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Kerrey revises budget request guidelines

By Jeff Browne

Daily Nebraskan Staff Editor

Gov. Bob Kerrey has revised guidelines for state agencies' budget requests in fiscal 1985-86.

At a press conference Wednesday, Kerrey said he asked the agencies two weeks ago to show more restraint in their requests. Kerrey said he changed the guidelines now because he thinks that without them, the budget might get "out of con-

trol." The agencies' requests are due Monday.

State agency employees still can expect 5 percent pay raises in the coming budget, Kerrey said. He said he thinks the state can afford these pay raises through a variety of measures, including job vacancies and attrition rates, and reduced overall expenditures within the agencies.

In other budget news, Kerrey said he told Lincoln Mayor Roland Luedtke Tuesday that the Legislature probably will

reject a proposed Lincoln city sales tax increase.

Luedtke has been petitioning the Legislature to allow the city to raise its sales tax from 1 to 1.5 percent — the same as Omaha's.

Kerrey said the proposal probably will die because he may need to broaden the state sales tax base to offset local property tax losses.

Nebraska will have a difficult time finding buyers for its falling banking institutions in the future, Kerrey said. He said that it will be tougher to find buyers because in-state institutions are reaching their purchasing limits.

Kerrey proposed an interstate banking

bill in the Legislature's special session two weeks ago. The bill would have allowed out-of-state banks to buy Nebraska institutions. The Legislature's banking committee defeated the measure.

In other statehouse news, Kerrey established the Governor's Traffic Safety Advisory Council, to be chaired by Holly Jensen. Jensen is the director of the Nebraska Department of Motor Vehicles.

The council is to meet at least three times every year and report its findings to Kerrey. The governor said he has not discussed a mandatory seat belt law.

When asked whether he wears a seat belt in the governor's limousine, Kerrey responded, "Not as often as I should."

Cohabitation issue clouds ex-wife's right to alimony

By Mona Z. Koppelman

Daily Nebraskan Senior Reporter

Editor's note: This article is the first of a two part series.

Nebraska Supreme Court justices are considering cohabitation as grounds for a former spouse to stop paying alimony.

Attorneys for Jerry Ernest Roth and his ex-wife Carol Sue Roth argued their positions Friday. The Roths divorced in Platte County in March 1982. Mrs. Roth is living with Peter Smith Ely of Denver, an attorney who is also representing her.

Alimony decisions involving cohabitation are rare, but not unknown. And experts say such cases will become more and more common because live-in arrangements are increasing.

The U.S. Census Bureau reports that the number of unmarried couples living together has more than tripled since 1970. In 1983, one in 25 couples living together was not married.

Alimony decisions are no-fault decisions based on economics: for example, how much he can afford to pay, how much she — and maybe their children — needs to live comfortably.

But the Roth decision by the Nebraska Supreme Court and subsequent decisions may have social and moral implications as well. Do we continue to promote the institution of marriage? Should we discourage cohabitation?

Traditionally, laws made by legislative bodies and by courts are based on society's ethics and morals. We do not permit people to murder. We do not permit adultery — laws punishing adultery are still on the books in most of the 50 states. But legal and ethical experts question where the line should be drawn.

When Jerry and Carol Roth divorced, Roth was ordered to pay \$550 monthly in child support for their two children and \$50,000 in alimony to Mrs. Roth. Mrs. Roth's alimony was to be paid first in an initial lump sum of \$10,000, followed by annual payments of \$4,000 for 10 years.

Mark M. Sipple, Roth's attorney, said in his Supreme Court brief that Ely is contributing to Mrs. Roth's financial support, and that her ex-husband's alimony payments should be terminated.

Mr. Roth's brief, written by Sipple, stated that Carol Sue Roth has had additional income of up to \$350 per month since March 1982, and that Jerry Roth has shown good cause why he should discontinue alimony payments.

It went on to say that in the mid-1950s, cohabitation was against the law and criminal sanctions could be imposed. Had Ely and Carol Roth been living together in 1955, they would be married by common law and Jerry Roth would not have to pay alimony.

Mrs. Roth and her attorney Ely argue that any savings on living expenses — be it money from parents or a roommate having no sexual relationship — would then reduce alimony payments. There is no precedent for this, according to Ely's brief.

Ely and Mrs. Roth point out that in cases where cohabitation was found to affect alimony payments, the states involved recognized common-law marriages — which the state of Nebraska does not recognize.

Ely also cites Nebraska Supreme Court case *Bowman v. Bowman* (1956), which held that the failure of a wife to "lead a chaste life" is no grounds for depriving her of alimony — making alimony an economic, not a moral issue.

Two observers were split on their speculations about the outcome of the Roth case.

Martin Gardner, UNL law professor, said he thinks the court will reduce or terminate Mrs. Roth's alimony. He said the state's policy is to encourage marriage and discourage cohabitation.

Some of the ways marriage is supported include not recognizing common-law marriages, narrow legal grounds for divorce and tax breaks for married people.

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Joel Sartore/Daily Nebraskan

The 'Unknown Cornstalks'

Tom McMurray, a research technologist in agronomy, stands with stapler and bag in hand Tuesday before checking his sorghum test field on East Campus. McMurray put paper bags over the plants a few weeks ago when birds began eating the maturing grain. Since then, he has checked the plants daily to replace any bags blown away by the wind.

"We didn't think it would happen," McMurray said. "But if you let it go, the birds start coming in here in a swarm."

UNL to combine freshman orientation, registration

By Jann Nyffeler

Daily Nebraskan Staff Writer

Suzie has graduated from high school. A whole summer awaits her.

But according to Suzanne Brown, chairwoman of UNL's Pre-Registration/New Student Orientation task force, Suzie might have to interrupt her fun next summer to trek to UNL for combined registration and New Student Orientation.

Speaking before the Association of Students of the University of Nebraska representatives Wednesday night, Brown said the current freshman registration process which allows freshmen to register in the spring by mail is unique to UNL.

In this way, 40 percent of UNL's entering freshmen don't get complete schedules, which must be finalized through the drop and add process.

All new students are invited to attend NSO during the first five-week summer session. They can talk with an advisor then, Brown said.

The task force is considering changes in this process. According to Brown, fewer than half of the entering freshmen go to NSO now — 44.6 percent this year. At

universities where orientation and registration are combined, 85 to 90 percent of the new freshmen participate.

The six professional advisors who do the programming of freshman schedules also advise 1,500 to 2,000 undeclared students. Without the freshman programming load, the advisors could work closer with the undeclared students who are more likely to drop out of school.

A survey of freshmen conducted by the task force indicated that most of the respondents prefer the current system of mail-in registration, according to Brown.

The task force proposes twelve 2-day orientation sessions for incoming freshmen who plan to live on campus and four one-day sessions for commuting students. The sessions would blend academic advising, registration and orientation. The proposal recommends that every student who participates leave with a complete schedule. It would eliminate spring freshmen pre-registration. If students are unable to attend summer orientation, they can pre-register by mail at the same time as orientation or shortly before general registration, Brown said.

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