editorial page of the World Herald today, but the editorial page of the World Herald comments about the necessity of soil conservation. It points out in rather plain terms that if farmers aren't going to do this soil conservation work then maybe government is going to have to step in and do it itself. Now I haven't been able to figure out how government is going to do this when a body such as Nebraska which is as oriented toward soil and water conservation as we are, out of the billion dollars plus we spend, find it difficult to make a contribution of about a half a mill to the water development fund. I am not faulting Senator Warner or the Budget Committee. I recognize their problem is one of trying to work within existing revenues and it is a tough one. As I have said for a number of years and I have said it time after time that if you want to stand on the floor here and plead and bleed for soil conservation and water conservation and when I have been told time and time again that the water and the land belong to all of us and I have here before me something which causes me some embarrassment put out by the Catholic Church and it says lands benefits are everyone's. It should be distributed equitably and some other things. I think if you believe some of that, then you have to believe that we all make some kind of a contribution. I don't think that a contribution of about two and a half dollars per capita is exactly busting the bank for soil and water conservation when we look at some of the other measures for which we vote on this floor desirable as they are. I think Senator Kremer has pared the thing down to the bone. Hopefully even at this late date the Public Works Committee might put 527 on the floor and we could then adjust the cigarette tax and try to bring some revenue in because I believe we are going to need it and I think that it is going to be...Senator Higgins, I am going to leave off the cigars of course, but I think that we are going to have to do something like that to bring in enough revenue to take care of those needs which we consider to be legitimate. I know the budget is fine tuned and I have a few questions I will ask later on on 561 but there may be some places in there where we could save that million dollars if we had to and I will ask those questions later. At this time I would ask you to support the Kremer amendment as amended.

SPEAKER MARVEL: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I rise because I have gotten mixed signals from persons in this body about what to do on this particular amendment. Now I look over the amendment, I look over the chart here of water resource development projects and discover that of the nine projects on the list, at least seven of the projects have recreational benefits ascribed to them and this particular amendment as being advanced by Senator Schmit and Senator Kremer and yet only several weeks ago I heard about the unpropriety of exercising an eminent domain powers to acquire land for water development projects which had recreational benefits. And the same persons that support this particular amendment supported LB 243 which would seriously limit Natural Resource District ability to acquire land for such projects. So it would seem to me, and I frankly felt that the arguments that both Senator Schmit and Senator Kremer made several weeks ago on behalf of 243 particularly in condemning the continued taking of important agricultural and farm land for water projects are really quite meaningful. Simply speaking the senators suggested that we too quickly and too glibly give Natural Resource Districts the power to acquire our land for recreational purposes and yet in a sense they have put us in the same position of appropriating dollars so that those very same projects can be funded and so that the same farmland can be taken, though this time of course it won't be taken through the eminent domain aspect if 243 were to pass but rather would be taken through a simple purchase and sale agreement assuming persons could come to terms. Now it seems to me in trying to work myself through this dilemma of receiving mixed signals, maybe the better part of discretion is to vote against this particular amendment because dollars are involved and then wait to see exactly how 243 does fare on the floor of the Legislature because it is quite silly for us to pass a bill which will curb the discretion so to speak or tie the hands of the Natural Resource Districts in acquiring the land for the very projects that we are going about funding. It is for that reason that I have decided that I will oppose the amendment.

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

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

SPEAKER MARVEL: Debate is ceased. Senator Kremer, do you wish to close on your motion?

SENATOR KREMER: Yes, sir, I do. In amending this amendment to LB 561 we have tried to be realistic. I would be

safe in saying for the last five years some of us have tried to the best of our ability to put enough money in the water development fund so that Nebraska can do what we ought to be doing. I would like to give you some figures. The total continuation fund requests amount to \$3,798,738. Then we have the new start requests which amount to \$224,438. That is a total of \$4,023,176 is needed to move these projects along. Now the bill, the budget bill calls for a recommendation for a \$2,175,000 as Senator Warner has said for the fund. Currently we have only \$374,143 in unobligated funds. Therefore, if the budget is approved we will have \$2,549,143 to obligate to projects with a shortfall, is what I am bringing out, of \$1,474,000, almost a million and a half short. All we are trying to do is pick that up and I don't know how I can emphasize enough the importance of Nebraska making an investment in our future. Now I know it is tight. Senator Warner is right and I would have to agree with him. I really wonder if Nebraska would be wise in refusing even for the Board of Equalization to come up with a little more money through increasing it if that is what it is going to take, the income tax for the State of Nebraska, and if we don't, we are going to pay for it more than one way. It is imperative that Nebraska moves now. It takes a long time to get these projects completed I know but we've got to start some place and I repeat, to the best of my ability to emphasize the need for Nebraska to invest in her future and if we don't it is going to cost us a lot more by not doing something than it costs us if we do something. I somehow think that maybe we can squeeze through with the tax levies as they are but even if it takes an increase, I think we will be justified in going for an increase. We do that in all of our operations, whether it is on the farm, whether it is in business, whether it is in our professions. We spend what we have to spend to do what needs to be done and if we don't we are going to pay for it one way or another and probably cost a lot more by not doing what we should be doing than it costs us if we do what we want to be doing. I again, move for your consideration and move favorably in support of this amendment to 561 that is realistic, it is fair, we are trying to be honest and I think it will be a good investment for Nebraska. Thank you.

SPEAKER MARVEL: The motion is the adoption of the Schmit-Kremer amendment as explained and Senator Kremer had closed. All those in favor of that motion vote aye, opposed vote no. Have you all voted? The vote is the adoption of the Schmit-Kremer amendment as explained. Have you all voted? Senator Kremer.

SENATOR KREMER: I would like to ask for four more votes. I will settle for three now.

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SPEAKER MARVEL: Have you all voted? Record.

SENATOR KREMER: I would just say thank everyone.

CLERK: 26 ayes, 15 nays, Mr. President, on the adoption of the amendment.

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

CLERK: Mr. President, the next amendment I have is from Senator Chambers and it is found on page 1686 of the Journal, purpose being to increase funds for aid to dependent children payments to be \$293 for the first person and \$71 for each additional child.

SPEAKER MARVEL: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, in order to keep you from having to turn to the Journal over and over, I have just had a handout presented to you and I tried to put it together in such a fashion that it would be crystal clear what is involved in this amendment. Now, if you look at the front page of the amendment I will go through what it is designed to do. The first statement mentions a technical correction in the way the amendment is drafted. I had not in my initial amendment that I handed out on your desks, amended every line everywhere in the bill that would be necessary to accomplish the appropriation so that is all that was changed on that second page which contains the amendment. It is merely to accomplish what I intended but the small number of lines that I had amended on the first thing I put on your desk would not have done it. That takes care of the amendment itself. Now what it does, is to raise the current ADC grant from \$270, which is the basic grant for an adult and a child, to \$293. Raising it to this amount would simply go to the amount established as a maximum in LB 789 which was passed by last session of the Legislature. Then for each additional child the current amount appropriated is \$65. My amendment would raise that by \$6.00 to \$71.00 so the percentage increases in my amendment over the current amount being paid, the basic grant that I am offering would be an increase of 7.4%. The increase for each additional child would be 9.2%. So before that startles you too much remember it is a \$6.00 increase. Now between these two is a recommendation by the Budget Committee. Instead of going from \$65 to \$293 as I am doing, they stopped at \$280 which is a 3.7% increase over what is currently given. For each additional child they went from \$65.00 to \$70.00 which is one dollar shy of the amount that my

amendment contains but the reason I took the figures in the amendment that I am offering is because this is the amount which is already authorized by statute based on what we did last session. The Governor, as you know, but may not remember, cut the appropriation portion of last year's bill so that it dropped us to the amount which is currently offered. I had presented a bill to the Health and Welfare Committee of the Legislature which would have called for a higher maximum than currently exists in the law. The amendment that I am offering now does not change the statutory maximum which is in the law right now. It simply allows that amount to be funded. I am asking that you adopt this amendment. Now that I have told you the numbers, let me give you a small amount of rationale. There have been individuals like Senator Schmit who traditionally have supported ADC increases although such a position may seem to be somewhat out of harmony with his reputedly conservative leanings but when it comes to children and those who are helpless, Senator Schmit kind of modifies that so-called conservative image to become realistic and face the problems head on that people who need help will encounter. There are other members of the body who are the same way but he has been one of the stronger supporters of the ADC program so I single him out because it will do nothing other than confirm the public record that he has already made.

SPEAKER MARVEL: You have one minute.

SENATOR CHAMBERS: My ten minutes are up, Mr. Chairman? And I won't take the full six that are left but I just have a couple of statements that will take more than one minute. I had made an allusion to this amendment the other day when we were talking about abortion and other things and I hope Senator Labeledz and some of those who are staunchly anti-abortion will listen to me. If we are going to pass all kind of laws that box these young women in so that they must give birth to a child every time they become pregnant and this does happen, not only in the cities but in the rural areas too. Then we should assume some responsibility for helping these young girls and older ladies, as the case may be, who do bring these children into the world. It is not fair to do it as though it were a one way street. We should pick up both ends of the problem. If everything is being done by the state to compel these women to have these children rather than have an abortion, then when the children come here we ought to be willing to offer some measure of assistance to help take care of those children. The increases that I am asking for are very modest. Nobody is going to get rich. Nobody would see this as an incentive to have a

child out of wedlock or to have children and tell a husband to move out in order that this pittance could be obtained. I wish we would do away with all of the myths, all of the rumors and all of the misstatements about the tremendous amounts of fraud that are supposed to occur in these programs. As a matter of fact, Nebraska is one of the states with the lowest rate of fraud of any state in the union. The Budget Committee saw fit to cut a hundred something thousand dollars out of the budget which had been set aside to set up a snitch line so that anybody who thought their neighbor was getting something from Welfare that they ought not have, could call right to the head prosecutor and tell him but after the expenditure of over a hundred thousand dollars the amount recouped was I think a little more than eight thousand dollars. That much money could be frittered away and lost without any fraud being involved at all or even any negligence. So I hope you will consider this amendment and vote to add this modest amount to the budget. I told you the percentage increases, now let me tell you the actual dollar increase in general funds over what the committee has recommended which is already in the bill. It would be \$1,757,380. As with any program like this where you don't know with certainty how many people will be involved, you have to make an estimate. Based on experience and study of what has happened in the past, this is the best estimated amount that could be arrived at. So I hope you will vote to support this amendment.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President, I would rise to again explain the committee's recommendation and pose the additional amendment. There is a substantial increase in general fund appropriation from this year's, over the current year, for the '81-'82 budget. I think the general fund appropriation approach is a 25% increase in dollars but the prime reason for that is a substantial increase in the number of cases, from somewhere between a thousand twelve hundred estimated increase in the number of cases which you would expect when the economy is as tight as it might be. The recommendation that came from the Governor's office was at the \$280 plus \$65 as has been pointed out. The committee recommendation is the \$280 a month plus \$70 for each additional child. Again, the same argument. You are talking about a \$1,150,000 over and above what the committee has recommended to you. You have got about 2 million left on the green sheet from the previous amendment and I guess your vote will have to be to select where you want to utilize that additional funds if it is the consensus of the body to stay within the existing revenue and existing rates.

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It automatically would take care of any A bills also and the hard choice is one that I don't enjoy pointing out but the hard choice, nevertheless, remains that some additions to the budget have to be voted down or a number of them have to be voted down if you want to stay within the existing rates. When you want to look at any single program, I don't know of a one that I couldn't argue with some kind of justification, logical justification, to increase. I also know that you can't do them all or begin to do them all. So I would urge that the body not adopt this amendment.

SPEAKER MARVEL: Senator Labeledz, and then Senator Maresh.

SENATOR LABEDZ: Thank you, Mr. Speaker. I support Senator Chambers amendment, not because I am antiabortion but because I am pro...for helpless children. It is a very modest increase as Senator Chambers put out. I have always supported increasing very modestly the ADC program as I have always asked for increases or supported increases for unemployment. These are very unfortunate people and I believe that any time that we have any type of program we are going to have some abuses but I think of all the little helpless children that this modest increase will help and I don't think that when we go ahead here and put millions of dollars on other bills, on other appropriations, asking it for children and for those unfortunate people that are not able to take care of themselves, I do not believe that it is too excessive. I would urge the adoption of Senator Chambers amendment.

SPEAKER MARVEL: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I rise in support of Senator Chambers' amendment. I think both Senator Chambers and Senator Labeledz have very carefully articulated the reasons why this amendment is a sound and decent humane and appropriate amendment. Now just a couple of things I want to call to the attention of the body. The first one is that this last legislative session we did pass LB 789 which set statutory maximums in exactly the amounts Senator Chambers is proposing by his amendment and we also appropriated at that time the money to conform to the new statutory maximums. However, the Governor through a line item veto reduced the amount and, frankly, I concluded when he exercised his veto prerogatives he did so believing that it would be probably more appropriate for us to go to the new statutory maximum in a two year shot as opposed to a one year shot and so all Senator Chambers is doing is fulfilling the second year of what the body last year in effect agreed to do. A couple of other things I would like to call

to this body's attention. One is you know how difficult it is for us to exist on \$400 a month. In fact, it is so difficult that most of us, virtually all of us, are compelled to have some sort of outside income to conform to that amount or to be able to support ourselves and our family. We might want to take into consideration, however, what the present ADC allowance is. At this time \$400 a month would be slightly more, slightly more than the amounts of money that a woman with three children receives in the State of Nebraska as an ADC allowance. Now it is virtually an impossible task to ask somebody to support three children on that kind of money. We argue that a poor person does receive other kinds of benefits and when you add to the basic ADC allowance the other kinds of benefits, then that individual is not nearly as bad off as the initial figure might suggest. Well, one of the other benefits is the food stamp allowance, but as we well know what is happening in Congress right now is that the food stamp program is undergoing a serious, a serious revision and curtailment of spending. In fact, the Reagan administration, in my opinion, is attempting to eliminate double dipping and the way it is eliminating double dipping is it is preventing...it is saying simply that, one, if a child receives a free school lunch or school breakfast, the amount of the school lunch or the school breakfast shall be deducted against the food stamp allowance. I guess that is the new administration's fight on double dipping. There are a number of other changes that are being made at the federal level to providing benefits to the neediest in our society and it seems to me that the least that you and I can do is to bring our expenditures up to the line that this body literally approved last year. I do ask you to support the amendment.

SPEAKER MARVEL: Senator Maresh.

SENATOR MARESH: Mr. Speaker, a question of Senator Chambers. Senator Chambers, I don't think you are a very firm supporter of the food tax credit increase. Would you support it if I would amend that down to \$2 increase per person and use that one and a half million dollars to make up for your appropriation?

SENATOR CHAMBERS: Senator Maresh, would you say that again. (Interruption.)

SENATOR MARESH: My bill calls for a \$3 increase. If I were to amend it to a \$2 increase, you would have a million and a half for this purpose. Would you support the increase to \$2. I think you have a kill motion on that bill, don't you?

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SENATOR CHAMBERS: No. Well, if I do, I am not going to keep that on there. That was to keep that bill from hustling through on the day that it was up there but that kill motion is not it. But here is what I will say about that, you are one of the cleverest comedians that I have ever seen in my life because your humor is so droll. It would be something like asking me, Senator Chambers, we have got people here with leukemia and we have got people over here with traditional cancer, now if I will agree to give \$2 to this one with leukemia, will you agree to take \$2 from the one with leukemia and give it to the one with the traditional cancer. I don't think we have a thing that we can trade here. I would not agree with reducing; (interruption).

SENATOR MARESH: I am not talking about trading. I am talking about a money crunch and I think the Governor would sign my bill but I don't know if he will go along with your increase.

SENATOR CHAMBERS: You mean and raise the tax credit by \$1?

SENATOR MARESH: \$2 I said and then the reduction of \$1 would allow one and a half million dollars saved.

SENATOR CHAMBERS: Senator Mares, don't do this to me and to the hungry children. Go around to other members of the Legislature and lobby for it but you shouldn't even ask me a question like that. I couldn't begin to enter into an agreement of that kind. As the guy said about the Constitution, it is an agreement with Satan and a compact with Hell or something to that effect and I simply cannot be a party to it. Sorry.

SENATOR MARESH: Okay.

SPEAKER MARVEL: Senator Chambers, do you wish to close?

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, Senator Goodrich at one time referred to himself as a Scrooge when it comes to ADC but I believe that he even supports this because he sees the necessity of it and that it is a modest amount. As Senator Johnson said more precisely and clearly than I had stated earlier, the Governor apparently felt that what was done last year with LB 789 ought to be done in two steps rather than one so he halved the amount last year and we can add in that second half this year. So I am asking that you will consider the things that have been said and vote to adopt this amendment.

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SPEAKER MARVEL: Senator Chambers has closed and the motion is the adoption of (mike off) 561. All those in favor of the motion vote aye, opposed vote no. Have you all voted? Senator Chambers.

SENATOR CHAMBERS: I am going to ask for a Call of the House and a roll call vote.

SPEAKER MARVEL: Shall the House go under Call is the first order of business? All those in favor of placing the House under Call vote aye, opposed vote no. Okay.

CLERK: 22 ayes, 0 nays to go under Call, Mr. President.

SPEAKER MARVEL: Okay, record your presence. Return to your seats, record your presence. Unauthorized personnel should leave the floor. Senator Schmit, will you record your presence please? Senator Sieck, will you record your presence? Senator Cope, will you record your presence? Senator Nichol. Senator Newell, would you record your presence? Okay, all who are present are accounted for. Do you want a roll call? Okay, call the roll. The motion is the adoption of the Chambers amendment to 561. All those in favor vote aye, opposed vote no.

CLERK: (Roll call vote taken. See page 1721, Legislative Journal.)

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: I want to change from voting aye to not voting.

CLERK: Senator Chambers changing from yes to not voting. 18 ayes, 23 nays, Mr. President, on the motion to adopt.

SPEAKER MARVEL: Motion lost.

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

SPEAKER MARVEL: Senator Koch. The Call is raised. Yes, Senator Koch.

SENATOR KOCH: Do you have the amendment, Mr. Clerk?

CLERK: Yes, sir, I do.

SENATOR KOCH: Would you read it?

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CLERK: Mr. President, Senator Koch moves to amend the bill: (Read Koch amendment found on pages 1721 and 1722, Legislative Journal.)

SENATOR KOCH: Thank you, Mr. Clerk. On your desk was placed after the lunch hour the proposed amendment. This amendment is very similar to one that we enacted last year. What it calls for is a total of \$20,000,000 to general aid to the public schools. It allows the Governor flexibility to accept either the total \$20 million or to accept ten or naturally as we all know to accept zero. I remind you that under a 7% lid of today the public schools, if you look at their budgets of last year, are able to increase that by 7% which they no doubt will have to do because of factors that usually are not under their control. It really means that if they go 7% according to the auditor, they probably will under last year's figures, that means that that budget they presently have of \$551 million as they used last year would be an increase of \$37,639,000 and that as you know comes off of state...out of local funds. Now the only way they get local funds, as you know, is property tax. Now if this body wants to forget what we did last year, then all we do is we just plain say "Good luck, and go to the property tax and get that money which you need to carry on the role and mission of the public schools." I suggest to you that that is not the proper way to treat, if we in this state are concerned about trying to minimize the increase upon property taxes, then we at least have to treat it in some degree of fairness. We have to at least try to keep up with the cost of inflation and the fact that we say you can go 7%. As you all know, I am not totally in favor of 7% lids. But if we do this, at least we can do is we can minimize the call upon property taxes. That is what I am interested in because if you checked most of your schools in here today would receive a considerable sum of money that does not satisfy the total need but at least there would not be a significant impact upon the local property tax in most of the public schools of the State of Nebraska. I have sat here and I have watched since the other day we were dealing with budget bills. It is rather fascinating to sit in the back and watch certain kinds of things occur. First of all we curse the darkness from the Potomac because of certain kinds of burdens it is going to place upon us. We say we are going to bite the bullet and we are not going to allow any increases but I have seen us do two things. We have allowed certain increases to certain agencies of government because obviously they carry out a proper role. I have also observed us today to appropriate certain money out of the general fund, and we have been warned time and again by Senator Warner and others, that we should not tinker with the general funds because we have a severe

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shortfall of dollars as projected by the Tax Commissioner and others over last year's receipts. That is also fine with me. By the same token when it comes down to an agency which performs a function which we have outlined by constitutional provisions, we oftentimes are willing to forget what they have to do. They have to educate almost three hundred thousand boys and girls of the State of Nebraska and some way or other we expect them to get that manna out of heaven. Now I know they can go to the property tax and you know it. We have 354 before us. We have been dabbling around all this session on \$70 million. Those same subdivisions of government are sitting there waiting for that dollar, yet it is not forthcoming because we have some problems as it relates to the Attorney General's opinions. Now those of us who represent large school systems, and by this I mean those systems educate more than two-thirds of the children. This means of the big ten schools in Lincoln and other schools that educate large number of students that they would be able to diminish the call upon property tax rather significantly and after all that is what we have to be concerned with is those public schools of the state who do educate the biggest share of the students. And I can show you by printouts that this will be rather significant to the Scottsbluffs, to the Grand Islands, to the bigger schools, Class 1s and others, and I believe it is time that we put on the line whether or not we want to maintain a minimum call on property tax or whether or not we just want to talk about it. Last year this body went out on a limb. We saw fit to put \$40 million into general aid. We also made some other commitment we would try to maintain some degree of fairness in property tax as it supports public schools. Now to me this \$20 million doesn't quite take up the slack for a 7% lid but it will certainly do something to minimize it. Therefore, I am asking you to adopt the amendment which provides \$20 million in the school aid fund which then would say that 60% of that money goes to foundation and the remaining part goes to the ensured needs. For those of you who wonder how that works, just very quickly, presently under our state aid program children in grades 1 through 6 receive \$175 a piece. This new money would take them to \$220 in the foundation section. In the 9-12 area of education, presently those students receive \$243. This would take them to \$312. Again it might not quite cover the cost of a 7% increase which they are entitled to but it certainly will help to minimize the effects. Therefore, since I have watched this body talk about how important it is to build holding structures for water, I submit to you another valuable resource is the boys and girls of the State of Nebraska. Water will do us very little good unless we can some way or other preserve some degree of quality for

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boys and girls of the State of Nebraska public education. I submit to you this is one way to try to help it. I ask for the adoption of this amendment.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, once again to merely acknowledge what the affect of the amendment will be. I think Senator Koch pointed out the way it is written is similar to last year. It gives the Governor the option of vetoing ten or twenty or none and the option of the Legislature to override a portion if they so choose to do so. I will oppose the amendment for a number of reasons. The same reasons I suspect I will use a few more times before the day is over. Number one is that we have been repeatedly discussing, talking about the fact that substantial change in federal funding is imminent for next year, that the state is going to have maximum flexibility to meet those conditions that may or may not arise from federal action. We have to keep things pretty neat and tucked this year as far as appropriations are concerned. The committee recommended no capital construction of any major projects in part for that very reason. Secondly, the recommendation intends not to have any impact on sales-income tax rates currently. There is no question that if we adopt this amendment that it will affect probably the income tax rates or sales tax rates fifteen days after the Legislature adjourns because if you look on the green sheet there is no conceivable way under existing receipts that this level of appropriation, even at the \$10 million level can be met particularly if you have got a group of other A bills that you are going to also want to enact or other increases in appropriations as they stand before you out of the committee bills. I will vote no on the amendment, as difficult as that may be for me, because at the current time I think the priority of this body needs to be that of staying within existing programs, minimum expansion if any, in terms of dollars. While you can disagree with some of the priorities established within the recommendations, I think it is exceedingly difficult to disagree with the overall goal as far as what the consensus of the people of this state probably feel and that overall goal is to stay within existing sales and income tax rates and not to appropriate to force an adjustment in those rates. Last year receipts were running higher, and I supported an increase in state aid last year at the \$40 million level. It did not have an adverse effect on rates but that condition is not here this year. As I pointed out before, receipts are down through March. They

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were further down through April. There is nothing about the economy that I see that gives you optimism that it is going to pick up significantly. Certainly the appearance of the weather, while it rained last night, you would have thought the way some of you were voting that it is going to rain all summer but one rain does not make a crop and I would suggest that you slow down and take into account the necessity of what I believe to be the consensus of the people of the state and that is to keep that budget at a level that is possible within existing receipts. And I would hope you would not adopt the amendment.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. President and members, I rise to support Senator Koch in his amendment and I would like to point out to this body that what we are talking about here might be an increase in state funds but it certainly would be a decrease of property tax funds in the State of Nebraska. The problem with property taxes hasn't gone away. We did address this situation last year and it did help somewhat. I would like to point out to you that under this 7% that the school districts are allowed to go up right now, and assuming they don't go up any more than 7% in any cases, there is going to be an increase from the property taxes in the State of Nebraska this year of a little over \$38,000, \$38,000,000, excuse me, which will mean that property taxes on the local level because of the school's needs will probably increase somewhere in the neighborhood of ten percent. Now the Governor has indicated that we should be austere in our deliberations over the budget because it might trigger an increase in sales and income taxes, and unless your constituents are different than mine, mine tell me that they would rather have the sales and income taxes go up a little more but keep their property taxes down. Now I think that is probably pretty generally felt across the State of Nebraska. I would point out again as I did a year ago that the funding for education as far as the property taxpayer is concerned, in most cases the property taxpayer cannot see the correlation between property or the ability to own property or the ability to have property on their assessors' rolls, even though your equity might be very low on that property, and the need for funds for education. Education is generally perceived as being a benefit for people. Sales and income taxes I think generally are conceived as being more of a people tax. So it seems logical to me, at least, that the sales and income tax should generate more dollars for the public schools of the State of Nebraska. So I certainly agree with Senator Koch and I urge this body's adoption of this amendment, realizing full well that it could,

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there is a remote possibility that it could trigger some increase in the sales-income tax, but at the same time, reminding you again that it would be a direct reduction of property taxes which is exactly what I think the people of this State of Nebraska expect us to do. I urge the adoption of the Koch amendment.

SENATOR CLARK: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I rise in support of the Koch amendment. I have always marveled at how carefully crafted the appropriational bills are. Without any question the Appropriations Committee makes certain that the University system is well cared for. This year you are approving a 12.7% budgetary increase for postsecondary education and the Appropriations Committee always makes very certain that other state operations are well cared for. This year we are approving a 10.7% increase in state governmental appropriations but when it comes down to state aid, which essentially when it is state aid to local governmental subdivisions is property tax relief, the Appropriations Committee just doesn't provide any kind of a reasonable increase, and this year the proposed increase in state aid altogether is 4% but the proposed increase in state aid to local governmental subdivisions is only 2.6%. Now what happens very simply is this. We have a very carefully crafted political document. It says all told state appropriations won't increase by more than 7% and, therefore, we can tell local government don't increase your budgets by more than 7%. But the only reason we have been able to leave the increase of state appropriations at 7% is because while we are increasing our appropriations of state government and of postsecondary education 10, 11 and 12 percent, we are holding our increases in state aid down to a 2.6% level. Inasmuch as state aid is about fifty percent of our overall state appropriational...our state general fund budget, obviously, by keeping state aid small, we can then go ahead and do right by state government. Now I think it is important for us to do right by the property taxpayer and one of the ways we do right by the property taxpayer is to continue to relieve counties of their medicaid obligation but another way we do right by the property taxpayer is to continue to put state sales and income tax dollars into local schools. Given LB 285, which is our 7% local government lid law, whatever new state income and sales tax dollars we put into our local schools should result in a concomitant offset in property tax. It is for that reason that I can rise to support the Senator Koch amendment. Now if, in fact, we didn't have any lid whatsoever on

local government I would have some misgivings about supporting additional state aid to local schools knowing that some of that new dollar undoubtedly would be used not for property tax relief but for expanding the new program but so long as we have a local lid on the state sales and income tax dollars that we send back to local government should result in property tax relief. Incidentally I figure that a 20 million dollar increase in state aid to local schools will then bring our overall increase this year in state aid to about 7% which is still far less than our overall increase in appropriations for postsecondary education and our overall increase in state governmental operations. It is a good amendment. It is a just amendment and I certainly encourage its adoption.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, without going over the items that have been mentioned again, I have been one long like many of you who have been supporting the suppression of real estate and personal property taxes. In my community and in most communities I really truly believe that people would rather support sales and income tax more than they would real estate and personal property tax. So for this reason I support Senator Koch's amendment and I certainly have no criticism of our Appropriations Committee. I think they do a good job in attempting to hold things down and I compliment them for it but in this particular area I think that we should support Senator Koch in his amendment.

SENATOR CLARK: Senator Newell.

SENATOR NEWELL: Mr. President and members of the body, I rise to endorse the Koch amendment and to continue with the comments that Senator Johnson has made on this floor, you know, the point that he made I think needs to be reiterated just very briefly and that is ever since I have been in the Legislature with just a few, only two exceptions, the Legislature's committee on Appropriation has taken care of state government and they have done this and they have been able to do this with the image that we are holding the line at 7% but only by borrowing from what should be an increase in property tax relief or aid programs, aid to local government programs. So when Senator Johnson points out that the University is well above, that state government operations are well above 7%, when he points those things out we wonder oftentimes how can that be if we are still at 7%? And the answer is a very simple one. We are not holding operations at 7%. We are not holding the University at 7%. We are not holding higher ed except for a few instances at 7%. We are, in fact, increasing them but we are doing so by borrowing 7%

or a portion of that 7% from the state aid programs. So what basically happens? This state government, each and every year, authorizes state government to get bigger, to spend more money from which the 7% for next year increases again and we do this, we do this with a little bit of sleight at hand. Now the property tax in Nebraska is still, raises 50% of all revenues. The sales and income tax together only raises 21, I mean individually raise 21% for the sales tax, 21% for the income tax, for a total of 42% of all state and local revenues. Property taxes are well and away the highest tax and the tax that we most rely on in state and local government and I think that we need to be as concerned about property tax relief as we have been in the ever increasing growth of state government. Now 20 million dollars is an argument that I think I could make. I am not sure whether 20 million dollars is adequate, Senator Koch, but I think that at this point in time 20 million dollars would not cause a sales tax increase and so I will support the 20 million dollars even though I think it is woefully inadequate because we need to recognize that property tax relief is the thing we are going to have to be about. This floor later this year will be discussing the elimination of the 7% local lid law. Now that 7% lid is very restrictive. We don't live on it in terms of our own operations. We look at the total budget, we do, but not on our total operations and frankly we need to provide property tax relief because this year there is a tremendous move to repeal that local lid and the local lid is the one thing that gives us an excuse now to go back and tell the people we are actually providing property tax relief. It won't be with us long I fear and so we ought to use this opportunity and every opportunity to reduce property tax relief while it is still there to protect us. I urge the adoption of the Koch amendment.

SENATOR CLARK: Senator Warner.

SENATOR WARNER: Mr. President, again the suggestion has been made that the Appropriations Committee has given priority for available funds for state operations over aid programs. Now I freely admit I certainly have. The first obligation of state government is the operation of state government and if it is the consensus of the body that the first priority of the Legislature is the operation of local government, I am willing to accept that. I think you are wrong but if that is the majority decision, you know, that is fine. There was approximately 42 million increase in funds this year in the appropriations bill. That is counting revenue sharing, trust funds, the Nebraska capital construction and general fund sources. 34% of that total increase went to increase aid programs and about the percentage for state operations was slightly above that and capital construction was a decrease. But I think the issue is whether or not the first

responsibility is toward the state operation. I quite frankly agree it is and if you want to, as we intended to do, come in with an appropriation with existing available funds, then the level of appropriation as included in the committee bills plus the allocation for A bills can accomplish that and if, on the other hand, you want to increase the sales and/or income tax rate and I assume most likely income tax rate but depending upon what the fifty fifty split was in November and I do not recall between the two tax sources, but as long as you understand the impact of the adoption of the amendment, that in my opinion at least, this year without question would affect tax rates. I guess that is all that is important. I would like to vote for more state aid to schools but I look at the amendments. We have adopted some. I look at a number of A bills up there and I will just flat...I don't know what else to say other than that there is no way that you can handle all these amendments. At some point you have to accept the fact that accumulative consequences of each amendment add up to big dollars and when you get to those big dollars then you increase sales, income tax rates, one or the other or both. And I would hope, notwithstanding the merit that can be argued for any increase, I would hope that the overlying control the body would adopt is to stay within existing revenues. I would hope you would not support the amendment.

SENATOR CLARK: Senator Fowler.

SENATOR FOWLER: Mr. President, members of the Legislature, I was visiting with Senator Johnson on his statistics and they are the old Frank Lewis statistics, friend of education, always used to trot them out, point out accurately that the priority of the Appropriations Committee is the support of state government operations and within those priorities if we were to look at Senator Johnson's statistics, it is in the operation of state government and the operation of education that we put our emphasis and there is a major reduction in capital construction and if there is anything that statistics show, is a 27% reduction in money for capital construction. Senator Cullan may be planning to try and change that with one of his amendments for a capital construction project but I think it accurately reflects the priorities that we establish in our committee. Now that certainly can be changed on this floor but I think we ought to be honest as to what we are doing with this amendment. With the local spending lid this is not any increased resources for education. It is a shift from property taxes to sales and income taxes to support existing education and I have supported that in the past but I do agree with Senator Warner that that should not come at the expense of support for the corps responsibility of state government, the areas of public safety, education and so on. And that is the

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priorities the committee has established. Now if we decide to cut taxes, property taxes, then I think perhaps we should give up some other tax cuts that are proposed and one of those tax cuts is the increase in the food sales tax credit which is floating around at 5 or 6 million dollars. That, too, is a tax cut and I don't think that we can cut both property taxes using the sales tax and then cut the sales tax by increasing the food sales tax credit. So I would reluctantly oppose Senator Koch's motion. I would defend the priorities of the Appropriations Committee which is to support the corps of state government, the regional centers, the universities, the state colleges, the programs that are in existence now and to adequately support those first and as I have indicated, if there is any place that we took a major cut it is in the area of capital construction which is a cut for state government and I guess that there are several priorities for additions that I would see before increasing property tax relief at this point. So I would reluctantly oppose Senator Koch's motion.

SENATOR CLARK: Senator Wesely.

SENATOR WESELY: I call the question if there is any other speakers.

SENATOR CLARK: No other lights on. Senator Koch, do you wish to close?

SENATOR KOCH: Mr. Chairman and members of the body, first of all I want to state very clearly it is not my position to embarrass Senator Warner and the members of the Appropriations Committee because I know how difficult it is to try to arrive at some kind of figure as it relates to budgets. It is not my intent to criticize those agencies in the state who have received sums of money above 7% because I also realize that those agencies have to be maintained with some degree of equity and fairness in relationship to their responsibilities. But I sat here like you did in the State of the State address by the Governor when we first began this session and the Governor stated very enthusiastically that the state had provided 40 million dollars worth of tax relief on property tax but I also remember his voluntary participation in that. This body took the risk and decided to do it. I also remember the projection we have had since I have been here on our incomes, what we project sales, income and corporate tax to be and in many cases those projections have not been very accurate. In fact, I sometimes wonder where they get those projections. They run anywhere from 9 to 16 or 17% and then I watch the State Board of Equalization meet and they roll back a certain percentage of government money and the Governor also said in his State of the State union

we gave 40 million dollars to tax relief and property tax. We also gave you millions of dollars back in spendable money from your income tax, yet had the Board of Equalization looked at the fact that we are in this state facing serious issues such as water holding structures, you name it, we are facing them. They could have justified maintaining that balance until this Legislature met to make a priority rating on the uses of state tax dollars. I also remind you that governors have always talked about property tax relief. The last governor I remember who did this seriously was Governor Tiemann. Ever since then the governors have stated to the school boards and to others, you are doing a great job. We are going to help you but that has been a hallow promise and so as a result if we as a body are concerned about the call upon property tax and Senator Newell stated it, where over 50% of the monies that supports local government comes off of property tax and yet we speak and say that we want to relieve that burden, then I think we must make every effort to do this. Last year, as I stated before, when we gave the 40 million dollars to the public schools there was almost a 5% decrease in the call on property tax and I think that is significant. In some cases far greater than that, depending upon the wealth of a school district, that was across the board. Recently we talked about LB 318 which tried to bring in a factor for vocational education. The amount of money in there sort of frightens some members of this body and I agreed to strike that section of the law saying, I will take a shot at general aid to public schools so we make sure they all get that amount of money.

SENATOR CLARK: You have one minute.

SENATOR KOCH: That is what I am attempting to do. I want to make certain that every school that educates children gets some dollar back in relationship to the job they have performed. Now then, if we have to set a new tax rate, so be it, but the State Board of Equalization of the last three years has had the luxury of sitting there and rolling back the income tax and saying, look what we have returned to you, yet, never prioritizing for the people of the State of Nebraska the needs, and I sometimes think that that is not very fair. In fact, I know it is not very fair. I also realize that when we give certain money to various agencies such as the University, I don't criticize that. I support that increase knowing that if we don't give it there, it is going to come out of tuition fees for students and when you start doing that you tax some of them out of the market of a higher education and I would not want to be a party to denying that boy or girl that opportunity. In conclusion I will say to you, if we don't start providing some money at the local level for boys and girls, the univer-

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sity system may dry up in terms of those who can seek it and those who can afford it because if you don't have...

SENATOR CLARK: Your time is up, Senator Koch.

SENATOR KOCH: ...the proper education, your chance may not be good of getting there so I ask you to support this amendment. Thank you, Mr. Chairman.

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

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Have you all voted? Senator Koch, what do you want to do? There is two excused. Senator Koch, what do you want to do? I am going to call the vote.

SENATOR KOCH: Well if Sarpy County would vote with me we might be all right.

SENATOR CLARK: We can't stall it forever. Record the vote.

SENATOR KOCH: Well, Mr. Chairman, I will ask for a Call of the House and a record vote.

SENATOR CLARK: A Call of the House has been requested.

SENATOR KOCH: Roll call vote.

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

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

SENATOR CLARK: The House is under Call. All senators will return to their seats and check in please. I see people sitting in their seats that haven't checked in. Would you do that, please? Senator Cullan, would you check in please. Senator Cope, Senator Kahle, Senator Wagner, Senator Labedz, Senator Marsh. Senator Kahle, Senator Wagner and Senator Labedz are not here. Senator Koch, we are short Senator Kahle and Senator Labedz. Do you want to start with the roll call?

SENATOR KOCH: Are they in the building?

SENATOR CLARK: I haven't any idea.

SENATOR KOCH: I would like to have them return if they would.

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SENATOR CLARK: Sergeant at Arms, can you find Senator Kahle and Senator Labedz? All we need now is Senator Labedz. She is coming, all right. The Clerk will call the roll. We will have to have a little more quiet so the Clerk can hear. Call the roll.

CLERK: (Read roll call vote as found on page 1722 of the Legislative Journal.) 28 ayes, 18 nays, Mr. President.

SENATOR CLARK: The motion carried. The amendment is adopted. Do you have anything further on the bill?

CLERK: Yes, sir. Mr. President, the next amendment I have is from Senator Wiitala.

SENATOR CLARK: Senator Wiitala.

SENATOR WIITALA: Mr. Speaker, members of the Legislature, I offer this amendment to clarify the legislative intent found on page 21 of LB 561. This refers to the legislative intent as it refers to the Performance and Review Audit Committee who under this bill is to devise precise formats in gathering information from the colleges and universities and technical schools in formulating budget proposals. The difficulty as I see it is that the Performance Review and Audit Committee has not in the past done a very good job of developing the precise formats and so the institutions of a higher learning do not know exactly what is wanted of them and what form it should be filled out. And so my amendment really basically clarifies the language and says that these precise formats shall be established rather than required by a majority vote of the Performance Review and Audit Committee. My amendment really sets a mechanism in place where these formats can be established and done so by a voting procedure and after a hearing, a public hearing with the representatives of these institutions of higher learning. One of the reasons that I offer this amendment too is the fact that there is an increased burden of expense in gathering information and then codifying it so it can fit a format procedure and by offering a public hearing to those parties involved I feel that the institutions that are providing the facts will have a better opportunity to know precisely what they need to do, the cost involved and who will assume the burden of paying those costs. Thank you, Mr. Speaker.

SENATOR CLARK: Senator Warner.

SENATOR WARNER: Mr. President, I rise to oppose the amendment. What I am about to say has no reflection on Senator Wiitala. This is show down day I guess. It is one I knew in 1976 that was going to come when we first moved into the area of the Legislature trying to get some sense, keep some control over

the operation and the cost of postsecondary education and I will tell you what the game plan is because the lobbyists have told me. Now the game plan, and I have been here long enough to see it used two or three other times and I can tell you it only works and it only works because there is turnover in this body so you make an agreement or you have all kinds of opportunity for input and then the makeup of the body changes and then you come back to those who were not involved before and say, well, golly, this is something new and we haven't had a chance to appear on. What is new to those members of the Legislature who were not here when all this started? In my opinion the position of the institutions of higher learning when it comes to providing information to this body is they want to keep the Legislature in the position as long as they can that all we're doing is shoveling smoke when it comes to information. Never allow information to be consistent. Never allow a trend to be established year in and year out as to what is occurring in postsecondary education. Always assume that what you got last year is yours and all you are going to argue about is the increase that might be requested for the following year and it is always a "no no" to go back and look how they are spending the funds that they already have had whether or not those funds are being properly used. Now the information system that they are objecting to was one that started with the interim study committee composed of senators, as I indicated in '76-'77. There were numerous public hearings in '77, '78, '79 which we talked about the kind of information. The kind of information that we are requesting is the information that members of this Legislature indicated in those years that they felt was appropriate and necessary in order to really review the request of postsecondary education. Now to my knowledge what is being objected to specifically now is that community colleges do not want to provide information by campus, at least a couple of areas do not. Other areas indicate they have no problem with it. I suspect the university doesn't want to provide information of any kind in the uniform format and I suspect the state colleges don't like it and they would be happy to join along with any resistance that can keep the Legislature from having the best possible information to make what is virtually impossible or at least most difficult decisions in the first place. The whole basis of that information system again was what legislators themselves felt they ought to have. All of you have been given information if you have been here any period of time by various systems, various of the three systems we have, making comparisons that were meaningless. FTE didn't mean the same, that the state colleges, that those universities,

in fact, at one time FTE, full time equivalent, didn't mean the same thing at UNO as UNL. Now that makes no sense and if this body wants to be in a position to review to really know what is going on, whether the tax funds are being used efficiently and the kind of information basis being requested is what there ought to be but you can always beat the Legislature, defer, put off, ask for another public hearing, and put it off for another year. If you can hold off a couple years you can be sure half of us will be gone or a fourth of us and then we can start over again. I would hope that the offering of this amendment can be a signal to those institutions that the Legislature does expect the kind of information that has been requested, that we don't have to have continuous hearings trying to resolve differences....

SENATOR CLARK: You have one minute.

SENATOR WARNER: ...because what they do not want in that information system is essentially information they don't want to provide. Oh, yes, they will tell you we'll give it to you on a written request basis. True, they probably will but it will never be in the same format. You will never be able to establish trends and you will never be able to make a thorough property evaluation of the use of existing funds. So I would hope that the body would not adopt this amendment because in my opinion I know it is not Senator Wiitala's but in my opinion it's sole purpose is one, to delay, defer and continue to make it difficult to make reasonable conclusions as to what level of funding is necessary and appropriate for postsecondary education.

SENATOR CLARK: Senator Marsh.

SENATOR MARSH: Mr. Chairman and members of the Legislature, I rise to oppose the amendment which is offered with some rather sharp words for the persons who have brought this type of amendment to Senator Wiitala. Senator Wiitala is a very sincere person who is interested in education and I resent that some persons would try to make use of his sincerity by giving this amendment to him. As a member of the Appropriations Committee, Senator Wiitala, since 1973 I am aware that this is a great need to have this written in so that everyone sees. We have worked on it as Senator Warner has said since 1976. It is not new. It is not strange and I do not feel it is fair to you that you were given that amendment to bring in. We are all interested in education. We cannot make wise decisions if we do not have a common basis of fact. Each person in this body needs to have accurate information which can be compared and if we continue to be outmaneuvered by various and sundry bodies outside this legislature we cannot make as good decisions as we should do. I urge you to reject this amendment.

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LR 76
LB 12, 99, 228, 257, 361, 385,
LB 561, 428, 451, 472, 472A, 501

SENATOR CLARK: Senator Cullan. The question has been called for. Do I see five hands? I don't see them. Now I do. All those wishing to cease debate will vote aye, opposed no. Have you all voted to cease debate?

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 25 ayes, 1 nay, Mr. President, to cease debate.

SENATOR CLARK: Debate is ceased. Senator Wiitala, do you want to close?

SENATOR WIITALA: Mr. Speaker, members of the Legislature, in all due respect to my distinguished colleagues, Senator Warner and Senator Marsh, since the legislative intent has been placed in the record by their remarks as far as the responsibility to the duties of the Performance Review and Audit Committee, I would respectfully withdraw my amendment at this time. Thank you.

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

CLERK: Mr. President, if I may read some matters in right before?

SENATOR CLARK: You go right ahead.

CLERK: Mr. President, a new resolution, LR 76 calling for a study offered by Senator Hoagland. (Read LR 76 as found on page 1724 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 12 and recommend that same be placed on Select File; 501 Select File; 472 Select File with amendments; 451 Select File with amendments; 428 Select File with amendments; 472A Select File; 99 Select File with amendments; 385 Select File with amendments; 361 Select File with amendments. 228 Select File. (See pages 1725-1726 of the Journal.)

And Senator Remmers would like to print amendments to LB 257, Mr. President. (See pages 1726-1727 of the Journal.)

Mr. President, the next motion I have on LR (sic) 561 is a motion by Senator Landis to reconsider the body's action in adopting the Kremer-Schmit amendment to LB 561.

SENATOR CLARK: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I have been sitting here quietly for the last several days, haven't participated in the debate much, been allowing things to roll along very steadily through consent calendar, through the other debates on some of the major bills, quietly throwing up my greens or reds as the case may be and now it is time for me to take stock of what has been happening here today and to raise a quick objection. I think Maurice Kremer made an excellent argument in favor of the appropriation of 4 million dollars on behalf of the resource development fund. I supported that measure through a green light and there were twenty-five of us, twenty-six actually. I was the twenty-fourth vote and then I saw Howard Lamb change his vote from red to green and he was the twenty-fifth. So I have some reason to suspicion that provided that the twenty-fourth vote was a meaningful vote cast in that voting, shortly thereafter we had the ADC vote and it came up short. So I understand the argument, at least the argument against the resource development fund appropriation. We are talking about an increase in income taxes. We are talking about breaking the bank, increasing the load. This was the step that had to be taken in the event we were going to break the 7% budget and we were also probably going to cause, at least by our existing revenue expectations, the need for some kind of tax increase. If there is to be an income tax increase, that increase will fund not only the 4 million dollars of that resource development fund increase, it will also easily swallow up the needs that were outlined by Senator Chambers' increase in ADC and yet this body, having broken the barrier, having increased the tax standard, having opened up the potential for revenue would not then take the next step following the 4 million dollar appropriation and spend a million seven on the needy children of this state. Now I think Maurice Kremer made an excellent argument on behalf of those 4 million dollars and I supported him but I think Senator Chambers and Senators Labeledz and Goodrich and others made an equally strong argument on behalf of that one million seven for the needy children of this state and it seems to me that before we can get to that rosy future, that utilization of our resources that Maurice Kremer talked about, the need for that 4 million dollars, before we can get to the future we have to pass through the present and it is a matter of record, it is a matter of the present tense, not some future pay-off, that we have needy children in this state whose support has dried up and dwindled because of inflation, whose support from the state for food and clothing and housing and the essentials of life has been dwindled away by the operation of our economy and the ravages of inflation and it seems to me that that is a future that we can't delay and put off and guarantee at a later time and make provisions for because the lakes that we are going to build for recreation and the soil that we are going to save to grow crops and the like, putting off for this two thousand and after period of time, really are

going to be meaningless if we can't guarantee for our citizens now the basics of life. It seems to me no reason to spend 4 million dollars to ensure a rosy future for people that we can't take care of in the present and that is why I moved to reconsider that amendment. It is not because I don't think that we need to spend that money. It is not because Maurice Kremer did not make a good case, he did, but it seems to me that if we are going to spend dollars in the most sensible way, those 4 million dollars make sense only when we are prepared to guarantee to the needy children of this state a reasonable level of support, a level of support that this body agreed to last year in principle and which this body now I think is morally compelled to follow through with. Because of that, I move to reconsider the Schmit-Kremer amendment. It is not because I want to take back my vote for that 4 million dollars. I want to keep it up there but I can't keep it up there in good faith if we can't continue to support along the lines that we had promised to, the needy children of this state now in the present tense and absent the conscience of this body changing, I have to reverse my position and request that we reconsider the vote on that 4 million dollars.

SENATOR CLARK: Before I call on the next speaker I would like to introduce Robert Schemmel of Nebraska City, a guest of Senator Remmers under the South balcony. Would you stand and be recognized, please? Welcome to the Nebraska Unicameral. The next speaker is Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I did change my vote on the ADC proposition from no to not voting. I also voted for this proposition, Senator Lamb, and I know it is something that the rural senators are very interested in and some urban senators. I am interested in children and a lot of times people stereotype me as being one interested only in the welfare of people of my own complexion but it might mean something to the body if they were to realize that 65% of the families on ADC are white and some other factors that might be of interest to you is that the average ADC family has fewer than three children, that the period of time on the average that a person or a family stays on ADC is 1.8 years, not even two years, not even three children and mostly white. So why should a black man be standing up speaking for children who might grow up to be adults who will mess over him and his children? Because the children, while they are children, have not done anything to harm anybody and they are entitled to a chance. It should not be necessary for us to go through these kind of maneuvers to persuade the Legislature to do something which is right when the members will leave here and talk to their constituents and pretend to be doing so many noble worthwhile things. I hear Senator Pirsch often talk about

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the victims of crime and then she votes against something like this. I hear other Senators talking about this is important and that is important. If it is ground or land, then it means more than children. There will be bills dealing with child abuse and we can rally people from everywhere to support those bills. But one of the greatest types of abuses is to let children exist in this society with less than what it takes to maintain themselves at a decent level of existence. If this is in fact a moral religiously inclined body, why can't we in the work we do on this floor put into practice the things that are articulated everytime a chaplain comes before you every morning. Isn't it our works, Senator, by which we are to be judged? Both of the Senators Peterson, especially my good friend from Grand Island who wants people to know about the concept of creation, didn't one of the parties involved in the creation say, "Suffer the little children to come unto me and forbid them not." It didn't say, "Let the little children come unto me and I will make them suffer." We are suppose to help those that cannot help themselves. It is the job of the strong to bear the infirmities of the weak. We can put a price tag on how much it costs to be beneficial and helpful to those who need it. The outrage expressed when I say there should be no prayers here should be demonstrated or should demonstrate itself in bills of this kind where we have the opportunity to help those who do need the help. The future generation, it has been determined...

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

SENATOR CHAMBERS: ...and demonstrated that a child's psychological and mental development can be hindered without adequate nutrition. I know this may seem somewhat off the subject of what Senator Landis, his motion says, but really it goes to the heart of it. We are now dealing with some very difficult decisions and they are difficult only because we won't let our best sentiments assert themselves and do the thing that our hearts tell us we ought to do. I feel funny making an appeal to people's hearts and sentiments but sometimes when you are speaking for those who are helpless, you have to use anything that might bring about the result that is desired. So I have used Senator Landis motion as an opportunity to say some additional things on an issue that I think should concern us all more than it apparently does.

SENATOR CLARK: Senator Howard Peterson.

SENATOR HOWARD PETERSON: Mr. Speaker and members of the Legis-

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lature, Senator Chambers, the good Lord also said, "The Lord helps those who help themselves". Sometimes I think we fail to train our children to help themselves. One of the things I learned early in life was one way to participate with my children was to participate in the garden and I have a feeling that if all of the people who are on ADC would have a garden we would cover far more than the dollars you are talking about. Let me say, secondly, that I am particularly opposed to reconsideration of this particular matter because fundamentally I believe when we talk about storing water in the State of Nebraska we are talking about the most important resource we have and the only way in the world we can ever support this state government, our local governments and any social issues that any of us are interested in. Certainly if we can't spend \$4 million for that purpose, there is something wrong with our thinking in this state.

SENATOR CLARK: Senator Hoagland. Senator Schmit. Is Senator Schmit in the House?

SENATOR SCHMIT: Mr. President and members of the Legislature, I would have to rise in opposition to the motion by Senator Landis. Although I did vote for both the Chambers motion and the Schmit and Kremer motion, I share their concern. I have always been one of those who is interested in taking care of present needs rather than long range future commitments. So I can see their concern. But I think that to reconsider the action that we took on the Schmit and Kremer amendment is not the way to succeed in the event that Senator Chambers chooses to reconsider the action on his motion. I believe he may have more votes at a different time. I have studied those votes. I think there is some other votes there. I support him but I think that the thinking behind the \$4 million was sound and it should stand. Now if we want to start to reverse our action, then perhaps we ought to just go back the whole way and concede that the Appropriation Committee did a good job, did a substantial job and let her all go by the board. I am sure that Senator Warner and his committee members would agree with that. But if you are going to base your vote upon how subsequent votes go, then I think we are going to jeopardize the entire process. Let's judge each on their merits. I think Senator Chambers, Senator Landis, and many other Senators here who have a deep conviction as I do about the unfortunate children will be able to get the necessary votes that they need to act upon that motion in a positive manner. I know that Senator Landis does mean anything impunitive and, therefore, I would hope that you would not support the Landis motion.

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SENATOR CLARK: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, since we are addressing these issues simultaneously, and since my true intent here is to call in to question the priority of the way we spend money, I would ask unanimous consent to withdraw my motion because as I understand it the next motion is the reconsideration of the ADC appropriation and since that phrases it as Senator Schmit just indicated in a positive fashion, I would withdraw my motion.

SENATOR CLARK: Your motion is withdrawn. The next motion.

CLERK: Mr. President, the next motion I have is from Senator Chambers to reconsider the vote on adoption of the Chambers Aid to Dependent Children amendment.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this is the identical amendment that was voted down earlier and the senator from Grand Island made a comment about people having gardens who have no land. What is he recommending, that one poor person burns down the neighbor's house to obtain enough land to have a garden? How much food for taking care of a family can be raised on a garden in the middle of a city? Or even if there are people in rural areas, I don't know why the people in rural areas are on ADC. I don't know whether it is because neighbors don't help neighbors or what the cause is. In many instances we can only deal with the symptoms and if there are people impoverished and children hungry, we should not be so vindictive and hateful toward the parents that we say they should have done differently and let the little children suffer, that will teach somebody a lesson. Who is to learn this bitter lesson when children are the victims? I think that the amount which is involved in this amendment is so small compared to the overall budget that it is not going to make that much difference at all in terms of the dollars spent but it will make a profound amount of difference in the amount of good that can be done. So, I am asking that the Legislature reconsider its vote in opposition to this amendment and adopt it. What we are going to have to realize is that those issues that are very dear to us will cause us sometimes to do things that ordinarily we would not like to do. If the Governor decides to veto certain propositions in these money bills, everybody who has a proposition that was added is going to need every vote he or she can get and if the various people who have attached provisions to this appropriations measure feels that the children are not as important as those other things that they have added, then

naturally I cannot be made to see that those things that are important to me are more important than the children that mean so much to me. I don't think we are even talking about trading, for rolling or anything else. We are talking about trying to say that certain moral issues have more weight and significance than others and that is a difficult scale to develop because you can not weigh these things like you weigh physical or material quantities, but we certainly can weigh how much impact it has on our minds and our feelings and I feel very deeply about the children. I would do almost anything to help a child and if I had to choose between some of the propositions that are based upon land and things not human, if I had to make a choice between supporting those and supporting children, the children get my vote every time. So we should all keep in mind that this is just one stage of the struggle or one round in the fight. Senator Peterson, a fight can be determined in the fifteenth round so if you get thirty-five votes to add an amendment and then forty-five votes to advance the bill and the Governor takes a pen and line items out the thing that you want, then you are going to be talking a different story to some of the people that you speak with such contempt toward now. I think it is unconscionable to tell somebody who has no land go grow something in a garden. It is like saying, "Chambers, if you had bacon you could have bacon and eggs if you had some eggs." So, I have got nothing and you want to fill my belly with air and words. It is difficult to walk the path, Senator Peterson, that I am often asked to walk and sometimes people who have nothing in the midst of plenty find it almost laughable but it would be a hollow laughter from the teeth out to hear others talking about what a fine standard of living there is and how rich the country is. It begins to make people wonder if it is true what the rich say that they are rich because they are so righteous and the poor are poor because they are immoral and you analyze your own circumstances and you know that is not true at all. So if those who have can be traced back through history and found to have been able to obtain land because it was free if you drove a stake or cut down a tree and other people's ancestors at that time were owned as property and could not own property, there must come a point where justice is served but in this particular instance we are not even talking about a racial problem. We are talking about children where the greatest majority of them are of the complexion of those who make up the majority in this Legislature. So, what is being told to the children? What is being told to the poor? That we can say fine things, but we won't give a pittance to bring into reality the things that we say mean so much to us. I thought that people who owned a lot of things were stewards, that they had a responsibility and an obligation to properly administer that which had been entrusted to them, but I guess I thought wrong on that like I have been

wrong on so many other things. But I am taught many bitter lessons down here in this Legislature and I don't forget them. Maybe today the Legislature sows the wind and tomorrow it will reap the whirlwind and we will see if those who fare sumptuously today would wind up being deprived tomorrow, say by a hurricane which we don't have in Nebraska so I could be talking about some place else but let me bring it home like a tornado. When a tornado hits you would tell the people out in Grand Island or anyplace else that it hits, build houses that will not be blown away by tornadoes or if there is a drought, tell people they should have prepared better by growing those types of crops that don't need as much water. But we know that that is not the approach that will be adopted. I am not hopeful relative to the outcome of the vote on this amendment but I am asking that you do something for the children. Don't send money even down to Atlanta to find the vicious person who is killing all of those children. Let's do something about the ones right here that we might be killing in a much slower, more devastating fashion by our unwillingness to grant to them the help that they need and that they are entitled to. Do it because of what you are if you have contempt for the children. If you think they are unworthy, do it because of what you think about your own self.

SENATOR CLARK: The Chair has the privilege of introducing relatives of former Senator Arnold Ruhnke under the South balcony. There is eight of them from Ontario, Canada, two of them from Lincoln. Would you stand and be recognized, please? Welcome to the Legislature. Senator Fowler is next.

SENATOR FOWLER: Mr. President, members of the Legislature, I rise to support the motion for reconsideration. The full funding of ADC was at one time in one of the preliminary budgets that the Appropriations Committee had but we cut it out because we were trying to build a budget based on existing revenues. Well this afternoon the addition of 20 million dollars in state aid, the addition of a million seven in water projects, the previous addition of two hundred thousand last week puts us at 22 million dollars additions and there was only 8 million dollars allowed within existing revenues so I think that concept has been pretty well discarded. Now we are building a budget, based not on existing revenues but on what we think are appropriate needs and I think the Legislature now should start weighing those needs. Having disregarded the current tax rates I think we have set ourselves up to raising income taxes with Senator Koch's amendment so that no longer is a consideration. Now I think this is a legitimate need. It was recognized as a legitimate need last year when we passed an ADC bill to establish these dollars as the maximums and the payments didn't quite match the maximums we established. What Senator Chambers is simply doing is bringing what we pay up to what

we have already required in law and I think that is something. As we have increased aid for water projects, as we have increased aid for schools, so I think we ought to increase aid to dependent children up to the maximum. Now what I find interesting about some of the rural senators concerns in this area goes back to the speech with regards to the grain embargo, several speeches in fact, when we were considering whether or not we should sell grain to the Communists and I don't know how many rural conservative senators stand up and said, food should never be used as a weapon. I heard that several times, almost to the point of a cliché. Food should never be used as a weapon and I was waiting really at that time for days that we would consider support for people in the United States, those dependent children, those unemployed, those less fortunate to find out whether or not at that point people felt food should be used as a weapon. I would hope that those who do not feel that food should be used as a weapon in foreign policy, that food should not be used as a weapon with regards to a Communist power such as the Soviet Union, would not suddenly turn around and say we should use food as a weapon in the United States. We should use food as a weapon of social policy within our own country, that we should deny food to children in our country, some sort of weapon to force them out into gardens or out into jobs or whatever. If food cannot be used as a weapon in foreign policy I don't think that food should be used as a weapon for domestic policy. So, with the fact that this Legislature has discarded the Appropriations Committee philosophy of using existing tax rates, since this Legislature has now put itself in a position of asking for an income tax increase, I think that we ought to look at the priorities, support full funding for the bill that we passed last year and raise the ADC funding to the statutory level that was established. I support Senator Chambers' motion to reconsider. I do not think that food should be used as a weapon in this area.

SENATOR CLARK: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I guess this motion more accurately allows the Legislature to respond to what just happened on the votes on LB 561 by giving itself a second chance to weigh the priorities that it is establishing with this budget. There used to be, up until and past the time of the Titanic, the old phrase, "Women and children first." Well, reasonably and rationally I think we have altered that now and we don't make special dispensations in that way for women any more. We perceive them as full-fledged human beings with their own rights and no need of special favoritism but because of their abilities can just be considered just generally part of the populous without some special kind of protective attitude, but not so children.

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I think the law would have to be boiled down to the presumptive maxim, "Children before adults," that is, with the exception of today's action on LB 561. Apparently today we choose water before children, lakes, recreation, water impoundment, aquifer recharge before children an interesting and I think misguided prioritization. Now of course we probably would all agree to the idea that children are a more valuable resource than water in contravention to the speech that Senator Peterson gave and generally speaking we would say that human resources, children, are a higher priority and a greater resource than some natural resource like soil, air or water. I hope this body would do so and the question is whether we mean that all the way down the line or not. Do we really mean that all children are a resource or do we, in fact, mean only the children of white, middle class, taxpaying, well-to-do people are our greatest resource. And that is what we get into when we talk about the ADC payments because you see, we can all mouth platitudes. We can all mouth kinds of easy political statements in which we promise grand futures for children with bright eyes and good educations but not all children fall into that category, not all children are the products of whole and stable families with a sound economic base, an excellent sociological profile and an excellent opportunity for success in life. And the question is whether or not we intend to place the priority of children before grownups with the added caveat that that be all children, children from broken homes, children from disadvantaged homes, children with economic and sociological needs that are going unmet, that do not have excellent housing, that do not have first rate clothing, that do not have adequate nutrition. Do we really mean for the law to extend to them as well? I hope we do. I hope we really do and I guess I have an ironic laugh on my face because I'm not sure we really mean that. I'm not sure we really mean...

SENATOR CLARK: You have one minute.

SENATOR LANDIS: ...that we want to extend the law and its benefits and the support of government to all children but, in fact, only to those children that probably come from homes like our own for the most part, upper middle class, wealthy, well-to-do, white homes for the most part. I hope that is not our perspective. I hope we can broaden our own to see that water is not the most important resource, soil is not the most important resource but that children, that life is the most important resource and that we can't distinguish between those raised in upper class homes on the west side of Omaha or in the south side of Lincoln but, in fact, that all children should have those kinds of supports and benefits that we grant generally across the board to people from homes like our own. I hope that we

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will reconsider this action. I hope we will support...

SENATOR CLARK: Your time is up, Senator Landis.

SENATOR LANDIS: ...the amendment offered by Senator Chambers.

SENATOR CLARK: Senator Higgins.

SENATOR HIGGINS: Mr. Speaker, members of the Legislature, I rise to tell you that I was astounded to find out 65% of the children on ADC are white. I always had been of the belief that anybody on ADC was black and lazy and they wouldn't work if you gave them a job. I am ashamed as a white woman to have a black man stand up here and beg us for money to feed children. I am ashamed to think that before I came to this Legislature they voted several hundred thousand dollars to feed cattle in the middle of a snowstorm. I don't want to be ashamed to be a part of this Legislature this year. I think we should reconsider Senator Chambers' motion. I think we should consider what this previous Legislature has done to feed cattle and what it is going to say about our character, about us each individually if we are going to deny children an extra ten or thirteen dollars a month to eat off of. I just got the figures from the Department of Revenue. I haven't figured this out. Maybe one of you like Steve Wiitala who is a teacher can figure this out for me. The last figures they had there were 774,630 income tax returns filed in the State of Nebraska. How much are we asking each individual and corporation to pay in order to give this additional aid to children? Would it amount to \$2 a person? \$3 a person? I don't know. I know this. When we vote on it I am going to be looking at that board and every senator that votes against this small increase in aid to children, who can't help themselves and who evidently their mothers, because of so many fathers that won't pay child support, are unable to leave the children to go to work. I am going to be watching very closely that board because I want to see what you men and women in this Legislature are made of, if cattle are more important than children and that is exactly as I see it and the next snowstorm when we have and they say, let's appropriate some emergency money to go out and feed those cattle so they don't die and the farmer doesn't lose his investment, I'm going to remember today's vote and I am going to remind you all about it. Thank you, Senators.

SENATOR CLARK: Senator Newell. Is Senator Newell in the Chamber? 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.

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CLERK: Senator Clark voting aye.

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

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

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

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I will be as brief as I possibly can. This proposition is not designed to increase taxes in and of itself at all. The Legislature does have a certain amount of leeway with various programs to prioritize, to use a word that is falling into disfavor, and since the budget as has been pointed out has no longer been left intact, this would be an act of compassion which would demonstrate that while the budget is being broken, a move was being made to help those who really need it. The amount is \$1,700,000 and I have to say this, that I know that a lot of people who voted against the amendment the first time around are better people than that vote would indicate and since that vote was taken we have seen ten times as much as would be required by this amendment added to the budget. So, with those few words at this time and your review and consideration of the things that have been said, not only by me and those of us on the floor, but people outside the Legislature who had talked to you about it. I hope that you will vote to add this very modest amount.

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

CLERK: 26 ayes, 0 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. Would everyone return to their desk, please and check in immediately. Will you all check in, please. Senator Schmit, Senator Koch, Senator Lamb, Senator Newell, Senator Pirsch, will you check in, please. Will you get Senator Newell out of the phone booth, please? Senator Lamb, here he is. Did you want a roll call vote? The Clerk is going to read what we are voting on. Then I would hope you would keep quiet enough so that the Clerk can hear your response.

CLERK: Mr. President, the motion before us is the reconsideration of the ADC amendment previously offered by Senator Chambers.

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SENATOR CLARK: Call the roll.

CLERK: (Read roll call vote as found on page 1723 of the Legislative Journal.)

SENATOR CARSTEN: Mr. Speaker.

SENATOR CLARK: Yes.

SENATOR CARSTEN: Is this a two vote proposal? Do we vote to reconsider and then vote to adopt the amendment? Or is it only one?

SENATOR CLARK: Two vote.

SENATOR CARSTEN: It is two votes.

SENATOR CLARK: Yes.

SENATOR CARSTEN: Voting aye.

CLERK: (Continued with roll call vote.) 29 ayes, 16 nays, Mr. President, on the motion to reconsider.

SENATOR CLARK: The reconsideration carried and then we will vote on the amendment. Is there any discussion on the amendment? All those in favor of the amendment vote aye, all those opposed vote nay. Have you all voted? Record the vote.

CLERK: 26 ayes, 18 nays, Mr. President, on the motion to adopt the Chambers amendment.

SENATOR CLARK: The motion carried. The amendment is adopted. Do you have anything further on the bill?

CLERK: Mr. President, Senator Newell...Senator Newell, you no longer wish...is that true?

SENATOR NEWELL: I don't think so.

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

SENATOR CLARK: Senator Warner, what do you want to do with the bill? Kill it?

SENATOR WARNER: Pursuant to rules, Mr. President, I would move the bill be advanced.

SENATOR CLARK: Is there any discussion on the advancement of LB 561? Senator Marvel, do you want to talk?

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LB 561, 163

SPEAKER MARVEL: I just want to alert the Legislature that I think we will continue until we finish with appropriation bills.

SENATOR CLARK: Fine. All those in favor of advancing the bill vote aye, opposed vote nay. Voting aye, Mr. Clerk.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted on the advancement of LB 561? Record the vote.

CLERK: 27 ayes, 10 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The motion carried. The bill is advanced. LB 163.

CLERK: Mr. President, I do have E & R amendments to LB 163.

SENATOR CLARK: The E & R amendments, Senator Kilgarin.

SENATOR KILGARIN: I move we adopt the E & R amendments to LB 163.

SENATOR CLARK: You have heard the motion. All those in favor say aye, opposed. The amendments are adopted.

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

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 163.

SENATOR CLARK: You have heard the motion. All those in favor of advancing the bill say aye. Senator Cullan.

SENATOR CULLAN: Excuse me, Mr. President, but I did have my light on. I wanted to know if I might be able to ask a question of Senator Warner?

SENATOR CLARK: Go right ahead.

SENATOR CULLAN: Senator Warner, I wonder if you could clarify for me and I think this is the right bill. If I am not I would appreciate your correcting me but is this the bill that contains the deletion of the funding for the track at Chadron State College? And I wonder if you might provide us with some background information. It is my understanding that...I know of course that the Legislature appropriated \$95,000 I believe two years ago for a track at Chadron State College and that that Board of Trustees then

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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

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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.

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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

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LB 389, 561, 562

Harms, teacher. Would they wave to us here in the balcony. Welcome to the Nebraska Unicameral Legislature. The next bill on Final Reading then, Mr. Clerk, is LB 561.

CLERK: (Read LB 561 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 561 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on pages 1821 and 1822 of the Legislative Journal.) 45 ayes, 1 nay, 2 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 561 passes with the emergency clause attached. Before we go to the last bill on Final Reading this morning, the Chair takes great pleasure in introducing a guest of Senator Von Minden, Pia Sibbern Sarsen, a guest from Denmark. They are under the south balcony I think. Senator Von Minden, would you have your guest step out and be recognized? Welcome to the Nebraska Legislature. The last bill on Final Reading this morning is LB 562, Mr. Clerk.

CLERK: (Read LB 562 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 562 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on pages 1822 and 1823 of the Legislative Journal.) 44 ayes, 2 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 562 passes with the emergency clause attached. And that will conclude Final Reading today. The Chair recognizes Speaker Marvel.

SPEAKER MARVEL: I want to thank the Legislature for their cooperation in moving over another hurdle and I hope we can continue this way. But you have done a fine job and I wanted to tell you so.

PRESIDENT: All right, Mr. Clerk, I suppose you have some things you would like to...you don't have anything. All right, we will go on then with the agenda item #5, Select File, commencing with LB 389.

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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

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LB 3, 11, 11A, 12, 70, 99, 146,
184, 228, 250, 266, 266A, 296,
296A, 310, 328, 328A, 361,
366, 369, 376, 561

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 184 and recommend that same be placed on Select File with amendments; LB 376 placed on Select File with amendments. Those are both signed by Senator Kilgarin as Chair.

Mr. President, LBs. 3, 11, 11A, 12, 70, 99, 146, 228, 250, 266, 266A, 296, 296A, 310, 328, 328A, 361, 366, and 369 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 3, LB 11, LB 11A, LB 12, LB 70, LB 99, LB 146, LB 288, LB 250, LB 266, LB 266A, LB 296, LB 296A, LB 310, LB 328, LB 328A, LB 361, LB 366, LB 369. Okay, if we may have your attention, the first item will be from the Clerk's desk and the second item will be Senator Warner's. So, Mr. Clerk.

CLERK: Mr. President, I have a letter addressed to the membership from Senator Warner who is Chairman of the Appropriations Committee. (Read. See pages 2052 and 2053, Legislative Journal. Re: Line item vetoes of LB 561.)

SPEAKER MARVEL: Senator Warner, you are recognized to comment on the letter just read.

SENATOR WARNER: All right, Mr. President, again under the provision of the rule, the Appropriations Committee is to make such report, and as the report indicates, there was one item which the majority of the committee did support to offer a motion for override which at the time which will be designated by the Senator representing the majority of the committee's position on that issue. The other portion I might just go through briefly with you is the second and third page which is to give you for your information. Page two that is an analysis of the Governor's line item vetoes points out those vetoes that occurred relative to committee recommendations and it shows what the collective floor amendments were, and the last group indicates the vetoes that were relative to the floor amendments and shows the total dollar amount then of \$728 million to \$74,747 that would remain under the Governor's veto as the legislation now stands. If you look at page 3, headed Financial Status Summary, it is similar to what is on the back of the agenda but in a slightly different form. Above the line at the top it shows again the original committee level of recommendation in those bills. The next shows the allocation for A bills that was originally recommended, that subtotal, and then it shows the amount that was

held for the food sales tax credit increase and the total target that the committee had. If you look under the Governor's figure, it merely shows there the dollar amount as a result of his vetoes that remain in those bills and we do not have a figure as to what his total target figure might be beyond that. The second half of the sheet, this does not contain anything relative to the additional funds for state aid to schools because, obviously, that could not or would not be able to be handled within the existing level of the target figures proposed by the committee. So it does show, if it is the consensus of the body to stay within the total dollar amounts recommended by the committee for all appropriations excluding any comment on the school aid issue, it does show that there are three bills that we are suggesting to you, one of which has been enacted, that need to be enacted and the dollar amount of those which is the veterans trust fund, the health insurance premium increase, the miscellaneous claims bill, which is a total of a million, six, leaving \$2.5 million available for the allocation of remaining A bills. The list of...it amounts to \$2.7 million is an accumulation of those A bills up to last night that had already been enacted by the Legislature on Final Reading. Those with the asterisk are bills that have been signed to date by the Governor, and then the last grouping of \$3.7 million would indicate the bills including those that were read today that were on Final Reading. In addition to the bills listed here, there are other bills perhaps yet on General File that would add to that potential total. The figures will indicate to you that bills having been enacted and signed by the Governor or passed or on Final Reading amount to \$6.5 million, which assuming these other three bills are enacted, there is only \$2.5 million available within existing projections and with the target figures that the Appropriations Committee originally recommended. This is supplied to you so that over the weekend, I do not know whether any motion will be made today to override, but this is supplied to you so that you can perhaps arrive at some kind of a priority in your own mind if your overall goal is to keep the total appropriations within the suggested limits of the committee which also would reflect the existing projections by the Department of Revenue as to receipts. All of us are aware that the receipts are down now. I am not aware of any official change in those projections but they are below projections at this time. So again, without going into some other issues that I have commented on the last two or three days, which would be inappropriate as part of this report, this is offered to you, and if there are questions after we have adjourned, Mr. President, so we don't interfere with other progress, either I or any other members of the committee or any of the fiscal office will be glad to explain

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LB 561, 95A, 389A, 477A,
506A, 541A, 257A, 556A

in more clarity, with more clarity any detail on the sheet.
Thank you.

SPEAKER MARVEL: Thank you, Senator Warner. Senator Kilgarin, are you ready? There are seven bills that have no amendments pending so we are going to advance the bills. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 95A to E & R for engrossment.

SPEAKER MARVEL: The motion is the advancement of 95A to E & R for engrossment. All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. Next one is 389A.

SENATOR KILGARIN: I move we advance LB 389A to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The next one is 477A.

SENATOR KILGARIN: I move we advance LB 477A to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. ~~Next~~ one, 506A.

SENATOR KILGARIN: I move we advance LB 506A to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. Next bill, 541A.

SENATOR KILGARIN: I move we advance LB 541A to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. 257A.

SENATOR KILGARIN: I move we advance LB 257A to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. Last bill, 556.

SENATOR KILGARIN: I move we advance LB 556A to E & R for engrossment.

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LB 3, 234, 248, 248A,
366, 427, 427A, 561

eight o'clock which means you can come in at eight o'clock and not make too much noise and there will be a general turn-over and it won't really affect anybody too much.

CLERK: Mr. President, a communication from the Governor addressed to the Clerk. (Read. Re: LBs 3, 248, 248A, 366, 427, and 427A. See page 2077, Legislative Journal.)

Mr. President, Senator DeCamp would like to print amendments to LB 234 in the Legislative Journal.

SENATOR CLARK PRESIDING

SENATOR CLARK: I would like to announce Senator Remmer's guests, Merle Prior from Falls City, Gladys Koeppel from Auburn and Muriel Scott of Auburn. They are under the South balcony. Would you stand and be recognized? Senator Dworak has 26 fourth grade students from Highland Park, Columbus with two adults. Mr. Dennis Smith and Dale Brinkman are the teachers. They are in the North balcony. Will you raise your hands and be recognized please? Also Al Boettcher from Fairbury and Stephen Songster from Exeter, Mr. and Mrs. Boettcher are from Senator Burrows' District. He was the Speaker of the Silver-haired Legislature. Stephen Songster is from Senator Maresh's Office and he was a member of the Silver-haired Legislature also. I don't know where they are but will you stand and be recognized please? Welcome to the Legislature, all of you. The first motion under #5.

CLERK: Mr. President, Senators Dworak, Fowler, Stoney, Lowell Johnson, Cope and Marsh, pursuant to Rule 6, Section 4 move to override the Governor's line-item veto of the Department of Public Institutions, Program No. 424 - State Aid - Community Mental Retardation, including the final budget for each mental retardation region shown in Section 11 on pages 10 and 11 of the bill. (LB 561.)

SENATOR CLARK: Senator Dworak.

SENATOR DWORAK: Mr. President, colleagues, I find myself in a role this afternoon I am not too often in and that is advocating a veto override. I might mention the reason I am speaking instead of Senator Warner is that the Appropriations Committee was split on action or on the Governor's vetoes and Senator Warner voted in the minority. I might also suggest that I think many of those minority votes were not necessarily on the specific issues but rather in just a general philosophical approach to sustaining the Governor all the way across the board. My personal opinion is this seven hundred and seventy some thousand dollars that five

members of the Appropriations Committee have joined me in urging you to override the veto is critical to the mental retardation regions in the State of Nebraska. The point of the matter is is that in this state we have accepted a philosophy of a regional or community approach to serving mental retarded clients as opposed to institutionalization. I think it is much more humane. I think it is much better service and I think it has been a step in the right direction. Now we are not making that decision today. That decision has been made. That decision has been made. But on top of all the fine reasons that you can give, the bottom line is that it is more economical to serve these people in our communities rather than distant cold institutions. Now the Touche Ross study, and I suppose you can get any kind of study and come to any kind of conclusion that you may want to, but I think Touche Ross was an excellent reputation, and if you have looked at this study, you will know that it was done in great detail and very adequately covered the whole area of mental retardation services in the State of Nebraska. That study says that the cost to serve a client is on the average less than to serve the same client in an institution. Now we had taken these clients, these people, from institutions across this state and we have given the regions incentives to take them out but those are one time incentives. The thing we have failed to adequately take care of is that these clients after the first year still need to be served by the regions and that is what we have fallen down doing. Now another factor that I think we have to take into consideration is the fact that as we increase the workload, the service load on the regions federal dollars do not increase proportionately. They remain fixed. Title XX funds remain fixed. There is no automatic escalation as we serve more people. As a consequence, that means a greater burden of financial support must come from the state and from local subdivisions of government. Now the request that the Appropriations Committee initially submitted was for about a 15.3% increase and this was right in line with the recommended request given to us by the Department of Public Institutions. The result of the Governor's veto reduced this increase to 9%. Now several of these regions have traditionally been behind and one of the efforts and endeavors of the Appropriations Committee this year was to equalize the disparity between the various regions and I think we did a good job in doing that and we were very sensitive of this problem that has been with us for the past two, three, four years and this is not an easy thing to do. So we put the regions between themselves at a more equal basis and the Governor's veto resulted again in some greater disparities between the regions. I would urge the members of this body to very carefully consider our responsibility to these

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people less fortunate than us. I would urge this body to search our heart in that we have sort of committed to a regional concept, a commitment has been made. We have people in the regions that have not been there before. We have dangled a carrot, so to speak, before the regions as an incentive to pull these people into the various regions. Now I think it would be unconscionable if we didn't continue, if we didn't continue to maintain an adequate level of support. I urge you to support me in this effort and in this endeavor to adequately fund the mental retarded clientele of the State of Nebraska.

SENATOR CLARK: Senator Marsh.

SENATOR MARSH: Mr. Speaker and members of the legislative body, I rise to support the override for \$777,258. This was included in the amount of dollars which the Appropriations Committee presented to this body. This was included in the amount which this body adopted and sent to the Governor's Office. The Appropriations Committee did not see fit to recommend any of the other items as a committee action but we do have some strong support within the committee for this one item to override for funding of the six regions for mental retardation. There has been unequal funding of staff members between the areas and it was our attempt to try to equalize some of the disparity which had been in the past. These dollars were adopted by a large majority of this body when 561 was before us the first time. I am one of the members of the Appropriations Committee which feels that it is very important that this item for the mental retarded of our state be included in this year's budget. The removal of this amount of money will seriously handicap, handicap the areas, the regions, as they try to provide services for not only those who currently are enrolled in programs but the additional persons who have been in our public education facilities who have passed the age of twenty-one and will no longer be served in those facilities but still continue to need services of one kind or another which we decided should be met on a regional basis. We also have additional persons who have been residents in Beatrice who will be leaving the facility at Beatrice and moving into the six regions. Without additional funding the needs of those currently being served, the needs of those coming from Beatrice, and the needs of the mentally retarded who have until now been served by public schools will not have sufficient funds to provide services in all three categories. I urge your override of this item for the mentally retarded of our state so that each of the regions have the opportunity to meet the needs in that region for our citizens who are mentally

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retarded. Thank you very much.

SENATOR CLARK: Senator Goodrich.

SENATOR GOODRICH: Mr. President, members of the body, I rise in opposition to the override and I do that knowing full well what I am picking on, motherhood, but I do it and I want to explain why I am doing it. I do it not to attack or to decrease the personnel, the personal services or the service money to be given for the delivery of services. I do it because of the fact that I happen to be able to identify one lawsuit, for example, that has been settled out of court, another one that has been filed and currently pending, \$210,000. I can identify seven other lawsuits for a total of nine that give rise to very questionable personnel practices of the headquarters offices of both ENCORE and ENHSA. What they are doing is they are settling these lawsuits out of court so that they don't get any publicity on them. They are just literally taking money from the delivery of services section and settling these things out of court to keep the publicity down so as not to reveal the lousy personnel practices. I also know of some very questionable purchasing procedures that they have up there, one of which is they bought a cow. Another one is they bought a pig and they cannot to this day account for where the cow and the pig went. During the course of the summer months when these things started coming to my attention, I started questioning the office up there and you run across a stonewall. They won't give you any information. They won't tell you a darn thing. They just stall you off. The only way I can see for us to get them to listen and to tell us what is going on is a combination of two things. Number one, get their attention, let's not override this veto. We are increasing their general fund appropriation by \$3 million anyhow this year, for the coming year. This amount of money is not going to be a big factor to them but I will tell you one thing it will do. It will get their attention. The next thing I am going to be requesting, for example, and not here on this motion here, but I am going to make very sure that we get a state audit of at least Region VI's operation. I don't care about the rest of it. That is for other Senators to pay attention to and other Senators to watch over. But when we have questionable practices, extremely questionable personnel practices to the extent that they are literally wasting money, they are misappropriating money, and I say let's get their attention and then maybe we can mess with them. Maybe they will work with us to get that mess straightened out, and I was talking specifically of Region VI, not the other regions. So for that reason I am opposing the veto override. I don't do it for the sake of cutting services.

They are taking care of that themselves when they just literally take service money to settle lawsuits quietly. They take care of that part of it themselves. They are taking service money and settling lawsuits for it. They are taking service money and making questionable purchases. They are taking services money and opening up one or two private offices. They aren't satisfied to have offices in the main office. They have to have private offices in the district which, well, let your imagination take off on that one because it won't begin to cover what is going on. For that reason I suggest we not override.

SENATOR CLARK: Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, I rise to explain what I believe the financial situation is that the Legislature should consider as well as my own position on this particular override. Let me say initially that the committee thought...well, let me say first, the Appropriations Committee is not operating under a unit rule this year. In fact we agreed or at least we agreed not to act as a body in all instances. There used to be criticism of that occasionally. We have hung together quite well in any event but initially the Appropriations Committee set as a target figure for expenditures, a figure in the vicinity of general fund, all fund sources, as we deem it, of around \$732,500,000 on the expenditure side. In my opinion, this allowed probably somewhere in the vicinity of a million or so more than what was in the Governor's message to the Legislature but that is neither here nor there at the moment. I supported that goal as a total expenditure limit and still do. But based upon the sheets that were passed out to you last week, it indicated to you that after the Governor's vetoes there was around 4.1, almost 4.2 million dollars available for A bills, pending overrides and other legislation still before us. Out of that 4.1 million about 1.6 million of it was shown to be either a bill that was already passed or two bills that are about to be passed but all of which are necessary for the operation...proper operation of state government, leaving a balance of about two and a half million at that time within available receipts, within the available goal the committee has set and within available existing sales-income tax rates. We also chose as a body not to hold A bills until the final action has been taken but rather that the Governor should select, I guess, the priorities to stay within that limit and now I find myself in the position of supporting that limit and as a result supporting the vetoes because we chose to have that priority made there. We have enacted substantial, several million, over and above what is possible within existing

revenues, and on that basis I see no choice but to continue to uphold vetoes where they are going to occur. There further is no doubt in my mind that whatever vetoes we override that there will be a like amount vetoed in some A bill, if indeed the Governor meant what he said when he would exercise his constitutional authority to stay within what he has set as his limit but the limit which I concur with is the one that will maintain existing sale-income tax rates. I understand that the receipts of the state on a gross basis, gross receipts, as of the 30th of April was about \$24 million below projections. Now I hasten to add that is not the net and the net will be decreased, will be something less than that I am quite sure but I do not (interruption)...

SENATOR CLARK: You have about forty-five seconds left.

SENATOR WARNER: ...I do not have a figure to indicate that. Finally the whole issue that has been discussed numerous times, the impact of federal funding changes is going to affect this area as well as a whole host of others and I do have a concern because I anticipate that most certainly in community retardation services, there are going to be changes in Title XX funds before the year is over and that the state is going to find themselves looking at a rearrangement of those funds to communities in total as well as between districts and, again, it makes some sense perhaps to hold back any expansion at this time until that is resolved, and one final point, there is \$750,000 in the budget to continue the care for those persons that have been taken out of Beatrice this current year and placed in community facilities as well as an additional \$850,000 for continued movement for the coming year.

SENATOR CLARK: Your time is up, Senator Warner. Senator Burrows.

SENATOR BURROWS: Mr. Speaker and members of the Legislature, I did not have a strong feel on this issue but I do want to correct some of the arguments in support of the override. The Touche Ross report was quoted as to the effect that the community services for severe and profoundly retarded were cheaper than those at the Beatrice Developmental Center. Now there were some real fallacies in that report because they took a direct comparison with selected personnel from the Beatrice Developmental Center who were selected out on the ease they could be taken care of, the lack of emotional problems, the lack of physical problems and then made a direct comparison, put into comparison cost-wise to the residual population, those residing and staying

at the developmental center. Anyone that has any common sense in making comparison of figures does not pick out a select group and then make with a group that they picked to be easy to care for, a group they pick to be least cost to care for and then compare that back directly on cost of services to the Beatrice Center and that is exactly what Touche Ross did. Then a second point, on medical cost that they used projected for the regional cost for the future projections on severe and profound, and I am talking about a group of very fragile people, high epilepsy rate, majority epilepsy rate, majority carrying cerebral palsy, putting a projection that costs less than what my family pays for medical insurance with none of us fragile people, none of us with presently or projected in the immediate future any medical cost. Now this is sheer fallacy and that should have been corrected before the report was ever approved. A third factor that is a total flaw of the report was the fact that when that Touche Ross report came out it made comparison of cost structures, some at Beatrice with very severe continued hospitalization cost, it made a comparison with a community cost back with the institutional cost without incorporating the cost factor that was pushed on the Beatrice institution in the rising cost by depopulation, and to come at what the state is putting out in total, in total budget, without any shenanigans, you have got to consider the total cost factor of all considered. Now I have to raise a lot of questions on this budget cut and I haven't really talked in detail enough with the Governor's Office yet to have a firm opinion but he states, the arguments the Governor's Office come with are that these are coming from the higher costs of services on a given clientele in relationship to the other regions. If that is true, I really don't see how we can afford to override the veto. I would like to hear some arguments directly as to the proponents of the override as to where that money is going to come out of the budget in Region VI, and hear a little more detail. I am still somewhat open on this measure but I do not like to see the arguments of the proponents of the override coming and making it an issue of the Beatrice versus this region. I am basing these arguments on fallacy that existed in the Touche Ross report where they were unrealistic on medical cost, where they made direct comparison of noncomparable groups...

SENATOR CLARK: You have one minute.

SENATOR BURROWS: ...and where they did not consider the rising cost of the Beatrice Center directly related and attributable to the shift of population and the reduced population and the steady load of fixed costs existing there. Thank you.

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SENATOR CLARK: Senator Wesely.

SENATOR WESELY: 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, all those opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Voting on ceasing debate. While we are waiting for that vote, I would like to announce some guests of Senator Wagner under the South balcony, Brenda Perry from Lincoln and Mary Jo Rassmusen, daughter of Dennis Rassmusen, also from Lincoln. Will you stand and be recognized, please? Welcome to the Legislature. Record the vote. Did you record the vote, Pat?

CLERK: 26 ayes, 7 nays to cease debate, Mr. President.

SENATOR CLARK: Debate is ceased. Senator Dworak.

SENATOR DWORAK: Mr. President and colleagues, I think the arguments were fairly presented. Senator Goodrich raised similar concerns in the committee. We talked with Senator Goodrich at length as to specific instances, specific allegations, specific charges, but as on the floor today, generally we were answered with generalities. Now I am inclined to believe my good friend Senator Goodrich and I think we need to take a look at the situations, specifically in Omaha, and I would be willing to do that this summer but I think we need to remember that this money goes to regions other than Omaha. There are clients in other communities in this state as well as the City of Omaha. There are clients in Norfolk, Wayne, Scottsbluff, Hastings, Lincoln, other communities and other regions that need to be served. Senator Von Minden and I attended a meeting this summer between Region IV and selected school administrators as to which organization was going to provide essential services, both being in dire straits for money. You know it boils down to the bottom line as to where are our priorities. You know, is it gymnasiums, and there is nothing wrong with gymnasiums, or is it handicapped people? Are we people of our word when we say that you shall do this and encourage them and give them incentives to do this and then not provide the ongoing funding? I don't believe so. I think we will stay with our word. Now it is my understanding again in the Omaha situation that there is one lawsuit pending now and that lawsuit has not been settled and I think anyone on this floor knows the sensitive and complicated subject material we are talking about there is bound to be allegations and there is bound

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to be differences of opinion and there is bound to be some legal hassles. I can't speak for all regions but I know Region IV in Wayne last year the Governor vetoed \$240,000 out of their budget, this year \$140,000 out of their budget, in addition to an attempt to close the Regional Center in Norfolk. Now we can't stand in our region a multitude of shots like that and I am sure other regions have similar stories. I think we have a commitment to this program. We have a commitment to these people, to these clients. We have a commitment to the parents of these clients.

SENATOR CLARK: You have about forty-five seconds.

SENATOR DWORAK: And a way to meet and fulfill and complete this commitment is to support this particular veto override and this is the only, this is the only override that the Appropriations Committee will support this year.

SENATOR CLARK: The question before the House is the adoption of the motion by Senator Dworak for the override. All those in favor vote aye, all those opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Senator Marsh.

SENATOR MARSH: Mr. Chairman, I am going to ask for a Call of the House since we are not under Call at the moment.

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

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

SENATOR CLARK: We are under Call. All Senators will register in please. All unauthorized personnel will leave the floor. We should have forty-nine. There is no one excused. Would everyone register in please? Senator Howard Peterson, Senator Lowell Johnson, would you register in please? Senator Schmit. Senator Haberman. Senator Nichol. That is the ball of wax. Call the roll.

CLERK: (Roll call vote taken. See page 2078, Legislative Journal.) 28 ayes, 19 nays, Mr. President, on the motion to override the Governor's veto.

SENATOR CLARK: Motion lost.

SPEAKER MARVEL PRESIDING

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LB 529A, 234, 389, 544, 561

CLERK: (Read record vote as found on page 2136 of the Legislative Journal.) 42 ayes, 4 nays, 1 excused and not voting, 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading.

CLERK: Mr. President, Senators DeCamp and Maresh move to reconsider the body's action on failing to pass LB 234 yesterday.

Mr. President, Senator Kremer would like to print amendments to LB 544. (See page 2137 of the Legislative Journal.)

Mr. President, Senator Koch moves to override the Governor's line item veto of the state aid monies as set forth in LB 561.

Mr. President, I have a reference report from Senator Lamb referring a gubernatorial appointment for confirmation hearing.

Mr. President, that is all that I have, Mr. President.

SPEAKER MARVEL: Okay, are we ready for item #6? Senator Wesely, do you wish to be recognized on item #6? Okay.

SENATOR WESELY: Mr. Speaker, members of the Legislature, there is a motion pending to return LB 389 from Final Reading to Select File for a specific amendment. That amendment is an amendment cosponsored by Senator Schmit and myself, the cosponsors of this bill to delay the operative date of this bill, LB 389, which provides for disabled family members to be served in their home. This program would be delayed until July 1, 1982. This would effectively eliminate the need for an A bill this year and this provision in this amendment is one which has been worked out in cooperation with the Welfare Department and with the budget office. I think you have on your desk a handout that was presented by me. It is a letter from John Knight to myself concerning LB 389 and his support for the concepts and aims of that legislation. He talks a bit about the Minnesota program. I would urge you to take a look at that. Also attached is a sheet showing some of the cost savings. There were questions before about, well, can you be more specific on cost savings on this program. The handout will give you some idea of where we can save money depending on the certain facilities we are talking about in providing that assistance. So I think it clearly is a program that has a lot of support. The concerns that were in the past was the fact that we just did not have the money this year with the budget as it was and so we are asking to delay implementation and, thus, not have any need for an A

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LB 466, 12, 184, 477,
477A, 561

Since this was printed as a Final Reading bill and it has been returned now, it is going to have to be reprinted again. So I just call that to your attention and I want it made a matter of record. Thank you.

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

CLERK: 28 ayes, 7 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: Motion is carried. The bill is advanced. On Final Reading. LB 477. The Clerk will read.

CLERK: Mr. President, if I may right before that, Senator Warner would like to have a meeting of the Special Legislative Working Group on Federal-State-Local Fiscal and Program Policy.

Senator Beutler moves pursuant to Rule 6, Section 11, to override the Governor's veto of LB 12.

I have an Attorney General's opinion addressed to Senator Wesely on LB 561; and Senator Schmit on LB 184.

And I have a report, Mr. President, of session employee expense to be inserted in the Journal. (See page 2181.)

(Read LB 477 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. Have you all voted? Clerk, record the vote.

CLERK: (Record vote read. See page 2182, Legislative Journal.) 43 ayes, 4 nays, 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read LB 477A.

CLERK: (Read LB 477A on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 477A. Have you all voted? Record the vote.

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LB 497, 561

with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. 497 on Final Reading. Have you all voted? Record the vote.

CLERK: (Record vote read. See page 2186, Legislative Journal.) 46 ayes, 1 nay, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. We go down to item #5 on motions and the first order of business under motions is item #2 which has to do with LB 234, a motion to reconsider. Okay, the first motion to override will be taken care of by Senator Fowler and Senator Vard Johnson.

CLERK: Mr. President, Senators Fowler and Johnson move pursuant to Rule 6, Section 14 to override the Governor's line item veto of the Department of Roads Program #305 - Assistance to Local Transit Authorities found in Section 13 on page 14 of the bill.

SPEAKER MARVEL: Senator Fowler.

SENATOR FOWLER: I would like to pass over that and get to some bigger ones first.

SPEAKER MARVEL: Is that your request?

SENATOR FOWLER: Yes, I would request that we pass over that temporarily.

SPEAKER MARVEL: Is there an objection? Hearing no objection, we go to the next item.

CLERK: Mr. President, the next motion is from Senator Koch. Senator Koch would move pursuant to Rule 6, Section 14 that the Legislature override the Governor's line item veto of the State Department of Education, program Number 143, State Aid and School Food Service and Reserve Teacher Act contained in subdivisions (b) and (c) of subsection (1) of Section 5 found on pages 3 and 4 of LB 561.

SPEAKER MARVEL: The Chair recognizes Senator Koch.

SENATOR KOCH: Mr. Speaker, members of the body, we know this subject very well and I would remind you that each year it always comes down to the final days. This is always one of the final considerations. It is appropriate, I think, to recall the Governor's State of the State's Address to us in January when he took great credit for the fact that last year

the Legislature was able to provide \$40 million of tax relief plus the fact that the State Board of Equalization had been able to return to the citizens of this state over \$60 million of taxes because of a reduction of corporate income tax. Well, I think this is very noble but I am also bothered by the fact that the Governor did see fit to suggest that at least we should give to the schools a seven percent increase to try to minimize the cost of inflation and cost of doing business. Last year according to the Nebraska State Tax Research Council when we provided back to the schools the \$40 million there was indeed a reduction of property taxes but I submit to you with what we see at the federal government level in a letter I handed out to you this morning, you are going to see a considerable burden of responsibility placed upon the schools to carry out programs unless they are willing to completely dismantle them or forget them or cut staff. Now I remind you when you cut staff you are dismantling a program right now. The public schools are like a major business in this state with a product that we always consider to be very precious and the job is to educate every child to the best of their ability to learn to become a productive citizen. It is very interesting to me that every year we stand here and I wish you would recall this. Last year we were debating \$60 million to state aid. There were those who said we don't have it. It is not there. It has never been there since I have been here and yet we constantly end up with surpluses and constantly we cut back and then we take great credit for the fact that we gave back to the people some dollars in corporate income tax. And I would submit to you that this may trigger an increase. It may but I am not sure it will trigger an increase. Last year if we'd have given \$60 million back, and we all know we can now, because some way or another we were deceived about the surpluses, we probably could have foregone this effort this year but some way or another they have magically found money to return to people, didn't they? And you all know this. So they become heroes and one more time you and I become the victims and all the time, and I remind you of this since I have been here, the Legislature has assumed the responsibility, absolutely assumed the responsibility to try to reduce the burden upon property taxes for the cost of public education. We seldom get that credit and I often say to my friends outside, if it wasn't for the Legislature, I wonder where public education would be in terms of its problems. We solve those problems financially and every other way. I think it is time for bold action again on our part to say to the public schools we will try to minimize the ravages of inflation, we will try to minimize the increased cost upon property tax. We can't do it all but at least we are going to show you that we are acting in good faith to the best of our ability.

So if the \$20 million triggers it, what happens? You roll back one percent of income in corporate tax. That is all you have to roll back because that brings in over twenty million dollars and that is a fact. So it is time we recognize, you can go home and tell your people we did this to help relieve the burden of property taxes. And it will happen. I just gave to you a handout. I see where the Governor likes polls and I want you to see this one. This is just hot off the press. It was conducted by the Bureau of Sociological Research, Department of Sociology, University of Lincoln, Nebraska, and there were over 1800 people who were polled, and that is a good sampling. That is an excellent sampling, and let me state to you very quickly what they say. They believe education to be a very important part of our whole effort in this state but they say this, the one tax they want to cut most, that is property tax, 64% of them say that; and they say sales tax, 15%, that is the least concern of theirs; and income tax, 20% said they would like to see that cut, that is another least concern. But their major concern is the heavy burden upon property taxes, and if you look at that, I think we can justify an increase, if we have to, of sales or corporate income tax and give to the schools at least a part of the money they are going to need and try to reduce, as I said before, the call upon the property tax. We started on it, and if we step aside this year, we have made no progress in trying to reduce the call upon property tax. We will have lost everything we gained last year and I don't think that is good fiscal business. We made a commitment that we were going to try to at least keep it even, and if we should do this, I think our commitment is being kept. And I remind you of one other thing, when 318 was on General File, that bill called for about six million dollars fiscal impact for vocational education, gifted education, and English proficiency. There were those who said to me afterwards, if you will strike that section I will support you in getting general aid to public schools and I want you to remember that. There were those of you who said to me if you withdraw your amendment on 284 where I wanted to put \$41 million into the school aid formula, I will help you get general aid and I did that. There are some of you said to me, if you will help us a little bit at Ag College and become less vocal, we may help you a little bit later on. I remember those things and I submit to you today this is the moment of action. Let's put \$20 million into state aid, bring it up to \$105 million or \$115 million. LB 33 several years ago would have given us \$115 million this year, but the people by initiative repealed it. We'd have been there so I suggest to you that we will get to \$115 million where we should have been a couple of years ago, and I ask you and

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respectfully request you to support the \$20 million override.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I just wanted to make one short point in support of Senator Koch's motion. Please keep in mind that now is the time when we should be shifting this taxes and the reason that now is the time is because we have a lid in place, and despite the fact that the current bill is past the first stage of debate, we will have the lid in place next year also, and because the lid is in place, we can be sure that it will be a tax shift and a property tax relief measure and not a tax increase. Once the lid goes, should it ever go, it is going to be much more difficult politically to ever get the job done of reducing property taxes. So I think we should be making hay while the sun shines, in a sense, and doing this now, doing the job now when we can go back to our constituents with confidence and say we are not giving them more state aid so they spend more, we are giving them more state aid so it reduces your property taxes. Let's do it now and not lose the fine opportunity that we have had last year, this year and hopefully for a couple more years into the future to get this job done. Thank you.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. President, members, I, too, rise to support Senator Koch and this motion and it is much for the same reasons pointed out by Senator Beutler. I would point out, however, that if we do not do this, if we do not increase the amount of the funds to the public education from the state, then the property taxes are inevitably going to go up. They are going to go up regardless of how fiscally conservative those local elected officials on the school boards might happen to be because they won't have any choice. As we all know under the inflationary times that we are in, they are by essence going to have...it is going to be essential that they increase their budgets probably to the full amount of the lid, the seven percent. Now when they increase it by seven percent and all of that increase has to come from the property taxes, obviously the property taxes are going to have to go up much more than the seven percent. I still contend, as I've contended many times before, that my constituents, at least, and I think it is true across the state as the information pointed out handed out by Senator Koch, that people view the property taxes as the most hated form of tax, and if it does trigger an increase in the sales-income tax, my constituents are ready for that, if it will

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in turn keep their property taxes down. I would, however, like to point out also that Senator Koch sent around a letter this morning that I think is a very good letter and a very well written letter and it points out the fact that we are going to have to be serious about how we handle education in this state in the future. It also points out how serious we should be in the fact that education of our young people is a very, very important aspect that we should be looking at. I wonder if Senator Koch would respond to a question, Mr. Chairman, please.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Yes, sir.

SENATOR VICKERS: Senator Koch, in this letter, in the front page in about the middle, you use the word "triage". Could you explain to the body what that word means? Some people might not know. At least I didn't know until I looked it up and I think it is a rather good choice of words in this particular letter.

SENATOR KOCH: Yes, it has its background in the French and it pertains to battlefield casualties and you classify them in terms of Class I, II and III; Class I being those who are...just have minor injuries; Class II as having a little more severe; and Class III being critical and that is what I meant there and you read the next paragraph you will find out it is critical and that is what I intended to say. Thank you.

SENATOR VICKERS: Thank you, Senator Koch. I would indicate to the body that what we are dealing with here is also critical. I think the young people of this state, the educational opportunities provided by the local schools is not something that we can put down on as a low priority in the battlefield casualties that we are going to have as a result of cutbacks of the taxpayers' money. I think the taxpayers expect us to be very conservative but at the same time I think they expect the quality of education to remain high when you consider the future of the State of Nebraska and the future of this entire nation depends on the education of those young people. Thank you, Mr. President.

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

CLERK: 12 ayes, 17 nays to cease debate, Mr. President.

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SPEAKER MARVEL: Motion lost. Senator Wesely.

SENATOR WESELY: Mr. Speaker and members of the Legislature, I would like to reiterate a couple of points that I think Senator Koch and Beutler made that are very important. Number one, the key is the lid question that Senator Beutler raised, that it is important that if we are going to increase state aid it should come at a time we have a lid and I think that at this point it seems doubtful that we will repeal the lid this year. So this is a good time and a good moment to increase state aid and, thus, with a lid see that result in direct reductions of property taxes and I think that is what the people of this state want. Second, all Senator Koch talked about the last couple of years, this is my third year down here, and every year we have a state aid proposal that comes up, the Governor always vetoes it, and it sounds very good and everything sounds wonderful, and then we find our revenues are much greater than we projected, and even if we would have approved that state aid increase or even when we did approve the state aid increase, it didn't result in higher tax rates for the State of Nebraska. That has been the pattern. I don't know if it will be the pattern again this year but it seems as though every year at the end of the session we face the question of, are those projections accurate? Will they be reflective of the economy in the coming year? Will they be as bad as they sound or will they be better? In the last couple of years it has held true that what they say they are going to have in terms of revenue has always been less than what actually results. Now that may change and, of course, we're all optimistic about this year but I think it is quite clear that we have been able to increase state aid in the past without increasing state tax rates and I think that is something that may happen again this year. It is a pattern and it is one that I think will happen again. So I think that is a good point. I think it is also important to remember the fact that Governor Thone has decreased our income tax rates just this last fall by two percent. Now I showed up at the hearing and I opposed that move. I opposed reduction of the two percent in the income tax rate and I did that saying that you could reduce by one percent the tax rate and I supported that, but if you can stop from decreasing it that second tax rate point, you will be able to save enough money, you will be able to have money in the treasury so that when we meet this session this year we can do some things that we need to do in terms of property tax relief and in terms of the food sales tax credit, and I said at that time if you will just hold off, you will find it to your advantage and you will see in the next session that will be a very prudent move to make. Of course, they ignored my advice. I expected that and we are in the

situation we are in. Now if they had not cut the tax rate by two percent, we would have been in a situation that did a couple of things. First off we probably could have afforded without any doubt whatsoever this state aid increase and realize for sure that there wouldn't be any problem with the tax rates. Also we probably could have kept the food sales tax credit up there to the \$3 increase which the Governor again has vetoed and which I think we will discuss in a few minutes. So my feeling is this. The Governor has talked about tax rate reductions. He has claimed all the credit for it, but when we talk about other types of property tax relief and other tax relief, such as food sales tax credit and such as the state aid proposal, well, it is the Legislature that should be taking the bows, that we are the ones that have tried to provide property tax relief and we are the ones that are trying to provide food sales tax relief and I think that we should stand up and be proud of the fact that we have been the one to stand up for those sort of tax relief measures. And again, I would say that is something the people of the state want. I think they want property tax relief and I do think that they want to see food sales tax relief. Both of those issues can be done but they also have to realize that there is no free lunch anymore and I have done a poll where I contacted constituents in my district and I said, "The choice is this. Would you want your sales and income tax increased in order to reduce your property taxes? It is no other option, really. You are going to have to pay for it someday and would you be willing to do that?" And close to two-thirds of my district said "Yes, we are ready to face that tradeoff." And I think that that is something that most people, if they understand the circumstances, would agree to. So I rise in support of the \$20 million increase and I know that perhaps next year when election time comes around all those of us who supported as I did last year, as you recall, will use that as "big spender" type of campaign gimmick, and they will get out and they will use that against some of us who vote for this motion as overriding the Governor's veto and we are "big spenders" and we are the "bad guys". Well that is not the case at all. We are the ones that are trying to stand up tall and recognize the fact that the people of this state don't like the high property tax rates we have and that our income and sales tax rates probably can handle this increase in state aid without having to be adjusted, but if they do have to be adjusted, that is probably a tradeoff people will want to make. And so I think we ought to stand tall and support this amendment and support this motion to override the Governor's veto and I think the people of the state will benefit and thank you for it.

SPEAKER MARVEL: Senator Marsh.

SENATOR MARSH: Mr. Speaker and members of the Legislature, we are talking about how you will pay the tax not whether you will pay the tax and there is a big difference. Yes, we will pay the tax but what form is the best form? The constituents in the 29th Legislative District each of the three times I have run have said to me over and over again. "Property tax is not a fair basis. It does not indicate an ability to pay. Owning property does not mean that you have sufficient income to pay a continuing spiraling tax on property. Income is a fair criteria for paying tax." It would be the goal for me to encourage increases in sales and income tax at the time we are lessening the collection of taxes from property tax. The same amount of dollars are going to be spent. Education is an investment in the future of our state. It is a needed investment in the future of our state, but increasing the reliance on income or sales is a better way to collect the needed tax dollars than increases in property. Without the override on this particular motion, you in effect are saying to your constituents, "You will have an increase in your property taxes this year". With your vote to override on LB 561 for state aid to education, you are saying loud and clearly to your constituents, "I believe that property tax should not carry such a high percentage of the total tax dollar. I believe we need to move in the direction of a balance for the three major forms of taxation in our state." A vote for the override is a vote for the consumer. A vote for the override is a vote for the majority of your constituents, for a majority as proved by poll after poll, and we have the latest one right here which Senator Koch presented to us has indicated that the most objectionable form of taxation is the property tax. The one the people desire to have cut first is the property tax, and unless we override, we will do the reverse. We will increase the property tax. I urge you to support this override.

SPEAKER MARVEL: Senator Warner, then Senator Cullan.

SENATOR WARNER: Mr. President, I rise to oppose the override attempt. Last year I made a commitment, well before the session, I would support a \$40 million increase and did irregardless of the effect it might have on rates. This year my personal position was to support a total state budget that could be done within the existing tax rates. As we were doing all of the state operations within the Appropriations Committee the constant policy that prevailed was to do a budget for state operations that could be accomplished within existing tax rates, existing receipts. While I would readily acknowledge that much of what has been said in view

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of rising property tax, that there is a great deal of reluctance, I think there is reluctance for all increases. I would take the position that if the goal is to be a visual aid to the public of reduced property tax by increasing state aid, you do not do it with \$20 million. All that happens with that amount with the cost increases that are legally possible is that the increase in their property tax is less but that really doesn't register as a savings unfortunately, and I speak with some bitter experience from that point going back to 1967, and I think I understand that very well. I also will repeat one more time the argument that has me more concerned than all the others, and that is that the obvious significant changes that will certainly effect local education in federal programs that we can anticipate next year there is going to be significant changes required in a variety of areas including aid programs of all kinds and I just don't feel that this is the time to make those changes. As we have been voting in recent days, we have been adding a little here and adding a little there which as the famous Congressman that one of these days, you know, we are going to be spending real money in this body. And I think that the time has come regardless of the merit of issues, the lid, if we can live with one, has to be put on and I reluctantly request that you do not override this veto for all the reasons that I have listed because as a matter of policy this year I think that is the route that we have to go.

SPEAKER MARVEL: Senator Cullan and then Senator Kahle.

SENATOR CULLAN: Mr. President, members of the Legislature, I call the question.

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

CLERK: 28 ayes, 1 nay, Mr. President, to cease debate.

SPEAKER MARVEL: Debate has ceased. Senator Koch. Senator Koch, you are recognized to close.

SENATOR KOCH: Mr. Speaker and members of the body, I understand Senator Warner's concern and there is no person on this floor that I know that has worked harder in the area of school aid and I understand that he has a point now he wants to preserve, but having been in this body quite awhile, I guess I have learned to be a riverboat gambler and that is why I am wearing this outfit today. I have another amendment up there to go for \$10 million but I

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will not bother you with that. I am going to take one shot, this \$20 million or nothing. We will see how bold we are. At least \$20 million will help diminish the call. And let me say this in conclusion, if the schools take their seven percent, and they will, they have no choice, as Senator Kahle just visiting with Senator Wesely, and Senator Eutler had indicated, the seven percent lid is going to be with us. The Governor has told us there is no way we can touch that baby in 352 and he will veto it. We may have 26 votes but that is it on that one and so all we are going to be able to do on that bill is send it over and say the subdivisions of government will be exempt from those federal dollars they are going to be losing so that they can try to get the money somewhere else when they have to try to make up that difference. And let me give you one example. It is a fact that I sent that letter out this morning and this is all the fact now on education on the federal level, and the effects in one instance I am going to give you will be in many others as well. Papillion Public Schools, because of reduction in PLH74 monies which is federal impact, will lose \$830,000. Now there are other schools that get some of this money as well but not to that point. Now where will they get that money? I don't know. They are going to cut off the property tax but if we can help here with \$20 million we will help cushion that to some degree. So my challenge to you is one shot, \$20 million. Let's see the buttons. Let's roll the dice and see if we if we can make something happen either for the advantage of us or for the disadvantage. But when we look at \$38 million increase in property taxes, at least twenty will cushion it if we give it to the schools for that purpose. I ask you to support the override for \$20 million. Thank you.

SPEAKER MARVEL: Do you want to read the motion?

CLERK: Mr. President, the motion offered by Senator Koch is: (Reread Koch motion as found on page 2186 and 2187, Legislative Journal.)

SPEAKER MARVEL: Those in favor of that motion vote aye, opposed vote no. Have you all voted?

SENATOR KOCH: Mr. Speaker, I would like to have a record vote.

SPEAKER MARVEL: A record vote has been requested. Record.

CLERK: (Record vote read. See page 2187, Legislative Journal.) 17 ayes, 21 nays, Mr. President, 1 present and not voting.

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SPEAKER MARVEL: Motion lost. It is my privilege to introduce a guest of Senator Stoney's in the South balcony, David Hazell from Omaha. Would you raise your hand so we can see where you are? A guest of Senator Vickers and Senator Wagner, Paul Liessl from Cambridge and Wilbur Calvin of Ord, in the South balcony, underneath the South balcony. From Senator Beyer's District 39 fourth graders from Trumble Park, Papillion, Nebraska. And from Senator Sieck's District 16 fifth and sixth graders from St. Johns Lutheran, Waco, Nebraska, Dave Pobanz, instructor. Do you have other items to read in before we recess?

CLERK: Mr. President, I have nothing further.

SPEAKER MARVEL: Senator Newell, will you recess us until one-thirty?

SENATOR NEWELL: Mr. President, I move we recess until one-thirty.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. We are recessed until one-thirty.

Edited by:


Mary A. Turner

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LB 389, 396A, 548, 556A,
257, 257A, 273, 273A,
346, 477, 477A, 497,
529, 529A, 541, 541A, 561

389 and find the same correctly engrossed, 396A correctly engrossed, 548A correctly engrossed, 556A correctly engrossed. All signed by Senator Kilgarin.

Mr. President, your legislative bills 273, 273A, 346, 257, 477, 541, 541A, 497 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I'm about to sign, and do sign, LB 273, re-engrossed LB 273A, re-engrossed LB 346, re-engrossed bill 257, engrossed LB 257A, engrossed bill 477, engrossed LB 477A, engrossed LB 541, engrossed LB 541A, engrossed LB 497, engrossed LB 529, engrossed 529A.

We are still under item number five, motions, and the Clerk will read the next motion.

CLERK: Mr. President, Senator Newell has the next motion, but he has not yet arrived.

Mr. President, Senator Fowler and Vard Johnson have a motion I understand they want to withdraw.

SPEAKER MARVEL: Senator Fowler.

SENATOR FOWLER: There will be an effort to return the claims bill so I think we will try that avenue again. So, I'll ask unanimous consent to withdraw this motion to override the veto on public transit.

SPEAKER MARVEL: Hearing no objections so ordered.

CLERK: Mr. President, the next one I have then is from Senator Chambers. Senator Chambers would move to override the Governor's line item veto of the ADC appropriation contained in LB 561.

SPEAKER MARVEL: Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature this is an issue which we have discussed from time to time this session. It is one of those highly emotional matters and it is difficult to handle an emotional manner in an unemotional fashion. But on the chance that I may get carried away in trying to maintain my cool, I'm having sent around to you a one sheet statement of what it is that I am attempting to do. The amount of money which is involved and the

difference between what the Governor allowed to go through, with his line item veto, and the amount that I am seeking to reinstate by overriding that line item veto. I will state for the record the amounts involved. Currently one parent and child will receive \$270 a month, which is hardly a gold mine. Each additional child would be allowed \$65. Now, I have told you repeatedly that last year LB 789 was passed and it set a maximum for ADC of \$293 for a parent and a child and \$71 for each additional child. The Governor line item vetoed half of the amount that was appropriated to meet this figure. What I am attempting to do, by seeking this override, and what a majority of you agreed to do by adding it to the appropriations bill is to put the second step of that two step procedure into place now. If we override the Governor's line item veto we will put into the ADC appropriation an amount that was authorized last year. That amount would be again \$293 for a parent and a child and \$71 for each additional child. At the bottom of the sheet that I handed out to you, there are some statistics or figures or information which was provided by the Nebraska Department of Public Welfare. Some of them you may find interesting because it does not give a picture such as the one traditionally adopted relative to a family receiving Aid to Dependent Children assistance. The average amount of time for example that a family in these circumstances will stay on ADC is less than two years. One point eight-tenths of a year. The number of children in the family is less than three or fewer than three. In a lot of instances a mother will accept ADC most reluctantly and it is just a stop gap between abject poverty and a set of circumstances where she would be in a position to earn a decent amount of money to take care of herself and her children. Many of these women have not had children in a way that some of us who are highly moral would condemn, that is without the benefit of a husband, although there was the benefit of a man who may have skipped out. A lot of these mothers are divorcee's who have been deserted. So there is no moral culpability on them which accounts for their sad circumstances. One other fact that I think you ought to consider strongly, is that in the ADC program in Nebraska, there was found to be, where fraud is concerned, less than 2%. You can't beat that anywhere. There could be a greater amount than 2% lost through careless administration or mistakes. So this is not a program that is shot through with fraud. It is not making anybody rich. It is not doing anything other than trying to help people who are in a position where they can not help themselves and their children. The \$293 amount is not adequate to meet what the standard of living should require. While I have this moment to speak

I want to say again on this issue what I said the other day in another context, Senator Howard Peterson had made the statement that some of these people could prepare gardens. I responded that that is kind of cold, when these people don't have any land. So he was castigated for that statement. But what was not mentioned or noted by enough people that Senator Peterson voted for the ADC appropriation. So, I think his act erased anything that his words may have conveyed. When time came to do the thing that was necessary to help these children, Senator Peterson did it and I'm encouraging him to stand firm and do it again today. Now, when we deal with a program like this, we have an opportunity to do away with cynicism. When we deal with issues like abortion we will often assert humanity and concerns of humanity. Then when a bill comes up that deals with reality we will deny the human needs that these people have. I believe that the day that the amendment was added to the appropriation's bill on the floor to put the amount at what I am trying to put it at now, there would have been enough votes then to override the veto, should one occur. But it was unnecessary to go through all of the Calling of the House and taking a roll call vote, otherwise we would have had. . . obviously we had over 25 or it wouldn't have been done. I'm hoping those who did that righteous act that day will stand firm and others will join in on this issue. There have not been a lot of veto overrides which would trigger a tax increase of any kind. The total amount involved in overriding this line item veto is \$1,700,000 hardly a budget buster. So since we are now given an opportunity to establish our priorities, and show by a vote what we think is important, I hope we will take that opportunity and override the Governor's line item veto. There are situations confronting children in this society now which we are powerless to do anything to stop completely. All we can do is try to mitigate the terrible conditions that they confront. Maybe no child would understand the ramifications of an ADC measure like this, but a child would certainly understand if he or she was taken by the mother to rent a place and there was a sign that said, no dogs, cats - or children. Or an even worse sign, and these things exists, pets allowed but no children. It is giving the impression that the children are the enemies and grown people are at war against our own children. That should not be the case. I hope that you will give this poultry increase. It is not remember reaching the level that would have to be reached to have kept up with inflation since the last time an ADC increase was granted. And, even if the amount that we granted last year will be increased to the amount that I'm talking about

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now, it is inadequate. I don't see enough senators here to satisfy me, but I'm hoping that others will speak in favor of this proposition and perhaps more will come by the time we take a vote.

SPEAKER MARVEL: Senator Howard Peterson.

SENATOR H. PETERSON: Mr. President, members of the body, Ernie, you are right, I did vote with you the other day. I wasn't too happy about the editorial in the Star, I appreciated Carol Pirsch putting out an item from the Christian Science Monitor stating what is happening in Britan, I have reproduced that again for you folks who are here today to show that it is possible for a garden program to work. I believe that it would work in north Omaha, I see no reason why it wouldn't. I have talked with the Horticulture Department here at the University, they tell me there is a full time horticulturist at the Extension Service in Douglas County who would be happy to work with you and along with the county agent and home agent. I also put out for you the information of how much money a garden plot 22' x 30', and if 22' x 30' isn't any larger than what we have here in the front area, a garden plot that size would save a family \$460 a year. Now that comes from the magazine from National Gardens and you can read that for yourself. I present it to you as facts, what is happening. The other thing I think you need to look at what is happening in the garden area as far as where gardening is taking place as far as age groups is concerned. Then one that I thought was rather interesting is that if people garden they also seem to save in other areas. They learn to turn their thermostat down more, if they are gardening. They apparently turn out their lights more if they are gardening. They get along with lower water heat temperatures in their water. They get along with less driving. They heed the 55 MPH speed limit, Ernie more, if they are gardening. So I would encourage by all means the... Ernie that you visit with your people in north Omaha, you have got a new city council now, a new city councilman, I can't think of a better project for the City of Omaha than to start out in the gardening area. I would say this: If you need to know something about a program of that kind, just go across the line to Council Bluffs and talk to the bank over there. They had a gardening program of this type a number of years back and it was very successful. I would just encourage that type of thing as an answer to this particular problem. I think it would be good for all of us. I know Ernie says there isn't any land over there.

But, I can guarantee you wherever there is a house there is enough land to grow a garden of this kind. That is all we need.

SPEAKER MARVEL: Senator Schmit.

SENATOR SCHMIT: Mr. President, members of the Legislature, I rise today to speak to the override motion by Senator Chambers. I recognize that there are deep feelings on both sides of the issue. I recognize that regardless of how each of us votes today there will be those of our constituents who will be concerned that we did not vote correctly. I appreciate very much Senator Peterson's comments because it reflects the kind of thinking that is, I believe, prevalent in my area, many of the rural areas in Nebraska and it is a correct point of view in many ways. It represents some of the things that can be done to assist people who need additional help and it is an idea which I believe will eventually bear some fruit and will come to pass and hopefully will make a significant contribution to the welfare of children. I know that there are those that think that the amount of money we are talking about is perhaps excessive. But, if you would take the amount of money that we are talking about and try to put yourself in that position, I believe that you would find it most difficult. I come from an area of the state where there is very little of this type of need. I come from an area of the state where in most instances it is easy to do the things that Senator Peterson speaks about, backgrounds are different, heritage is different, but I recognize that those problems can be very serious problems in an urban area. I know that there are those that stand on this floor day after day and I'm one of them and we talk about ways to cut down expenses and then we talk about need. I've a very deep concern about some of the needs of the state. I've stood and addressed those for the last 13 years. I've no concern whatsoever about where I should be on this issue. It is easy to point a finger at someone else and say well they should have done this or they should have done that. They could have done better in this way or that way. But I think that all of us on this body have our own faults and have our own weaknesses and our own strengths. I guess the thing that I have said before, I want to repeat, and that is that I believe we are fortunate, those of us who are in a position to assist, that we can do so. I do not condone and I don't think that...I know that Senator Chambers does not condone people who are lazy or not thrifty, poor managers, but there is something to be said

for those are not naturally gifted at being good managers and sometimes when I reflect upon some of the things that I have done on this floor and otherwise, perhaps my judgment hasn't always been the best, so we need to face the facts of life. I've always found it interesting, and I think that I and Senator Labedz agree upon this and Senator Higgins, some of the persons who are the most vocal in their support of antiabortion proposals seem to not be particularly concerned about that child once it is born and once that it is alive and needs to be taken care of. Those of you who have been here for a period of time have heard me say this. A child is not like a young colt that once it is born can run within a few minutes of birth, can live off its mothers milk and survive in an open environment. A child needs continuing care for many, many years. I think that what we are talking about here today is part of a commitment that we made a year ago.

SPEAKER MARVEL: You have thirty seconds.

SENATOR SCHMIT: I feel badly that we did not keep commitments in some other areas, but I feel that if we are going to keep a commitment in any area, this ought to be an area of highest priority. I have not received one letter in opposition to the proposal nor one letter in support of. I speak only of my own experience, my own convictions. I ask you to support Senator Chambers motion to override the veto.

SENATOR LABEDZ: Thank you Mr. Speaker. I stand in support of Senator Chambers efforts to override the Governor's veto and I hope that each and everyone of us has read the flyer or whatever you would call it the information that he sent out this afternoon. Especially the amount where the amount vetoed from LB 561 would do more...would do no more than provide the amount authorized in 1980 by LB 789. The increase allowed by 789 was halved by the Governor with the view that the level should be a two step operation rather than one. Override will merely keep faith with what happened last year. Now I know that in speaking to some of you about the ADC program the first thing that comes to your mind is that there is so much abuse of the program. I can assure you that working for the federal government, as I do in Senator Exon's office, I get complaints too about the abuses in federal programs. There are abuses in the agricultural programs, labor programs such as unemployment, workmens comp, homestead exemption, and I'm sure that if LB 3 is finally passed there will be abuses in that. There are many, many other programs, for instance the tax exemptions that we

have on the federal income tax program, the loopholes that reflect on the state income tax. We always go back to a very few that may be abusing the ADC program. If we do we should also stand here and thank Senator Chambers that he is fighting for 65% of the white people that are on ADC programs. He is not just fighting for the black people. I can stand here and say that I am one of the anti-abortion people and fought very hard in the last five years. I still think that anyone who votes on an anti-abortion bill should think very long and hard when they vote against a mother that is trying to take care and possibly an unwed mother that is trying to take care of one child or maybe two children, whatever the case may be and not have enough money to do so. I could not live with one child at \$270 a month. I know that you couldn't and raising it to \$293 is not asking for too much for a mother and one child. I urge the members of this body to vote for the override on the ADC program.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President and members of the Legislature, I would rise to defend the original recommendation by the Appropriations Committee which is at the level of \$280 a month plus \$70 before I speak on that defense however I want to make another comment. I'm not unaware and I think there has been reference made or precise statements that ADC payments are not very popular that they are generally presumed to be the most unfortunate and the worst of circumstances. The document that was passed out indicates that the median length of time that a family is on ADC is, I can't quite tell but it looks like 1.3 years would be what, 16 months. But I frequently used the figure over the years, the average figure which is slightly longer than that but that is immaterial. The significant thing is that ADC generally, predominantly are helping people out that are in a very difficult time of life and as I recall the great majority of the cases or at least the majority of the cases, families eventually get back together. So my comments which will be in opposition to the motion to override are not directed at ADC. I do rise to support what was the committee's original recommendation of \$280 and \$70, as I recall it was nearly two million dollars higher than the Governor's original recommendation in terms of total cost, the reason for the difference was not in the amount to be paid although the Governor's original recommendation was at \$65 per additional child.

But the reason that we were higher was that a later estimate by the Department of Welfare had a great many more recipients, as I recall, 1,200 more recipients anticipated for the coming year than had been projected at the time the Governor's budget was put together in December. Of course, that is reflective of the economic times. But again, I would defend the level that the committee has originally recommended. There are obviously other costs to those families that are reimburseable such as Medicaid help, food stamps, utility assistance in some cases, day care for children, the adult is permitted to be employed when the children are of an age that they can be gone, that employment, I believe is around \$355 a month that they could earn, of earned salary and still remain qualified. My opposition would have to lie in the fact that true it is only 1.7 million as we say, but as I have watched a number of bills go across this floor in recent days, as of this morning for example and I should point out, just for the record, there was a note laid on my desk from one of the senators, I think perhaps it was passed to all of you, indicating the Governor opposed the pay for the patrolmen, which I attempted to take out this morning. I want to tell you that that particular \$378,000 was in the Governor's budget and I was not reflecting the Governor's position when I moved to take that out. That was my position of one concern that every bill that we get has passed, almost, well every bill on Final Reading has passed, we rejected one override. But I am concerned that we have constantly enacted legislation at a time when we are putting tremendous pressure on rates, sales and income tax rates, a time when we know receipts are down, gross receipts I think the figure is 28 million down, net will be something less, it is too early to say but I would suspect that that is 10 to 15 million in fact in net being down. But every place we are cutting. I think the original committee recommendation was adequate, perhaps not desirable, but adequate. When you take into account the other benefits that these people are eligible for, I would hope that the body would support the veto and keep the level appropriation for this program at the same level that the Appropriations Committee originally recommended, which is the \$280 figure for the adult and first child plus \$70 for each additional child. Thank you.

SPEAKER MARVEL: Senator Koch. Is Senator Koch in the room?

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

SPEAKER MARVEL: The previous question has been called for. Do I see five hands? I don't see five hands. All those in favor of ceasing debate vote aye, opposed vote no. Have you all voted? Record.

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

SPEAKER MARVEL: Debate has ceased. Chair recognizes Senator Chambers for ~~close~~ on his motion.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature. I hope you listen carefully to what Senator Warner said. Because, he is the only one who spoke directly in opposition to adopting the position of overriding. But when he phrased his position initially he started not by saying that he is speaking in opposition to the concept of ADC, he didn't even say initially he was speaking in opposition to the motion. He started by saying that he is speaking in justification of the action taken by the committee. So, there has not emerged on the floor any strong direct opposition to what is being attempted by this override. Remember there is just slightly more than one and a half million dollars involved. The school aid amount of 20 million dollars was not overridden. There has been no attempt to override certain other appropriations that were vetoed. This would be the only one. It could characterize the last few days of the session which generally are hectic and bitter. Perhaps an action like this can help pour oil on other troubled waters that we'll be forced to deal with before we are through. If there is any proposition that deserves a loosening of some of the tightness or a softening of some of the hardness when we deal with budgetary matters this one is it. It will deal with a group of people who are not going to vote because the vast majority, 66% of the households that have these children, the children are under eight years of age. So, even though Senator Warner pointed out that a woman would be allowed to make \$350 and something dollars, he did not say that that is what she is making. If she could leave the home with children this young there is not much likelihood of that. Many of these women are not skilled or trained and when people who have training are finding themselves out of work imagine the plight of those who have no skills and no training. What I am making here today is a plea for compassion and decency and kindness. There is no demand that these children can make on anybody. If we won't do it because of what we think of the children, we should do

it for what we would like to think of ourselves. I think that I have said enough on the issue and Mr. Chairman because there are so many who have not yet made it to the Chamber, I'll ask immediately for a Call of the House.

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

CLERK: 30 ayes, 0 nays to go under Call, Mr. President.

SPEAKER MARVEL: The Legislature is under Call. Record your presence. Sergeant at Arms, we are looking for Senator Wagner. We are waiting for two others. Senator Chambers, everybody is present.

SENATOR CHAMBERS: I would like a roll call vote.

SPEAKER MARVEL: Call the roll.

CLERK: Roll call vote. 25 ayes, 21 nays, 1 present and not voting, 2 excused and not voting. Vote appears on pages 2189-90 of the Legislative Journal.

SPEAKER MARVEL: The motion lost.

CLERK: Mr. President, I had one further motion from Senator Newell that I understand is to be withdrawn, is that right?

SPEAKER MARVEL: We have a motion on the desk.

CLERK: Mr. President, I have a motion from Senator Vickers. (Read Vickers amendment).

SPEAKER MARVEL: Chair recognizes Senator Vickers.

SENATOR VICKERS: Mr. President, members, It is not my style normally to try to change rules in this body. But I think that we have got a situation here that we should take a look at in an honest fashion. I can assure you that I am taking, what I hope to be an unbiased look at the bills that we have on the agenda today to be reconsidered that have already passed on Final Reading. One of those bills has my name on it. It didn't pass. One of the bills as you know I fought long and hard against its passage but it did pass. I attempted to amend it on General File, I attempted to amend it on Select File. A couple of the bills

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SPEAKER MARVEL: All right the motion now is on 252.

CLERK: Mr. President the first motion on 252 is a motion by Senator Warner to direct the Clerk to request the Governor to return 252 to the Legislature for further consideration.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, Hi Betty! As you perhaps know this is cable television. A special message. Mr. President, I would have made this motion yesterday.

SPEAKER MARVEL: Senator Carsten.

SENATOR CARSTEN: For the moment I would suggest to the Speaker that we pass over this bill. Perhaps we can return to it shortly.

SPEAKER MARVEL: Okay, sure.

CLERK: Mr. President, I have a motion from Senator Chambers. Senator Chambers would move to reconsider the body's action on their vote to override the ADC veto.

SENATOR CHAMBERS: Mr. Chairman, members of the Legislature, I have talked to some of you and I don't want to discuss the issue, I just want to take a vote. I'm not going to ask for a roll call. Everything I could think to say has been said. But to ensure that everybody is here I will ask for a Call of the House and then when we are here I will take a machine vote, so you will know what the motion is, it is to reconsider our action on the vote to override on the ADC appropriation.

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

CLERK: 18 ayes, 0 nays, Mr. President, to go under Call.

SPEAKER MARVEL: Record your presence. Senator Chambers I think everyone is accounted for. There were two absent, Senator Pirsch and Senator Maresh and they are still absent. I mean they are excused. Do you want to go ahead? Okay, call the roll. A machine vote? Okay, read the motion.

CLERK: Mr. President, the motion offered by Senator Chambers is (Read Chambers motion).

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

CLERK: 22 ayes, 18 nays on the motion to reconsider the body's action.

SPEAKER MARVEL: The motion failed.

CLERK: Mr. President, if I may while we are waiting, I have some material to read in. A hearing notice from the Rules Committee, it is signed by Senator Wesely as Chairman.

Mr. President, I have a report from the Retirement Committee regarding gubernatorial appointments to be acted on by the full legislature.

Mr. President, I have a unanimous consent request from Senator Hefner to print amendments to LB 406.

SPEAKER MARVEL: Okay, the next order of business is the LB 252, Senator Warner's motion.

CLERK: Mr. President, Senator Warner would move to direct the Clerk to request the Governor to return LB 252 to the Legislature for further consideration.

SENATOR WARNER: Mr. President, members of the Legislature, I would have made the motion yesterday but I offer it now and I want to indicate two things initially. No one is asking me to do this, it is a position that I have come to on my own. But as I listen to the debate on 252, both on General File and as I recall on Select File, it seemed to be almost unanimous that no matter which side you were on on water diversion that there ought to be some criteria as a policy matter that is used by the appropriate department, the Department of Water Resources to consider any kind of a transfer. But it seemed to me that most of the arguments that were given did not deal with the procedure that should be considered but whether or not water diversion itself was right or wrong. As I thought about the discussion in the bill itself and I begin to look at the bill in that light of only what process does it set up, it seemed to me there were some things that maybe could be improved upon. I have a specific amendment up on the Clerk's desk which does two things, which are relatively minor, but not particularly insignificant, one of which adds to those things that properly should be considered, any court decrees that

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and that would relate to that bank bill, whatever it is.

SENATOR CLARK: That has not come up yet.

SENATOR CHAMBERS: Oh, but it is going to come up?

SENATOR CLARK: Yes.

SENATOR CHAMBERS: Oh.

SENATOR CLARK: Any other motions will come up now.

SENATOR CHAMBERS: Thank you.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Okay, Mr. Clerk, what is the first motion then? Senator Higgins, for purpose do you arise?

SENATOR HIGGINS: Well, I had my light on for a long time and I thought that was the proper procedure to put your light on and then be recognized but evidently you just pop up.

PRESIDENT: Yes.

SENATOR HIGGINS: But I just want to add a comment to Senator Koch's question, or remarks. It was my understanding that the Governor said he didn't have the time to get all the bills read and get them back to us by Friday. And then when they said he would get them all back to us so we would have a chance to veto them...or override his veto if we wanted, I asked them, how is this possible that first they said that the Governor wouldn't have time and now he does have time, and somebody said, well, he took a speed reading course. So I just have to go along with Senator Koch and say, it sounds to me like there's something rotten in Denmark here, but we don't have any choice evidently.

PRESIDENT: Okay. Anything further on this? I guess we are ready then for the motion, Mr. Clerk? What's the first motion on the desk?

CLERK: Mr. President, the first motion I have pertains to LB 561. Senator Schmit would move to suspend the rules, Rule 6, Section 11; Rule 7, Section 7, to permit a motion to override that portion of LB 561 pertaining to Aid to Dependent Children.

PRESIDENT: The first motion is suspend the rules, and then

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that has to pass before you can get into the override. Is that correct? Is that correct? Senator Koch, for what purpose do you arise?

SENATOR KOCH: Question of the order in which we are going to make reconsiderations. The motions were placed up there, when? I had a motion up there to override 318 this morning.

PRESIDENT: These motions according to the Clerk were filed here yesterday.

SENATOR KOCH: Thank you.

PRESIDENT: Okay. Senator Schmit, we are on the motion now to suspend the rules first of all. Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I rise in support of this motion to suspend the rules, to consider again the possibility of overriding the Governor's objections to the bill that was announced with reference to the funds for Aid to Dependent Children. I do so aware of the fact that we have made that effort before. I recognize the fact that it is not a popular motion to make. I recognize the fiscal responsibility for doing so. I do it because I believe it is the proper thing to do and because I believe, as I have expressed many times on the floor of this Legislature, that the state has a responsibility in this area. I want to call your attention to what really happens in the event that there is a necessity for aid to children in excess of that which is presently allowed and which is sufficient for caring for those children. The responsibility reverts back to the county. That is the court of last resort, so to speak, for those individuals who need assistance. We speak long and loud here on this floor about aid to local governments, and we speak with some emphasis upon how necessary it is to relieve property taxes, but the facts are that unless we, as a state, take those measures that are necessary to relieve the burden that falls upon these people, if the assistance we provide is not sufficient, then they have no recourse except to resort to the counties and the counties must take care of those individuals. We talk a lot about how we can get by and all of us know what has happened to us because of the ravages of inflation. In our businesses, in our own homes and our industries we have had to face the necessity of 25 percent inflation rates for some time, and we have had to draw upon resources and borrow up on our resources in order to survive. But I ask you what

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happens to those individuals who have no resources upon which to draw. Now we can say, well, the reason that they are in that problem is because of their own mistakes and their own past errors. I am not here today to explain or to apologize for anyone's errors. Errors are made by rich and by poor, by educated and by illiterate, by a farmer and business man, by professional persons and the unskilled. Those errors are a matter of record and they are a matter of fact, but there is one thing that I believe we must get down to on this kind of an issue, and that is whether or not in a state which has a budget beyond which I ever dreamed it would see when I first came here thirteen years ago, whether or not we have the ability to take care and to provide for those individuals who cannot take care of themselves. Now I know it's easy to say that we have done all that is necessary and we've done all that has been sufficient. But I want to suggest to you that perhaps we have not. We did have a two-part commitment, as I recall, a year ago. We lived up to the first part and we have not lived up to the second part of that commitment. Again, I can speak with some experience that if we do not suspend the rules and if we do not act favorably upon my motion, it is not going to be adversely political to any of us, in fact, the opposite will probably be true. The adverse impact will happen if we vote this way because we are not dealing with politically astute persons. We are dealing with politically inanimate objects virtually, persons who have no influence, persons who have no clout, persons who do not have the ability to influence this body, persons who really have no single spokesman except those of us who are elected to represent them on a one on one basis. I have been asked since I offered this motion why I would do this because I come from a district which does not have a high incidence of ADC families. I want to say this. I happen to come from an area which we have some very good welfare directors, and those welfare directors are very astute, and they are very selective, and they do an excellent job of weeding out the individuals who are not deserving, and I think that is where the bottom line should be drawn. The local welfare director has the ability, has the knowledge and in most instances of which I am aware has the desire to take care of those responsibilities which are vested with him, and when they do that, they exercise the judgment which we vest in them and I am willing to leave it there. But I also want to give them the wherewithal to take care of that responsibility where they see it is necessary and not to have to dip into the coffers of the county. We have placed the counties

under a restriction. We have said you must live within certain limits, and it is easy to do that, if at the same time we say, well, you know, we will just shove that responsibility back on you. And in some counties it's not going to be much of a problem, as I have outlined. In others it can become a serious problem. I know that there are people here today who can, and including myself, who can go back home and have no fear of repercussion if we do not act favorably upon this motion. But far be it from me to be the person who is responsible if a child sometime in the next year is not well fed or well clothed because of the fact that we did not take the action that is necessary. I know there are going to be those who will say, this is irresponsible. Let me tell you, very frankly, as a father of a large family I know something of the cost of raising a family. I know something of the burdens that single parent families face. I know something of the facts of life relative to raising children. And I've said on this floor if it were as easy to raise children as it is to conceive them, there would be no need for this kind of legislation, but the facts are not true. We need that kind of assistance and as Senator Higgins put it so well some days ago, if we can vote money to feed livestock, we ought to be able to vote money to feed the children. I could argue against Senator Higgins and say, well, if we don't feed the livestock, we can't feed the children. But I can say that they can go hand in hand. We have done those things on this floor during the previous 89 days that were necessary for business. We have done some of those things that were necessary for agriculture. We have done some of those things that are necessary for industry under LB 3. We have done those things that we felt were right for education, and we are going to do some more I think if Senator Koch has a chance with his motion. But the facts are, and I think perhaps some people think we have done enough in this area, but the facts are that I do not believe so, and I do not fear the consequences of saying so. I have made some mistakes in this body and I am sure that you all agree with me on that, but I do not believe that I am making a mistake at this time and in this place and on this motion. I don't want to take a lot of time, but I feel deeply about the issue. I feel so deeply that I am willing to stand here today and offer this motion and I will offer a second motion, which is also a matter of record, which I will move to override the Governor's veto of the Mental Retardation Funds. I think the issues are similar. I do not say they are inseparable but I think they are similar. I believe that those issues are issues which you can

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defend easily because you are helping persons who, for the most part, are not in a position to help themselves and do not know the political maneuvering that is necessary to be most helpful to themselves. It will be interesting to me as it will to some of the rest of us to see what the vote will be on this issue, but I think that it is time that we make the issue a relevant one and we allow it to take its place here. And if we do not act positively upon these two issues, then I would fail to see how we might act in an aggressive and positive manner on other issues that to me are not as important. These will not be the only two issues I will attempt to override this afternoon either. I will take my chances with them one by one. But I do not believe you can ignore this issue as we have in the past and I am, frankly, surprised that we have not dealt with it in a more aggressive way. I would hope that you would respond, that you would vote to suspend the rules...

PRESIDENT: Time is up.

SENATOR SCHMIT:and give us the opportunity to vote once again. Thank you, Mr. President.

PRESIDENT: The Chair recognizes Senator Koch.

SENATOR KOCH: Well, Mr. President, this is not totally a surprise. I voted twice in one day to override the Governor on that issue. Now why don't we bring back state aid and take another shot at it since we have got a new conscience? And hopefully we can keep that deal intact down here, because there is more than one tin can tied to this, I'll tell you that. Why, we ought to have a chivaree when this day is over because it reminds me of the good old days when somebody got married and we had tin cans tied to them, going through the streets. I am ready to go if you are ready to take another shot at state aid. We only gave that one shot and I have as much empathy for the people we're talking about as anyone of you do, and I had no qualms about it. I voted for it going to the Governor and I voted for it going back. It didn't go. I voted one more time. But I am a little concerned about what else is going to be tied to this noble effort for 30 votes to suspend the rules on a bill that I have almost forgotten about, for a lot of reasons I tried to forget about it. So good luck.

PRESIDENT: The Chair recognizes Senator Warner. Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker and members of the

body, before I begin my formal presentation, so to speak, on Senator Schmit's motion, I do want to make sort of a personal comment to Senator Schmit, and that is this, Loran. I have always respected over the many years that I have watched you in the legislative process and worked with you in the legislative process, your compassion for children. It is outstanding. You have always been in the forefront on these issues, and I think that is most important. What Senator Schmit is doing today is asking us to once again think about the well-being of the poor children of this state. I walked outside down the hall a little while ago and I saw Ruth Carsten with two grandchildren, and I said to myself, it's so lovely to see children grow healthy and well nurtured and cared for and loved, because children, obviously, in the truism are the adults of tomorrow, but what we invest in our children will bear fruit tomorrow. It is very important that we take the children of lowly birth, the children that are born into poverty, and we, as a society, give them as good a start in life as we can do. Now you think back to when you had babies, and you remember the love that you invested in them and the financial care that you invested again, and you remember their growing and how you had every good hope in the world that your child would do well, and that child went into elementary school and then into secondary schools and maybe on to college, and maybe on to work, who knows. But you gave what you could to your child. Now it so happens that there are some people in this state that really can't give very much to their child in terms of money because they don't have much money. They don't have much money because they are hardcore unemployed. They don't have much money because they are disabled. They don't have much money because they haven't had a good shot in life themselves. They have poor educations themselves. But they have the same hopes and aspirations for their children as you have had for yours and I have for mine. And it is fitting and proper that we as a state make an irrevocable commitment to their children as to our children, just as Senator Schmit has done over the long pull. This is an important issue. This is a \$1.7 million issue which is an overall budget of 750 some odd million dollars. It is a small amount of money but, frankly, it is the least that we can do for the children of the needy and of the destitute because those children are our children. I urge you to suspend the rules.

PRESIDENT: The Chair recognizes Senator Stoney.

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

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PRESIDENT: The question has been called for. Do I see five hands? I do. Shall debate cease? The question is, shall debate cease? All those in favor vote aye, opposed nay. Record the vote.

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

PRESIDENT: All right, the motion carries. Debate ceases. Senator Schmit, you may close on your motion to suspend the rules. All right, Senator Schmit, you are on.

SENATOR SCHMIT: Thank you. As Senator Vard Johnson touched upon it, what we are doing here if we vote an increase, is that we are expressing a vote of confidence in those children who do not know their perhaps grandparents and uncles and aunts and cousins and brothers and sisters. They are children who have, as again Senator Vard Johnson expressed it, perhaps not come into the world as much wanted as some others were perhaps, but they are children nonetheless. We argue long and eloquently on this floor about protecting the unborn and I have argued for that, and I will continue to do so. But I want to argue with the same amount of emphasis upon helping those individuals who are here in this world and are attempting to make the best of their own situation. As I said myself, I know what it is to raise a family. It is not easy. It makes it many, many times more difficult for a single parent family. It is many times more difficult for a woman who is trying to raise these children or a father perhaps without the emphasis that is placed upon the family life. They have many more problems than we have as normal families of husband and wife, etcetera, and so forth. I think that to add to that burden the financial worrying that comes from any parent not knowing whether or not they will have adequate assistance for their family, food and clothing, shelter, is to add an unnecessary burden. With the state of a billion dollar budget or something more or less of that, General Fund appropriations of \$750 million, I do not argue that the appropriations for this program are not substantial. They are. What I am saying is that those of us who have the resources can borrow upon them to meet the ravages of inflation. Those without resources have nowhere to turn but to us. If I am going to make a mistake, Senator Koch, I have made a mistake on state aid. I don't think I did, I think I voted with you on that, but the point I want to make is this, that if we are going to worry about educating the children that we are, we first must raise them to that point and have them in good mental and physical

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LB 321, 385, 396, 396A, 411, 460,
487, 487A, 494, 544, 552, 561.

health when they reach there. I ask you to support the motion to reconsider the previous motion.

PRESIDENT: All right, motion is suspension of the rules, which will require 30 votes also. Those in favor of the Schmit motion on LB 561 vote aye, opposed nay. Sorry you can't do it. There is three excused. They are all back, okay, I'm sorry, they are all back. So you have all the people here now. Do you want a Call of the House?

SENATOR SCHMIT: Let's have a Call of the House and a roll call vote.

PRESIDENT: All right, erase the board, and all those in favor of a Call of the House vote aye, opposed nay. Record the vote.

CLERK: 19 ayes, 3 nays, Mr. President, to go under Call.

PRESIDENT: The motion carries. The House is under Call. Sergeant at Arms will see that all members are returned to the Chamber. All members will return to your desks. All members will register your presence. While we are waiting, while the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 385, LB 552, LB 544, LB 494, LB 321, LB 396, LB 396A and LB 411, LB 460, LB 487 and LB 487A. Looking for Senator Cullan, Senator Kremer, Senator Lamb, Senator Sieck, Senator Nichol, Senator Labedz, Senator Higgins... oh, there she is. Senator Pirsch. Senator Kremer, Senator Lamb, Senator Pirsch, Senator Sieck. Do you want to wait until they arrive, Senator Schmit? All right, we will wait. Then do you wish a roll call vote? All right, sir. It will be done. Senator Kremer is here. Senator Lamb is on his way. All right. Senator Pirsch. Does anybody know where she is? Oh, okay. One more and we can go. Proceed, Senator Schmit. All right, proceed with the roll call, Mr. Clerk. The question is the suspension of the rules on LB 561 for purpose of the override.

CLERK: (Read the roll call vote as found on page 2419 of the Legislative Journal.) 22 ayes, 24 nays, Mr. President, on the motion to suspend the rules.

PRESIDENT: The motion fails, so therefore the second motion is not possible. What is the next motion on the desk, Mr. Clerk? Okay, the next motion.

CLERK: Mr. President, the next motion I have is offered

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We have one more override and then some resolutions, and then we are ready to close up the festivities for this session for the sine die. Would Senator Cope and Senator Kilgarin show us your green lights? Senator Wagner, Senator Landis, Senator Haberman. Thank you. Senator Pirsch, Senator Chambers...no, he...Senator Chambers is....Senator Clark was excused. Senator Maresh, Senator Landis, Senator Hoagland. Senator Maresh, Senator Landis is here. Senator Maresh is here. Okay, we are just looking for Hoagland it looks like. I see him, so we are all ready. Okay, ready, Senator Johnson. Do you want a roll call now? Roll call vote on, shall LB 506A become law notwithstanding the action of the Governor? All those in favor vote aye, opposed nay, and here comes... board vote. Okay, board vote. All those in favor vote, opposed nay. Have you all voted? I see the....okay, record the vote. Thank you, Senator Johnson.

CLERK: 20 ayes, 22 nays, Mr. President.

PRESIDENT: The motion fails. We have one more....would everyone just kind of stay around so that we don't have to take the time to find everybody. Let's just be around and get this last attempted override. Read the motion.

CLERK: Mr. President, Senators Sieck, Chambers and Schmit move to suspend the rules, Rule 7, Section 7, Rule 6, Section 11, to permit a motion to override that portion of LB 561 pertaining to Community Mental Retardation Services in the Department of Public Institutions.

PRESIDENT: The Chair recognizes Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I just want to rise once again this afternoon for this session and ask this body to override the Governor's veto of approximately \$750,000 of funds for Mental Retardation. This afternoon earlier I asked you to indulge me and I will not take a great deal of time at the present time. I know that many of you share my concern relative to providing funds for Mental Retardation. I've said this also on the floor that those of us who have children who are not in any way handicapped recognize the burden of those parents who have handicapped members of the family. I recognize that all of us are concerned about the budget. It has been expressed here several times this afternoon. I suggest to you and I am not going to....I hope there will be others who will address the issue also. I know that some of the people who had expressed interest in this matter have left, but I think

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it is important that we attempt to meet the needs of those areas to fulfill the commitments that are necessary that we made when we established the various regions to deal with the problems of the mentally handicapped. The anticipated revenues for the General Fund are sufficient to meet the entire expenditures voted by this body, and I deliberately called this motion from the second this afternoon to the last so that we would not have to worry about whether there would be other overrides that would tax the General Fund revenues. The receipts will not be deficient. There will be sufficient receipts to take care of this expenditure. I know that that has been a prime concern to many members of the budget committee. I ask that you support the motion to suspend the rules and give us the opportunity to place these funds back in the budget. That's all I ask of you now.

PRESIDENT: The Chair recognizes Senator Hefner.

SENATOR HEFNER: Mr. President, members of the body, I call the question.

PRESIDENT: Well, I see five hands. I am going to put it up to a vote, Senator Newell, because if 25 people want to do it, I'm...it's not going to be for me to decide.

SENATOR NEWELL: Mr. President, there hasn't been very adequate debate on this.

PRESIDENT: Well, there was a lot of debate on the bill so....well, you can turn down the...just vote against the call the question. The question is, shall the debate cease? You can vote against it if you don't want debate ceased. Okay, record the vote.

CLERK: 14 ayes, 19 nays, to cease debate, Mr. President.

PRESIDENT: All right, the Chair recognizes Senator Sieck.

SENATOR SIECK: Thank you, Mr. President and members of the body. I have been pretty quiet this afternoon, but this is a major issue as far as I am concerned. As many of you know, I do have a....we say, retarded people. I was visiting with a man this noon who helped my son considerable. He was a counselor. He got him to know his own independence, and he said, you know, we should not call these people retarded. Everyone of us have some weakness and everyone in this body has some weakness.

We have a slowness. And I put out a pamphlet here earlier. If you will look at that you will find some very great people that were slow in some phase, yet they became great. And I do feel that we have to give these people an opportunity to be helpful. Several days ago you received a letter from Rollie Southwick from Beatrice. He is taking his child to Crete to one of the training centers of the regional programs. His child and my child were together in a private school, and when they got out of there, they had to find their own way. There was nothing available. Then the regional programs came into being. Today my son is almost self-supporting, and Rollie Southwick said that his girl is being helped tremendously. Now, I do feel that we owe this to our citizens who cannot help themselves. These citizens have been under everybody's magnifying glass. I feel that we as individuals should also be watching, but they are under several different license standards, and we need these funds to continue that type of licensing so that our group homes, where a lot of these individuals are staying, are kept up to those standards. We have heard in the last debate that some of these homes are questionable. Well, with these standards they should come up to regular standards, but we do need these funds to do this. I also served on an Ethics Committee for the Mentally...I don't even like to say Retarded, and I saw what some of these staff people go through, and I tell you, you never saw such dedicated people. It is difficult for them. And by being on that staff, we have cut some paper work because we could see that they were doing a tremendous amount of paper work which was unnecessary. But you do this by being a part of it. And this staff is going to be cut back. Now, Region 6 took the brunt of the cut-back. Even before the Governor vetoed it, they only got an increase of 2.3 percent because there were other regions in the State of Nebraska that were cut short in prior years and the Appropriations Committee felt that they did need that extra funds. So even though we do increase it, the Region 6 will not get what they really are required to have.

PRESIDENT: One minute, Senator Sieck.

SENATOR SIECK: Region 5, which I am a part of, I feel is doing a tremendous job, and one of the things they told me at the last meeting I attended, they have several group homes where there are three people in. They are going to put four people in those group homes with the same amount of staff in order to try to cut down expenses, so that they can serve more of our citizens because there

are over 50 people on the waiting list to be served. Should not be these people be served? I feel this is an important override and I want your support for the children and adults that do need this help. Thank you.

PRESIDENT: The Chair recognizes Senator Marsh.

SENATOR MARSH: Mr. President, I rise to support this override attempt. This was in the original Appropriations Committee bill. The dollars were available for this effort. It is needed in the State of Nebraska in the various regions for the mentally retarded of our state to have the services available not only for those already in the program but for those who will be coming out of the school program at age 21. I urge your support for the override.

PRESIDENT: The Chair recognizes Senator Koch.

SENATOR KOCH: Mr. President and members of the body, I know the day is late and I won't take long. But I want to remind you of one thing, we did not create the cash problem this state suffers today. The State Board of Equalization created that problem when they rolled back 2 percentage points in income and corporate tax, which amounts to over \$60 million. They helped create this problem and a bunch of us have been trying to protect them this whole session. Now you are going to protect them at the expense of people who have unique problems. We created these regions to handle the problems of certain people who have trouble, and now let's not short fund them, because they can't carry out their mission when they are going to live on limited dollars. Not only that, we passed 506 in good faith. It was going to go to cancer or heart related diseases. We didn't want it to....we wanted to make sure it got there. So now let's make sure it goes to some place where it is going to make a difference on human beings and human service. And I support Senator Schmit and I hope the rest of you will too, because there is no reason for us to help any longer on the cash problem of this state. Let it be known it got there because the State Board of Equalization, at the recommendation of certain high officials, proceeded to put us in this position. So let's put the money where it can at least help, and even if we have to trigger the income and corporate tax, so be it.

PRESIDENT: The Chair recognizes Senator Warner. Senator Warner.

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SENATOR WARNER: Mr. President and members of the Legislature, I rise to merely call your attention, as I roughly figure we probably are in the vicinity should this override be sustained or be overridden, that there probably w'll be somewhere around 4.6 million of expenditures in excess of what the Governor has approved or has signed which is also over and above what I probably thought the limit was going to be. But I am sure that at some point I don't know which straw is the one that would break the camel's back, whether it is the first or the last straw that the back at some point breaks from a straw, and I would suspect that reaching a point of 4.6 million we are getting very close to that point, plus the other point of federal funds that are going to impact this program, no doubt, should the changes occur that are being considered in Congress and the flexibility to handle that next time I think is still an important thing to take into account and consider. And finally there are many excellent, good programs that I have said before there is virtually never any program that I consider that is without merit, and many have greater merit than others. But I am going to call your attention to the fact that you are reaching the point where you could certainly trigger a tax rate adjustment, and I think you should take that into account on this issue as well as perhaps some of the others that preceded it, but because of those reasons I cannot support the motion for overriding.

PRESIDENT: The Chair recognizes Senator Labedz. Senator Labedz. Senator Labedz, do you wish to speak? All right, Senator Newell.

SENATOR NEWELL: Mr. President and members of the body, very briefly, I just want to remind this body that we found money for the Vet School. We found money for LB 3, the tax exemption. This is only \$700,000. Frankly, I don't think it is the straw that breaks the camel's back, and if it is, it's not a big camel and it's not an important camel when we have got a big herd there, and I think it is important that we do this for people. We have done a lot of other things this session for a lot of other groups and interests and so forth. I think for the mentally retarded who much need this program, that this is a small thing that this Legislature can do to show a little compassion. I urge the override of the Governor's veto.

PRESIDENT: Senator Labedz. I think we are all through because....no, Senator Higgins, would call for the question then?

SENATOR HIGGINS: Mr. President, I call the question for

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the retarded.

PRESIDENT: Okay, then that is it. Then everybody is... then we don't need to do it because that is all that have to speak. Senator Schmit, you may close.

SENATOR SCHMIT: In closing I want to call your attention to the figures that came off the back of the agenda on May 28th. Anticipated revenue, \$737,073,845. '81-'82 appropriations to date, \$734,382,672. The General Fund impact of the bills on E & R reading, \$1,955,000. Total anticipated expense, \$736,338,661. Excess of revenue over anticipated expense, \$735,184. Additional expense that would be committed with the override, \$777,258. That is cutting it within about \$40,000. If you can handle three-quarters of a billion dollars and come within \$40,000, you are cutting a fine hog right down the middle in the words of this farmer. I just want to tell you this, we hear a lot of conversation and one of the first speeches I made on this floor this session....Mr. President, if my Speaker would calm the people down, I wish they would listen. They haven't listened to me very often this session and I hate to go out in the same tone. I think it is important that we recognize...that we recognize very clearly what I said at the start of this session, that the Appropriation Committee has an awesome task and they do the job remarkably well with a few exceptions, but on the whole we get very little opportunity to spend any money on the floor of this Legislature. Oh, we get chastised a lot, and we get criticized a lot, and we get blamed for the overrides and we get blamed for raising the budget and busting the budget and tax increases. But the amount of money that the forty of us spend on this floor is minuscule. I want to point out that and as Senator Johnson pointed out, and Senator Sieck has pointed out, there is a million seven hundred thousand dollars of cigarette tax money coming in from this body that is not going to go to cancer research. It was designated there by Senator Cullan and several others, Senator Johnson, but it is not going there, it's going to the General Fund. We should have raised the tax a nickel. We discussed it. I had a bill that didn't get out of Public Works Committee with which I expected to raise it another four cents, but it never got out of committee. That should be and if no one else will do it, that will be the first order of business January, 1982, God willing I am alive and back here to increase that cigarette tax another four cents. But in the meantime I believe it is imperative that we override this veto. I want to tell you one little story about an instance that occurred that

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I am familiar with and I have told that story also but many of you have not heard it. A number of years ago a little girl was in a foster home in my district. She was called mentally retarded and her foster parents came to me and said she needed eye glasses and a hearing aid. It took a long while but we finally got the eye glasses and the hearing aid for the little girl. And she went to the school out here near Senator Warner, Villa Marie School, and it was discovered that the little girl wasn't retarded, she was only handicapped. She couldn't see and couldn't hear. Today that little girl has grown. She is married and has a family because somewhere, someone took enough interest in her to discover that she wasn't really retarded. I wonder how many children have grown to adulthood and never had the opportunity to develop and pursue a life like the rest of us because at some point in time someone said they were retarded without giving them the full opportunity to develop their abilities. I don't want to have it on my conscience that I denied to a single individual that opportunity to develop to the fullest extent of their abilities. There will be some mistakes and there is going to be some problems, and I have had my problems and I will continue to have my problems with some aspects of the mental retardation program, and where I can help, where I can correct those, I will make those corrections. And I did not vote to override the first time, but I am telling you now I am asking you to override this time. I am asking that the....

PRESIDENT: One minute, Senator Schmit.

SENATOR SCHMIT:that we suspend the rules and that we vote to override the Governor's veto on mental retardation. Mr. President, that is all I have to say.

PRESIDENT: All right, the question is the suspension of the rules for the purpose of the attempt to line item veto, so this first vote is on the suspension of the rules. It requires 30 votes. All those in favor vote aye, opposed nay. It is on LB 561 in case you forgot what bill it was. All those in favor vote aye, opposed nay. Have you all voted? Have you all voted? Again, we are....all right, record the vote.

CLERK: 30 ayes, 10 nays to suspend the rules, Mr. President, and consider an override motion.

PRESIDENT: The motion carries. The rules are suspended. We are now ready for the motion to have LB 561 become law

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notwithstanding the action of the Governor. Senator Schmit.

SENATOR SCHMIT: Mr. President, I ask the Clerk to read the motion.

CLERK: Mr. President, Senator Schmit moves to override the Governor's line item vetoes of the Department of Public Institutions, Program No. 424, State Aid, Community Mental Retardation, included in the final budget for each mental retardation region shown, in Section 11 on pages 10 and 11 of LB 561.

PRESIDENT: Senator Schmit.

SENATOR SCHMIT: I have made my arguments, Mr. President. I ask for the vote.

PRESIDENT: Senator Schmit.

SENATOR SCHMIT: I have made my arguments, Mr. President. I ask for the vote.

PRESIDENT: Any further discussion? Seeing none, that is your opening and closing. The question is, line item veto on LB 561. All those in favor vote aye, opposed nay. Have you all voted? Four are excused, Senator Schmit. We'll have to check in again...we're still under Call, Senator Schmit, so what we would have to do is check in if you don't...Senator Schmit...(interruption).

SENATOR SCHMIT: Mr. President, how many are excused?

PRESIDENT: Four. Record the vote.

CLERK: (Read the record vote as found on pages 2429 and 2430 of the Legislative Journal.) 30 ayes, 12 nays, 4 excused and not voting, 3 present and not voting, Mr. President.

PRESIDENT: The motion carries and the line item veto on LB 561 does make that line item law notwithstanding the action of the Governor. I believe that concludes all the attempted overrides, Mr. Clerk, is that right? Or is there anything else?

CLERK: No, at the present time, Mr. President, that is all that I have.

PRESIDENT: All right, do you have some things to read in, or do we have....can we get to some motions?

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LR 106, 171, 126, 137
LR 119, 322, 506A, 561

Certificate regarding the line-item override of LB 561 ready for your signature. (See page 2431 of the Journal.)

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and I do sign Certificates certifying the passage of certain line-item vetoes in Section 11 on LB 561, particularly. Okay, Mr. Clerk, we are ready then for the....Senator Beutler, for what purpose do you arise?

SENATOR BEUTLER: Mr. Speaker, I was just wondering if there would be time to discuss three or four rule changes.

PRESIDENT: Would somebody like to borrow this? (Microphone not on)....to say that about the 28th legislative District, Senator Beutler.

CLERK: Mr. President...

PRESIDENT: Go ahead, Mr. Clerk.

CLERK: Mr. President, I have a series of unanimous consent requests to add names to resolutions. The first is by Senator Goodrich to add his name to LR 171.

PRESIDENT: All right. No objection, so ordered.

CLERK: Mr. President, then I have one from Senators Labeledz and Marsh, Pirsch, Kilgarin, DeCamp, to add their name to 106.

PRESIDENT: All right, are there any objections? If not, so ordered.

CLERK: Mr. President, I have one from Senators Goll and Wesely to add their names to LB 119.

PRESIDENT: 119. Any objections? If not, so ordered.

CLERK: Mr. President, a unanimous consent request from Senator Lowell Johnson to add his name to 126, 137....

PRESIDENT: If not any objection, so ordered.

CLERK: Just a second. Mr. President, finally I have letters that will be forwarded on to the Secretary of State regarding the Legislature's failure to override vetoes of LB 322 and 506A. (See page 2432 of the Legislative Journal.)