

## Senators studying postsecondary coordination

By George Miller

A special committee of the Nebraska Legislature decided Thursday to investigate ways to give the Unicameral power to coordinate the state's postsecondary schools.

The LR36 Interim Study Committee voted 4-2 to adopt the proposal from Waverly Sen. Jerome Warner, committee

chairman, during its day-long meeting at the Capitol.

The committee was formed by the 84th session of the Legislature to study ways to coordinate state colleges, NU and the state's vocational and technical colleges to make more efficient use of the schools' resources.

Warner said the Legislature could not

delegate significant powers over the state's colleges without a constitutional amendment.

Since an amendment could not be voted on until 1978, legislative coordination is the only alternative "which will initiate immediately the steps necessary" to bring about some kind of coordination, he said.

### Agency concept rejected

The senators rejected the concept of forming an executive agency, whose members would be appointed by the governor, to handle postsecondary coordination.

The senators also deferred a proposal for a coordinating committee independent of the governor and the Legislature.

Warner and Bellevue Sen. Frank Lewis stressed that Warner's proposal was not the committee's final decision to be presented to the Legislature when it convenes next January.

Instead, they said, it would only point the committee in a certain direction of study.

"This is merely a vehicle in which to proceed," said Omaha Sen. John Savage.

### Statement of intent

Warner's proposal would have the Unicameral enact legislation including a statement of intent saying that because of "constitutional limitations," the Unicameral will "directly provide leadership and direction in the coordination of postsecondary education."

The first goal of legislative coordination would be for the Legislature to work with the state's colleges and NU in redefining and clarifying the schools' respective roles.

A special legislative committee would be established temporarily to work with the schools to help clarify their roles.

This special committee would introduce a resolution to the Legislature by March 1, 1977 forming guidelines within which the schools' roles would be redefined.

The schools then would be required to submit to the special committee statements of their redefined roles for approval by July 1, 1977.

If approved by the committee, the statements would be presented to the Legislature during its 1978 session and the special committee then would disband.

### Roles, duties redefined

The legislation enacted by the senators would include a section redefining the role and duties of the Nebraska Commission for Postsecondary Education. That commission would be instructed to:

—Study the transfer of credits between colleges in Nebraska and submit a report to the Legislature by Jan. 1, 1978.

—Study and report on attrition rates in the state's postsecondary schools.

—Report on educational and manpower needs for Nebraska.

—Report and study adult and continuing education in the state.

—Propose a program for all postsecondary systems to provide adult and continuing educational services through a uniform system, thus avoiding "unnecessary duplication."

Warner's proposal also would have the Legislature place a moratorium on the creation of any new classroom subjects, programs and capital construction by a postsecondary school while its role is being redefined.

Warner's proposal also would require full disclosure of financial support by the school's "to ensure that the Legislature will have accurate and complete pictures of the financial operation of each system and institution of postsecondary education." This would include the private NU Foundation, according to the proposal.

Omaha Sen. Larry Stoney agreed that executive coordination was not a proper approach but said he had been giving serious consideration to an independent commission.

### No other state systems

He said that no other state had a system for legislative coordination of higher education.

"What gives us the expertise and the audacity" to become the first state to establish such a system, Stoney asked.

Lewis replied that it was the same audacity that led former Nebraska Sen. George Norris to lead the fight for a one-house legislature, the only one in the country.

Warner said he felt the Legislature should not delegate "this kind of responsibility" to any other branch of state government.

The committee also deferred consideration of a proposal to form a "superboard" which would consolidate the governing of the state colleges, the NU system and the technical schools.

Such a board would replace the NU Board of Regents and the governing boards of the state colleges and the technical schools. The proposal would require a constitutional amendment.



Photo by Ted Kirk

A new Nebraska Union bake shop is slated to open in December. It will sell pastries, rolls and even birthday cakes such as this one decorated by Pete Zoba. See story on page six.

## Deadline today

Today is the last day to register to vote in this year's general election.

The deadline also is 6 p.m. today for persons who have changed their names or have moved to a different precinct, county or state.

## NU regents asking for new trial in control case

By Betsie Ammons

The NU Board of Regents has filed a motion for a new trial in a case between the regents and the Nebraska Legislature concerning university control, according to a university systems attorney.

John Gourlay, university general counsel, said the motion for retrial was submitted Wednesday to Lancaster County District Judge Samuel Van Pelt, who heard the original case.

Gourlay said he thinks Van Pelt will return a decision within the next two weeks, on whether he will schedule a new trial.

Gourlay outlined errors in the original decision that the regents want corrected. He said Van Pelt failed to find that "the Legislature is without authority to participate in the general government of the university."

They also want to omit a section of the decision that says "the Legislature may fix and determine the manner in which the regents give raises to employees, if the Legislature so desires," Gourlay said.

Atty. Gen. Paul Douglas also has called for a new trial to clarify a ruling that grants the regents full control over university generated funds.

### Original decision

Van Pelt's original decision said the Legislature may add or subtract the duties and powers of the regents by expanding or contracting the number of areas the regents

are authorized to act in. But he ruled that the government of the university and the powers of the regents may not be delegated to any agency outside of the Legislature.

Van Pelt also ruled that the Legislature cannot control the regents' use of university funds not raised by taxes, that they cannot direct employees of the university, and "should confine any valid directions to the (NU) Board of Regents."

Douglas said the decision does not make clear whether university generated funds include tuition.

Although the regents were declared by some as the winners because of the fund allocation ruling, Douglas said in his opinion the Legislature won, because it maintains control over the regents.

Van Pelt's ruling states that, "the Legislature may set forth the power of the University of Nebraska Board of Regents."

### Opinions divided

Nebraska state senators were divided in their opinions about Van Pelt's decision.

Lincoln Sen. Wally Barnett said he thinks the regents ran the university before the trial.

Barnett said the Legislature's only function was to establish a working budget for the university.

The Legislature should allocate state tax money, Barnett said, because it is "responsible to the taxpayer for who receives tax money."

However, Barnett said it has never been concerned with designation of university funds, which include student fees.

### No one won

Therefore, Barnett said, he doesn't think anyone won the suit because its main purpose was clarification of current practices.

Barnett said he thinks the regents should have all university control except to "tell the taxpayer how much money to give them."

"There is no sense scolding all their problems down here," he said. "They were elected to govern the university."

Neleigh Sen. John DeCamp said he thinks Van Pelt's decision was poorly written and therefore confusing. He said he thinks both sides lost because neither obtained an exact definition of their power.

DeCamp concurred with Barnett that the university should not be governed by both the Legislature and the regents.

"There can't be two levels second guessing each other," he said. "My personal belief is that the regents should have broad authority over the university."

University officials Steven Sample, vice president for academic affairs, and William Erskine, executive administration vice president, both declined to comment until the court case is settled.