

January 6, 1982

title). LB 585 offered by Senator Warner. (Read title). LB 586 offered by Senator Wagner. (Read title). LB 587 offered by Senators Kremer, DeCamp, Wagner, Cope and Lamb. (Read title). LB 588 offered by Senator Wagner. (Read title). LB 589 offered by the Banking Committee and signed by its members. (Read title). LB 590 offered by Senators Kilgarin and Beutler. (Read title). LB 591 offered by Senator Landis. (Read title). LB 592 offered by Senator Lamb. (Read title). LB 593 offered by Senators Remmers and Richard Peterson. (Read title). LB 594 offered by Senator Landis. (Read title). LB 595 offered by Senator Fowler. (Read title). LB 596 offered by Senator Nichol. (Read title). LB 597 offered by Senator Nichol. (Read title). LB 598 offered by Senator Nichol. (Read title). LB 599 by Senator Nichol. (Read title). LB 600 by Senator Nichol. (Read title). LB 601 offered by Senator Nichol. (Read title). LB 602 offered by Senator Cullan. (Read title). LB 603 by Senator Cullan. (Read title). LB 604 offered by Senators Cope, Rumery and Fowler. (Read title). LB 605 offered by Senator Koch. (Read title). LB 606 offered by Senator Kremer. (Read title). LB 607 offered by Senator Howard Peterson. (Read title). LB 608 offered by Senator Howard Peterson. (Read title). LB 609 by Senator Marsh. (Read title). LB 610 introduced by Senator Howard Peterson and Senator Heffner. (Read title). LB 611 offered by Senator Kahle. (Read title). LB 612 offered by Senator Pirsch. (Read title). LB 613 offered by Senator Pirsch. (Read title). LB 614 offered by Senator Fowler. (Read title). LB 615 offered by Senator Burrows. (Read title). LB 616 offered by Senator Fenger. (Read title). LB 617 offered by Senator Stoney. (Read title). (See pages 77-88 of the Journal).

Mr. President, I have two new A bills, LB 404A offered by Senator Fowler. (Read title). And LB 604A offered by Senators Cope, Rumery and Fowler. (Read title). (See page 88 of the Journal).

Mr. President, I have a series of items to read into the record. Senator Koch would like to be excused January 7 and 8.

Mr. President, Senator Fowler would like to print amendments to....I am sorry, Senator Pirsch would like to print amendments to LB 465. (See pages 89 through 91 of the Legislative Journal). Senator Fowler to print amendments to LB 458. (See pages 91 through 93 of the Journal). Senator Rumery would like to print amendments to LB 287. (See pages 93 through 94 of the Journal). Senator Newell would like to print amendments to LB 131. (See page 95 of the Journal).

February 19, 1982

LB 598, 69, 603, 656

SENATOR NICHOL: I am sorry, Senator Koch, I wasn't listening. Would you repeat the question?

SENATOR KOCH: When the bill was introduced by you originally, was it to take them from under the seven percent lid for the monies they spend for renovation and energy saving devices?

SENATOR NICHOL: I am sorry. You was talking so fast I couldn't understand you. Would you repeat it slowly please.

SENATOR KOCH: When you introduced this bill in its original form, it was to allow community colleges to be exempt from the seven percent lid on dollars they spent to renovate buildings to make them energy efficient?

SENATOR NICHOL: This particular bill? No. This was to allow community technical colleges to be eligible.

SENATOR KOCH: For just exactly what it is?

SENATOR NICHOL: Sure.

SENATOR KOCH: Well, obviously, someone misinterpreted Senator Noren's, not Senator Noren, Mr. Noren's dialogue with the committee but the point is I think our commitment is to maintain this fund as we put it there last year and maintain it that way. Historically it is correct and I think for the future it is also correct. I am asking you to strike the enacting clause. Thank you. And, Mr. Chairman, I would like a record vote.

SPEAKER MARVEL: The amendment is to strike the enacting clause and that is the issue. All those in favor vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: (Record vote read. See pages 779 and 780, Legislative Journal.) 26 ayes, 15 nays, Mr. President, on the motion to strike the enacting clause.

SPEAKER MARVEL: Motion is carried. Do you have anything to read in?

CLERK: Mr. President, I have amendments from Senator Marsh to be printed to LB 69 in the Legislative Journal.

Mr. President, your committee on Judiciary reports LB 603 advanced to General File with committee amendments attached; LB 656 from the Revenue Committee is reported to General File with committee amendments attached, Mr. President, and that is signed by Senator Carsten.

March 17, 1982

LB 759, 754, 755, 162,  
164, 632, 957, 603

nobody has a position on anything in regards to the bill.  
Thank you.

SENATOR LAMB: Senator Warner, did you wish to close?

SENATOR WARNER: Mr. President, I would just say that my position on the bill is that it should be advanced at this time, that reflects the recommendation, obviously of the Public Works Committee who had the hearing and I would ask that the bill be advanced.

SENATOR LAMB: The motion is to advance the bill. All those in support vote aye, those opposed vote no.

CLERK: Senator Lamb voting yes.

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

CLERK: Mr. President, Senator Koch requests a record vote. 26 ayes, 8 nays, 10 present and not voting, 5 excused and not voting. Vote appears on pages 1243-44 of the Legislative Journal.

SENATOR LAMB: The bill has been advanced. At this point I would like to introduce Mr. Ron Watson and his son Tim, guests of Senator Myron Rumery. I believe they are under the north balcony. Welcome to your Legislature. The Clerk has some material to read into the record.

CLERK: Mr. President, your Committee on Appropriations whose chairman is Senator Warner reports LB 754 advanced to General File with committee amendments attached. LB 755 is advanced to General File. LB 162, 164, 632 and 957 all indefinitely postponed. Those are all signed by Senator Warner, Chair.

Mr. President, Senator Higgins would like to print amendments to LB 768 in the Legislative Journal.

SENATOR LAMB: The next bill is LB 603.

CLERK: Mr. President, LB 603 was a bill introduced by Senator Cullum. (Read title). The bill was read on January 6th and referred to Judiciary. The bill was advanced to General File, Mr. President. There are Judiciary Committee amendments pending.

SENATOR LAMB: Before we take the amendment I would like to make an announcement. On tomorrow's agenda there is a slight error which you may wish to note at this point. You will

see LB 408 on today's agenda, that is listed on tomorrow's agenda as LB 608. So don't be disturbed. It really means 408 and it is on, it is the second bill down from where we are right now. So if you will just note on tomorrow's agenda where it says 608 it really means 408. Thank you. Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, we are talking about judges' salaries so a good mood has been set during the last hour or so, so it is probably an appropriate time to take up judges' salaries. The Judiciary Committee amendments on LB 603 would make two changes. First it reduces the salary increases to Judges of the Supreme Court from the proposed \$62,500 to \$55,000 a year. Secondly, the committee amendment proposes changes in the formula for determining salaries of lower court judges which was adopted in LB 111 last year. As you recall LB 111 ties the salaries of the Judges of the District Court to the salaries payable to the Judges of the Supreme Court effective January 6, 1983. Previously we had always dealt with each of these courts separately when it came to judges salaries. The committee amendment would change the formula by reducing the District Judges from 92.5% of the salary paid to the Judges of the Supreme Court to 85%. County, Municipal, Workmen's Compensation Court Judges salaries would be based on a 77.5% of the Supreme Court Judges salary rather than 85%. Mr. Chairman, I move for the adoption of the committee amendment.

SENATOR CLARK PRESIDING

SENATOR CLARK: The amendment to the committee amendments. Mr. Clerk, will you read the amendment to the committee amendments.

CLERK: Mr. President, Senator Cullan would move to amend the committee amendments.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, earlier this afternoon I circulated to the membership of the Legislature a copy of my amendment to the committee amendment. The amendment was prompted, quite honestly, by the Governor's address and the concern that we have over the economy in the State of Nebraska today and the way that we plan to treat other public employees in the State of Nebraska. What the amendment that I proposed will do will be to increase the salary of the Supreme Court and consequently of all of the other judges in the state of Nebraska 5% in January of 1983 and 5% in January 1, 1984. The effect of this amendment is

to have a 2½% increase for the Judiciary in the next fiscal year. The fiscal impact then of the amendment is \$115,749. The bill as proposed had a fiscal impact for the coming fiscal year of \$690,140. So you can see the amendment I proposed significantly reduces the fiscal impact of the bill which I originally introduced. The bill proposed a salary for the Supreme Court for the coming fiscal year of \$40,500. As amended the salary for the Supreme Court for that period of time will be \$50,731 or approximately \$12,000 less than I had originally requested from the Legislature. I would ask you to adopt this committee amendment to the amendment to the committee amendment, and I would ask you to advance the bill. Over the last six year's the District Judges in the State of Nebraska have had salary increases averaging to approximately 4% per year. I don't think that is a way to encourage or retain employees or qualified and competent people in the State of Nebraska and I think the net effect of our salary policy, not only for judges but for other public employees, has been to retain people who we would perhaps not want to retain and many talented people are not being encouraged to stay when their level of compensation and their annual increases in salary are so low. So, I think that we should take a step right now, it is a very modest step, 5% a year for the judiciary. The second thing that the amendment does is strike the portion of the committee amendments that would have lowered the percentage that District Judges and County Judges and other Judges receive of the Supreme Courts salary. It leaves it as the Legislature determined it should be in the last session of the Legislature in LB 111. So we strike that portion of the committee amendment. Now I think is the time for us to increase judicial salaries, even in this very, very moderate and modest amount which I personally think is much, much too small an increase in the salary of the judiciary. But, I guess something is better than nothing and I suppose in light of what we are doing to state employees this modest increase is appropriate. I distributed to you also earlier this morning a sheet that compares the salaries paid to lawyers in public office and other persons in Nebraska government. I think when you look at these salaries you will see what other attorneys paid for by public dollars are receiving in the State of Nebraska. The City of Omaha's attorney receives \$60,537 which is substantially more than our own Supreme Court, \$9,000 more than our own Supreme Court under my amendment. The County. . . the City of Omaha's Deputy County Attorney would receive more than the state Supreme Court currently receives today. The City Prosecutor who appears in Municipal Court receives substantially more than Municipal Court Judges

would receive. The County Attorney in Omaha with the 5% incremental increase that he is going to be receiving will soon be receiving \$70,000 a year. Those are local governments. How about the State of Nebraska itself? The Department of Public Institutions pays its director who is an attorney \$71,292. Twice as much as we pay our own Attorney General who is an elected official and substantially more than we pay any member of the bench in the State of Nebraska. Look at those specifics and look at those salary figures and you can see how little we pay our judiciary with compared to other attorneys who also work for the people. We are not comparing them to people in private practice who would make many, many times more than our judges. I don't think our judges should make as much as some of the people in private practice do, but they ought not to make so small salaries that we will be losing quality judges. The last point that I would make is about the level of, just a point about the current level of compensation for the judiciary. I am a senior, as many of you know, at Creighton Law School. Right now many of my classmates are looking for jobs or have in fact obtained employment. The county judge in the State of Nebraska makes \$35,955 a year. I have a classmate, who I know very well, who ranks in about the middle of the class, who is going to work for a law firm in Denver, Colorado for \$32,000. He hasn't even passed the bar exam yet. He is making, he will be making in Denver, well about \$4,000 less than a county judge who hopefully is a qualified competent individual who has served and practiced for many years. So I think when you look at what attorneys are making I think it is terrible that we are in the state that we are in. We are not asking for substantial increases in salaries at this point in time, just the small 2½....effective 2½% increase in this coming fiscal year and then a 5% increase after that. I would urge you to adopt the amendment. I wish we could obtain a more realistic salary level but at this point in time given the budget constraints I guess we will ask for the 5% salary increases that I have addressed. I now move for the adoption of my amendment to the committee amendment and then I would hope that we could advance the bill.

SENATOR CLARK: Senator Von Minden.

SENATOR VON MINDEN: Mr. Speaker, members of the body, a question of Senator Cullan please.

SENATOR CLARK: Senator Cullan?

SENATOR CULLAN: Yes.

SENATOR VON MINDEN: Senator Cullan, our Attorney General who

is probably the most important attorney we have here in the State of Nebraska. What is his salary?

SENATOR CULLAN: I think it is \$32,500 a year, I believe. I may be incorrect on that but it is in the \$30,000 range somewhere.

SENATOR VON MINDEN: And, with our supposedly poor, poor salaries that you indicated, are the judges we have now qualified then to be serving or aren't they really qualified?

SENATOR CULLAN: I think that we are tremendously lucky with these very, very low salaries to have the quality judiciary that we have in the State of Nebraska. It is a tribute to the gentlemen who serve in these capacities that so many of them are willing to serve for the salaries which we do offer them.

SENATOR VON MINDEN: Fellow senators, I look at the figures and I don't think that they are so terribly poor and so terribly bad. In fact, I think what we are trying to do to the average worker in the State of Nebraska, giving them a meager 4%, 8%, 10% raise and we are holding that off to either October or perhaps January. I look at this and I really want to oppose this amendment. It really shouldn't be here in the first place. This bill was heard in our committee, the Judiciary, and we voted it down six to nothing, on a Friday, if I am correct. That evening I got a couple of phone calls and I think that all of the senators on the Judiciary Committee got phone calls and we got the pressure put on us by the people who make all the money. Enough pressure put on, Monday morning we brought the bill back. By all rights it shouldn't be here today. So I surely wish to oppose this amendment of Senator Cullan's. Thank you.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I think we perhaps ought to split this amendment of Senator Cullan's, this amendment to the amendment of Senator Cullan's I don't have to much fault to find with this 5% for two years this is pretty close to what the committee had. But, several of the committee members at the time we discussed that were disappointed with our bill last year and would like to change that. I would suggest, Mr. Speaker, that we split that and vote on the 5% for the next two years and then vote on the other portion of the amendment to the amendment if that would be agreeable.

SENATOR CLARK: I would say that it is divisible. We will

take the 5% every two years first. Senator Kahle, did you want to talk on that?

SENATOR KAHLE: Mr. President, that is really exactly what I want to talk about. I'm really concerned about giving them only a 2½% increase now and saying well next year we are going to give you 5% and the year after that we are going to give you 5% when most of us are complaining right now that one of the problems in our country today is that we built inflation into it. We built inflation into the salary of many of our workers. We built inflation into our government. We are now doing it again here at the state level. What I would rather see is if our judges salaries are too low that we bite the bullet now and raise them to where they should be. I'm not in favor of putting an increment increase in in the next two years because I am not that optimistic about our economy. I don't believe that we are going to be able to do it. I think I said the same about state employees just the other day and I'm sure state employees would like to choke me. But, there is no use kidding yourself. The economy, in my estimation, is not going to get better, at least not in the near future, so we are just kidding these people, that we are going to come back to this legislature in special session or some other form maybe next year and we are going to say, hey, we can't do that. We are going to have to cut back. So I think we ought to face it as it is today and not try to guess the future. Thank you.

SENATOR CLARK: Senator Nichol, what you are separating here is 5% the first year and 5% the second year. Do you want to vote on 5% the first year first?

SENATOR NICHOL: No, Mr. Speaker, what we are doing is we are voting on the 5% raise for the first year and the 5% for the second year. That is the first part of the question. The second part of the question is the percentages between the Supreme Court Judges and the District Court and so forth.

SENATOR CLARK: There is nothing in there to that.

SENATOR NICHOL: In Senator Cullan's?

SENATOR CLARK: No. Not that I know of.

SENATOR NICHOL: May I ask Senator Cullan a question, Mr. Speaker?

SENATOR CLARK: Yes.



SENATOR NICHOL: Senator Cullan, in the second part of your amendment do I understand that you want to reinstate those percentages as they were in 111?

SENATOR CULLAN: Exactly.

SENATOR NICHOL: Yes, Mr. Speaker, see that is the part that we are talking to secondly. So I would suggest that we talk to the portion of the amendment to the amendment that say 5% increase the first year plus 5% increase the second year. That would be the first part of the amendment to the amendment.

SENATOR CLARK: All right. Senator Landis, do you want to talk on the first part of the Cullan amendment?

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I support the Cullan amendment and, in both halves, I support the 5% raise which I hope is clear to all of you because it begins January 1 in fact amounts to a 2½% increase for that fiscal year rather like what we expect to be doing with the situation of public employees, state employees, delaying the increase. Why treat two years in a row? Why not bite the bullet, if you will, as Senator Kahle suggests. First of all, judges are public officials and are bound by the rules that we are in that their salaries may not be raised mid-term for their yearly work. In other words, they can't have an annual increase like state employees can, or the employees of cities and public schools and the like. They have to be raised on a basis of the beginning of a term of office for a judge which is why you have to treat them at a minimum of a two year cycle. The increment increase that Senator Kahle would be willing to vote for in this case and then not allow the percentage increase in the future probably is not shared with by the rest of the body and unfortunately I don't think we are in a position to be able to ask the public coffers to underwrite, beginning today, the rates that you would also find to be legitimate in 1984, which is what we are doing in this bill. I think it would be hard to say that we would start paying now the rate which we also think would be reasonable in 84. I think that is the virtue of the escalator in that second year when we can't legally raise their salaries as we can public employees in that same year. One question that you might ask yourselves are the kinds of functions that are performed by these people and how important they are. I would suggest that they would stack up very well against any other form of responsibility that we pass out as a people to our representatives. Because of the vote

earlier today it is clear that the judges will retain the life and death power of the imposition in criminal cases of the most severe of penalties. Life imprisonment, fines, the death penalty, we actually give the power of life and death to judges. Something we don't give to senators. We also give to them the power of distribution of probate which at one time moves through the court system a greater amount of wealth and property than we ever envision in our public budgets. The amount of property that goes through probate dwarfs the kinds of functions that we perform in setting a public budget. We also have the distribution of contractual obligations and the enforcement of them which keep commerce running in a way that we never do. The day to day running of business is far more hinged to what a court will decide in the determination and enforcement of a contract than anything we do. They determine parental rights and can take children from their parents when necessary. Something that we can not do. Ultimately they remain the guardians of the Constitution, a function that we do not perform. I can't imagine greater social and public decisions than those that are given to judges to exercise. If anything we should treat them with the respect that the Constitution...

SENATOR CLARK: You have one minute.

SENATOR LANDIS: . . .by giving them those powers and to encourage as best we can the highest quality of recruitment and retention on our bench that we can underwrite. This amendment goes only a tiny step towards doing that. But a fair one and a reasonable one given the relativity of today's economy. I support the Cullan amendment.

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature I also want to support the Cullan amendment. I think we are coming to a point in time in the Legislature when we have to think very carefully about the philosophy of what we are doing with regard to salary increases of all types. I'm sure that we would all agree that the public employees and that the judges and all types of public employees whether they are obtaining their salaries from political subdivisions of one type or another or from the state can't be expected to keep up with inflation when the average citizen out there himself or herself not keeping up with inflation. But I think what we should do is to keep the public employees up with the average guy out there. That I think means keeping the public employees up with the rise in personal income in the state. When we don't do that, when we don't do that, when we don't

force everybody to share the burden equally, then we are starting to make not just a salary decision but a different kind of philosophical decision. What we are saying for example is that we really don't need this level of quality in this or that position. I think that that kind of an unconscious decision, unconscious salary cutting counteracts all of the thoughtful decisions that we have made in this legislature over the years. If you are going to say for example the judges should not keep up with personal income in the state, what you are saying is that we should have a lower quality judiciary. What you are saying is that the lawyers that come into the courts on behalf of this client and that client should be considerably superior in quality and intelligence and experience and in judgment than the people who are asked to make the decisions. I think that is the wrong kind of decision to make here. Although, that would be the one we would be making. I think in these times of economic hardship that we should start thinking about the other choice and the other choice is this. Instead of cutting salaries in a way that is burdensome and in a way that puts public employees at further disadvantages with private industry, in a way that, in ways that hurt the quality of the institutions that we have, that we should start thinking about cutting programs, just wholesale cutting programs and doing well what we do and doing in a right way what we do rather than trying to do too much. Because, if we slowly dilute the quality of the institutions by trying to keep all of the institutions and every agency and every function the only result will be that we will do poorly everything. The result of that will be that the public... that public institutions will be further discredited, that the public will be further unhappy with public institutions the result of which will be we'll cut their salaries even more and we get into a cycle of defeat. So I think that we have to stop right now and decide what we can do. What functions government can perform and those that they can not perform and perform well those that we can and simply cut those that we can't rather than destroying and deteriorating every function that we perform. Getting back to the point in question, we have a good system, we have a good judicial system in Nebraska. The dockets are relatively up to date, you may have little problems here and there. . . .

SENATOR CLARK: You have one minute.

SENATOR BEUTLER: . . . justice is dispensed, but by and large it is well dispensed and dispensed in a timely manner and by and large we have a high quality judiciary which serves us well and which is high enough quality to keep a rein on all of the lawyers in the state to see that all of the consumers, the legal consumers in the state are treated with

equity and justice. It would be a disgrace, I think, not to treat the justices fairly. Thank you.

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

SENATOR HEFNER: Mr. Chairman, members of the body. . .

SENATOR CLARK: We have a few things to read in.

CLERK: Very quickly, Mr. President, I have some amendments to LB 683 offered by Senator Beutler, Landis, Fowler and Wesely to be printed in the Journal.

Mr. President, Senator Schmit and Kremer would like to print amendments to LB 849 in the Legislative Journal. That is all that I have, Mr. President.

SENATOR CLARK: Senator Hefner.

SENATOR HEFNER: Mr. Chairman, I move that we adjourn until 9:00 tomorrow morning, March 18th.

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

Edited by

L. M. Benischek  
L. M. Benischek

March 29, 1982

LR 271  
LB 693, 488A, 591, 603

body applying our laws and formulating the appropriate tax rates. I do not enjoy the erosion of our state tax base by the federal government. I think it is wrong for us not to respond to the erosion of the state tax base by the federal government and accordingly I have decided to support LB 693 because at least that will tend to ensure to us as a Legislature and to the state that whatever federal changes are made that have an adverse effect on our state tax system can be countered and will be countered by the State Board of Equalization and Assessment by making a countervailing move in terms of our state tax rates. So as long as we piggyback the federal income tax system, I do think this is the appropriate policy to follow, and it is for that reason I decided to support LB 693.

SENATOR CLARK: All right, the question before the House is advancement of the bill. All those in favor vote aye, opposed vote no. Senator Carsten, did you have any closing? All right.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 25 ayes, 1 nay, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. The next bill we will take up after the Clerk reads in.

CLERK: Mr. President, Senator Goodrich would like to print amendments to LB 591 in the Legislative Journal.

Mr. President, Senator Chambers offers explanation of vote.

Mr. President, a new resolution, LR 271, (read). (See pages 1443 and 1444, Legislative Journal.) That will be laid over, Mr. President.

Mr. President, Senator Goodrich would like to print amendments to LB 488A in the Legislative Journal.

SENATOR CLARK: LB 603. Senator Cullan. We are going to start on this bill. We probably can't finish it before noon.

CLERK: Mr. President, LB 603 (read title). The bill was read on January 6 of this year, and at that time it was referred to Judiciary. The bill was advanced to General File with committee amendments attached. Mr. President, the bill was considered by the Legislature on March 17. At that time

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LB 603

Senator Cullan offered an amendment to the bill. It is found on page 1245 of the Legislative Journal. In essence, Mr. President, there are two amendments to the committee amendments. Am I right, Senator, remember, we divided the question on this? Okay, and the first portion would be the first half of the amendment that is found on page 1245.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I wonder if the Clerk could tell me which part we are addressing as of the division of the question?

CLERK: Senator, I believe it is the part that talks about 5%, an amount equal to 5%.

SENATOR CULLAN: Okay, Mr. President, members of the Legislature, I would urge you to adopt all of the committee amendments but what this particular phase of the committee amendments does is reduce the salary recommendations from those made by the Judiciary Committee to a 5% increase in salary over the next two years rather than the \$55,000 figure that the Judiciary Committee advanced to us. The second part of the committee amendments or the amendment to the committee amendments which you will consider shortly has to do with LB 111 which is the scale that applies for just judges. The committee amendments recommended a lower percentage for district court judges and county court judges than existed in LB 111 last year and that is the next issue. So right now I would just like to ask you to advance or to adopt the amendment to the committee amendments which specify that the Supreme Court will receive a salary increase of 2½% in this coming fiscal year which is equivalent to 5% for the calendar year, and then 5% for the ensuing calendar year. So those are the recommendations that I am making now. I urge you to adopt the amendments.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. President, members, I think we are going to have a number of issues I know dealing with the judges and with constitutional officers to face us in the ensuing days that we have left in this session. I guess I have some misgivings about building in an increase in future years, whether it be for either of those groups I mentioned. I think one thing that has happened to our society is that we built in inflation and that is what has happened to our automobile manufacturers and a lots of other businesses. I am not sure it didn't happen also to Safeway. I would much rather set the salary where you think it should be at this day in time in our history and not build in a 5%

increase over the next two years, or for the constitutional officers, it would be for at least four years or really be five years from last January so I guess I oppose this amendment for that reason. I know that those people need some increase in salary because they have not gotten a raise in the last several years. Well, I don't know the judges so much, I think we did give them a raise not too long ago, but I am just not in favor of putting an escalation in a salary. With our economy the way it is, I think we are going to go the other way, and if I understand it right, and I might ask this of Senator Cullan, once this is set by this body this year, there can be no change for, what, two more years in the case of the judges? He is nodding that that is correct so, therefore, I object to having a 5% increase in and I would rather put a fair salary on today and leave it at that rather than put the escalation in it. Thank you.

SENATOR CLARK: Senator Von Minden. Senator Higgins.

SENATOR HIGGINS: Mr. President, I would ask for a point of clarification. I don't want to speak to the bill or the amendment.

SENATOR CLARK: Do you want a question of Senator Cullan?

SENATOR HIGGINS: Yes, please.

SENATOR CLARK: All right.

SENATOR HIGGINS: Senator Cullan, providing this bill is adopted, as I understand it the state employees, the Appropriations Committee said give them a raise October 1st, the Governor said give it to them January 1st, when would the judges get their raise if this bill passes?

SENATOR CULLAN: If this bill passes, the raise would occur on January 1st because constitutionally we cannot give the judiciary or any constitutional officer the increase or decrease, for that matter, in their salary during the term of their office. So January 1st would be the effective date of any increase in salary.

SENATOR HIGGINS: Thank you, Senator.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President, members of the Legislature, I recognize the problem which we face with the Supreme Court judges. I have never before opposed a raise for the Supreme Court judges nor do I think for any other member of the judiciary. I believe very strongly in paying them a satisfactory

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wage but I would have to agree with Senator Kahle that first of all I cannot go for a builtin increase. Number two I believe that at a time when we are asking the lower paid state employees not to accept a raise, in fact perhaps even to face the possibility of some layoffs and some maybe even decreases, I think it would be extremely difficult to go back and suggest that there are just a few persons whose salary at the present time, although maybe inadequate, is going to be raised, I think is wrong. I think the economy is wrong for it. I think the situation throughout the state is wrong. I think as Senator Kahle has said we are building in inflation and we have heard elected persons from the federal level, we have heard the administration boast about the fact that inflation is now level, we almost have zero inflation. If that is the case, then why should we build an inflationary impact into the economy in a position where if there is anyone who can get by, our honorable judges can get by. I know that there are men there who could earn far many times of what they are earning in their present position. So could some of us. At the present time my salary here is the best salary I have had all year so I am not going to complain but I want to point out that there are many people today who are out of work. In the City of Columbus I have been told, 24% unemployment. It is pretty difficult to go back to Columbus and tell those people back there when I face something like that that we still found it necessary to increase the salary of the Supreme Court judges. I recognize the constitutional problem. I wish it did not exist but we face that same problem in other areas and we survive. I think that if we approve this kind of a raise, we are not going to be able to tell anyone "no". I think we are going to have to say "no". The economy is in bad shape. Unless someone will accept some of those suggestions that have been made from time to time about how we can improve the economy, get people back to work, get things moving again, we are not going to have an improvement in the economy. It just so happens I think it is a mistake not to let those bids for highway construction. There is \$50 million laying there that ought to be cranked into the economy and go to work. With that thing being delayed, there are thousands of construction workers who have done nothing wrong who are not going to draw a paycheck at all for several months at the very best and I think that it is not consistent with good...

SENATOR CLARK: You have one minute left.

SENATOR SCHMIT: ...government at this time to come in with a pay raise. I think it is absolutely irresponsible. I have talked to members of the judiciary who have agreed with me. Of course, they don't want to make their names



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public, they would be ostracized but some of them have told me they do not feel this is the time for a pay raise. I agree with them, oppose the amendment. I am opposed to the bill.

SENATOR CLARK: I think we will stop at this point, and I have got a list, Senator Cope, Dworak, Vard Johnson, and Burrows, to talk after we come back from lunch. Mr. Clerk, do you have anything to read in?

CLERK: I have nothing, Mr. President.

SENATOR CLARK: All right, Senator Goll, would you like to recess until one-thirty.

SENATOR GOLL: Mr. Speaker, I move that we adjourn until one-thirty this afternoon.

SENATOR CLARK: We have to recess.

SENATOR GOLL: Recess.

SENATOR CLARK: Thank you. You heard the motion. All those in favor say aye, opposed. We are in recess until one-thirty.

Edited by Arleen McCrory.  
Arleen McCrory

RECESS

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SENATOR CLARK PRESIDING

SENATOR CLARK: Register in, please. Could we all get checked in, please, so we can get started. The Clerk will record.

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

SENATOR CLARK: When we left off this noon we were on the Cullan amendment to 603. I have got six more speakers. Senator Cope is number one.

CLERK: Could I read one thing in quickly?

SENATOR CLARK: Yes.

CLERK: Mr. President, while Senator Cope gets to his mike, Senator Koch would like to print amendments to 895 in the Legislative Journal. (See pages 1446 through 1448 of the Journal.)

SENATOR CLARK: Senator Cope.

SENATOR COPE: Mr. President and members, a question of Senator Cullan.

SENATOR CLARK: Senator Cullan, would you yield?

SENATOR COPE: I almost forgot what I was going to ask you, Senator Cullan, but it's this. Last year when we were debating the raise in pay for the judges, wasn't it Chief Justice Krivosha's idea of putting them together on a certain percentage basis of all the judges?

SENATOR CULLAN: Yes, Senator Cope, that is correct, but we....

SENATOR COPE: Now....go ahead.

SENATOR CULLAN: We enacted LB 111 which put these District Court judges at 92.5 percent and the county judges at I believe 85 percent. And the second part of my amendment deals with changes that the Judiciary Committee is making in that structure.

SENATOR COPE: Now that was my question. Why is the Judiciary Committee making the change after not even getting the first one started?

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SENATOR CULLAN: I really don't know and I think that is the most important thing we can do is not change that structure that we established last year.

SENATOR COPE: In other words, your amendment then...I thought your amendment changed it.

SENATOR CULLAN: My amendment will reinstate the structure that LB 111 put in place last year. The Judiciary Committee sent out...I can't remember the exact figures, but I believe one of them was eighty....Senator Beyers could tell you, but at any rate they changed the structure that we set up in LB 111 last year and I am putting it back exactly as it was in LB 111 last year.

SENATOR COPE: It's a good thing I did ask you a question.

SENATOR CLARK: Senator Dworak. Not here. Senator Vard Johnson...oh, Senator Dworak, go ahead. Sorry, I didn't see you, you are getting kind of small. I mean you are shriveling up, pardon me.

SENATOR DWORAK: Mr. "Would-be" Presiding Officer.

SENATOR CLARK: You've got it. Touche.

SENATOR DWORAK: I guess I would like to ask a question of Senator Cullan but not necessarily a direct question, but merely get a little dialogue with him so that I am absolutely sure where we are on numbers here. It is my understanding that we are now amending the committee amendment, and if we amend the committee amendment as you wish to do, the total fiscal impact for 1982-'83 will be \$115,749 and then \$237,270, '83-'84. Is that correct?

SENATOR CULLAN: That is exactly correct, Senator Dworak.

SENATOR DWORAK: And that will bring the...county judges are now being paid \$41,068, is that correct?

SENATOR CULLAN: That is also correct.

SENATOR DWORAK: And they will get a \$2,053 increase the first year and an additional \$2,156 increase the second year.

SENATOR CULLAN: That is correct.

SENATOR DWORAK: Okay, well, I know where I am then. I think these....now the reason this is higher than 5 percent,

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and it is higher than 5 percent because we also have the dynamics of LB 111 from last year working into this. Is that right? You are getting a double shot. You are giving them 5 plus 5, but we also have the dynamics of the formula change of LB 111 working. Is that correct?

SENATOR CULLAN: Well, Senator Dworak, those figures which you set out are 5 percent above their current salary which is the \$41,000, so I don't believe...I think...as I...what we were supposed to prepare...what this table is supposed to present is a 5 percent increase each year.

SENATOR DWORAK: Okay, the second...then just one other question. If we don't adopt your amendment and then we are strictly on the dynamics of LB 111 from last year, correct, what kind of an increase will they have then if we do not adopt your amendment?

SENATOR CULLAN: If we do not adopt my amendment and we go with the recommendation of the...

SENATOR DWORAK: Committee.

SENATOR CULLAN: ....Judiciary Committee, it is \$55,000 but then they reduced the percentages from 85 percent to 77½ percent, I believe, is the percentage so that there would actually be over the course of a period of time a very slight increase for the District Court judges, substantial increase for the Supreme Court judges and a slight increase for the county judges as well.

SENATOR DWORAK: Slight increase?

SENATOR CULLAN: As I understand it would be a very slight over the...(interruption).

SENATOR DWORAK: Can you tell me the total dollar impact if we do not adopt your amendment but just go with the Judiciary Committee recommendation?

SENATOR CULLAN: As I understand it the fiscal impact would be almost the same for the Judiciary Committee's approach and this approach.

SENATOR DWORAK: But it would be a different distribution whereby the Supreme Court would be getting the bulk of the increase with the District judges getting considerably less.

SENATOR CULLAN: That is correct.

SENATOR DWORAK: Thank you, Senator Cullan. Thank you, Senator Clark.

SENATOR CLARK: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker and members of the body, I certainly rise in support of Senator Cullan's amendment to the committee amendment. This morning we heard a number of speeches on this floor from members asking how we could have the temerity in these difficult and troubled economic times to provide our judges any kind of a pay increase whatsoever, particularly when more and more individuals in our society were being laid off, when farmers are having a difficult time with their income, when state employees were being asked by the Governor and by members of this body to accept very small pay raises, how we could go for a salary plan that would provide our judges a 5 percent pay increase next year and a 5 percent pay increase the following year. Now as I listened to those speeches I turned to the United States Constitution and to the Preamble which says: "We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." The second thing that we set out in our Constitution was to establish justice. Now even in the most difficult of economic times we have got to have a judiciary that is well versed in the law, that is experienced in deciding difficult cases and that exercises great wisdom in applying the law to the facts and arriving at a more perfect justice for us and our society. And over the long pull, we in this state have tried conscientiously to place on our benches the ablest women and men to function as our judges. But it would be a mistake, it would be folly, it would do them, our state and our sense of justice a disservice for us not to provide them with a reasonable measure of compensation. Thursday I had a small matter in front of Judge Robert McGowan who is one of the two County Court Judges in Douglas County, and Judge McGowan was appointed to the bench in my recollection in 1972, came out of private practice to serve as a County Judge. Judge McGowan was one of the principal architects of the Nebraska Probate Code. Judge McGowan is probably regarded by his fellow jurists as Nebraska's leading expert on the Nebraska Probate Code. It is Judge McGowan who will, in a sense, be passing judgment on the transmission of wealth in our society from generation to generation as a probate judge, who said this to me, Vard, he said, I just cannot beg anymore for a pay increase. The time is approaching when I will leave the bench and go into other work. Last

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year I had an offer from a corporation to serve as its general counsel at a salary substantially in excess of the \$41,000 a year I presently earn. I turned it down. But this year if the offer were to come through....

SENATOR CLARK: You have one minute left.

SENATOR V. JOHNSON: ....and given the fact that the Legislature has not done right by the judiciary, I am prepared and I will take the step. I said, Judge, can I tell that story on the floor and he said, yes, I can tell that story on the floor. And he said, you know, Vard, the way I feel is the way many of my counterparts feel that we truly are being asked to pay too great a price to dispense and to deliver the system of justice that we in society want. And I say to you, colleagues, we would be pennywise and pound foolish if we didn't provide our judiciary a modest increase even in these difficult times to continue to assure to our citizens a solid bench and a good system of justice.

SENATOR CLARK: I would like to announce that in the north balcony Linda Zahl, American Government teacher from Stratton, has also two school board members, Richard Stahly, Stratton Public School Board, Loren Egle, Stratton Public School Board, he is from Palisade, and 14 students. Would you stand and be recognized, please. They are in Senator Haberman's District. Welcome to the Legislature. Senator Burrows is next. He is not there. Senator VonMinden.

SENATOR VON MINDEN: Mr. Speaker and members of the Legislature, it is extremely hard to stand here and oppose the most powerful people in the State of Nebraska, the judges and the lawyers. Let me say to you, I think you ought to hear the other side of the story. Everyone should take a look at the benefits a lawyer receives when he accepts a judicial position, number one, job security. How many judges lose their jobs unless they really foul up? They have job security until they are 72 years old. How many people in Nebraska have that right now? They are wondering whether they are going to keep their jobs at all. Number two, they receive the medical coverage that everyone else in Nebraska receives. And also how about the retirement system? It is a generous retirement fund that most of us don't even know about that perhaps some of us would work for just the retirement. I also want to say to you about the prestige and the power the judge has. In fact, a good friend of mine is a district judge in South Sioux City, Nebraska, went to high school with him. He said to me, Senator VonMinden, are you proud to be a Senator? I said,

I really don't know. Well, he said, I am proud to be a judge. He said, there is only 47 of us. He said, it means a lot to me. The salary is nice, he said, and the power, the prestige I have had is also very nice. I don't think Judge Krivosha is going to quit and I don't think any other judge is going to quit. Perhaps they are going to quit when their retirement gets close. I would like to quit and have the retirement they have too and take on another job and receive both of the benefits. Also the Governor has to...he said, he, in fact, would veto a 5 percent raise if the Appropriations Committee comes through in October until January. Then they get a 5 percent raise. Which is the better, a 2½ percent raise at \$48,000 or a 5 percent raise at \$10,000 which is what a lot of people work for? I think I would rather have the 2½ percent of the \$48,000, plus the 5 percent raise they are going to have the next year. If our economy is not good next year, the majority of the people of Nebraska won't get a raise at all. Another reason why I think you people should vote against this, if I was running this year, which I am not, it would be a lot easier to go home and face three judges in my district and a half a dozen lawyers who said, we need more money, we can't survive on \$48,000 or \$43,000 which the district judges get. I would much rather face 33,000 other people that said that, Senator VonMinden, you're doing a good job, when I voted to kill this bill in committee, and that is one other reason why this bill shouldn't even be here today. In all good faith we heard this bill in Judiciary Committee and we killed the bill, six to nothing. To tell you how powerful the judges are, they got on the phone that weekend to phone me three different times, and apparently they phoned other people on the Judiciary Committee that we reconsidered it under the balcony here the next Monday morning. So I am opposing any more raise to these poor fellows that don't get quite enough and hope we defeat the amendment and the bill.

SENATOR CLARK: Senator Haberman, did you want to talk on the bill? Senator Marsh.

SENATOR MARSH: Thank you. There are some women judges I would like to point out to Senator VonMinden. I rise to support the amendment which is proposed by Senator Cullan and I might remind those of you that in the next fiscal year, Senator VonMinden, that is only 2½ percent in the next fiscal year for the judges. That does not take effect until January 1, 1983. So we are asking them to accept less than at this time we are asking the rest of state employees with the exception of the Legislature.

As all of you know, we do not have retirement nor insurance but all of the other members of state government do have those. That is not above and beyond. That is in the normal course of business. We are asking persons who are highly trained, who are the cream of the crop, who have risen to the top because of their abilities. We do not ask in other areas for them to take a loss in order to serve in that position. Yes, there is honor but that doesn't send your child away to school. The honor does not send your child away to school. It does not pay for the care for the parent who is in a nursing home. And this is a reasonable alternative. I urge the legislative body to not be so miserly that you shut the door in your face to what is being fair. It is not exorbitant. It is a reasonable compromise. It is 2½ percent in the next fiscal year. That is a reasonable dollar figure. I, too, want to stay in our budget. I, too, care about the end result. But these individuals, men and women, are not eligible to have a change after the beginning of the term beginning in January unless this body makes the change this year. I am one who will have the courage to do what I feel is right and that is to vote for the amendment.

SENATOR CLARK: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, Senator VonMinden indicated that he thought it was hard to oppose the power of the judges. I don't know how naive he expects the rest of us to be but in my own opinion nothing could be further from the truth, in fact, the easiest thing to do is to oppose the judges and to style oneself as a populist breaking down power barriers and bringing to heel people who are reaching outrageous proportions in their salaries and their benefits and their working conditions in some sort of grand populace manner. I think there isn't anything easier to do than to take shots at jurists as coddling criminals and as too powerful and as remote from the people and as too well paid or overpaid for their effort that they expend. If anything, the judges suffer from the fact that they cannot enter into the political arena and contest the objections and the arguments and the demagoguery that they are faced with commonly in newspapers and columns and political discussions and on the floor of the Legislature. You don't find judges responding with articles to the Letters to the Editor and the like defending themselves and their positions and objecting to them being misquoted and the like. They operate from a basis of discretion which this body would choke under if we had to exercise the same level



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of discretion. They are easy targets and they are easy targets here in the discussions on LB 603. They are easy targets for political posturing, for an attempt to keep costs down, to signal some sort of false economy to the public. There is no mention of the counterparts in the public sector, not the private sector but the public sector of attorneys that we hire and that local political subdivisions hire. They receive wages far in excess of these judges that are so important as guardians of our Constitution, guardians of our criminal process, guardians of our tort system and guardians of the commercial contracts that keep business and industry flowing in Nebraska. We pay out of other pockets of ours sixty thousand dollars and more for public sector attorneys and yet posture that we are doing some sort of great service to the state by keeping the lid on a 2½ percent increase for judges. In my own humble opinion I think we will rue this parsimony. I think that this shortsighted and essentially malicious attack on the judiciary will haunt us if not because judges will suck it in and will go two more years without pay increases but because ultimately we have to think to ourselves what it is that we have done to carry out our Constitutional responsibility to defend the Constitution, to defend the laws of the State of Nebraska.

SENATOR CLARK: You have one minute left.

SENATOR LANDIS: Thank you, Senator Clark. And to further the cause of justice which is our obligation as well. I am not sure that the Senator Cullan amendments have much of a future. They certainly have my support, and I hope they have the support of those who even in hard times feel that the pursuit of justice and the pursuit of a quality bench to determine issues of public policy is one of the highest priorities that we can exhibit. I intend to vote in favor of the Cullan amendments. I urge my colleagues to do the same.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman and members of the Legislature, I would like to be an authority on judges' salaries having kicked around in it for the past eight years and I think the only one that perhaps might be an authority is Senator Stoney because he did do an indepth study on it. But Senator Dworak asked the question a little bit ago about the fiscal impact and if you will notice the fiscal impact that has been passed out to you for 1982-83 the additional amount would be \$115,000 plus, in 1983-84 it would be \$237,000 plus. Apparently where the problem with us is, in two areas, the district judges. We have 47 of

them and there doesn't seem to be too much of a problem with the rate of increase that we handled with those particular judges. By 1982-83 they would be at \$52,523. But the big one really seems to be in the rural county judges and you will recall that they were somewhere in the neighborhood of 25, 26 thousand dollars, 28 thousand maybe prior to 1981, and with the raise that we gave them their current salary is \$35,955 and by fiscal 1982-83 it would be \$37,981. So you have an increase in the county rural judges where we have 37 of them going from somewhere in the middle twenties to almost thirty-eight thousand in a matter of four years. This seems to be a problem that I personally seem to be suffering from. I don't know whether county judges are worth that much or not. Now we are talking about the county judges in the rural areas. The county judges in the metropolitan areas are presently receiving \$41,517 which is the same or which is approximately four thousand dollars more than the rural county judges. So it may be that as you consider this particular formula you may want to address that particular problem. I will have more figures for you in a little bit if you are interested in them. Thank you.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I am a little surprised at Senator Landis because I do not believe that I, for one, at any time challenged the integrity or the honesty or the ability of the judiciary. I have never done that on this floor in fourteen years. I am not doing so now. Neither do I believe there is a different price for justice at the county level, the district judge level or the Supreme Court level, depends upon which court you find yourself in. If you find yourself before a county judge, I am sure you are as concerned about the quality of the county judge as if you were before any other judge. I think I have had as much exposure to the members of the court as any member of this body though I am not an attorney, and I have the ultimate respect for the members of that judiciary. I think that as we pointed out earlier that I have always supported the increase in salaries for judges. I have never before taken a position against one. I want to say that this is the first time that we have been in a major recession if not a serious depression since I have been a member of this body, and I have been here fourteen years. At a time like that I believe you have to reassess the situation in which you find yourself. I have talked to members of the judiciary and I will tell you point blank what they have told me, not all of them, of course. They have said, we would prefer to

forego a raise during times like these and look for a better raise when the times are good. Now that is what we are asking everyone else to do. We are saying if the economy turns around, we are going to give the state employees a raise. Business after business, InterNorth, Nebraska Public Power, many other businesses are looking at the situation and saying, we are going to take another look at it in six months or a year and again as I have said, I am sorry about this problem with the Constitution. I can't change that. But I am saying that it is presumptuous of us at this point in time to say that the economy is going to be such in a year from now that we can afford five on top of five. I say also again that if it were just a number of those Supreme Court judges, if that was all the impact it was going to have, it would be easy to go ahead and vote for it. It is easy to criticize those of us who are saying we should not have the increase and call it posturing, if you will. Let me explain to you that I visited with my constituents over the weekend. They do not consider it to be posturing. Business after business is facing bankruptcy. One after another people are laid off and out of work. The automobile workers are taking reductions in salary. The laboring people are taking reductions in salary. They are not asking for increases, they are taking reductions. And then, we say, well, these are the exceptions. Should we perhaps make an exception for the lowest paid state employee who doesn't have enough take home pay to meet the basic needs of their existence? If you were to ask the members of the judiciary that question, without exception they would say, yes. They would say yes. I wish also that we were able to separate them from the constitutional officers who can earn outside income whereas the members of the judiciary cannot. But it was not me who said they should not be allowed to earn outside income....

SENATOR CLARK: You have one minute left.

SENATOR SCHMIT: ....and so what I am saying is this, that notwithstanding the quality of the judiciary, notwithstanding the fact that they deserve it, notwithstanding the fact that maybe everyone else in the state would understand, a million five hundred thousand people, I am saying that at this point in time we are making a mistake if we adopt the Cullan amendment. I would hope that you would not adopt the amendment, and I would most emphatically deny any allegation as to posturing, as to incrimination of the judiciary or any other accusations.

SENATOR CLARK: Senator Higgins.

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SENATOR HIGGINS: Mr. President, this has been a bill that in the beginning I thought I would vote against, then I thought I would vote for it. Now I am between a rock and a hard place. It is difficult if you vote for a bill like this to go back to your constituents who are unemployed and who are only making 12, 14, 15 thousand a year to explain all of the debate that you have listened to on this since before lunch and after lunch. And the news media may or may not tell all of the debate and not even all of my constituents will take the newspaper because many of them cannot afford it. When you get it on television and radio it is such capsule form they can't possibly tell all the information we have received. So I think what I am going to do is this. I am going to vote yes to advance it today and then I am going to send out a letter to all the judges and ask them that if they don't get the salary increase, is it going to force them to resign and go back into private practice? And at the same time I am going to wait to hear from my constituents in District 9 and see if any of them have anything to say, if they write me or call me and say, I am for it or against it. If they call me, I am going to explain to them the arguments that I have heard here on the floor and I am going to rely on the judges and their answers as to what their feeling will be if they do not get the salary increase. It could be argued, you get what you pay for but that would be an insult to everyone of us on the floor here considering it is \$4800 but in a lot of our cases including mine I think that is probably all we are worth, some of us. So I will vote today to advance it from General to Select but I don't know what I will do until after I get a response from the judges themselves and from my own constituents. Thank you.

SENATOR CLARK: Senator Hoagland.

SENATOR HOAGLAND: Mr. President and colleagues, there are a couple of important facts in relation to this bill that I am not sure have been sufficiently considered or sufficiently emphasized in this debate. The first and I think the most important are the ramifications of killing this bill or turning down this request for a salary increase, and that is if we do that because of the way the Nebraska Constitution is drafted, why we will be denying the judiciary an increase of any kind for two and a half years. If we turn this bill down today it is going to be January 1st of 1985, two and a half years from now before they will get any increase of any kind. Now consider what the consumer price index and what inflation is going to do to the purchasing power of the dollar in the next two and a half years

if our economic problems continue at this rate. Even if they don't continue at this rate, it seems to me that we are looking at an inflation rate of at least 10 percent a year for the next two...two and a half years which would be a 25 percent erosion in the salary level that the judges are currently making, currently earning, if we do nothing today. Now, secondly, consider if you will the amount of the increase that the Cullan amendment proposes. For the first fiscal year that this will go into effect it is only a 2½ percent increase, that is for the fiscal year of the appropriations bills we are currently considering it is only a 2½ percent increase which is less than what we are proposing to give state employees. For the next fiscal year after this current fiscal year it will be a 5 percent increase which is probably also going to be significantly less than state employees are going to receive and then it will be 2½ percent again for the last half of the last....the first half of the last fiscal year that this bill will affect. So I think that before you decide not to support the Cullan amendment you have got to understand the ramifications of this and that is that because of the way our Constitution is framed, this is the last opportunity we have for two years to give the judiciary a salary increase. Now, Senator Schmit indicates that he has had a lot of experience in the courts of this state and I know a lot of others of the members of this body have and I think that anyone like Senator Schmit or anyone else who has had experience with the law can tell you that no law suit and no lawyer is better than the judge for whom the case is tried. And the best of the lawyers must be those who are willing to come onto the bench because if we cannot convince the best lawyers in this state to accept employment as judges, well then our system is going to suffer. As Nebraskans we deserve the best, we deserve the ability to attract the best people to the bench and not just what can be obtained. We can always obtain lawyers who are willing to serve as judges at these salary rates, but the question is, can we get the best people available? And you know that the best lawyers in this state are making substantially more than judges currently make. If we decide to give the judges no increase until January 1st of 1985, what kind of luck are we going to have in attracting the best lawyers to apply for judicial positions around the state? I think we are going to have even more problems than we have had to date and we have had severe problems today in many outlying communities in convincing good lawyers to apply for vacancies at the county court and the district court level. So please remember when you vote on this matter this is the last chance we have for two and a half years to give our

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judiciary any kind of an increase at all and that the increase that we are proposing here is less than the increase that we are proposing for state employees generally. Thank you, Mr. President.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: I move the question.

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

CLERK: Senator Clark voting yes.

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

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

SENATOR CLARK: Debate is ceased. Senator Cullan, do you wish to close on your amendment?

SENATOR CULLAN: Mr. President, just to put it in perspective, what we are doing is a five percent salary increase for starting in January and then a five percent increase the following year. The reason that the increase is for two years is that we cannot increase the salary of a constitutional officer or a judge during the term of their office so if we did not put that five percent in for the second year there would be no salary increase at all in that year. I would just point out a letter from one individual I received, district judge, that indicated that over the past six years the rate of salary increases for the district judges in the State of Nebraska has been at approximately four percent for each of those last six years. That is a pretty dismal record and I don't think that we should be proud of it. I think in fact that we have fallen behind substantially what we are doing with the judiciary in the State of Nebraska. I circulated to you earlier and I circulated it last week as well a list of the salaries of other individuals who are involved, who are paid by the public sector. I would like you to look at some of the other attorneys who are compensated by political subdivisions or by the State of Nebraska. One of the state's own attorneys, the Director of the Department of Public Institutions, makes \$71,292. I think that is a reflection of what we pay other individuals with legal experience who work in state government, and our judges at all levels are considerably below that. I think

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it would be wise of us to increase these salaries. I think that we are asking for a very modest amount which is, in fact, less than is being requested by the...less than we are going to pay at least this coming year the state employees. So I don't think that there is anything lavish or outlandish about the figures, salary increases which we are proposing at this time, in fact, I think it is unfortunate that the judiciary decided to try for such a small amount. They recognized the hard economic times and came in with this proposal. The salary for next year would be \$48,315 for the Supreme Court. I would just point out in the original proposal that I introduced the salary would have been \$62,500. So I think they have compromised as much as they can compromise and I think it would be wise of us to give them this very small percentage increase in their salaries. I ask you to adopt the amendments to LB 603.

SENATOR CLARK: The question before the House is the adoption of the Cullan amendment to the committee amendments. All those in favor vote aye, opposed vote nay. It takes a simple majority.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? Once more, have you all voted?

SENATOR CULLAN: Call of the House and a roll call vote.

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

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

SENATOR CLARK: The House is under Call. All Senators will return to their seats and check in, please. Will everyone please check in? Senator Apking, Senator Peterson, Senator Duda. Senator Remmers, will you check in, please? Senator Schmit, Senator Wesely, Senator Newell, Senator Pirsch, Senator Chambers, Senator Warner. Everyone is supposed to be in their seats. Mr. Sergeant at Arms, will you get everyone in their seats, please, so we can have a roll call. Senator Newell, would you check in, please? We are looking for Senator Pirsch and Senator Warner. We are having a roll call vote. We are voting on the Cullan amendment to the committee amendments which takes a simple majority. All those in favor will vote aye, opposed vote nay and the Clerk will call the roll.

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CLERK: (Read the roll call vote as found on pages 1448 and 1449 of the Legislative Journal.) 18 ayes, 25 nays, Mr. President, on the motion.

SENATOR CLARK: Motion lost. The next amendment.

CLERK: Mr. President, Senator Cullan would move to amend the committee amendments by striking amendments 1 and 3.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, this was the previously filed portion of the committee amendments. What this again does is reinstates LB 111, Senator Chronister's bill, from the last session of the Legislature. What that does is places the district court at 92.5 percent of the Supreme Court and the county courts I believe, Senator Chronister, at 85 percent. So anyway, I believe those are the percentages and Senator Chronister will correct me if I am wrong. But that would at least reinstate what the Legislature did last year so far as salaries for the judges are concerned is a percentage of Supreme Court salaries. The other thing I would mention is that Senator Hoagland and I and a couple of other Senators have just placed an amendment on the desk for 3.75 percent for two years, but at any rate no matter what we do on salaries I think it is incumbent upon us to re...live with and attempt the salary schedule which was established last year under LB 111, that being 92.5 percent for the district court judges and 85 percent for other judges. I urge you to adopt these amendments.

SENATOR CLARK: Senator Koch. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I once heard that they have a very simple trap for catching monkeys. They take a box and they put a hole in it and put peanuts in the hole and the monkey can get his hand into the hole with his hand open, but then when he takes the peanut and closes his hand he can't get his hand out so the only way to get free is to let go of the peanut. But the monkey won't let go of the peanut so he stays trapped. Now I felt it was a mistake for the courts to come back in here with a bill this session. I felt it was similar to greed and some people may see it that way. But it may really boil down to a situation where the Legislature does not want to offer this much money by way of salary increases to judges. I voted against 111 and spoke against it and even had a successful



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kill motion which subsequently was overturned during last session. I have to look now...I have to reevaluate my position. Abroad in the land especially at the federal level is an attitude which says that the judiciary should be stripped of the power to consider even certain principles, certain constitutional rights that people have. If the people feel those rights are being violated at the federal level, there are members of Congress and some people in the populace who feel the court should not have the right to entertain a suit to vindicate those constitutional guarantees that citizens have. I don't know if this is just an attitude against certain groups like mine who would try to vindicate those rights or if it is a negative attitude toward the judiciary and the powers that the judiciary has. I cannot now take a position on a salary bill that might be tied up with that attitude of stripping the judiciary of its legally and lawfully constituted powers. Although I believe I will be as critical of judges and sometimes the judiciary as a whole as anybody in this country, I also am in the position of having to recognize that certain rights of mine will only stand a small chance of being vindicated if there exists an independent judiciary. Notice I said independent. I see a great amount of incompetency in the judicial system in this state. I see what I consider to be discrimination in the sentencing of black people by the judges in Douglas County. I know that there are tipsy judges meaning drinking judges who have consumed alcohol during the time they are supposed to be making sober decisions. I know that exists in Douglas County also. I have an article which tells me why the State Supreme Court has so much to do. On one day it considered four decisions from Douglas County and upheld only one of them, which means that three of those situations out of four were involving incompetency, that is what I would call it, on the part of judges who did not properly rule. So the lower courts are creating a lot of work for the Supreme Court. I am mentioning all of the negatives I can think of to let you know that those propositions are in my mind and I am conscious of them at the time I agree to go along with Senator Cullan's amendment. Remember, I voted against lll. I can't say what I might have to do on Select File, but as of now I am going to support his amendment and eventually what I would probably try to do is break the linkage between the Supreme Court salaries and the salaries of other courts in the state. To show what my philosophy of compensation of judges is, I wouldn't be opposed to giving a flat rate of salary to all of them. I would say give every Supreme Court judge a hundred thousand dollars a year and that is not overpayment. I could say give the district judges

eighty thousand dollars a year, the county judges seventy-five thousand dollars a year and this might surprise some of you, give the municipal court judges two hundred thousand dollars a year and kick out every municipal judge that you have got now and start all over again because since this is the level where most citizens come in contact with the law and if the cases are properly handled there, there won't be so much for the district courts and the Supreme Court by way of appeal or even if the work is there there won't be so many reversals, we should pay those judges the most.

SENATOR CLARK: You have one minute.

SENATOR CHAMBERS: We should require the greatest amount of knowledge and understanding of the law at that level, and as a result we would be justified in establishing a more stringent basis of qualification for people to hold that position. But ranking them as we do now as a hierarchy it is impossible for the public to escape the notion that the incompetents trained at the municipal level, the stumblers and bunglers get at the county and district level and those who might have competency wind up at the Supreme Court level. That is regrettable that the courts are perceived in that fashion but they are. So before I can even begin to address some of these other issues, the bill has a chance...it must have a chance to live and move so I will temporarily at least support what Senator Cullan is trying to do.

SENATOR CLARK: I would like to announce Mr. and Mrs. Conrad Shearer from Kenosha, Wisconsin; Mr. and Mrs. John C. Shearer from Omaha, Nebraska, under the north balcony and they are guests of Senator Kahle. Would you stand and be recognized, please. Welcome to the Legislature. Senator Nichol.

SENATOR NICHOL: Mr. Chairman and members of the Legislature, in listening to Senator Chambers talk you will note that his percentages were pretty close to what the Judiciary Committee's percentages were, moreso than the percentages prescribed by Senator Cullan. I am not an authority on percentages either and I think perhaps we made a mistake last year when we tied these judges' salaries to the Supreme Court judges' salaries. We are attempting to do the same thing this year in a referendum to the people where we are saying, "Ladies and gentlemen of the State of Nebraska, why don't you tie the salaries of the Legislature to the Governor's salary? Therefore, ladies and gentlemen, when we the Legislature want to raise our salary we merely have to raise the

salary of the Governor and we automatically get it". This is somewhat what we are doing with the judges. If you tie them all to the Supreme Court judges then all the judges across the state have to do is say, raise the Supreme Court judges, we automatically get ours. What Senator Cullan is attempting to do here is to raise the percentage of the other judges as compared to the Supreme Court judges, in other words make them closer to what the Supreme Court judges get. Now our Supreme Court judge last year said, I want this, I want it tied to my salary, and whatever the percentage is I will live with it but I very much want this. Well, it doesn't take one very smart to figure out that with the support of all the judges across the state you have a pretty good chance of getting support for the increase in the Supreme Court judges' salaries. But I would oppose Senator Cullan's percentage system that he has worked out here and urge you to support the committee amendments along this line.

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

SENATOR CULLAN: Mr. President and members of the Legislature, I would just indicate that I am doing nothing more than this Legislature with the exception of Senator Apking because she wasn't here, I am doing nothing different than this Legislature did last session. I am reinstating LB 111 which this Legislature adopted and enacted, period. Now I think we ought to live with the philosophy that we adopted last year and I think it would be unwise of us to abandon it so quickly just because we have a salary bill before us. It makes it very clear to me if we fail to adopt this amendment that we are not at all being consistent with the philosophical approach which we took in tying the salaries together last year looking very carefully at the different workloads and all these different positions in correlating one salary to another based upon what the Supreme Court makes. Now I don't think that is unreasonable and I think it is unfortunate of us to back off. Now the effect of this amendment if we fail to adopt this amendment, the effect is to give the district court a miniscule almost no raise at all, something like a percent, and I think that is an insult to the district court judges in the State of Nebraska, give them a percent increase. I think it is reasonable to follow the salary structure we established in a thoughtful way in the last session of the Legislature. Senator Chronister spent a great deal of time working, pushing that bill through the Legislature. I think we should follow the philosophical approach we have already taken. I urge you no matter what you do and no matter what you think the figures should be,

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let's support this amendment and reinstate the philosophy of LB 111 in the last session of the Legislature.

SENATOR CLARK: Senator Schmit, he was closing. The question before the House is the adoption of the Cullan amendment to the committee amendments. It takes a simple majority. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: This is the Cullan amendment to the committee amendments. It takes a simple majority. Have you all voted? Record the vote. Senator Cullan.

SENATOR CULLAN: Could I have a record vote, Mr. President?

SENATOR CLARK: A record vote has been requested.

CLERK: (Read the record vote as found on page 1449 of the Legislative Journal.) 13 ayes, 22 nays, Mr. President.

SENATOR CLARK: The motion lost. Now we are on the committee amendments. Senator Cullan, on the committee amendments. Oh, Senator Nichol, pardon me.

SENATOR NICHOL: I believe we have been through those previously so I move for the adoption of the committee amendments.

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

CLERK: Senator Clark voting yes.

SENATOR CLARK: We are voting on the committee amendments. Have you all voted on the committee amendments? We can't wait forever. Senator Nichol. Record the vote.

CLERK: 19 ayes, 11 nays, Mr. President, on adoption of the committee amendments.

SENATOR CLARK: The committee amendments are not adopted. Now on the bill. Senator Nichol.

SENATOR NICHOL: I don't know, I guess we just as well kill the bill.

SENATOR CLARK: Do you want to move to kill the bill? All right, Senator Cullan.

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SENATOR CULLAN: I would offer the....renew the committee amendments and offer them again. I would offer a set of amendments like the committee amendments.

SENATOR CLARK: We have no motion to do that. Do you want to make a motion to reconsider the committee amendments?

SENATOR NICHOL: Well, I would do so. I don't know that it is in order that I could do it and perhaps somebody that voted against it should have because we really should adopt the committee amendments. I didn't think....

SENATOR CLARK: I think we have the motion coming in here.

SENATOR NICHOL: Okay.

CLERK: Mr. President, Senator Hoagland would move to reconsider the adoption of the committee amendments.

SENATOR CLARK: All right, is there any discussion on reconsidering the committee amendments? If not, all those in favor vote aye, opposed vote nay. Senator Chambers, we did take it up right now.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted on the reconsideration of the committee amendments? Senator Cullan.

SENATOR CULLAN: Mr. President, I would ask that the House go under Call and accept call in votes.

SENATOR CLARK: The House is technically under Call. I never raised the Call. We will get everyone back in their seats if you want that. Do you want a roll call vote?

SENATOR CULLAN: Just call in votes would be fine, if we could get everyone in their seats.

SENATOR CLARK: All Senators will be in their seats. Please check in again so we will know you are all here. We are voting on the reconsideration of the committee amendments. We will take call in votes. We are going to have Senator Nichol go over the committee amendments so you will understand what they are. Senator Nichol, you can go ahead and talk about the committee amendments.

SENATOR NICHOL: Mr. Chairman and members of the Legislature, it was a long time ago since we have gone over these

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committee amendments but it did two things mostly. First of all it reduces the salary increase to judges of the Supreme Court from the proposed \$62,500 down to \$55,000. Secondly, the committee amendments propose changes in the formula for determining the salaries of lower court judges which was adopted by LB 111 last year. LB 111, you will recall, tied the salaries of the judges of the district court to the salaries payable to the judges of the Supreme Court effective January 6, 1983. Previously we have always dealt with each of these courts separately when it came to judges' salaries. The committee amendments would change the formula by reducing district judges from 92.5 percent of the salary paid to the judges of the Supreme Court to 85 percent. County, municipal and workmen's compensation court judges' salaries would be based on 77.5 percent of the Supreme Court judges' salary rather than 85 percent. Those are the changes in the committee amendments.

SENATOR CLARK: We are accepting call in votes.

CLERK: Senator Fowler voting yes.

SENATOR CLARK: Senator Schmit wants to vote.

CLERK: Senator Schmit voting no. Senator Cope changing from yes to no. Senator Newell voting yes. Senator Sleck voting no. Senator Burrows changing from no to yes. Senator Wesely voting yes. Senator Remmers changing from yes to no. Senator Hefner, you voted no, Senator. Senator Howard Peterson, you voted no. Senator Lowell Johnson, you voted no, Senator.

SENATOR CLARK: Senator Richard Peterson wants to vote. All right, roll call has been requested. If we can have a little quiet we will call the roll. We are voting on a reconsideration of the committee amendments. The Clerk will call the roll.

CLERK: (Read the roll call vote as found on page 1450 of the Legislative Journal.)

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, I think probably what ought to be done is to split the committee amendment in half so that they are not confused as to what they are doing.

SENATOR CLARK: But we can't do that now. We can't divide it now.

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CLERK: 24 ayes, 19 nays on the motion to reconsider, Mr. President.

SENATOR CLARK: The committee amendments are not adopted. Senator Cullan, on the bill.

SENATOR CULLAN: Mr. President, I would move the bill.

SENATOR CLARK: The question before the House is the advancement of the bill. Is there any discussion? Senator Nichol.

SENATOR NICHOL: Mr. Chairman, what we have now is the bill in its original form which is the higher salaries all across the board, and I don't think that is what you want but that is the way it is. I would suggest that we not advance the bill until we determine exactly what we want in the bill because I think some of you want the spread of the percentages and some of you want the reduction in salary but the way it comes out we don't have anything but the original bill.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, we all have our reasons for doing various things on bills. I never have liked the idea of tying the salary of the Chief Justice to the other courts, so what I hope you will do is advance the bill to Select File and if we can't break the linkage, I would help you fight it on Select File. Then we can argue about the individual amounts of the various level of the courts without that unspoken by some people problem in the back of people's minds which is that once the Supreme Court gets an increase everybody gets one automatically. So I will keep my words brief but I am saying one more time the only reason I want the bill advanced at this point is to have the opportunity to break the linkage between the Supreme Court salaries and those of the other courts. So I will support the advancement of the bill and I hope you will do the same.

SENATOR CLARK: Senator Marsh.

SENATOR MARSH: Thank you, Mr. Chairman, and members of the Legislature, I think many of us do not want the bill in its current form but I, too, will support the advancement of the bill so that the compromise can be worked out between now and Select File. It is a vehicle that needs to be kept in place and I urge your advancement of it so that it will be available when we need it. Days are short. Without its advancement we may be shortchanged all the way around.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I have just heard two arguments or at least one argument for the advancement of the bill that nobody wants. I guess what I would have to ask you if, are you in a better position to work out a compromise with the bill on General File or if the bill is slid over one more step toward Final Reading? I think Senator Chambers with that wily look in his eye knows exactly what he is doing and he figures that there is a bunch of us monkeys that have got our hand in that little hole in the box and those who favor the raise of the Supreme Court judges have got a great big fistful they don't want to let go, those of us who think that maybe the lower echelon of the court system needs just as competent judges as does the upper echelon, say, well shucks, we are not doing so bad the way we stand. I said before I would love to give those Supreme Court judges a raise but I just can't stand here and ask for it today when there are a lot of people in the State of Nebraska who are out of work. We placed an ad in the paper last week for a man and we had 37 replies, and I will tell you what, some of them wouldn't have made bad judges. Quite a few of them would have and they would work for a lot less than what we are paying most of them. I recognize they are not attorneys, but that might not have been any handicap. I think that we have got the bill in the position today where if Senator Cullan wants to sit down and negotiate something that is more acceptable to some of the members and it may not be to me but if he can get 25 votes for something, more power to him. He is very adept at that and he has shown some inclination to do so. Senator Hoagland has also talked about it. I would be against advancing the bill. I have a bill...I've had a bill that is a priority bill that never got out of the Revenue Committee for two years, Senator Vard Johnson. It is still languishing back there, very reliable, very laudable bill but it is going to die in the Revenue Committee and I guess maybe that is a good place for it, but it doesn't mean that we need to advance this bill. Senator Cullan almost suckered a bunch of people into voting to advance the bill because he said we have got to restate our position on lll. If the bill dies, Senator Cullan, is not lll still in place? Would you answer the question, please?

SENATOR CULLAN: The committee amendments, Senator Schmit, and my position was accurate.

SENATOR SCHMIT: If the bill dies, Senator Cullan, is not lll still in place?



SENATOR CULLAN: It does, but not if the committee amendments have been adopted and the bill was enacted.

SENATOR SCHMIT: Yes, but the committee amendments were not really drawing that much favor I don't believe. I think at this time, Mr. President and members of the body, I am adamantly opposed to the advancement of the bill. I would hope that those of you who have concern about the salaries of the Supreme Court judges, and I am sure we are all in agreement on that, would agree with me the bill stays where it's at until something better can be worked out if it is possible. As has been pointed out, it may not be possible at this late date, but there are many other bills which are not going to be discussed, that have never had the opportunity to be discussed and so at this time I would ask you not to advance the bill. If you move to advance the bill now, ladies and gentlemen, you are being totally inconsistent with your prior votes. Now if you think that is easy to go back home and explain, try it. I have done it a few times and I will tell you what, they will chase you around the barn a couple of times on that one.

SENATOR CLARK: Amendment on the desk.

CLERK: Mr. President, Senator Hoagland would move to amend the bill. (Read the Hoagland amendment as found on page 1450 of the Legislative Journal.)

SENATOR CLARK: Senator Hoagland.

SENATOR HOAGLAND: Mr. President and colleagues, this amendment is basically the Cullan amendment at 3 3/4 percent instead of 5 percent. It does not change the percentages set out in LB 111 as the committee amendments would have done. It goes back to what Senator Cullan attempted to do earlier today by increasing the salaries of the judges 5 percent each of the next two years. This amendment does it at 3 3/4 percent which is as you know the percent that we are currently considering increasing state employees' salaries for this coming fiscal year. Now I think there are a lot of you who may have been reluctant to have voted for the 5 percent increase that would be more amenable to voting for a 3 3/4 percent increase. I don't want to go over a lot of the arguments that have already been made today except let me point out again that this is the last opportunity we have until the 1984 session to make any change in judicial salaries. If we don't increase judicial salaries at all this session, they cannot under our Constitution be increased again until

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1985. We know that we are going to have serious consumer price index increases in the next two and a half years. We hope the economy will improve but it might not. It seems to me to be singularly unfair to leave judges where they are now for two and a half years when everyone else in government except perhaps state legislators are going to be receiving increases of some sort or other however modest. I think it is very difficult to argue against a 3 3/4 percent increase in days of 7, 9, 11, 13 percent inflation. I would ask for the adoption of this amendment. Thank you, Mr. President.

SENATOR CLARK: Senator Haberman, did you want to talk on the Hoagland amendment?

SENATOR HABERMAN: Mr. President and members of the Legislature, I am getting to the point I am going to talk on anything that comes up when it comes to this bill. Senator Hoagland, have you figured out how much this is in dollars and cents?

SENATOR HOAGLAND: Senator Haberman, we all have handouts on our desk that were sent around by Senator Cullan when this bill was debated previously that puts the dollar cost for the 5 percent increase.

SENATOR HABERMAN: But you don't have it for.....

SENATOR HOAGLAND: Well, it's three-quarters of that and I can give you the figures....

SENATOR HABERMAN: Okay.

SENATOR HOAGLAND: ....right here. I have them right here, Senator Haberman.

SENATOR HABERMAN: Thank you, Senator Hoagland. You know, we have had roll call votes and when it comes to Senator DeCamp's name it says, excused, but sometimes I wonder if his ghost isn't here with us because this is one of Senator DeCamp's favorites is let's just advance this to Select File, just get it over there, then we can take another look at it. Well, now once you just get it over there then you can just kiss it goodbye because she is on its way. I just can't believe that, you know, that John isn't here so somebody else must have picked this up. Then they are saying about I agree the judges should have an increase, but the bill says \$62,500 and I think that is a little steep. So now we are going to auction. They have taken 1.25 off and they are willing to settle for 3.75. I am quite sure that the

Chief Justice is not enjoying this auction because I have talked to him and he said, just make up your minds, just go one way or the other and get it over with, either we are worth it or we are not worth it. Well, I can't argue that point because I say they are worth more money but we are arguing how much more money and when should they get it. As far as good people being judges and wanting to be judges, I think we had a lawsuit come out of Omaha here just a few weeks ago over some people fighting to be a judge. So evidently I don't think the salary has too much to do with it, if they are willing to file a law suit to win such a low paying job. I mean, this kind of confuses me just a little bit but things like this tend to confuse me anyway. So if you file a lawsuit over a low salary that can't be too bad. And then they talk about the salaries that the other people are paid, like the City of Omaha attorney, \$60,000; Douglas County attorney, \$70,000. Did you ever stop to realize maybe these people are overpaid? You know, that is a lot of money, \$70,000 for county attorney. I know some county attorneys that are refusing to do their job and the people are going to have to take out a writ of mandamus. Now this doesn't fit everybody but that is a lot of money. Omaha is in trouble so they have a city attorney for \$60,000 and a deputy attorney for \$50,000 and a city prosecutor for \$50,000. So maybe, just maybe, they are overpaid too, but they also have a Director of the Department of Health who is an MD, he is a doctor, at \$53,000. Well, now I would like to see a doctor that only makes \$53,000. So whoever made up this list really didn't do too good of a job as far as I am concerned. So I would say, let's take another look, let's don't have an auction and not any more enthusiastic about this bill than the Chairman is and Senator Nichol didn't sound too enthusiastic about it, let's just leave it be and....

SENATOR CLARK: You have one minute left.

SENATOR HABERMAN: ....thank you....come back, give them a good raise when the economy improves and we will go from there. Thank you, Mr. President.

SENATOR CLARK: Senator VonMinden.

SENATOR VON MINDEN: Mr. Chairman and members of the body, I rise to oppose the amendment. It appears to me we are spending way too much time on this bill. We have killed it once in committee. It was brought back out. We have killed several amendments here to it. I can respect Senator Hoagland wanting to get it. It is him and his friends who are going to get the money, but I can't see how you people

here can vote for it. Then again that 7½ percent again on \$48,000 or roughly \$3500, I ask you again, what's a 5 percent raise on 11 or 12 thousand dollar jobs which most people in Nebraska have? That is five or six hundred dollars and they are going to get \$3500, and I don't really think any judges are going to quit, and in my own conscience I say they are getting enough money. They don't need any more money. As far as paying their kids to go to college as Senator Marsh had mentioned on \$48,000 I think I would be capable of sending my kids through college. I think this is just another reason to get at this bill and get more money for the judges. I guess that is about all I have to say. Thank you.

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, the point has been made already that 3.75 is the amount of increase that we are giving to all state workers this time around. This is the amount that the Governor has agreed upon. This is the amount that apparently the majority in this Legislature has already agreed upon assuming certain revenue bills have passed. Clerks, secretaries, people who are easy to replace from a public policy from the state's point of view are all getting a 3.75 increase. Municipal employees, county employees, they aren't even being held to 3.75 this year. Some of them are up around 6, 7, some of them higher, 8 or 9. The clerks, all the manual, the jobs that don't require a lot of difficulty, a lot of judgment, a lot of intelligence in many cases, all of those jobs are getting a pay increase of at least 3.75, and yet the same people who are today standing up and arguing against 3.75 for the judges are prepared to vote for 3.75 for all these other types of employees. I suggest to you that it doesn't make any sense at all. If you are going to make a distinction in the amount of a raise that is given, I suggest to you that it makes more sense to be sure that you keep those people and compensate properly those people who exercise a great deal of judgment, those people who are difficult to replace, those people who once they are lost are not easy to bring back. In that sense I think it makes a lot more sense to compensate the judges than it does a secretary or a clerk typist or anyone of a number of other people that we have already reached a consensus on in terms of their salary increases. All that this amendment proposes is that we be consistent. I would remind you again that the judge's job is not a job that is narrow in scope. It doesn't just involve the repetition of one or two narrow functions. It is not just continually typing letters. It is not just performing one computation over and over again, or a series of computations.

It is a job that demands good judgment day in and day out and like our job it involves being knowledgeable with or becoming knowledgeable in a very short period of time hundreds and hundreds of different areas. A judge has to pick up a case having to do with electric rates one day and be able to understand rate structures. I think all of you can appreciate from our prior debates in this Legislature the kind of background work you have to do, the kind of intelligence you have to have to comprehend and understand and make judgments on rate cases, on electric rate cases. Then the next day he is doing a products liability case and that calls for a knowledge not only of the law but the specifics of the particular product that is being decided. You have to know about automobiles in one case. You have to know about complicated Westinghouse nuclear power equipment in the next case and justice requires a good judgment being made in each case.

SENATOR CLARK: You have one minute.

SENATOR BEUTLER: The good judgment being made depends on the judge's facility, on his ability to understand and on his experience. Those are just two examples. There are hundreds and hundreds of different kinds of cases and we need good people in that position. So the least you could do is to give those people holding key positions as much of a salary increase as you give to those who are not holding key positions and who can be easily replaced. Thank you.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman and members of the Legislature, Senator Beutler said this didn't solve anything, but it does solve one thing, even though the increase is very minimal it does solve the problem of having some of the judges take a decrease in salary if we stick to the formula of 111 that we adopted a year ago. So with that, Senator Beutler, even though the increase is small it does solve that problem which may not mean anything to some of you but it certainly would be a problem to some of the judges and in a way intimidating to them perhaps. But Senator Hoagland is suggesting a 3.75 raise plus a 3.75 raise which you should keep in mind when you are voting on this resolution. Thank you.

SENATOR CLARK: Senator Newell. Senator Wiitala.

SENATOR WIITALA: Thank you, Mr. President. Senator Von Minden, would you yield to a question, please?

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SENATOR VON MINDEN: Yes.

SENATOR WIITALA: I would like to address a question to you since Senator Hoagland was not in the Chamber at that time and really didn't have an opportunity maybe to respond to some of your remarks. You said that this proposal would benefit Senator Hoagland and all of his friends. Would you mind explaining that to the body, please?

SENATOR VON MINDEN: Yes, I would. I am a farmer and anybody that pertains to agriculture is a friend of mine, and he is an attorney and the attorneys work with the judges and naturally they would be a friend. And perhaps Senator Hoagland wants to be a judge in a few years, I can just understand why he would be for the bill. That is all I said, Senator Wiitala.

SENATOR WIITALA: Thank you, Senator VonMinden. I would wish that in the future you wouldn't impute certain sets of circumstances without having that person having an opportunity to address them. First of all, I would suspect that Senator Hoagland, members and colleagues, represents a profession no different than a great deal of us in this body represent professions, that he is very close to lawyers who have to make a decision whether they would like to serve in a public capacity in the judicial branch and knows full well the sacrifice that must take place in order to make that decision. Any lawyer worth his salt that wishes to become a judge knows that he is probably giving up a very lucrative practice but that is what being worth your salt means. Not only that but perhaps giving up money set aside for his retirement years. I think this body understands that we can't equate today's economic circumstances with a forty thousand, fifty thousand, sixty thousand dollar judgeship because what we are trying to do and attempting to do is to attract the most qualified candidates to the office possible. Colleagues, that can't be done unless there is a commensurate salary that offsets the losses of giving up private practice. Because of economic conditions judges full well know today that they may have to give up their public stewardship because they can't lay enough money aside to take care of the expenses of their family and further inevitable future retirement. I think when Senator Hoagland and the rest of the Senators in this body that represent a legal background speak to this issue, they are speaking from experience. They are not speaking because they have friendships. They are not speaking because they wish to have a judgeship in the future and they want those dollars. We should easily

understand the predicaments serving as Senators who only receive in compensation only \$4800 a year. We understand full well that when it comes to serving in this body the implied credential is to be independently wealthy and if not that at least retired. I assure you, colleagues, that when it comes to the judicial branch in Nebraska that we don't want candidates purely who are independently wealthy and on the verge of retirement serving in that branch, that we want the most competent individuals possible irrespective of age and financial background. Thank you, colleagues.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, as nearly as I can tell we do not need to pass LB 603 to keep anyone from taking a salary decrease. That is not true as I understand it. Number two, if you can tell within seven hundred bucks what a Supreme Court judge is worth, then you vote for this amendment instead of for the 5 percent amendment. I don't think you can. Number three, if you are trying to pay them what they are worth, this body is never going to appropriate that kind of money. You can always find attorneys and I know many of them who make three, four or five times what a Supreme Court judge is making and certainly I would not want to see them on the bench. That is not the point. The point is we have good members in the judiciary because they are interested in the job and they are doing a good job and they are going to keep on doing a good job. The issue here before us today is one which is a simple matter of economics. Now I wish that I wish that I were as confident as Senator Hoagland and some of the others are that the other state employees are going to get a 3.75 raise. I am not so sure that is going to happen. I can assure you that if the economy does not turn around and we have all seen it happen, there may well be a recall to this Chamber and a reassessment of the situation and the state employees and some very low paid, the vast majority of them are extremely loyal and competent, are going to perhaps take nothing or maybe even less. We have no way to guarantee a 3.75 raise for anyone. Senator Hoagland refers to the 13 percent inflation. If I read the Reagan reports correctly, that rate of inflation is far below that, far, far below that. For all we know the rate of inflation has been brought to a stop and maybe even turned around. If you talk to those 350 people at Sperry-New Holland, Senator Howard Peterson, that were laid off of work, their rate of inflation is way below that. Same way with the five hundred and some people laid off at Iowa Beef. It is a very

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low rate. I wish that I could say that we have a 15 percent or 13 or 12 percent rate and we are going to sustain that rate with the wage increases we are offering. We do not have it. We are not assured we are going to have it. There is no way we can count upon it, and to attempt to crowbar these raises into position with this kind of an amendment is not being exactly honest. Now someone says, why is there such a disparity? Well, ladies and gentlemen, as I recall the reason LB 111 passed last year was because there were a number of people who thought it was a fair bill and that the difference between the salaries were proper. If all we did last time was to pass that bill and then provide the mechanism whereby this time we come in here and unhook that relationship so that we can this year raise the Supreme Court judges and next year be back here on the auctioning block and raise the district court judges, one at a time, it is a little tougher. The reason I supported 111 is that I think it is tougher to raise them all at once than it is 7 one time, 37 another time, 43 another time, etcetera, etcetera. I think that they are all tied together, they ought to stay that way. If you raise one group, you ought to raise them all. If you don't raise them all, I believe we stick with the price and the level that we established a year ago. I want to just reemphasize once again, not a single member of this body can guarantee to any state employee a 3.75 raise because if we run out of bucks, ladies and gentlemen, there is either going to be.....

SENATOR CLARK: You have 45 seconds.

SENATOR SCHMIT: .....no raise or no job. In regard to the list that was handed out here, I think that Senator Haberman made an excellent point and I think when you start talking about where to save money we might take a look at some of these things. It is kind of interesting to me that we have some jobs here in the upper five figure range which perhaps might be overpaid, under this kind of an economy. So I would ask you, as Senator Kahle said one time, you can't move the brooderhouse full of chickens. He tried that and that is exactly what you are going to do if you keep trying to follow this procedure. So I would hope you would not adopt the Hoagland amendment and I would hope you would not advance the bill.

SENATOR CLARK: Senator Hoagland.

SENATOR HOAGLAND: Mr. President and colleagues, I think we finally reached an agreement on this now, a compromise between the two opposing factions. I think it is going to



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take care of Senator Schmit's concerns and Senator Haberman's concerns. It is an amendment that I understand Senator Haberman and Senator Kilgarin have offered and I would like to withdraw my amendment at this time, Mr. President, if I might.

SENATOR CLARK: All right, the amendment is withdrawn. We will take up the Haberman and Kilgarin amendment. The Clerk will read it.

CLERK: Mr. President, Senators Haberman and Kilgarin would move to amend the bill. (Read the Haberman-Kilgarin amendment as found on page 1450 of the Legislative Journal.)

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. President and members of the Legislature, I believe I can live with this and I believe the people in my district can live with this. I feel they are entitled to an increase, so if we put it on the same increase that the state employees are getting, we have a sunset clause in it that it can't go over three years, because if you multiply it times three it gets pretty hefty so we can take another look at it at that time. It stops the option. It saves the dignity of this body and the dignity of the courts. I would strongly suggest that you support this amendment. It is fair. It is honest. It is upfront. It doesn't hide anything. And as the state employees are treated so will we treat the courts as in essence they are state employees also. I will give the rest of my time to Senator Kilgarin.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: Mr. President and colleagues, this amendment was offered by Senator Haberman and myself which is unusual I think just from the outset and I think it shows you that it is a reasonable compromise. Senator Haberman suggested this probably four or five weeks ago to me one day in the hall, and I think it is a very reasonable compromise. It will eliminate the auctioneering that is going on right now on the floor with regard to the judges' salaries. I think it is a fair and equitable proposal. It will tie the judges' salaries for two years only, '83 and '84, to the state employees' increase. I think that is fair. I think it is the right way to go. It is probably not enough. I mean, I have sat through quite a very long hearing in Judiciary Committee on the judges' salary bill where I think all members of the Judiciary Committee would admit to the fact that some type of

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raise is warranted. The bill was killed in committee when I was absent. Subsequently it was reconsidered and Senator Beyer, I know, agreed to vote for this on the floor if we didn't get into an auction. He mentioned to me just a moment ago, he said, Karen, I told you I would vote for it if we didn't get into an auction. We are in an auction and I don't want that to continue. So I would ask Senator Beyer, let's end the auction, this is a reasonable, fair compromise. I would urge my colleagues' support of Senator Haberman and my amendment to LB 603. Thank you.

SENATOR CLARK: Senator Dworak. The Haberman-Kilgarin amendment.

SENATOR DWORAK: Senator Haberman, what is the dollar impact of this for the next two years?

SENATOR HABERMAN: Mr. President, Senator Dworak, I kind of anticipated that question. Can you tell me what increase the state employees are going to get?

SENATOR DWORAK: Absolutely not.

SENATOR HABERMAN: Then I can't answer your question.

SENATOR DWORAK: So you are asking us to vote for an amount of money here that we have no idea how much we are voting for. We have no dollar figure. We have no percentage figure. We are really just kind of taking a shot in the dark. Is that....do I understand this correctly? I mean I just kind of want to know what I am voting on.

SENATOR HABERMAN: Okay, well, I will explain it to you, Senator Dworak. It is just like the other day when we voted on 816. We didn't have any idea how many millions of dollars it was going to cost, but this body voted on it. So it's the same thing....(interruption).

SENATOR DWORAK: How did you vote, Senator Haberman?

SENATOR HABERMAN: It goes from....

SENATOR CLARK: Let's stick with the issue, one at a time, please.

SENATOR HABERMAN: Oh, okay, I won't bring that up again.

SENATOR DWORAK: It's my time.

SENATOR CLARK: It is your time.

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SENATOR HABERMAN: It takes them up \$2000.

SENATOR DWORAK: Will you shut him off?

SENATOR CLARK: Wait a minute, wait a minute, did you want....

SENATOR HABERMAN: I am answering his question.

SENATOR CLARK: Wait just a minute, did you want him to answer your question?

SENATOR DWORAK: I think he did. He doesn't know.

SENATOR CLARK: All right.

SENATOR DWORAK: Thank you. Senator Haberman, I agree with you a hundred percent. I noticed your vote on LB 816 was negative and I thought you used good sense in voting against LB 816 because you didn't know the dollar amount and I would trust you use as good a sense and vote against this bill not knowing the amount.

SENATOR CLARK: Senator VonMinden.

SENATOR VON MINDEN: Mr. President and members of the body, I hate to rise all the time opposing this bill, but I say to you a five percent raise on a \$48,000 job is a lot of money. I sometimes wonder whether maybe we don't do things right. \$48,000 is a good salary because they are very important people but also a clerk or a secretary drawing \$10,000, a five percent raise there is not very much. There again a judge is expected to wear better clothes, expected to have a better car and live in a better home but with \$48,000 he can do that. But there again I say his milk and his groceries and his cars don't cost him any more than it does anybody else. I think perhaps sometimes we should make a raise, a flat salary to everybody. There in turn it won't keep getting out of line which is what has been happening the last few years if we give them a percent raise. One other little thing I want to tell you, I love the City of Lincoln. I love living here through the week. Believe you me if you pass this bill I won't be able to go home at all and I don't want to do that. Thank you.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I believe that Senator Dworak just put his finger on it. To vote for this amendment is to say we are voting

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in the dark again. In response to 816 I did not vote in support of that bill nor did many of you. Again we are going to get some surprises on that perhaps, but that is not anything new. I have been involved sometimes myself when I have caused you to have some surprises, and I have been held accountable for the most part. So I think that in this case we should not vote for this amendment. We do not know what the cost will be. What we are doing now is we are piggybacking the judiciary on the state employees at a time when it is expedient to do so and then in the event that the economy turns around again, we will want to unhook them and give them a different kind of a raise and the state employees then will limp along with a lesser raise. It's the same old story, you ride coach when you don't have any better vehicle but you go first class when the first class seat is available. You make up your mind what you think is the most equitable. As I said before, you can't guarantee we are going to raise those state employees, and you say, well, what harm is it then if we go this route? The harm is this, as I said before, you tie them to the state employees at a time when you can't get anything else and you unhook it for hopefully next year if the economy improves. Let me tell you this, if the economy goes down the dump, you will be unhooking faster than ever next year. You will all be over here trying to say why you shouldn't tie the judiciary to anyone else. There is one more discrepancy there and I am a little bit amazed, Senator Kilgarin, that you would fall for it because of this. If you maintain state employee wages at a certain level and you only have so many dollars to handle it, you know what happens to state employees. You lay them off. No job. Now, I come back again to the question, a job and no increase, or an increase and no job. Except we are not going to lay off the members of the judiciary. It is going to be the lower paid state employees that bite the dust. I am opposed to the amendment.

SENATOR CLARK: Senator Newell. People turn their lights on and then they take off. Senator Beutler. Senator Labedz. Senator Marsh.

SENATOR MARSH: Senator Labedz is here.

SENATOR CLARK: Senator Labedz, go ahead.

SENATOR LABEDZ: Senator VonMinden made a remark a short time ago about a secretary not needing as nice clothes as a judge. I just wanted to bring up the fact that the judge wears a robe and it is no concern to anybody what he wears under his robe. A secretary does need nice clothes

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to promote the business and her boss. Thank you.

SENATOR CLARK: Senator Marsh.

SENATOR MARSH: Thank you very much, Mr. Speaker, and members of the Legislature, I rise to support the amendment, for state employees no matter what the job entails are very special people. State employees at a minimum will have what this legislative body decides and if it means a reduction then that would be still true next year. I trust it does not mean a reduction. I trust it does mean a reasonable increase because the cost of living continues to increase. I will support the amendment which is before us. I urge the majority of this body to do so and to argue because you are voting on something because you don't know what it is, is a pointless bit of rhetoric. It is sort of like a shade to hang up when it is convenient but you roll it down and you put it up at your convenience. It is not a piece of truth. The truth is that our judges deserve an increase. The truth is that the Legislature deserves an increase. But if those are watching today the action on this floor not everyone may agree that the Legislature needs an increase. I sincerely believe that this is a minimum figure. I will support it. I hope the thinking people in this body will do likewise.

SENATOR CLARK: Senator Warner.

SENATOR WARNER: Mr. President and members of the Legislature, I rise to support the proposal. I think it is a reasonable one. Certainly those who wonder what it might be, the Legislature will determine what it is going to be just like they used to do all the others. So I see no fear in adopting such a concept and I would fully support the proposal.

SENATOR CLARK: Senator Kilgarrin, do you wish to close? Senator Haberman, all right.

SENATOR HABERMAN: Mr. President, members of the Legislature, Senator Dworak, being the fine fiscal conservative young man he is, asked me the fiscal impact. I now have the fiscal impact. It will cost the State of Nebraska the first year the grand total enormous sum of \$11,212 if you adopt this amendment. That is what the increases will be. You are shaking your head no. It's going to be more? Well that is what I figured out, it would be \$11,212 is the difference in the salaries. That is per judge. So that isn't the total. For example, I better get down to it, the Supreme Court will receive \$1811. The district,

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juvenile and county will receive \$1785; workmen's comp, \$1,083; and then the rural counties go up quite a bit to \$6545. But overall when you average it out, I believe it is a good compromise. Senator Kilgarin, would you like to use some of the close?

SENATOR KILGARIN: Mr. President and colleagues, I just rise again to ask your support of this amendment. I think it is a fair amendment. I think it is equitable. Our Appropriations Chairman, Senator Warner, made a beautiful point. Senator Dworak and Senator Schmit both questioned what we were voting on. We didn't know the dollar amount. Well, of course not, but we are the ones who will set that dollar amount. So the decision is still in your hands as a Legislature. I think it is very important that we advance this bill to Select File, but first I think we need to adopt this amendment, end the auctioneering and get on with our other business. Thank you.

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

CLERK: Senator Clark voting yes.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN:

SENATOR CLARK: Call of the House has been requested. We are still under Call. All senators will take their seats and check in, please. You really don't have to raise the Call to get everyone to leave. Mr. Clerk, we still have four excused? Three excused, all right. Will everyone check in, please. Senator Newell, Senator Fenger, Senator Richard Peterson, Senator Lamb, Senator Chambers. Senator Nichol, would you check in, please. Senator Pirsch. We are looking for Senator Newell and Senator Lamb, Senator Pirsch. We have Newell and Lamb and if we get Senator Pirsch we would have them all here. The Clerk will call the roll. We are voting on the adoption of the Kilgarin-Haberman amendment.

CLERK: (Read the roll call vote as found on page 1451 of the Legislative Journal.) 21 ayes, 23 nays, Mr. President.

SENATOR CLARK: Motion fails. We are back on the bill. We have a motion.

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LB 603, 693, 709, 757, 760,  
761, 966

CLERK: Mr. President, Senator Beyer would move to indefinitely postpone the bill.

SENATOR CLARK: Go ahead and read some things in if you need to.

CLERK: Mr. President, very quickly your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 757 and recommend that same be placed on Select File and 693 Select File with amendments. (See pages 1451 and 1452 of the Journal.)

Mr. President, Senator Hefner would like to print amendments to LB 761. (See page 1452 of the Journal.)

I have a Public Health and Welfare report from Senator Cullan on gubernatorial appointments. (See page 1452 of the Journal.) Explanation of vote from Senator Stoney. (See page 1453 of the Journal.) Special Order item scheduled by Senator Lamb. (Page 1453 of the Journal.) Senator Cullan would like to print amendments to LB 966. (See page 1453 of the Legislative Journal.) Senator Beutler amendments to 709. (See page 1454 of the Legislative Journal.)

Mr. President, Senator Wesely and Clark would like to add their names as co-introducers to the Schmit amendment to LB 760.

SENATOR CLARK: I think Senator Beyer wants to withdraw that. Senator Beyer, do you wish to withdraw that? All right, it is withdrawn. We will take up the bill. Senator Cullan. It has been two hours and five minutes and we have done nothing on it. Senator Cullan.

SENATOR CULLAN: I think we have another motion coming.

CLERK: Mr. President, Senator Landis would move to indefinitely postpone LB 603.

SENATOR CLARK: Senator Landis.

SENATOR LANDIS: I believe it is up to the introducer as to whether we take this up at this time.

SENATOR CLARK: Do you want to lay it over?

SENATOR CULLAN: Yes, Mr. President, we will lay it over.

SENATOR CLARK: All right. There is two hours and five minutes gone. Now we are going to take up 208 that we had