

January 11, 1982

LB 753-763

EASE

PRESIDENT: The Chair recognizes Sergeant at Arms Ray Wilson.

SERGEANT AT ARMS WILSON: Mr. President, your committee now escorting his excellency the Governor of the Great State of Nebraska.

PRESIDENT: The committee will escort the Governor. The Governor of the State of Nebraska, Charles Thone.

GOVERNOR THONE: (Gave State of the State and budget address as found on pages 192-206 of the Legislative Journal.)

PRESIDENT: The committee will reescort the Governor out of the Chamber. The Speaker has recommended that we stand at ease for about ten minutes at this time. Then we will re-assume our deliberation.

EASE

PRESIDENT: The Legislature will come back to order. The Clerk will read some matters into the record at this point.

CLERK: Mr. President, we've received some Attorney General's opinions; four to be exact. The first is from Attorney General's office addressed to Senator Haberman; the second addressed to Senator Beyer; a third addressed to Senator Haberman and a fourth to Senator Sieck. All four will be inserted in the Legislative Journal. (See pages 206-212 of the Legislative Journal.)

Mr. President, I have a report of registered lobbyists for the week of November 4 through January 8. (See pages 212-214 of the Legislative Journal.)

Mr. President, LR 201 is ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business I propose to sign and I do sign LR 201.

CLERK: Mr. President, I have new bills. (Read by title for the first time LBs 753-763 as found on pages 214-217 of the Legislative Journal.)

PRESIDENT: We are ready to take up agenda item #6 which involves motions to suspend rules on some revisor bills and I am advised by the Clerk that there is one additional bill if you will add to your agenda, LB 592 after 664. Senator Lamb, are you going to make a motion to....

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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

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letter and expressed grave concern over the diatribe and acrimony on the issue of banking legislation and specifically to the apparent newspaper controversy between Mr. Giltner and myself. I don't want to get into any of the merits or demerits and what I am going to say is not what anybody expects, I think, but it is going to clear some things up because Senator Cullan I think deserves and is properly entitled to an answer to his letter. So I want to very briefly recite a series of events. The first issue developed when a letter was brought to me from any number of senators here and that letter, as I and a number of senators agreed, had statements that at best were inaccurate and did not represent what was before the Legislature in the form of the bill. I expressed my concern. Some of the other senators did, so on and so forth. In response to that letter, I sent a certified letter to a man named Mr. Giltner, an officer of the First National Bank in Omaha, and in that letter I was very strong, very critical. I asked for retractions and I did a number of other things. And you say, so what. Well, this is the point and the point is very important because Mr. Giltner suggested I was abusing or not properly using my legislative immunity. I have never sought legislative immunity from anything, but that letter that I sent to Mr. Giltner which he is so concerned about was provided to the press, not by Johnny DeCamp...Johnny DeCamp has never provided that letter to one human being and only two people have seen it from him, himself and the secretary who typed it. The man that released it to the press almost upon receiving it was Mr. Giltner himself and any complaints that he might have as a result of it he has only himself to thank because he was the one that provided this information to the press. And I would just submit that I think maybe his entire demeanor in questioning everything and his allegations trace back directly only to him. As I say, I have never provided that letter to one person, but you can get the letter from anybody in the press because he provided it to them and then criticized what was said in there to him.

SENATOR CLARK: I would like to introduce to the Legislature, Mr. and Mrs. Herb Schuessler and their daughter, Lisa, from Potter, Nebraska, the great 47th District. Will you stand and be recognized, please. Welcome to the Legislature, Herb. We will now take up the appropriation bills. 754 will be number one.

CLERK: Mr. President, LB 754 offered by Senator Marvel at the request of the Governor. (Read title.) The bill was first read on January 11th of this year, Mr. President. It was referred to the Appropriations Committee. I have pending, Mr. President, two sets of Appropriation Committee

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amendments. The first is Request 2730. The members will find it printed separately in your bill books.

SENATOR CLARK: Senator Warner, on the amendment.

SENATOR WARNER: Mr. President, I move adoption of the amendment Request 2730. These amendments include revisions that the Governor reported to the committee of adjustments he wished to make to the bill as originally adopted. The other set of amendments I will take up next are some committee amendments which to my knowledge is not opposed by the Governor. In some cases it is wording verbage to clarify the purpose of some of the adjustments. If you look at the request in the green book, each of the proposed amendments has a purpose stated that explains generally what they are for, and if you like I can go through them quickly. The first amendment is an \$8500 general fund addition to the Secretary of State's office and it is to recognize additional operating costs as a result of LB 272 last session which was the filing of limited partnerships. The second one, the second amendment deals with the Department of Education and it is an increase in some cash funds and deletion of some general funds for the Professional Practice Commission and in addition it does appropriate \$2,142,687 of general fund money for special education deficit which fully reimburses under the law the school districts for that purpose. Then there is a \$20,000 additional cash fund authorization for the Department of Ag in their export marketing program. It has nothing to do with any of the arguments that you may have heard on this year's budget. The fourth one is to increase the general fund appropriation by \$100,000 for the chronic renal disease program and that reflects increased number of patients that require that treatment and assistance of the general fund should be adequate to fund the program through the balance of the year. The next amendment is one of \$19,630 for the Nebraska Workmen's Compensation Court and that is to allow the hiring of a substitute judge because one of them has been ill as perhaps most of you or all of you know. The next amendment is a \$97,000 increase to the general fund for the Department of Corrections to assist with additional cost as a result of increased prison population and included in that was some reductions in some of the other programs to assist in that funding as well. There is also a \$75,000 authorization for prison industries to purchase equipment...tooling and equipment for some of the production that is done out there, but the cash fund will be reimbursed from the revolving fund prior to June 30th, 1985, as the products that are made from this equipment are sold. Then there is an adjustment in the cash fund authority for

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Kearney State which reflects increased enrollment over and above what was anticipated during the regular session. And finally there is \$25,000 again cash fund authorization for the State Historical Society to fill requests that they have for purchases of photographs, order additional historical markers and also permits them to participate in some of the archaeological digs for which they are reimbursed and are in fact required by law to do. And then the final change is to remove from the original bill \$2908 that had initially been put in the bill for the Commission on Indian Affairs which the Commission subsequently stated they did not need. Oh, I am on the green...oh, I'm sorry, that was 16. I should have done it by page number. Again, wherever you see purpose, that would be a new amendment, Senator Kahle. And there is a total of 9 of them. I should have done it by page...should have did it by page. I would move adoption of that amendment, or be glad to answer questions.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President, Senator Warner, I wonder if you would provide us with a little bit more detailed information on the change in the Chronic Mental Program in the additional funding there. Does that involve the program at Beatrice or the unit here at Lincoln, and maybe you could just give us some additional information on the additional funds...on the funds which you are requesting there.

SENATOR WARNER: The Chronic Renal Disease Program is where there are state funds that assist those who are on a kidney dialysis program which you know is exceedingly expensive and it's a portion of a catastrophic type of assistance...catastrophic illness assistance that the state does provide and the number of individuals who have been receiving that treatment this year is somewhat in excess of what had been anticipated. An additional \$100,000 probably, at least some portion of it or most it probably is necessary in order to provide funding through June 30th.

SENATOR CULLAN: Okay, thank you, Senator Warner.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. President and members of the Legislature, a question of Senator Warner, please. Senator Warner, I have been moving back and forth and maybe I missed it. This increases or decreases....

SENATOR WARNER: There was some of both in the things I

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indicated. The bulk of them were increases, Senator Haberman. The \$8500 for the Secretary of State is an increase in general fund. There is a decrease in general fund on the Professional Practices Commission but an increase in their cash authorization. The \$2.1 million for special ed, of course, is all increased because that is reimbursement after the fact.

SENATOR CLARK: Senator Nichol, for what purpose do you arise.

SENATOR NICHOL: Mr. Chairman, we are on which copy now? I can't follow and I am very apologetic but are we on the green or white copy? The white copy.

SENATOR WARNEF: I'm sorry, I will slow down. Request 2730.

SENATOR NICHOL: Okay, what page are you talking about now?

SENATOR WARNER: Okay, I will do it by page.

SENATOR NICHOL: Thank you.

SENATOR HABERMAN: What page?

SENATOR WARNER: Page....I will start over. Page 1 of Request 2730 at the top of the page, line 2 has an \$8500 general fund deficit, Secretary of State's, and it reflects the increased operating cost related to LB 272 which was enacted last session and which was the filing of limited partnerships. The next amendment is page 3 with the purpose is explained starting on line 13 and that is a....there are two parts to it, a reduction of \$7546 of general fund money for the Professional Practices Commission, an increase in their cash authorization which is from their own collections of \$18,675. Then the other portion is the \$2,142,687 which is the full reimbursement for Special Ed as required by law for last year. And the next amendment would appear on page 7 of that copy; line 15 and that is the increase in the cash fund authorization for the export marketing program Department of Ag, and I just commented earlier that has nothing to do with this year's budget where some of you have been contacted. At the bottom of page 7 is \$100,000 increase for the Chronic Renal Disease Program that Senator Cullan inquired and that is because there are increased number of individuals receiving kidney dialysis assistance which the state provides, and the treatment. Page 8 is \$19,000...line 6, \$19,630 of general fund for the purposes of a substitute judge for the Workmen's Compensation Court because one of the judges had a

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stroke and this is to hire someone temporarily until he is recovered. At the bottom of page 8 there is a \$97,817 increase for the Department of Corrections who fund some of the additional costs as a result of the increase in the prison population.

SENATOR HABERMAN: You forgot line 14 increasing the Workmen's Compensation didn't you?

SENATOR WARNER: No, that was the one I referred to in line 6 which is where the...line 6 through 23 all deal with the adjustment in the Workmen's Compensation Court which was the hiring of a substitute judge for the period of time that the individual had a stroke. Then on page 9 there is new language underlined, lines 7...or 6 rather through 15 and this is an authorization of transfer from the institutional cash fund of \$75,000 which is for the purpose of purchasing tooling and equipment to increase the productivity of the correction industry's program, but it also would require that as the products that would be built and sold from that equipment is sold and that goes into a revolving fund, the cash fund would be reimbursed by June 30th of 1980.

SENATOR CLARK: You are down to 30 seconds, Senator Haberman.

SENATOR HABERMAN: Mr. Chairman, please, if you would, I believe he is explaining so everybody can now follow and it shouldn't count against my time because some of them didn't have this information to follow him.

SENATOR CLARK: We are going to let him explain it, so....

SENATOR HABERMAN: Oh.

SENATOR CLARK:we will do it on his time.

SENATOR HABERMAN: Okay.

SENATOR WARNER: Finally, number 7 is the authorization for Kearney State to expend some increased cash funds above what we originally approved during the regular session, and that is to reflect increased enrollments over and above what they had anticipated and as a result increase expenditures because of class equipment and so forth that reflect that increased enrollment.

SENATOR CLARK: Your time is up Senator Haberman. Senator Nichol was next. Now he may want to continue. Did you want him to continue? Go ahead. It is on Senator Nichol's time. You can continue. Go ahead, Senator Warner.

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SENATOR WARNER: Then the last two provisions, page 13, line 26, there is a cash fund authorization increase of \$25,000 for the State Historical Society and that is to enable them to sell requests they have had for photographs and other historical markers and it also would permit them to do some additional archaeological digs which by law they.... and federal funds are usually involved here, but it is where construction of a state project is taking place and if there is reasonable either that there may be archaeological artifacts of interest where that construction is to take place, they are to do that first and this is to allow the funding. There is no general fund involved. And then the final change is on the last page 16 and line 14, and that merely removes...strikes from the bill a general fund appropriation that was in the bill originally for the Indian Commission...Commission of Indian Affairs which they indicated they did not need those additional funds, so that is stricken from the bill.

SENATOR CLARK: Do you want to yield to Senator Haberman? Go ahead.

SENATOR HABERMAN: (Microphone not activated)...please, on page 9, line 16, you are changing \$26 million to \$31 million. Am I reading that correctly? That is a \$5 million increase. What is it for? Page 9, line 16, 17, 18 and 19. It says "strike \$26 million in lines 20 and 21, strike the new matter and reinstate the stricken matter and in line 25 strike the new matter, and insert".....

SENATOR WARNER: That reflects the agency total, and I am sorry, I see I skipped one this last time on page 9. There are some corrections...technical errors in which proper programs were not identified in the original bill for the Department of Roads, but there is no change in dollar amounts. The things you have seen stricken is total funds.

SENATOR HABERMAN: Also, are you telling us that on page 14 the Nebraska Heritage Center, page 14 and I go over to page 15 that the Nebraska Heritage Center is going to cost \$889,000? And then that the total and permanent...total expenditures for permanent and temporary salaries and per diem shall not exceed \$849,000? On page 15, line 12, is that...am I reading that right? You are going from page 14, it says Nebraska Heritage Center funds \$76,000, but then you jump over on line 12, page 15, total expenditures for permanent and temporary salaries and per diem not to exceed \$849,000. Am I reading that wrong, or what?

SENATOR WARNER: No, that is the existing language in the

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current appropriation. The only change in the Historical Society on page 15 from the existing budget that was enacted last year, last April of last year....

SENATOR HABERMAN: I'm talking Heritage Center.

SENATOR WARNER:is up there on line 7, the cash fund authorization was \$85,746. The new cash fund is an additional 25 or the hundred...the additional appropriation.... oh, for the museum operation there is a \$15,000 increase, which makes the new total program down there \$1,097,000. The only change in that is the \$15,000 more cash fund authorization.

SENATOR CLARK: Your time is up, Senator Haberman. We will go to Senator Pirsch.

SENATOR PIRSCH: I will yield the first part of my time to Senator Haberman. He has one more question.

SENATOR CLARK: All right.

SENATOR HABERMAN: Senator Warner, is it going to be available to this body within a short length of time a sheet showing the proposed budgets like this from Appropriations compared to what the Governor is recommending?

SENATOR WARNER: This is the Governor's recommendation for the deficiency bill that I am doing right now.

SENATOR HABERMAN: Very well. Thank you, Carol, go ahead.

SENATOR PIRSCH: Thank you, Senator Clark. Senator Warner, I do have a couple of questions also. Deficit budgets I guess always bother me. When you come back in to get and put in your deficit budget, these are funds that are over and above what was projected in our last year's appropriations, correct?

SENATOR WARNER: Generally speaking, it also can be a transfer between programs within an agency which by definition is a deficit and it results in no increase in total funds, but generally it is an increase.

SENATOR PIRSCH: Generally it is an increase and you can identify those in this budget.

SENATOR WARNER: And the reasons.

SENATOR PIRSCH: But mostly they are those who come in with

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over and above what was intended to be appropriated for that agency last year.

SENATOR WARNER: Generally, but a very broad exception would be Special Education which by law is a reimbursement of the previous year's expenditures and we have no way... like for example this year's appropriation I know is something less than what the Special Ed will cost but when you have no way of knowing those final figures until the schools have filed for their reimbursement which is roughly a year after we pass the budget, nine months later.

SENATOR PIRSCH: Okay, but on things like the State of Nebraska Archives and the...well, the Workmen's Compensation you did explain, but some of these others, they were allotted 7 percent over their previous year's budget, is that correct? For the general?

SENATOR WARNER: Not necessarily, in the case of....

SENATOR PIRSCH: Were they limited in most instances to the 7 percent over their previous....

SENATOR WARNER: The way it works they have changed...well, the overall budget was about that, it would be different from agency to agency, but the Historical Society is purely cash funds which has nothing to do with the general fund.

SENATOR PIRSCH: Okay.

SENATOR WARNER: And in this case it is that they have additional sales of the things that they do sell that would exceed their cash fund authorization, and then they have these archaeological digs which they cannot always anticipate. There is usually a kind of a level amount but some years it may be accelerated and this is so they can accept that money.

SENATOR PIRSCH: On the whole, would you say though that most of these deficits did exceed the 7 percent limit that was added to their appropriations from the previous year?

SENATOR WARNER: As a general statement, Senator Pirsch, this year it would be somewhat of an exception because of the special session, but as a general rule the amount of money that has lapsed on June 30th by all agencies....

SENATOR CLARK: You have one minute left.

SENATOR WARNER:is usually about equal to the deficiency

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bills so in essence it is a rearrangement between agencies of the total authorized expenditures. Now this year that is not quite true because we took 3 percent out in November so that....

SENATOR PIRSCH: Right.

SENATOR WARNER:there is going to be less. Lapse, in fact we are predicting a million dollar lapse as opposed to usually a three to five million lapse.

SENATOR PIRSCH: So that 3 percent which we cut generally across the board would perhaps be gained back by some agencies in this deficit? No?

SENATOR WARNER: The major amount of money in here is the Special Ed increase.

SENATOR PIRSCH: Okay.

SENATOR WARNER: And that is not a....

SENATOR PIRSCH: Right.

SENATOR WARNER:an increase, that's just how the law works.

SENATOR PIRSCH: I understand. And then in the other agencies it is probably just a shifting of....

SENATOR WARNER: A very minor amount....

SENATOR PIRSCH:of funds.

SENATOR WARNER:of money shifting there.

SENATOR PIRSCH: Okay.

SENATOR WARNER: Relatively speaking minor.

SENATOR PIRSCH: Okay, thank you.

SENATOR CLARK: Is there any further discussion? If not, the question before the House is the adoption of the 2730 request. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

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

CLERK: 26 ayes, 0 nays on adoption of Request 2730, Mr. President.

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RECESS

SENATOR CLARK PRESIDING

SENATOR CLARK: Check in please. Could we get everyone registered in please. The Clerk will record.

CLERK: There is a quorum present Mr. President.

SENATOR CLARK: We are going to take up where we left off this morning on 754. We are ready for the committee amendments on 754.

CLERK: Mr. President, the Appropriations Committee would move to amend the bill. It is Request #2755, you will find that printed separately in your Bill Books.

SENATOR CLARK: Senator Warner.

SENATOR WARNER: Mr. President, I move the adoption of Request #2755, I'll try to explain the proposed changes and identify where there is any difference and why between the amendment that we adopted as I indicated came from the... suggested by the Governor's office. The first amendment, the purpose indicated is with the...page one, the purpose lines 2 through 10, shows a transfer from a school lunch match of \$39,379 to, which is spread between three programs, \$875 of that is vocational schools and veterans funds; \$6,564 is to vocational education and \$21,200 is to the School of the Deaf and \$10,740 is to the School of the Visually Handicapped. The Governor, the amendment...as the bill was introduced there was \$101,000 lapse from this school lunch program which was in excess of what was needed to match the federal funds. Page one of the committee amendment amendment, Senator Nichol, Request #2755, but all three of these or four of these programs in part because of the cut in November and in part...well because of the cut in November these programs were short and so this is transferring funds from one program to another but it does result in the increase over what the Governor proposed as he had not suggested these transfers. The committee nevertheless would recommend that these be done. Then the next one which was not either, on page 2, lines 9 through 12, LB 754, Request. . .

SENATOR CLARK: We are on Request #2755.

SENATOR WARNER: This deals with the Public Service Commission, it is no increase. It was not included in the Governor's

recommendation, this is a transfer from a one program of \$3,800 and it is transferred to the program of travel expenses for the public service commissioner's themselves. Then the next proposal on page 3, amendment number 3, on line 14 and this merely adds language to what was in the... proposed by the Governor and that the money that was included for unpaid, or it was for money to earmark it that it was for accumulated unused vacation-sick leave for retiring board members and that is routine but to make sure that that is where the money goes, it earmarks it. The next one, the next amendment is to . . . the bill as introduced by the Governor merged all of the programs in the Department of Revenue and the committee amendment would not merge them but continue the programs as they currently were in the appropriation bill and it is the committee's position that it is not necessary for, number one, to merge those two programs, one deals with property tax administration the other is the general administrative cost for the Department of Revenue, but it is easier to account how money is used if those programs are maintained and it creates no problem for the department to do so. In our next amendment, it would be on page four, lines 11 to 15 is the purpose and that merely deletes what was in the original Governor's bill for the transfer of \$9,500 of General Fund money which the department itself indicated they no longer wanted to do, but the amendment does adjust the salary limit in that program upwards to \$12,500 but it does not add any increased spending authority. Number six on page four, lines 21 and 23 was not included in the Governor's bill, I don't believe he had the request, it increases by \$4,500 of General Fund money, the State Fire Marshal's appropriation, and this is to pay unemployment compensation that had not originally been anticipated. Then the amendment on page 5, lines four and five, is similar to what. . . it is an additional technical amendment to the Department of Roads, it was one of the Governor's committee recommendation and there is. . . this is an additional one, there is no increase in money but it is merely citing the correct fund from the original bill that was incorrect, doesn't change dollar amounts. On page seven, there is a decrease, no money involved, a decrease in the salary limitation in the military department from \$100,000 down to \$80,000 but again that, as I recall is in concurrence with the department. Also, on page 7, lines 10 and 11, it adds earmarking language, no money, the money was put in with the Governor's proposed amendment to his bill, but this limits that additional funds to be used only for the cost of a substitute judge pending the illness of the one judge who cannot currently actively work. Then number 10, affects the Nebraska Education Commission

which. . . again, this is not an increase in funds but an adjustment of the '81-'82 salary limit of \$17,000 but it actually relates to some '80-'81 expenses for overtime, sick leave and vacation that was charged in the wrong fiscal year and it makes that adjustment but no increase in total appropriations. The next one, number 11, is lines 16 to 18 which allocate a portion of LB 459A, that was from the last session, to program 105, this again is not an increase but a transfer between programs, within the agency. On page 9, number 12, lines 15-16, again this is a technical correction. The Department of Roads budget with the wrong fund, incorrect fund was cited on the bill that was the state claims bill last year. This is to get the correct fund cited. You will find that wording on page 11, line 6, it was initially the highway cash funds, it should have been the highway trust fund because it was a refund on some gas taxes paid and that is the fund that those refunds are paid out of. That is the extent of the committee amendments to the... in addition to those amendments that were offered by the Governor to the committee, to his bill.

SENATOR CLARK: Senator Higgins.

SENATOR HIGGINS: Mr. President, this is such a big book I don't know how I'm going to get through it. Senator Warner, I would just like to ask you a couple of questions about this, because I am so new at it I don't think I understand it all. On page 2 of this Requisition #2755, line 9 says "purpose to increase funds for travel expenses of public service commissioners by transferring \$3,800 General Funds between programs in the Public Service Commission." Is this actually going to increase their travel expenses?

SENATOR WARNER: The. . . it will increase the authorized expenditure for travel. There is a single program for the travel expenses of the Public Service Commission, Program #54 and as of December 31st they had expended 89% of the total years funds that were appropriated. They came to the committee indicating that the transfer from one of the other programs within the department would be necessary in order for the commissioners to travel within the state to attend various hearings, and the committee did recommend that transfer.

SENATOR HIGGINS: You don't know, Senator, whether they travel by private airplane or if they all go in a van or on a Greyhound or how they travel. In other words, I'm just wondering, you know these travel expenses, for it seems the entire state, seem to keep going up, up, up and I remember when Governor

Thone was here he said one of the things he wants to do is cut down travel expenses this year. So I'm wondering, you know, if the Public Service Commission in requesting this gave any indication what they are now spending on travel expenses and in what manner they travel. Would you know that Senator Warner?

SENATOR WARNER: The original number, if you look on that sheet, is \$14,007 which was the appropriation for all travel for the Public Service Commission, for the members of it. This would increase that by \$3,800 for the rest of the year, but it is transferred from another program. We asked a number of questions of the need. We were aware, as I suppose you are, that there was some publicity of the charges of some of the earlier....I think there was a convention involved, but the point seemed to be that without the additional appropriation they would be restricted from attending various hearings that are within the state but outstate and if they couldn't attend, that they would either have to send a hearing officer, whose expenses could be charged to the correct fund, or else they would not attend and require the people to come to Lincoln for those hearings and I think the majority of the committee felt it was more appropriate to transfer some money so that the commissioner's could attend those hearings out in the state personally rather than having a hearing officer or the other alternative requiring citizens to come into Lincoln for those hearings.

SENATOR HIGGINS: Where would I go to find out how they travel?

SENATOR WARNER: How they travel?

SENATOR HIGGINS: Whether they drive their own cars or whether they are using a state owned plane or whether they are chartering a plane or taking a Greyhound.

SENATOR WARNER: The Public Service Commission does have... is assigned its own vehicles, which they can use, they also use some PSB cars, which they pay for then, as any other....

SENATOR CLARK: You have one minute left.

SENATOR WARNER: . . . on a mileage basis.

SENATOR HIGGINS: Okay, one other question Senator Warner. On page 3, we have line 13, General Funds for accumulated unused vacation and sick leave pay for retiring board members. I think anybody who leaves state office with accumulated vacation time certainly should be paid for that vacation time, they have got it coming. But accumulated sick leave the federal government doesn't give their employees any pay for accumulated sick leave, if they don't use it, you

lose it, I am wondering why we would pay somebody. Sick leave is something we give somebody if they need need it. I don't think that it is supposed to be considered as a vacation. So I'm wondering why are we going to pay state employees accumulated sick leave if they weren't sick and they didn't use it, they didn't need it. The vacation I understand and I agree with that.

SENATOR CLARK: I'm going to allow him to answer this question even though your time is up.

SENATOR WARNER: Senator Higgins, that is in compliance with state law that does permit that upon retirement an employee would receive, I believe it is up to one-fourth of their accumulated sick leave. Now the amount of accumulated sick leave is determined by the number of years they have worked for the state and I don't remember the maximum number of days that you can accumulate after 25 or 30 years, but of course I could check. But the law provides for one-fourth of that unused sick leave to be reimbursed.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, I would have a question of Senator Warner also. I notice we have a certain amount in there for a judge who is ill. I understand the money allocated there is to pay for his replacement. My question has to do with sick leave of judges and so forth. Is that any different than any other employee of the state? In other words, do they use their sick leave and that is it or do we continue to pay their salary no matter what?

SENATOR WARNER: Again this is a relatively small agency but in this case it would be the same as any employee that is sick. He would be entitled to his regular salary as long as he does not exceed whatever it is, in this individual's case I do not know the number of accumulated sick days he has. . . eligible for. But, this is to provide that salary. Not because it is a small agency and they have to hire an additional individual to substitute, it does require additional funds. Now there are, if we are looking at the regular court system, you know, we do have provisions in the law and regularly in appropriations for district judges to come in and substitute, for example, supreme court judges the same provision can be within the district or county court system so it, because it is a larger group I guess it is almost routine if you have funds and a method to handle that, but this particular

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LB 754

court, or because it is limited to just that one, what are there five of them? Three of them.

SENATOR NICHOL: I believe that there are five.

SENATOR WARNER: But with that small budget without additional money there's no way to hire a substitute.

SENATOR NICHOL: Perhaps I should ask Senator Cullan since this is really not an appropriation question but would have to do with retirement or sick leave of some kind, Senator Cullan do you know if we have any other law governing judges than we do any other state employees as to time off because of illness?

SENATOR CULLAN: Senator Nichol, I really would have no idea.

SENATOR NICHOL: Okay, thank you. Mr. Chairman, I'll look into that in the future.

SENATOR CLARK: Is there any further discussion on Request #2755 which are the committee amendments to 754. If not, Senator Warner do you have any closing?

SENATOR WARNER: The accumulative dollar difference between this amendment as compared to what was submitted by the Governor as amended there is roughly \$40,801 increase in the General Fund over and above what the Governor recommended although I. . .the only comment I think he also carries the same total dollar amount in their figures of what is available for the session so to my knowledge they do not object to any of these amendments.

SENATOR CLARK: The question before the House is the adoption of the committee amendments which is Request 2755. The committee amendments to 754. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

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

CLERK: 26 ayes, 0 nays Mr. President on the adoption of Request 2755.

SENATOR CLARK: The committee amendments are adopted. Senator Warner, did you want to explain the bill further or was that the bill?

SENATOR WARNER: Unless there are additional questions, there are a number of adjustments that I have not touched it on. I would be glad to do those, do so if somebody wants me too.

SENATOR CLARK: Are there any further questions on 754 before we advance the bill? If not the question before the House is the advancement of 754. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 30 ayes, 0 nays, Mr. President on the motion to advance the bill.

SENATOR CLARK: 754 is advanced. Now we will take up 755.

CLERK: Mr. President, LB 755 offered by Senator Marvel at the request of the Governor. It is a bill that (Read title of LB 755). The bill was read on January 11, referred to Appropriations for hearing. The bill was advanced to General File, Mr. President. I have no amendments to the bill.

SENATOR CLARK: Senator Warner.

SENATOR WARNER: Mr. President, I move the bill be advanced. Obviously the level of salaries fixed by the Constitution, there is no change in the Constitution so I move the bill be advanced.

SENATOR CLARK: Is there any discussion on the advancement of 755. If not, all those in favor vote aye, opposed vote nay. Record the vote.

CLERK: Senator Clark voting yes. 28 ayes, 1 nay Mr. President on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. Take up 756.

CLERK: Mr. President, LB 756 was a bill introduced by Senator Marvel at the request of the Governor. (Read title of LB 756). The bill was first read on January 11th, referred to Appropriations for hearing. The bill was advanced to General File. Mr. President, there is a committee amendment to the bill.

SENATOR CLARK: Senator Warner on the committee amendment.

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LB 522A, 605, 714, 753,
754, 760, 761, 942,
966, 967, 970, 970A

SENATOR CLARK PRESIDING

SENATOR CLARK: The Legislature will come to order. The prayer this morning by Father Edmund Placek of the Sacred Heart Catholic Church, Burwell.

FATHER PLACEK: (Prayer offered.)

SENATOR CLARK: The state officers of the Knights of Columbus are here for the occasion of the centennial of the Knights of Columbus. I think they are going to see the Governor and have him declare it that. We also have three visitors from Australia. They are under the South balcony. David McConnell, Helen McConnell, and Marilyn Handley. Would you stand and be recognized please. Senator Lamb has 7 students from Newport, Nebraska grade school, Pam Peterson, the teacher, and they are in the North balcony. Would you stand and be recognized please? Welcome to the Legislature, all of you. Roll call. Could we all check in, please. We have the Benson Republican Women's Club in the North balcony. Would you stand and be recognized please? Welcome to you to the Legislature. The Clerk will record.

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

SENATOR CLARK: Are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

SENATOR CLARK: Do you have any messages, reports, or announcements?

CLERK: Yes, sir, I do, a series of things. Mr. President, your committee on Enrollment and Review respectfully reports they have examined and reviewed LB 754 and recommend that same be placed on Select File; 522A Select File; LB 942 Select File with amendments; LB 966 Select File with amendments; LB 970 Select File; LB 970A Select File with amendments; LB 761 Select File with amendments; LB 967 Select File; LB 760 Select File; LB 753 Select File. Those are all signed by Senator Kilgarin as Chair, Mr. President.

Mr. President, your committee on Public Health and Welfare offers a report on gubernatorial confirmation hearing.

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 605 and find the same correctly engrossed; and LB 714 correctly engrossed.

March 31, 1982

LB 953, 428, 571, 754, 942
LR, 282, 283, 284,

SENATOR CLARK PRESIDING

RECORDER MALFUNCTION

The following information is taken from the Legislative Journal dated March 31, 1982.

LB 953 was advanced to E & R for Review with 38 ayes, 3 nays and 8 excused and not voting (Journal page 1543).

Legislative Resolutions 282, 283, 284 were all read and referred to the Executive Board.

The Enrolling Clerk presented the following bills to the Governor: 428 and 571.

LB 754 was advanced to E & R for Engrossment.

LB 942 the E & R amendments found in the Journal on page 1412 were adopted.

Senator Schmit offer an amendment to 942 (see page 1536 of the Journal). The Schmit amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

RECORDING BEGINS:

SENATOR RUMERY . . . touching this highway fund. I hope you will go along with that idea.

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

SENATOR VICKERS: Very briefly, Mr. President. Mr. President and members, just so nobody is misunderstands what I am... where I am coming from and what my position is, as I indicated earlier I would have liked to have set the sunset date for this \$3.75 in 1981, which means I am not in favor of the \$3.75, in case anybody didn't catch that. I'm not in favor of keeping that tax on the registration. I would rather fund the state patrol from the sales and income tax as they have been funded. I was one of the thirteen, remember, back last November that voted to raise the income tax. All I'm saying with this amendment is that it would seem inevitable to me that we are going to, in fact, assess a \$3.75 charge to the registration of vehicles. All I'm saying is that we

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LB 761, 754

your seats but be around so we can tell you before the bill comes up for passage. Record the vote.

CLERK: 30 ayes, 0 nays to suspend the rules, Mr. President.

SENATOR CLARK: The rules are suspended and the Clerk will read LB 761 on Final Reading.

CLERK: (Read LB 761 on Final Reading.) (Recorder turned off for Final Reading.)

SENATOR CLARK: About five minutes before this bill is completed, if all Senators will get back into their seats please, we can be able to vote on the bill. Continue reading.

CLERK: (Continued reading.) (Recorder off.)

SENATOR CLARK: All Senators will be in their seats please. All provisions of law according to procedure having been complied with, the question is, shall the bill pass with the emergency clause attached? All those in favor will vote aye, all those opposed will vote no. It takes 33 votes.

CLERK: Senator Clark voting yes.

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

CLERK: (Record vote read. See pages 1809 and 1810, Legislative Journal.) 43 ayes, 2 nays, 4 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed with the emergency clause attached. The next bill is 531, a constitutional amendment. Bernice Labeledz isn't here so we will stall that off a little while. We will take 754 with the emergency clause.

CLERK: (Final Reading on LB 754.) (Recorder turned off for Final Reading.)

SENATOR CLARK: About three or four minutes on this bill.

CLERK: (Continued reading.) (Recorder off).

SENATOR CLARK: The question is, shall the bill pass with the emergency clause attached? All those in favor will vote aye, opposed vote no.

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LB 754, 807

CLERK: Senator Clark voting aye.

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

CLERK: (Record vote read. See page 1811, Legislative Journal.) The vote is 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

SENATOR CLARK: 754E is declared passed with the emergency clause. The next bill is LB 807.

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

SENATOR CLARK: Read the motion.

CLERK: First of all, Senator, I understand that you would like to withdraw that amendment we had printed in the Journal. We have to do that technically. Mr. President, Senator Hefner would move to return LB 807 to Select File for specific amendment and the amendment is essentially the one found on page 1789 of the Journal with one correction.

SENATOR CLARK: Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, I move to return LB 807 to offer an amendment and, of course, this amendment that I am offering is a little bit different than was printed in the Journal. On page 4, line 25, we are removing the words "and in line 23 after the period insert 'A copy of such statement shall be handed to each prospective signer.'" We meant to leave this out when we had the amendment drawn yesterday but somehow it got in there. But this amendment that I am offering to LB 807 incorporates the two noncontroversial sections of LB 647 into LB 807 and deals with the initiative process. I appreciate very much Senator Landis' cooperation in agreeing not to object to my amendment. He is the introducer of LB 807. I also worked with my neighbor here, Senator Vard Johnson, in an attempt to reach a compromise, and as you recall, the controversial portions of LB 647 was the prohibition against circulating petitions by nonresidents of a county and I think Senator Vickers was opposing that section, too. We have removed this section. This portion is not included in my amendment in LB 807. My amendment to LB 807 merely does the following two things: It requires that the county clerk be provided an explanation of the petition, and I passed out some handouts and you will notice that we x-ed out "and that the same be given to a prospective signer". They will not have to give a prospective signer an explanation

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LB 531, 212-212A, 520, 754
761, 807, 942, 970-970A

having been complied with, the question is, shall the bill pass? It takes 30 votes. All those in favor vote aye, opposed nay.

CLERK: Senator Clark voting no.

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

CLERK: (Record vote read. See page 1822, Legislative Journal.) 36 ayes, 11 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading. We will now go to item #5.

CLERK: Mr. President, a few items to read in. The bills that were read on Final Reading this morning are now ready for your signature, Mr. President.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 531, 970A, 970, 942, 807, 754, and 761.

CLERK: Mr. President, I have an explanation of vote offered by Senator Higgins.

And Senator Cullan would like to print amendments to LB 212 and 212A. (See page 1823, Legislative Journal.)

PRESIDENT: Okay, anything else, Mr. Clerk?

CLERK: Nothing further, Mr. President.

PRESIDENT: We are ready then for as Senator Clark said agenda item #5, Select File, and I believe we start with LB 759, is that correct, Mr. Clerk? 520, is it? Okay, we will take up 520.

CLERK: Mr. President, LB 520 was considered yesterday by the Legislature. At that time the E & R amendments were adopted. Senator Howard Peterson then made a motion to indefinitely postpone the bill. That is presently before us, Mr. President.

PRESIDENT: The Chair recognizes Senator Peterson.

SENATOR HOWARD PETERSON: Mr. Chairman, last evening I handed out to this body a number of letters from a number

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LB 761, 754, 807, 970,
970A, 531, 480, 591,
629, 629A

CLERK: Mr. President, your Enrolling Clerk has presented to the Governor the bills that were read on Final Reading this morning (LBs 761, 754, 807, 970, 970A and 531).

Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 480 and find the same correctly engrossed, 591 correctly engrossed, 629 and 629A all correctly engrossed.

April 16, 1982

LB 401, 754, 761, 953

SENATOR LAMB PRESIDING

SENATOR LAMB: The Prayer this morning will be offered by the Reverend James Cooke of the Fourth Presbyterian Church of Lincoln and this church will celebrate its seventy-fifth anniversary on Sunday, April 18.

REVEREND COOKE: Prayer offered.

SENATOR LAMB: Thank you, Reverend Cooke. Roll call. Have you all recorded your presence? Have you all recorded your presence? Record, Mr. Clerk.

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

SENATOR LAMB: Item #3, messages, reports and announcements.

CLERK: Mr. President, first of all, page 1945, line 31, correct the spelling of the word "peace." Mr. President, I have messages from the Governor that were received in my office on April 14. The first pertains to LB 754. (Read.) Mr. President, the second message addressed to Dear Mr. President and Senators. (Read message Re: LB 761. See pages 1951-1954 of the Legislative Journal.)

Mr. President, I have an Attorney General's opinion addressed to Senator Vickers regarding LB 953 and one addressed to Senator Lamb regarding LB 401. Both will be inserted in the Journal. (See pages 1957-1961 of the Legislative Journal.)

I have the annual report filed by the Department of Correctional Services. That will be on file in my office; a report from the Department of Roads pursuant to Statutory Section 66-476, and Mr. President, I have a series of auditor reports submitted by the State Auditor. Those two will be on file in my office.

SENATOR LAMB: Item #4, motions. Senator Rumery, for what purpose do you arise?

SENATOR RUMERY: Mr. President, members of the Legislature, I would like to rise for a point of personal privilege.

SENATOR LAMB: Please state your point to the Chair.

SENATOR RUMERY: The Pages are going to hand out an invitation to each one of you to attend the Nebraskaland Days held in North Platte and we want to emphasize the fact that you are all invited and they are going to attempt to have antique cars for all of the legislators to ride in in the parade. You will be extremely welcome and we hope you can attend.