

May 10, 1979

LB 586

SENATOR JOHNSON: I just had a question, Mr. Speaker, of Senator Warner, I believe, and that is this, if Senator Warner would yield for a couple of minutes or just to answer my question I guess. Senator Newell is, what Senator Newell is doing is attempting to eliminate as best he can the little differential that LB 586 builds into it with respect to certain kinds of employees. Now LB 586 says that all employees shall be provided a salary increase of 7%. However, it says that certain employees shall be provided the salary increase of 4% with their administrators being provided a discretionary authority to allocate the remaining 3% as they see fit. Now Senator Newell suggests that he doesn't like that situation and I happen to concur with his point of view on that, that the salaries themselves should be 7% across the Board and there shouldn't be that discretionary fund in there. Senator Newell thinks that the problem can be taken care of, however, if the body chooses to do that, through intent language in LB 596. My question to you is this, Senator Warner, you being an old head of the Appropriations, can this body take care of Senator Newell's problem through intent language or instead must it go back and amend 586 that deals specifically with that problem?

SENATOR WARNER: Senator Johnson, and Senator Newell can correct me, I believe the specific type of employee that Senator Newell spoke to me about dealt with some employees in higher education, specifically the University, and in that case I said that the intent bill was as good as changing the language, because if you recall, there was a Supreme Court decision I think just this week that I read in the paper, at least there was a story about it, in which the words were...it dealt with the Court of Industrial Relations and the setting of salaries and it said rather flatly that the Legislature could not force the University in the distribution of salaries. We certainly do determine the total amount of money that is available but you recall that case and I wish I had it with me and all I read was the paper but it was a verbatim quote that the employees and the Regents could get together why then the Legislature couldn't do anything about it other than the total amount of money. So all I am saying is that what I understood Senator Newell wanted to say was he wanted to indicate to the University that he would like that they would not...that they would exclude professionals from these provisions and I said, well, intent language will be just as effective as putting it into the statutes because as a matter of fact it is not enforceable either way, is that correct, Senator Newell?

SENATOR NEWELL: Well, not exactly.