

May 16, 1975

SENATOR DWORAK: Mr. President, I move the adoption of the E & R amendment to LB 74.

PRESIDENT: Discussion? All those in favor say aye, those contrary nay. The amendment is adopted.

SENATOR DWORAK: Mr. President, I would move that LB74 be advanced to E & R for Engrossment.

PRESIDENT: Discussion? Question is the advancement of 74. All those in favor say aye, those contrary nay. The bill is advanced.

CLERK: Mr. President, I move to return LB472 to Select File for specific amendment. Signed, Senator F. Lewis.

PRESIDENT: Chair recognizes Senator F. Lewis.

SENATOR F. LEWIS: Mr. Chairman, the amendments are on your desk. The amendment is very simple. We have had some concern as to whether or not the Legislature had the authority to appropriate money for Capital outlay without the program statement being on file. The amendment that you have Vince, each of you have a copy of this amendment. The amendment simply says this. Oh, its still coming? Alright, the amendment says that the Legislature may make an appropriations for the planning, design, or construction of a new faculty or they may make modification or repair of an existing facility even if no program statement or contract is on file or approved. Such appropriations shall not be expended until the provision of the subsection of this section have been complied with. In my judgement that straightens out....

PRESIDENT: It is entirely too noisy in here. We have got to have more order. If were going to proceed, we have to have more order and it will go much faster.

SENATOR F. LEWIS: In my judgment that straightens out some of the controversy that have been here in terms of whether or not money had been appropriated. It is my position that the will and the desire of the Legislature to build, construct or do as they please should not be impeded by some bureaucratic statute and this straightens it out. The Legislature may make the appropriation but before the money is expended there shall be compliance to the program statement. I move that the bill returned for the adoption of my amendment.

PRESIDENT: Senator Marsh.

SENATOR MARSH: Mr. President, members of the Legislature, We had a good example of what happens when we don't have a program statement review. We may not be complying with the law, but we won't know without a program statement, the size and the dollar amounts the size and the dollar amounts needed. We won't know if they are correct. Do we take the exact word of the agency, or do we expect the Governor to line item reduce the project so that it will come within reasonable guidelines. We will have no program statement with which to work to set a modified limit if you would adopt Senator Frank Lewis amendment. A classic example for