

January 16, 1981

LB 95, 247-283

Mr. President, Senator Schmit would like to have a meeting of the Ag Committee underneath the North balcony now if he could, and it is Ag Committee underneath the North balcony with Senator Schmit, immediately if possible.

PRESIDENT: The Legislature will be at ease until Speaker Marvel determines that we will go back.

EASE

PRESIDENT: The Legislature will come to order just for the purpose of the Clerk reading some matters into the record. Mr. Clerk, you may proceed.

CLERK: Mr. President, Senator Clark would like to announce that Senator Goodrich has been selected as vice chairman of the Telecommunications Committee.

Mr. President, new bills. Read LB 247-265 by title as found on pages 205-209 of the Legislative Journal.

Mr. President, your committee on Appropriations gives notice of agency hearings for Monday, January 26, signed by Senator Warner as chairman.

PRESIDENT: The Legislature will continue to stand at ease until approximately 11:15 a.m.

CLERK: Meet in Room 1517 at eleven o'clock? The Executive Board in Room 1517 at eleven o'clock.

PRESIDENT: The Legislature will come back to order. The Clerk has some matters to read in.

CLERK: Mr. President, I have a reference report referring LB 172-205 and rereferring LB 95. (See page 213 of the Legislative Journal.)

Mr. President, I have new bills. (Read by title, LB 266-283 as found on pages 214-218 of the Legislative Journal.) Mr. President, that is all the matters that I have this morning.

PRESIDENT: Any other messages on the desk, Mr. Clerk?

CLERK: No, sir, I have nothing further.

PRESIDENT: In that case the Chair will recognize Speaker Marvel.

SPEAKER MARVEL: I move we adjourn until Monday, January 19, 1981, at 10:00 a.m.

to the source. I'm not talking about the young people. I'm talking about those who buy it and make tons of money from it, hundreds of thousands of dollars and there are some cases prominent businessmen so I put this only in the record and I hope somebody will think seriously about it because I don't think 126 is going to solve very much. Thank you.

SENATOR CLARK: I would like to introduce for you before we take the vote on this, from Howard Peterson's district from Hall County, Platte Valley Academy Government Class, 16 students, three teachers. The teachers are Jim Murray, and Mr. and Mrs. McKey. I think they are in the North balcony. Will you raise your hands. Will the Legislature welcome them. Welcome to the Legislature. The question before the House is the advancement of the bill. Is there any further debate? All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 32 ayes, 2 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: LB 126 is advanced. LB 448. The Clerk would like to read in first.

CLERK: Mr. President, real quickly Senator Beutler would like to print amendments to LB 126 in the Legislative Journal. (See page 289 of the Legislative Journal.)

Mr. President, Senator Koch would like to print amendments, the Education Committee, excuse me, would like to print amendments to LB 259 in the Legislative Journal. (See page 289.) And, Mr. President, I have an explanation of vote from Senator Wesely. (Re: LB 664.)

Mr. President, new bills: (Read by title for the first time, LBs 837, 838. See page 289 of the Legislative Journal.)

Mr. President, your Enrolling Clerk respectfully reports that she has presented to the Governor for his approval LB 664.

Finally, Mr. President, Senator Beutler asks unanimous consent to add his name to LB 259 as cointroducer. (See page 290.)

SENATOR CLARK: No objections, so ordered. I would like to introduce to the Legislature, Mr. George Hefner from Coleridge, Nebraska, and his wife Kay. It is a brother of Senator Hefner. They are under the North balcony. Will you stand and be recognized please. Welcome to your brother's playhouse. We will

February 3, 1982

LB 628, 259, 931

really do need to be discriminated and there really is justification for paying five dollars an hour for Senator Newell's kid to do something and two fifty an hour for my kid Jenny to do the identical thing. You are really affirming that. I would urge you to support the advancement of the bill. We send out of this State Legislature at the present time, this is going to be short, Senator Marvel, ninety-five million right now directly, plus a whole bundle of other money but ninety-five million of state aid. Do you want that to be used discriminatorily? So we do have an involvement and we are giving control at the local level, we are saying, "Hey look, you do whatever you want on programs and everything. Just make sure you treat everybody the same. When you come to athletics make sure you give everybody a comparable opportunity. Jenny DeCamp is as good as Billy Newell."

SPEAKER MARVEL: The motion is to advance the bill. All those in favor of advancing the bill vote aye, that is LB 628, opposed vote no. Have you all voted? Record the vote.

CLERK: 28 ayes, 6 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The Clerk will read some items into the record.

CLERK: Mr. President, your committee on Education whose chairman is Senator Koch instructs me to report LB 259 advance to General File with committee amendments attached. Your committee on Appropriations whose chairman is Senator Warner instructs me to report LB 931 advance to General File. That is signed by Senator Warner as Chair. Your committee on Appropriations gives notice of hearing, Mr. President, for next Wednesday, February 10. I have a report from Public Health and Welfare on gubernatorial confirmation confirmation hearing. Mr. President, Senator Newell would ask unanimous consent to add his name to LB 628 as cosponsor. (See pages 536-537 of the Journal.)

SPEAKER MARVEL: No objections, so ordered.

CLERK: Mr. President, new resolution, LR 214. (Read for the first time as found on page 538 of the Legislative Journal.) That will be laid over pursuant to our rules, Mr. President.

SPEAKER MARVEL: Senator Newell, do you want to take up 630 before we go to 728?

out of the Chamber. We will have some matters read into the record at this time.

CLERK: Mr. President, I have an explanation of vote offered by Senator Koch to be inserted in the Legislative Journal. (See page 703.)

Mr. President, your Enrolling Clerk respectfully reports that she has on this day presented to the Governor the bills that were passed on Final Reading last Thursday.

Mr. President, I have a report from the Government, Military, and Veterans Affairs Committee regarding a gubernatorial appointment confirmation hearing.

Mr. President, Senator Labedz asks unanimous consent to add her name to LB 259 as co-introducer.

PRESIDENT: Unanimous consent has been asked on this co-introduction. Any objections? If not, so ordered. We are ready then with agenda item #6, Select File, LB 305, Mr. Clerk.

CLERK: Yes, sir. I have no E & R amendments. I do have an amendment from Senator Vickers. (Read Vickers amendment found on page 704, Legislative Journal.)

PRESIDENT: The Chair recognizes Senator Vickers.

SENATOR VICKERS: Mr. President and members, LB 305 is, as you know, would raise the mandatory attendance age from sixteen to seventeen. Now I am sure the introducer of this piece of legislation, Senator Beutler, has pure motives in his attempt to raise the age of mandatory attendance in the public schools but I can tell you from personal experience that what we are attempting to do here is unworkable at the least and undesirable at the most. The reason I can tell you that is because I quit high school when I was fifteen. It was illegal as far as the state statutes were concerned but the fact of the matter was my parents couldn't keep me in school any longer and how in the world the school was going to keep me there I don't know. I can also tell you that I think the teachers in the school rejoiced the day after I quit school because I was nothing but a detriment to the classes that I didn't attend or for the part time that I was there. Now I am not saying this because I am proud of it. I am not. That is a segment of my life that I would just as soon forget but I think we need to recognize that for those young people that are dissatisfied



February 16, 1982

LB 259, 335, 435, 679, 714,  
725, 733, 770, 779, 781,  
805, 866, 901

Your committee on Public Health reports LB 714 advanced to General File with committee amendments; 725 advanced to General File; 781 General File with amendments; 805 advanced to General File with amendments; 901 advanced to General File with amendments; 733 indefinitely postponed; 679 indefinitely postponed; all signed by Senator Nichol.

Your committee on Banking reports LB 866 advanced to General File with amendments.

Mr. President, Senator Fowler asks unanimous consent to add his name to LB 259 as co-introducer.

SPEAKER MARVEL: Hearing no objections, so ordered.

CLERK: Mr. President, Senator Schmit would like to print amendments to LB 779; Senator DeCamp to 335; Senator Landis to LB 435.

Mr. President, Senator Fenger would like to be excused Wednesday, February 17 at 10:30 a.m.

And Senator Labeledz announces a meeting of the Constitutional Revision and Recreation Committee for Wednesday morning at eight-thirty in Room 2102, Wednesday morning, 2102, Constitutional Revision and Recreation.

Mr. President, a motion from Senators Beutler and Fowler that LB 770 be placed on General File notwithstanding the actions of the Revenue Committee, and they say that is Senator Wesely and Beutler, Mr. President.

SPEAKER MARVEL: That bill will be laid over. Any other items, Mr. Clerk.

CLERK: Nothing further, Mr. President.

SPEAKER MARVEL: Okay, Senator Chronister, do you want to adjourn us until February 17th at nine o'clock?

SENATOR CHRONISTER: Mr. Chairman, I move that we adjourn until 9:00 a.m. Wednesday morning.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. We are adjourned until February 17th, 9:00 a.m.

Edited by

  
Mary K. Turner

7705

February 17, 1982

LB 69, 259, 413,  
684, 967, 968

SPEAKER MARVEL: The motion is carried. The bill is introduced.

CLERK: Mr. President, new bills, LB 967 by the Business and Labor Committee and signed by its members. (Read by title for the first time as found on page 718 of the Legislative Journal. Also read LB 968.)

Mr. President, Senator Wiitala and Senator Kilgarin ask unanimous consent to add their name to 259 as cointroducers.

SPEAKER MARVEL: No objections, so ordered.

CLERK: Mr. President, I have a new resolution, LR 233. (Read as found on page 719 of the Legislative Journal.) The resolution is offered by Senator Newell. It will be referred to the Reference Committee for reference, Mr. President.

Mr. President, I have a notice of Revenue Committee Executive session upon adjournment today in Room 1520. That is Revenue Committee upon adjournment today in Room 1520

Senator Marsh would move to reconsider the Legislature's action in failing to pass LB 69 on Final Reading. That will be laid over. (See page 719 of the Journal.)

Mr. President, I have a motion from Senator VonMinden that LB 684 be placed on General File pursuant to Rule 3, Section 18(b). That too will be laid over.

SPEAKER MARVEL: The next item of business is LB 413.

CLERK: Mr. President, Senator Chambers pursuant to our rules has made a motion to reconsider the Final Reading vote on LB 413. The motion is found on page 592 of the Legislative Journal.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this bill on Final Reading failed to muster 25 votes so what I am asking that you do is vote to reconsider. It will take 30 votes to do so. Let the bill be brought back to Final Reading or revived on Final Reading, let it stay there until any questions you have can be answered because I think there has been a lot of confusion about exactly what this bill does. Now I wrote to Colonel Kohmetscher and pointed out to him that some statements he made in a letter to Senator Nichol go contrary to the training that the state patrol uses with reference to radar and in a letter that I got from Colonel Kohmetscher which I have circulated to you this morning, he says, "Naturally our training does

February 17, 1982

LB 259, 335, 704, 746

SPEAKER MARVEL: The motion lost.

CLERK: Mr. President, your committee on Government whose chairman is Senator Kahle reports LB 704 advanced to General File with committee amendments attached; LB 746 advanced to General File with committee amendments attached, both signed by Senator Kahle. Senator Landis would like to print amendments to LB 335 in the Legislative Journal. (See pages 729-732 of the Legislative Journal.)

Mr. President, I have a new resolution offered by Senator Labedz and Richard Peterson and others. (Read LR 224 as found on page 732 of the Legislative Journal.)

Mr. President, Senator DeCamp asks unanimous consent to add his name to LB 259 as cointroducer.

SPEAKER MARVEL: Hearing no objection, so ordered. Senator DeCamp, would you adjourn us until nine o'clock tomorrow.

SENATOR DeCAMP: I don't suppose I could talk you into sine die so we will do it until nine o'clock tomorrow.

SPEAKER MARVEL: The motion is to adjourn until 9:00 a.m. February 18, 1982. All those in favor of that motion say aye, opposed no. The motion is carried. We are adjourned.

Edited by

*L. M. Benischek*  
L. M. Benischek

February 18, 1982

LB 259, 634, 652, 863

as this body should choose. The purpose here is to help provide some assistance to redevelop the older communities in our cities. As I said earlier, there are two housing projects that have been shelved in downtown Omaha because there has been no...because of the high interest rates and because of lack of opportunity to find financing for these projects. These are very critical to the hopes and the dreams of redeveloping downtown Omaha. As I said also we need to promote industrial development, some commercial development, warehousing, etcetera, and other parts of the city. This proposal is to authorize that. It is a cornerstone. It is an absolute requirement in the Reagan policy for enterprise zones. We will not have an opportunity at all if this proposal or a proposal similar to this is not authorized. And this is an important project not only for Omaha but for Lincoln, for Columbus, for Grand Island, etcetera, etcetera, throughout the city (sic). I would urge this Legislature to advance this proposal.

PRESIDENT: Senator Newell, did you want just a regular vote on the board or did you want a roll call vote? Senator Newell, which did you...did you want a regular vote on the board or did you want a...all right, all those then in favor of advancing LB 634 vote aye, opposed nay. Have you all voted? Seven are excused now, so.... The House, I remind everyone you should be at your desks, the House is under Call. Record the vote.

CLERK: 25 ayes, 15 nays, Mr. President.

PRESIDENT: Motion carries and LB 634 is advanced to E & R Initial. Do you want to read some matters in? Go ahead.

CLERK: Mr. President, I have a Business and Labor report on a gubernatorial appointment confirmation hearing. (See page 745 of the Legislative Journal.)

Mr. President, Senator Haberman would like to print amendments to LB 259; Senator DeCamp to print amendments to LB 652. (See pages 745-748 of the Legislative Journal.)

Mr. President, your Committee on Public Health reports LB 863 advanced to General File with committee amendments attached. (See pages 748-751 of the Legislative Journal.)

PRESIDENT: Senator Nichol had asked that the Call be

February 18, 1982

LR 198  
LB 259, 375, 378, 706, 717,  
766, 769, 773, 842, 947

CLERK: (Read the record vote as found on page 752 of the Legislative Journal.) 21 ayes, 22 nays, Mr. President.

SPEAKER MARVEL: The motion failed. The Clerk has some things to read into the record.

CLERK: Mr. President, Senator Cullan would like to print amendments to LB 375 in the Legislative Journal and 378. (See pages 752 and 753 of the Journal.)

Mr. President, Senator Hoagland asks unanimous consent to add his name to LB 259 as co-introducer.

SPEAKER MARVEL: No objection, so ordered.

CLERK: Mr. President, I have an announcement from the Speaker regarding the Special Order scheduling and also priority designations by Senator Chambers and Chronister.

Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 717 and recommend that same be placed on Select File with E & R amendments attached. (See page 754 of the Journal.)

Your Committee on Constitutional Revision and Recreation whose Chairman is Senator Labedz reports LB 766 advanced to General File with committee amendments; LB 947 General File with committee amendments; 769 indefinitely postponed; 773 indefinitely postponed; 842 indefinitely postponed and LR 198 indefinitely postponed. All those signed by Senator Labedz as Chair. (See pages 754 and 755 of the Legislative Journal.)

SPEAKER MARVEL: Senator VonMinden, your light is on, for what purpose do you rise?

SENATOR VON MINDEN: For information, sir. Mr. Speaker, fellow legislators, the past few weeks different Senators have brought in treats for us such as sugar and popcorn and apples, and Senator Peterson said he would bring in some honey. I also brought a treat for you this morning. At 11:30 the Abu Bekr Chrine Chanters from my District will be performing for you. They are 45 strong and I can vouch and tell you they are 45 male voices that is something you have never before. So stick around at 11:30 and appreciate the treat I have for you. Thank you.

February 19, 1982

LR 224  
LB 259, 604, 826A

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer will be given by the Reverend Daniel Raines, Newman United Methodist Church of Lincoln.

REVEREND DANIEL RAINES: (Prayer offered.)

SPEAKER MARVEL: Roll call. Please record your presence. Record.

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

SPEAKER MARVEL: Do you have any items under #3?

CLERK: Mr. President, a couple of items. Senator Cope would like to print amendments to LB 604 in the Journal.

New bill, LB 826A by Senator Lowell Johnson. (Read title.) (See page 759, Journal.)

Mr. President, Senator Koch asks unanimous consent to add his name as co-introducer to LB 259.

SPEAKER MARVEL: Hearing no objections, so ordered. The next item of business, item #4, resolutions.

CLERK: Mr. President, LR 224 (read title). It is found on page 732 of the Journal.

SPEAKER MARVEL: Senator Labedz.

SENATOR LABEDZ: Thank you, Mr. President. Senator Peterson I am sure will want to speak on this resolution, but in the meantime because we feel in Omaha that Johnny Carson was part of us and I am sure that most of the Senators watched the show on Monday night. The Monday night show was "Johnny Goes Home", about Johnny Carson's boyhood in Norfolk, Nebraska, but Johnny had other connections in Nebraska. When he graduated from Norfolk High School in 1943, Carson enlisted in the Navy where he served in the Pacific. At the end of the war in 1945, he returned to Nebraska and enrolled at the University of Nebraska where he majored in speech and minored in physics. While in the University he worked part time at KFAB radio which was then in Lincoln. After he graduated from UNL in 1949, Johnny took a job with WOW radio in Omaha where he was a morning announcer. Soon after Johnny arrived at WOW, the station expanded into television. This was in August, 1949. Johnny naturally got involved in the end of the

February 24, 1982

LB 259, 375, 603A, 831,  
909, 919A

to preserve his full rights to use the water underlying his land. There is nothing impractical about this. This is the recommendation and the product of the Natural Resources Commission, and I would urge this body to adopt it. Thank you, Mr. President.

SENATOR HEFNER: Those of you that support the Hoagland amendment please vote aye, those that oppose vote nay.

CLERK: Senator Hefner voting no.

SENATOR HEFNER: Record vote. Record.

CLERK: (Read the record vote as found on page 831 of the Legislative Journal.) 8 ayes, 19 nays, Mr. President, on the motion to adopt the amendment.

SENATOR HEFNER: The amendment lost. Yes.

CLERK: Mr. President, very quickly, if I may, your committee on Urban Affairs reports LB 909 advanced to General File with committee amendments attached. (See page 832 of the Legislative Journal.)

New A bill, LB 603A, by Senator Cullan. (Read title.) LB 919A by Senator Landis. (Read title.) (See pages 832 and 833 of the Journal.)

Mr. President, the Urban Affairs Committee will meet in Executive Session at 10:30 underneath the north balcony. That is Urban Affairs 10:30 underneath the north balcony.

Your Committee on Business and Labor will have an Executive Session at 10:30 in the West Senate Lounge. That is 10:30 this morning in the West Lounge, Business and Labor.

Senator DeCamp would like to print amendments to LB 259, and I have a letter asking unanimous consent to print a notice in the Journal. (See pages 833 and 834 of the Journal.)

Mr. President, the next amendment I have to LB 375 is offered by Senator Hoagland. It is found on page 636. (Read amendment.)

SENATOR HEFNER: The Chair recognizes Senator Hoagland.

SENATOR HOAGLAND: Mr. President, out of deference to the time restraints we have here what I would like to do

March 3, 1982

LB 259

PRESIDENT: Alright, we'll proceed then with the next bill, on General File, LB 259.

CLERK: Mr. President, LB 259 has been introduced by Senators Newell, Wesely, Fowler, Labedz, Kilgarin, Wiitala, DeCamp, Hoagland and Koch. (Read.) The bill was read on January 16 of last year, Mr. President. At that time it was referred to the Education Committee for public hearing. The bill was advanced to General File. There are committee amendments pending by the Education Committee, Mr. President.

PRESIDENT: The Chair recognizes Senator Koch for purposes of discussing the committee amendments.

SENATOR KOCH: Thank you, Mr. President and members of the body, I would like to make certain that Senator Beutler's name is included as a cosponsor and that was oversight and what I would like for us to do right now is to adopt Req. #2607. There are two white copies in your book, 2607 and 2514. 2607 is the committee amendments which are technical in nature and the body of the proposed law is still intact. With that, I move for the adoption of the technical amendments under Req. #2607, bill #259.

PRESIDENT: Mr. Clerk, there is an amendment on the desk.

CLERK: Mr. President, Senator Goll would move to amend Req. #2607.

PRESIDENT: Senator Goll, alright.

SENATOR GOLL: Mr. Speaker and colleagues, you have on your desk a copy of an amendment to LB 259. In the interest of brevity I would say first of all that my amendment has no fiscal impact and essentially consists of two words. I am changing the teacher tenure period which in this point in time is two years for all class schools except those in Lincoln and Omaha to make it three years across the line for all class school districts, one, two, three, four, five and six. I have received communications from many schools across the state as, more particularly those in my district, and they tell me this. Most schools do a good job of evaluating personnel. An extra year would certainly give us an opportunity to work with a teacher who is marginal to give them the necessary help to improve their skills. I have another letter. Beginning teachers will often change significantly after the first year. Extra years will provide sufficient time to conduct a more thorough evaluation. What we really are doing when we change the teacher tenure probationary period, a two year consists of a nine plus five or fourteen to fifteen months. A three year period gives the



evaluation time to a twenty-three month period. It is my feeling probation is not for the good teachers. Probation period is designed for those that need the nurturing and the additional help and guidance of administration. The second part of my amendment changes one word and that one word is from informal "hearings" to informal "conference." And I changed this word primarily to temper the wording. A hearing by definition is a preliminary exam of an accused person or a session as of an investigative committee in which testimony is taken. The word conference by definition is a meeting for consultation or discussion. That is in essence what my amendment to 259 does. I would urge that you consider its passage. Thank you.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Okay, the motion before the House is the Goll amendment to the committee amendment. Senator Koch, do you wish to speak?

SENATOR KOCH: Thank you, Mr. Speaker and members of the body, I think it is important that I provide you with a background of what happened. First of all the bill was introduced originally by Senator Newell and Senator Wesely and came before the committee last session. The committee, in the interest of all professionals in this state who are seeking some security in their role as a teacher, felt that we should examine the issue of tenure, how it is achieved and how it is being administered and how in some cases it is not being administered at all. There are members of the committee here, Senator Goll included. We spent many hours down there at a hearing. If I recall correctly it went rather late that evening where some school boards were being punitive and they saw it fit every two years to dismiss the faculty. We also note in Omaha and Lincoln who had a tenure law that was placed into law by this body some years ago and we start talking about so many years of probation and so many years of tenure that there again was some abuse. Interesting that some people there would go three years, then they place them on probation for another two years. Their evaluations were excellent. Suddenly they were not a very good staff member anymore, then they were dismissed, and then they were rehired as substitute teachers in the same field. Now isn't that interesting? And so as the chairman of this committee I want you to know that we did find considerable evidence where people who have spent a lot of time trying to get that title of teacher, were not being treated very fairly. Now I placed before you a worksheet on 259. I hope you looked at it. It tells you the source, it tells you the content. I can't make it any more succinct than this or any more above board than what this does. I've had letters. Senator Goll was absolutely enthralled with the fact, and I

have to say this because he is a good friend of mine, that teachers should be entitled to informal hearings before they are dismissed when they are probationary. They had that privilege but then there was a court case called Meyer vs. Board of Education and the court said, there is nothing in law that entitles this although they had been having that privilege for quite some time. That is the reason we are talking about probationary teachers with a right of an informal hearing. I submit to you if you change hearing to conference, that hearing could be held in a coffee shop on main street. That could be the extent of it. That is a conference. What we are saying here by hearing is that I am about to be dismissed because of incompetence or because of other factors which are present in law and spelled out. I have the right to request to the school board and the administrators who made that decision the reasons why I am being dismissed. It bothers me a little bit when some school board members and some administrators do not want to assume the role of policymakers. They run for the job. They are elected and they hire people. There is no teacher ever gets hired unless the superintendent recommends and the board approves. So I believe it is also appropriate when you are about to dismiss those people that the superintendent recommends or the administrator recommends whether it is elementary or high school principal, junior high principal or some other administrator, that these people are indeed entitled to an informal hearing before the people that hired them in the first place. That is not unreasonable. I know you have received some letters. I received them also, about what an informal hearing costs. That was one case and I am here to tell you today that if I find that informal hearings are abused and go beyond the point of a person being entitled to hear the reasons for their dismissal, I'll be back and say, let's change it. But there are oftentimes people look at something out of context, immediately they see some kind of a ghost or something else and I can tell you right now that many schools in this state, by school board policy, are doing this right now and a few people who don't want to do it, they don't want to do their jobs as administrator or job as a board member for a position they sought and filed for.

SPEAKER MARVEL: You have one minute.

SENATOR KOCH: So what I am saying is that I do not believe it is appropriate that Mr. Goll carry this for Mr. King, that's where it came from. We've gone through this issue. Mr. Goll was thoroughly in favor of informal hearings. He was a board member once on a board of education and I understand when you carry amendments on behalf of certain constituents or on behalf of an association who sometimes fights bills

I think, that are inappropriate like the student on a school board the other day, I thought that was amusing, little thing, not worth very much. So I am here to say to you, I hope you reject Senator Goll's amendments because by and large Senator Goll is a complete supporter of the Req. #2607. Thank you.

SPEAKER MARVEL: Senator Lamb.

SENATOR LAMB: Mr. President and members of the Legislature, I rise to support Senator Goll's amendment. What his amendment says, the first part of his amendment says merely that the small schools in the state will have the same length of time before tenure is granted as the big schools. What is wrong with that? Have three years just like Omaha and Lincoln. It takes about the same length of time to develop a good teacher in small schools as it does in big schools. It gives an extra year there for the superintendent and principal to work with that teacher to make that teacher into a better teacher so that teacher is not just fired. The only alternative now is as you come up to that deadline which comes and it is not two years, you know, it's about a year and a half, the superintendent and school board has to make the decision and the decision is this. Either fire the teacher or keep the teacher permanently and so they're not willing to take that chance if they haven't had enough time to work with that teacher and make that teacher into a better one. This amendment that Senator Goll has is good for education, it's good for the teachers. I would urge you to support it.

SPEAKER MARVEL: Senator Newell.

SENATOR NEWELL: Mr. President and members of the body, I rise to oppose the Goll amendment but I think the reasons we have to look at why Senator Goll's amendment is not as good a proposal as Senator Goll would like it to be, they're very simple. This bill as it was introduced was intended to do what Senator Lamb just suggested, create that uniformity. Now that uniformity for many a year has been two years out state and three to five years in your larger school districts. And the history of that is very simple. What happened was that this Legislature, because of an Attorney General's opinion, passed legislation that made it two years in Omaha and Lincoln as school boards and as their educational associations decided that they did not want to be in the same piece of legislation at that time. That was a decision and this Legislature honored that decision, recognized that decision and basically passed it into law and so Lincoln and Omaha stayed with their unique tenure system which authorized three to five years. Now the bill that I introduced was to create that kind of uniformity that Senator Lamb suggests.

Senator Goll suggests that others have suggested, I wanted that sort of uniformity. If it has been good, nobody has brought a bill into this Legislature. If it has been good to have a two year probationary period for all that period of time, if it has been good for rural areas, it ought to be good for Omaha and Lincoln. Especially, more especially because of the kinds of abuses that were happening in Omaha itself. Lincoln pretty much used the three year criteria to grant tenure but Omaha quite frequently extended that to five years. That was not good for the student and that was not good for the teacher. If the teacher is bad we shouldn't allow that teacher to be in those classrooms for five years. They ought to be counseled out. They ought to be encouraged out. They ought to be fired. If the teacher is good, they shouldn't be held on the line for a period of five years. They shouldn't be hung out there to dry so they can't plan their future, they can't plan what to do, they have no security and they shouldn't be hung out on that line. That was the issue, that is the issue. Now what happened is simply this. We introduced the bill, Senator Wesely and myself, we introduced the bill and the primary purpose for this bill was to create that sort of equality. It says what is good for one is good for all. What the Omaha public schools and the Lincoln public schools, they said, listen, we have a unique situation and we want to negotiate this and they sat down and they compromised and I'm not totally happy with the compromise but one thing I recognize as a legislator is that compromise isn't always a bad thing. In fact, quite frequently it is a good thing and that is where we are at today. We have a compromise. Now the compromise has been basically agreed to. It has been agreed to by all those concerned except school boards association and I went to the school boards association and I sat down with them and I said, well let's try to find some sort of reasonable compromise. There was a sincere attempt to try to find a compromise after a compromise had been struck, something that everyone could live with so we wouldn't have this debate on the floor, et cetera, and after two very sincere attempts...

SENATOR CLARK PRESIDING

SENATOR CLARK: You have one minute left, Senator Newell.

SENATOR NEWELL: ...two very serious attempts to do that, there was no possible compromise and so we're back to the original compromise. There is no way to make everyone happy in this situation but the school boards association never brought in a bill to make the outstate tenure system three years. They have never done that. They want to play a game with this legislation to kind of create that equality and it

is wrong and it is unfair and it is unjust and it doesn't belong as part of this proposal. This is a compromise. Omaha and Lincoln are in agreement. Outstate is in agreement. For that reason I urge very strongly, I urge this body to reject Senator Goll's amendment.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. President and members, I have a question of Senator Goll, please.

SENATOR GOLL: Yes, Senator Kahle.

SENATOR KAHLE: Senator Goll, if I understood your presentation correctly, one of the things you would change is when an evaluation came up or it came time to make a decision on a teacher that you would not call the meeting held to discuss at a hearing but a conference? Or could you explain that part of that?

SENATOR GOLL: No, if the probationary teacher desires a conference with the board he or she has the right to call that conference and all I'm doing is changing the terminology from an informal hearing to an informal conference. In other words, I can't conceive, Senator Kahle, that any teacher would be not permitted for a conference or a meeting with the board if he or she desired but apparently there are some problems across the state where they don't have that right so consequently this is the reason for the initial bill and the amendments and I'm merely changing the temperment of the word from hearing to conference at the request of the teacher.

SENATOR KAHLE: Okay, thank you. Well as all of you that have been in this body a while know that this tenure thing has been a bone of contention for a long time and I did serve four years on the Education Committee and we had many hearings and discussions about it and of course the discrepancy that we had was mentioned here because it was not the same across the State of Nebraska. It was not the same...Omaha had a long period of time and Lincoln had an intermediate period of time and outstate had what most school boards at least claimed, about a year and a half time to decide whether a teacher was fit to continue or whether they should be let go and I had often thought that it was to the teacher's advantage certainly to at least have two years of complete years of teaching before they would be terminated or given a permanent tenure situation. I guess I've always had some problem with evaluation and why in the world a person doesn't want to be evaluated I never could quite understand. I would guess that right now if the cameras are on, I am being evaluated and it may not be too good,

I'm not sure, but we fall or stand on our success in whatever we do. So I just can't imagine why we don't want to be evaluated perhaps forever really and not just for two years. But I support this concept of going for three years and I'm not sure what form it is going to come out but two years is just not enough for either the board, the administration or the teacher and I think it is in all fairness to them, they should have a fair chance and the board should also have some authority. I did meet with teachers over the weekend and while most of them have been brainwashed pretty well by the Nebraska Education Association, they are willing to look at this and I'm sure realize that schools boards also have a problem. So I would hope that we could work this out this year and get the tenure situation across the state settled once and for all and at this time I support the Goll amendment. Thank you.

SENATOR CLARK: Senator Remmers.

SENATOR REMMERS: Mr. Speaker and members of the Legislature, I'm going to support Senator Goll's amendment. I'd like to just speak to the issues, first the matter of tenure. It is difficult for me to understand why a small school should have two year tenure and larger schools have three year tenures because when it comes to evaluation, certainly the larger systems have the staff to do a better job of evaluating than they do in the small system because of the size of the system they cannot afford to hire as many specialized people as a large system does. I'm not so sure that I'm too much hung up on whether it is two years or three years. In fact there is some problems with three years, especially in the rural areas. I think there is danger that if you let a teacher whose work is questionable stay in the community for three years, by the end of the three years I have seen teachers have bought homes, they have established relationships with other people in the community and it becomes a much greater emotional issue. My advice would be the school boards as to be a little more heartless and maybe dismiss more teachers than we are doing at the two year level. I think that the children deserve the best and too many times I'm afraid that school boards and superintendents are rather reluctant to dismiss a teacher that somehow doesn't really come across and yet it is very difficult to evaluate that teacher and give a written statement just what the problem is. I think we recognize here on the Legislature that some of the speakers are much more effective than others and yet if you were to write an evaluation I think you would have a difficult time doing it. What is it that makes children sit up on the edge of the seat or makes the other senators sit up on the edge of the seat when someone gets up to speak? That is something that is very difficult to put down into an evaluation and for



that reason I think what the tenure law does, I have never been a great supporter of tenure laws but what the tenure law would do, I think it should do, it should encourage the school board and the superintendent to dismiss many more teachers at the end of the first or second year. Now that might sound a little heartless but I do have that problem with that three year tenure that in the small communities especially, that they become a part of the community and it makes it much more difficult and the decision is no longer made on the basis of the teaching ability but on the community relationship and the emotional appeals. So even though I do support this amendment of Senator Goll's and the three years, I think it should be the same for all school sizes but I would not be opposed to changing that to two years for all systems. Again, certainly the large school systems can do a better job in two years than the small school system can do. In regard to the informal hearing, here again as Senator Goll indicated, the word hearing has a legal connotation. The school board is supposed to be able to dismiss a teacher for any reason, maybe for the reason wears her skirts too short or he shouldn't be wearing a beard or something like that. In other words at the end of two years they can do it for any reason. I hope they don't do it for that reason but...and I don't think that very often happens. I'm sure it doesn't happen but I do know of a situation where a teacher was given a reason. Personally I've always felt the teacher is entitled to a reason and the superintendent should do it in the privacy of his office. I don't think the teacher benefits by having it aired in public but anyway I'll give you one illustration where a school district, the superintendent had recommended that the teacher be, not have her contract renewed after two years because it was quite evident that this teacher did not generate the enthusiasm in the classes that she should, didn't have the enthusiasm for her job that she should, but it's one of those things that you can't put in writing so they had a hearing. The NSEA representative came in with the teacher and in a very adversarial role...

SENATOR CLARK: You have one minute.

SENATOR REMMERS: ...defended the teacher's position, thank you, defended the teacher and encouraged the board to rehire and suggested to them when the board went into executive session the superintendent not go along. The chairman of the board took the advice of this person representing the teacher and the superintendent didn't particularly object because he didn't think there was any question but what the board would follow his recommendation. The board voted three to three to keep the teacher. Of course it takes four to let her go and afterwards the board was very sorry. But anyway, it happened because of the formal nature of that hearing. It took on the appearance of a legal hearing where

they had to prove their reasons and that is why I would strongly urge you to change that word to conference rather than hearing. Again, on the tenure, my main point is that we have a uniformity all the way through. I could support the two year for everybody if somebody would want to introduce that amendment but for the time being I'm going to vote for having all the schools on the three year tenure basis. Thank you.

SENATOR CLARK: Senator Wesely.

SENATOR WESELY: Mr. President, members of the Legislature, I rise in opposition to Senator Goll's amendment to this bill. As cosponsor with Sendor Newell in the original LB 259 and I think you've heard the reasons for that bill. I want to strongly support the intent of this legislation and I think Senator Goll is taking a step backwards rather than a step forward with his amendment. Senator Remmers just talked to you about the fact that he would support two years across the board which indicates from his long experience in the schools that two years is plenty of time for an evaluation to be made of teachers and whether or not they should be granted tenure. It seems to me that the arguments that some in support of the Goll amendment have been that two years isn't enough time have been refuted now, Senator Remmers support for the idea that two years across the board. He has much more experience in that but I feel two years is plenty of time in which to evaluate. The thing I would like to emphasize is this. The steps we have taken with this bill and why it would seem a step backwards instead of a step forward to adopt the Goll amendment. We did originally in the bill call for two years for Lincoln and Omaha school districts just as the rest of the state trying to get uniformity as Senator Remmers mentioned. That is a goal he would support. That was our original intent. We have backed off on that effort and have agreed to a compromise to three years is all we're asking now for the Lincoln and Omaha schools rather than the present system of three to five years in which they have to make a decision on granting tenure or not. So we have compromised on that point and then in this situation to lose ground on the tenure question seems to me again, not to be a step in a positive direction. So I would definitely oppose the Goll amendment and I believe that the experience we've had over the last I believe seven years or so since this bill was passed and the tenure established shows that there aren't the major problems that would warrant a change that has been called for with the Goll amendment and the system has worked well and the changes we're proposing are fine tuning that proposal, trying to improve it but not trying



to weaken it and I think that we don't want to do that at this point. It seems to me that tenure is an important question in the state. It is talking about quality education. It seems to me, and it's not been that long since I was in our public schools here in Lincoln, that there are occasions where teachers are not doing the best job possible. Under those cases if you have just cause you're still allowed the opportunity to remove those teachers but you have to have a good reason for doing it and I think that is a system that has been established throughout education in this country and has worked well and we should maintain it in this state. Our efforts here are not to protect teachers that are not doing a good job, absolutely not, and we don't touch the question of the causes for which a teacher can be removed. We're talking about protecting good teachers who are doing a good job and for perhaps frivolous reasons from time to time are threatened with a job loss for no good reason and I think in those cases we need to protect those teachers and that's what we are talking about with the tenure system. This bill does not touch the question of the bad teacher being removed. It talks about the good teacher trying to improve the system making sure they know why they are being removed when they are on probation and trying to improve the process. It is a compromise. It is not everything Senator Newell and I wanted in the bill we introduced last year. We've given up quite a bit. We don't want to give up any more. Senator Goll is asking for too much at this point and I strongly oppose the Goll amendment and would ask your support to oppose that. Thank you.

SENATOR CLARK: Senator Dworak.

SENATOR DWORAK: Senator Clark, colleagues, it seems to me we have two different issues on the Goll amendment, the issue of whether we should have two years and three years, depending on the location of the school system and then the issue of the formal conference. Now I personally believe that if three years is right in Omaha and Lincoln, three years is right in the greater Nebraska area or if two years is right in the greater Nebraska area, then two years should be right in Omaha and Lincoln. I think there should be consistency and I think any endeavor by this Legislature to perpetuate the inconsistency that exists right now is a mistake. I have no problem with the informal conference and would just as soon see that provision stay in the bill. I would support the Goll amendment to go to three years in the greater Nebraska area and I would oppose the Goll amendment deleting the informal conference, therefore, I would like to request that we divide the question, that we vote on the two specific concepts and I would move that we divide the question.

SENATOR CLARK: The Chair would rule that it is divisible. We could take up number one which is the two year or the three years and then we could take up the other six at that time. So it will be divided. We will now talk on the first part of the issue, changing from two years to three years. Senator Beutler is next. Did you want to talk on that issue?

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I would just make a brief comment. Most of the arguments on the two year versus three year philosophy have been made and the only suggestion I would make to you is that if you're interested in moving toward a uniform law, if that seems to make sense to you, that you go a little bit slowly at it and that you take a good look at Senator DeCamp's amendment which will be coming up later. It is printed on page 833 of the Journal and basically it provides for two years with an extension of one year and it sets down certain conditions and criteria that would be met in order to extend it for a third year. Now Senator Remmers has outlined to you some of the problems that may exist in extending the probationary period to a flat three years in small communities. And those of you who live in small communities can better evaluate those problems than I can but it sounds to me like it is a subject of substantial argument. I suggest to you that perhaps the DeCamp version is what you really should be looking at and arguing rather than taking the giant step right now to a flat three years. I think that that represents a more logical approach. With that, Mr. Speaker, I would save my comments on the conference question to the proper time.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. Speaker and members, I rise to oppose the first Goll amendment. The issues have been brought forth very clearly from the points of view of the administrators, school boards and teachers as it relates to the tenure and the length of time of the probationary period before teachers do get tenure in the various school districts of the state. But I don't think anybody has talked very much about the pupils, the end result of education, the reason that we've even got this problem before us and there seems to me to be some very fundamental differences between the various classes of schools in this state. Now if a probationary teacher in a small school in my area is not going to do a very good job and has not been performing very well then it seems to me that to allow that school board the option, as Senator Remmers pointed out, there are some other problems with allowing that school board the option to keep that teacher for three years as it relates to his or her involvement in

the community and I submit to you that is a real, real concern. But another concern is that in a lot of those communities this teacher will teach two grades, two grades in one class in many of those small schools. So really what you are doing, you're saying that you're going to leave a poor teacher in a classroom for up to three years and you're going to affect a young person's abilities to learn for at least three years or for at least two years in that particular instance for two different grades and I think that that is somehow wrong. We need to recognize that. I think that those school boards should be under the gun, if you will, to get rid of bad teachers. That is the whole purpose it seems to me for the probationary period and I submit to you there are some teachers out there that have been kept too long. They have been kept long enough they have become part of those small communities and it is very difficult for those school board members then to say we're going to get rid of so and so's wife down the street or so and so that has bought a house next to me. The issue is to...the difference between school districts as you look at Class IVs and Class Vs where they have the three year probationary period. In a Class IV or a Class V there is that ability because of the many different facilities that that school has to move those teachers from one classroom to another classroom, from under one principal to another principal, under one administration to a different administrator, from under one area where they might have a personal conflict with some of the parents or some of the students to a different area in that same school system. So there is a little more of an ability to move those teachers if it is, in fact, a personal conflict within the area where she is teaching. It seems to me that that is a logical difference and the ability to do that should be given those larger school systems but the smaller schools don't have that ability and keeping that teacher for another year, detrimentally affecting the educational opportunities of those students, is fundamentally wrong. I think the two year provision is proper and should be left there. The rest of the amendment I will speak to later on, Mr. Speaker, thank you.

SENATOR CLARK: Senator Wiitala.

SENATOR WIITALA: Mr. Speaker, members of the Legislature, I'd like to echo the words of Senator Vickers, maybe bring into focus the whole probationary period. Teaching, unlike any other profession, probably has the longest probationary period of review of any other vocation, any other job, of any profession that I know of. In some school systems it stretches into four and five years. I want to remind this body that as a teacher myself and as most teachers the

basic requirement to get into the teaching field is largely four years of college education. A great percentage of the teachers have five years. They have taken a quarter of a school year or a semester of school year in practice teaching and then they have been under observation or they are supposed to have been under observation for up to five years deciding when that teacher will become tenured. The sad part about this is that few school systems in the state or at least not enough school systems in the state have an evaluation policy to take care of those teachers and if they've got an evaluation policy seldom do they carry it out by having a specific procedure for reviewing each young teacher. And if that teacher is in difficulty, even if your school systems have an assistance program to help that teacher improve so that they can become a good teacher, the real problem is that stretching out the probationary period as Senator Vickers so well said, is not only not good for the student by leaving a teacher in the field to continue poor teaching practices but it is not good for the teacher themselves nor is it good for the school as a whole. What it boils down to it's just not good administration. The important thing I believe for the probationary period is to identify that problem early and to start resolving the problem early rather than carrying it on ad infinitum into the future. In this respect, members, I'd hope that you would vote against Senator Goll's amendment to LB 259. Thank you.

SENATOR CLARK: Senator Hoagland.

SENATOR HOAGLAND: Senator Clark and colleagues, I'd just like to make, as a cosponsor of this measure, I'd just like to make a couple of short remarks in opposition to Senator Goll's amendment. One of the proponents of Senator Goll's amendment made an argument that I just have to respond to about twenty minutes ago and that legislator said it is really better for the teachers if we have three years instead of two years because if at the end of one and a half years if a teacher's performance has not been satisfactory it is better to permit that teacher another year to prove himself or herself rather than cutting them loose after a year and a half. Now the basic problem I have with that is, aside from the fact that it is a paternalistic argument, is that if we're really interested in what is best for the teachers, let's ask the teachers what they think is best for them. I think it is really unfair to come in and make general assumptions about what we think is best for the teachers when we can go to the teachers themselves and say what do you think is best for you. And teachers around the state overwhelmingly support a two year and not a three year argument. Thank you, Mr. Clark. Thank you, colleagues.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Thank you, Mr. Chairman, I'll be very brief. I want to answer Senator Dworak and it is not new or profound in terms of what I am going to answer. We treat school districts in this state by law differently. There is some school districts that have to bus and there are others that do not beyond a certain number of miles. Now if we want to be uniform then, why don't we apply a uniform law to transportation across the state? Why do some have to do it and others have not? We do it with cities. I sat on the Urban Affairs Committee for years. We treat the cities by class differently on a lot of issues. We do it by counties so that is not unique. It is not a very defensible argument. There are a lot of good things in this bill which no one has even addressed yet which bothers me. Go back to Senator Remmers' remarks. We now establish for the first time how you get the tenure. It breaks it down. You just don't get there by having worked there for a semester and a half any longer. You have to accumulate a certain time of good teaching performance and then you can be terminated. The teacher, if they feel that on the informal basis of hearings, if they don't request an informal hearing, it is not going to be there. It is just if they request it. So that shouldn't be frightening to us. And on the three year issue that we're trying to deal with right now, there are 16,000 teachers in Nebraska that have been under a two year provision and you may have heard some horror stories. I submit to you it has generally worked very well and why change that type of a tenure provision when the hearings that we held, the only thing we found was where some people were being heard was because of poor administration and probably some poor board actions, indiscreet. So there is no reason for us to adopt this amendment now. Let's keep it the way the committee has it because there were hours spent by all interested parties and I want to read you what one personnel director said to us in the committee. He addressed the committee as following: "I am a director of personnel. I am here to testify in favor of LB 259. For the past two months I have been involved with other school administrators, members of educational interests, legal counsel, et cetera, in shaping and rewriting LB 259. I must admit that originally I was not in favor of any change in the statutes dealing with teacher tenure or termination but after many hours of give and take by all parties involved I have changed my mind and so has the system that I work for. I work for a Class III district. LB 259 defines a school year, defines a part time teacher as one employed more than one-half but less than four-fifths time. Under the present law if you hired someone to teach one hour per day for two school years they would fulfill their probationary requirement and qualify for permanent status. The proposed law provides for procedure

for corrective discipline and suspension. This is definitely a plus for all of us. It also provides for a procedure for termination during the school year. Again, this is a benefit to all of us. It also states that they can be suspended. It also states that every six years every certified employee must give evidence of professional growth. This again is a plus." And he goes on. So I am saying to you, who knows the system better than a personnel director does when you are required most of the time to interview, recommend and finally for hiring or not for hiring and eventually it may come back to you that you are going to have to make a decision for a dismissal as well. So I suggest to you, it is not unique that we have different classes of schools, cities and counties working under different law and so that is what this bill attempts to do. I ask you again to reject the three year across the board tenure issue.

SENATOR CLARK: Senator Goll, did you wish to close on the first part of your amendment, the first division?

SENATOR GOLL: Senator Clark and colleagues, I agree with Senator Koch, this is a good piece of legislation. It came out of the Education Committee and I serve on that committee and I voted to send it to the floor and I would like to say that this is not an amendment that has come from any organization. It is one I drafted myself because I believe that this is the way it ought to be and I would also remind you that it's not for the good teachers. The good teachers have nothing to be concerned about. It's for those teachers who are marginal, need the additional help and guidance of their administration. I would recommend that you vote yes on this amendment.

SENATOR CLARK: The question before the House is the adoption of the first division of the question. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: A record vote has been requested. Have you all voted? Senator Koch.

SENATOR KOCH: Mr. Chairman, I request a Call of the House and a roll call vote. I want this on record.

SENATOR CLARK: A Call of the House has been requested. All those in favor of a Call of the House vote aye, opposed vote nay. Record the vote.

CLERK: 16 ayes, 6 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. All legislators

March 3, 1982

LB 259, 623, 787, 847

will return to their seats and check in, please. Senator VonMinden, would you check in, please. We're looking for Senator Cullan, Senator Schmit, Senator Beyer. Senator Koch, did you want a roll call vote?

SENATOR KOCH: Yes, I do, sir.

SENATOR CLARK: We're short Senator Beyer and Senator Schmit. Do you want to start in the roll call?

SENATOR KOCH: Are they excused?

SENATOR CLARK: Those two are not.

SENATOR KOCH: Well I'm in no hurry for lunch. I'll wait around a while.

SENATOR CLARK: Senator Marvel and Senator Kremer are excused. Could you find Senator Schmit, Ray? Do you want to start in, Senator Koch? The Clerk will call the roll. I hope we can have it quiet enough the Clerk can hear the response, please.

CLERK: (Read roll call vote as found on pages 944-945 of the Legislative Journal.) 24 ayes, 22 nays, Mr. President.

SENATOR CLARK: The motion carried. It takes a simple majority on General File. It is an amendment to an amendment. Senator Haberman, would you like to recess us until one-thirty which we will continue this same bill at that time. We have to read something in first, please.

CLERK: Mr. President, Senator DeCamp would like to print amendments to LB 623 in the Legislative Journal. (See page 945 of the Legislative Journal.)

Mr. President, your committee on Ag and Environment whose chairman is Senator Schmit reports LB 847 advance to General File with committee amendments attached. And your committee on Judiciary whose chairman is Senator Nichol reports LB 787 advance to General File with committee amendments attached. (See apges 945-946 of the Legislative Journal.) That is all that I have, Mr. President.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. President, I move that we recess until one-thirty.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed no. We are recessed until one-thirty. We will continue this bill at that time.

EDITED BY

  
Mary A. Turner

8172



RECESS

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Record your presence, please. Senator Beutler, would you.... Senator Cullan, will you please record your presence. Senator Koch. Senator Warner. Senator Kilgarin. Senator Coepe. Senator Wesely. Senator Fowler. Senator Schmit. Senator Rumery. Senator Newell. Senator Lamb. Senator Lowell Johnson. Senator Dworak. Senator Goodrich. Senator Hoagland. Senator Marsh. Senator Remmers. Senator Nichol. Senator Pirsch. Senator Stoney. Senator Haberman. Senator Carsten. Senator Labeledz and Senator Higgins. Record.

CLERK: There is a quorum present, Mr. President. Mr. President, when we last left LB 259 there was pending the committee amendments offered by the Education Committee and I now have an amendment from Senator Goll to the Education Committee amendments, Mr. President. I believe copies have been distributed to the membership.

SPEAKER MARVEL: The Chair recognizes Senator Goll.

SENATOR GOLL: Mr. Speaker and colleagues, later this morning I did explain a portion of the amendment to the amendments which we will now take up and I would simply remind you that the second part of my amendment changes one word and this one word is the word "hearings" to "conferences." As I stated previously my reasoning for the change in these words is merely to temper the inherent meeting which I think is what we intended to do. To reiterate what I said previously, a conference indicates by definition a meeting, consultation or discussion. The word hearing indicates a session of an investigative committee which testimony is to be taken, preliminary examination. I would move for this passage of this amendment.

SPEAKER MARVEL: Senator Beutler, do you wish to be recognized and then Senator Koch?

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I simply wish to speak briefly against the amendment and I wish to speak against it because the amendment essentially does nothing and is entirely unnecessary and the proponents for the amendment have not claimed that it does do anything. Right now in the wording of the bill we have the terms informal hearing and formal hearing and the proposed amendment would change it to conference versus formal hearing. Now what the bill actually provides is for this informal hearing for probationary teachers and the informal hearing is



not a due process hearing such as we have for tenured teachers. It does not require lawyers. It does not allow lawyers to be there and that doesn't change whether you call it a conference or whether you call it a hearing. There is no formal presentation of evidence and that won't change whether you call it a conference or whether you call it an informal hearing. There is no formal cross examination. In short there is no formal, there is no legal obstacle course whatsoever at this particular informal hearing and by calling it a conference all of these things that are written into the bill are going to be just the same. The probationary teacher will have the right to discuss, to explain, present information and to ask questions. That is what it simply states in the bill and that is what they will have the right to do whether you call it a conference or whether you call it an informal hearing. Under the provisions of the bill that informal hearing can be confidential at the request of either the teacher or the superintendent, the administration, and it will be that way whether you call it an informal hearing or whether you call it a conference. In short, no claim has been made that changing it to conference changes anything at all and, in fact, it doesn't change anything at all and I would suggest that you not adopt it for the simple reason that it does make twenty or thirty word changes in the sixteen different pages of the amendment and whether those are done correctly or not I don't know but I don't see the point of fooling around with language that has been in the statute for years which we understand in favor of an amendment which makes sixteen to twenty changes in the bill and which in effect does nothing. So I would ask you to reject the amendment and let's move on to the substantial questions that remain before us. Thank you.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker and members of the body, we all know that this legislation process is made up of compromises and I am ready to make one compromise. That is, the three year deal, and I am going to offer an amendment to make certain it is followed at least by a minimal prescription. But for us to now adopt a second Goll amendment, as far as I'm concerned you might as well just kill the bill because up until 1981 people who lived under a continuing contract law were entitled to informal hearings. They were and then there was a court case and the court said the law was not constructed correctly so, therefore, it was then deleted. I just can't believe that this body who speaks so often about education, those who teach, administer and serve, are not willing to provide a person an informal hearing if they request it. Because in most occasions when the

faculty member or even administrator have been taken to task and look at dismissal in the face, if they believe that the charges are serious enough, they will just themselves say I resign. In many cases where you have informal hearings things have been resolved to the best interests of the school board, to the administrator and to the community. I don't know what frightens you about informal hearing, I really don't. We call our hearings on laws down here hearings. We don't call them conferences. They are called hearings. This is not a public hearing like we have here on law. This is a private hearing with those immediately affected, those who hire and those who fire and those who might be fired and I would hope the members present here this afternoon realize that some people won something here this morning and I'll live with that twenty-four votes and yet it is not a majority but I would hope that you would not destroy the efforts of a committee that worked long and diligently and brought all interested parties together and they all had their chance and don't think they didn't. If you want to, I can read you the hearings. So I am asking you not to accept Senator Goll's second amendment where he wants to change informal hearing to a conference because that conference could be carried on anyplace and it wouldn't be very private in some cases and all you're saying here is the teacher or the administrator is entitled to a private hearing before the board and I don't see anything wrong with that. I think it is only being fair. Thank you.

SPEAKER MARVEL: Okay, the Chair recognizes Senator Hefner. Senator Newell. Do you wish to speak? Okay, the question has been called for. Do I see five hands? I see five hands. All those in favor of ceasing debate vote aye, opposed vote no. Have you all voted? Record the ..... Have you all voted? Shall debate cease? That's the issue. Have you all voted? Okay, record.

CLERK: 20 ayes, 7 nays, Mr. President, to cease debate.

SPEAKER MARVEL: Debate does not cease. Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker and members of the body, I rise in opposition to Senator Goll's amendment. Senator Beutler has aptly indicated that it probably doesn't make much difference whether you call the meeting a hearing or a conference because whatever it is it's still a meeting and we're not changing any of the legal statuses regardless of what the name is. Senator Peterson asked me, why not do it and I'm just about to tell you why. I guess my feeling about the use of the word conference is that basically is a pedagogical term and it is not a statutory term. I have represented a number of students in student suspension and expulsion cases and long before the Legislature changed the statutes dealing with student suspension and expulsions

Omaha school administrators used to always refer to these meetings that one would have with a student and an administrator and an aggrieved party and maybe a parent or an attorney as a conference and we were always conferencing. We were never ever having what was truly, in fact, a hearing and after a long period of time of conferencing with students I really concluded that that was just a term I didn't like because I didn't think that really reflected what the nature of the forum was and the forum very simply was we were having a little hearing. We were having a little hearing on what was to be done about the student. The student had a chance to make his views known. The parent had a chance to make his or her view known and the administrator could say, put in his words and the like but it was a bona fide, honest to goodness hearing and conference really is a term that is used by pedagogues to kind of a fancy word for a meeting. Well hearing traditionally is a word used by legislators. I don't think there is anything wrong with that word. I think we ought to continue with the word and I would at this time oppose Senator Goll's amendment.

SPEAKER MARVEL: Before we continue, from Senator Sieck's district we welcome eleven students from Concordia College who are in the social work practice in the upper class, and where are you located now? She didn't show it. Where are you folks located? Okay. It is in the North balcony. And also in the North balcony from Senator Beutler's district, 75 first and second graders from Randolph School. The teacher is Claudia Livers, fifteen sponsors or parents in the North balcony. Will you show us where you are now? The next item of business, Senator Wiitala.

SENATOR WIITALA: Thank you, Mr. Speaker. Mr. Speaker, members of the Legislature, I rise in opposition to Senator Goll's amendment changing the wording of LB 259 from hearing to a conference. During the noon hour in talking to the senators they said, what's the difference between a hearing and a conference? They are almost the same terminology and really not that much is being implied by the word change. I would submit to you, members, that there is a great change being implied by Senator Goll's amendment. When it comes to hearings we understand what a hearing is. A hearing basically is an examination of the evidence. It is opening up the question to research, to analysis. A hearing centers on the question that is at issue. It focuses in on the problem and takes a look at all of its facets, no different than ourselves serving as members of committees in this Legislature. A conference is distinctly different. When we attend conferences as legislators and we listen to issues that are put forward by a conference, we don't listen to all

the different parts. We usually just hear one side of the issue. I'm afraid if we put conference in the language of this bill that much like Senator Vard Johnson was implying, that we'll think in terms of a teacher conference where a child meets with his teacher or a teacher meets with the parents, not to explore problems but just to discuss the issue, to discuss something that has already happened. And I think that is what conference is implying and if we put it into the bill, that is exactly what it is going to say to the administrators and teachers of the state and school boards, that teachers after a decision has been made will have a right to confer to discuss about the problem, discuss the problem but not to examine it in full details. I'd like to give you an example and as you know I feel quite strongly about this because I am a teacher by trade, but I will never forget my first year of teaching in South Dakota. In about the third month of that teaching I heard a rumor that the school board met upon a question that related to myself and another first year teacher that was my roommate in a boarding house. The question that was brought before the school board was a rumor, a piece of gossip that the two of us had been in the outermost part of the district in another town, had been seen drinking with one of the high school students. The charges were totally unfounded. That board, thank God, was responsible, listened to the evidence, had their own informal hearing and decided that that's what it was, pure gossip and nothing more was said until it was rumored around the town. I was so furious that I went to the superintendent when I heard about that and said, listen, I'm going to withdraw my contract. You know, I didn't serve four years in a college to have this kind of an experience and I was very embittered by it. But he was a good superintendent and quieted me down. But I submit to this Legislature that had not that school board acted responsibly and that superintendent, I probably wouldn't have had sixteen years of teaching behind me. I would have most certainly left the field and my credentials would have been scarred, and I think that is the problem because if we could have had a hearing, it would have been right out in the open and we could have examined the evidence. But if that board had wanted to, it could have withdrawn and terminated my contract at that instance. Now as it was I had a conference with my superintendent and after I heard the rumor...

SPEAKER MARVEL: You have one minute.

SENATOR WIITALA: ...of what had taken place with the board and that's what he did. He just referred the matter to me and said that the board had acted responsibly. Members, I hope that you understand the difference in this terminology and what it implies. It just gives employees a fair hearing

and more so it gives the administration a chance to collect the evidence and terminate that teacher also if necessary. And last, I just want to say, the hearing is not mandatory and if it is going to look bad in the area of publicity, the teacher can just simply say or the employee, I just don't want a hearing because I realize what it will imply in my case. Thank you and I hope you vote against Senator Goll's amendment.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. President, members of the Legislature, Senator Wiitala, may I ask you a question? I've been hearing "hearing" and Senator Vard Johnson said, "little hearing" and then we're talking about "conference." Is either a hearing or a little hearing or a conference attended by the news media?

SPEAKER MARVEL: Do you yield?

SENATOR WIITALA: It is my understanding, Senator Nichol, that it would be a private conference.

SENATOR NICHOL: In either case it is in private and it is not a public hearing, either hearing or a public conference?

SENATOR WIITALA: I think that any time that you are talking about personnel or personnel matters, you know, it is just my understanding, it is just my experience that when these issues have come before the board, the board usually if it is at a regular board meeting, adjourns to an executive session and handles the issue privately.

SENATOR NICHOL: They may, and of course if they go into executive session the news media is turned out. Could they have this hearing or conference in public with the news media present?

SENATOR WIITALA: I imagine it is possible. Again, Senator Nichol, I would like to remind you that depending upon the issues that are at bare, the hearing may or may not be heard. If it is such a nature that it is going to defame the person that is involved, there is just not going to be a hearing, let's be practical.

SENATOR NICHOL: What if one wants it to be a public hearing and the other wants it to be a private hearing? What happens? Either conference or a hearing, what happens in that case?

SENATOR WIITALA: I would suspect, Senator Nichol, that it would be a private hearing.

SENATOR NICHOL: Okay.

SENATOR WIITALA: At least I would say that is my intent as being a cosponsor to this bill.

SENATOR NICHOL: So that whether we adopt the Goll amendment or not this can be private if either one of the parties want it to be a private hearing, is that correct?

SENATOR WIITALA: Right. Regardless of whether it is a conference or whether it is a hearing.

SENATOR NICHOL: Very good, thank you.

SPEAKER MARVEL: Senator DeCamp. Senator Lamb.

SENATOR LAMB: Mr. President and members of the Legislature, I rise to support the Goll amendment. As you probably know now, the Supreme Court has ruled that the probationary teachers do not have a right to any sort of conference or hearing and of course the fear of the superintendents that I hear from and the school board members is that we're moving toward, in effect, giving the probationary teachers the same right that we now grant to tenured teachers. And so, this amendment as Senator Goll has designed it is really a compromise position. Now the teachers have nothing, absolutely no right to any sort of conference or hearing. It is Senator Goll's position and I agree that we should not move toward this situation where untenured teachers approach the same sort of right that is designated for tenured teachers and so I think it is completely defensible that we call this conference a conference because that is exactly what it should be and I think one small correction to Senator Wiitala's testimony in that I believe he said that it is not mandatory. Well it is mandatory if the teacher requests it. It would not be mandatory of course if the teacher did not request this conference. So I would support the Goll amendment.

SPEAKER MARVEL: The question has been called for. Do I see five hands? Shall debate cease is the issue. I see five hands, thank you. Shall debate cease. Have you all voted? Okay, record.

CLERK: 25 ayes, 0 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate has ceased. The Chair recognizes Senator Goll to close on his amendment.

SENATOR GOLL: Mr. Speaker and colleagues, as Senator Wesely so aptly puts it, we spent a lot of time on this issue and we should move on and I would say to you, a hearing, a proceeding of relative formality with definite issues of fact.



Conference, a meeting of persons for deliberation for the interchange of opinion or for the removal of differences or disputes. If you agree in my rationale the word should be changed from informal hearings to informal conferences, then vote aye and if you don't, you have the other alternative. Thank you.

SPEAKER MARVEL: All those in favor of the motion vote aye, opposed vote no. A record vote has been requested. For what purpose do you arise?

SENATOR KOCH: Probably for the purpose of Calling the House and a machine vote.

SPEAKER MARVEL: Okay, shall the Legislature go under Call? All those in favor vote yes, opposed vote no. Record.

CLERK: 26 ayes, 0 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please return to your seats, record your presence. Let's see, the Appropriations Committee is out so we are awaiting their arrival. Is Senator Cope here? Senator Newell, Senator Labedz, Senator Chronister, Senator Schmit, Senator Pirsch, Senator Newell, Senator Lowell Johnson, Senator Dworak, Senator Goodrich, Senator Vickers, Senator Chambers and Senator Higgins. Senator Cope, will you please record your presence. Senator Schmit, will you please record your presence. Senator Koch, shall we proceed?

SENATOR KOCH: Please do, record vote. Roll call vote, I'm sorry.

SPEAKER MARVEL: Okay, a roll call has been requested. All legislators must be in their seats. Call the roll.

CLERK: (Read roll call vote as found on page 948 of the Legislative Journal.) 23 ayes, 24 nays, Mr. President, on adoption of the Goll amendment.

SENATOR CLARK PRESIDING

SENATOR CLARK: The motion failed. The next motion.

CLERK: Mr. President, Senator Koch would now move to amend the committee amendments and I believe copies have been distributed to the membership.

SENATOR CLARK: The Call is raised. Senator Koch.

SENATOR KOCH: Mr. Chairman, members of the body, this

morning we adopted three years across the board for all professional employees of the public schools. What this amendment does in view of that action, then it says that since we are going to have three years for Class Is, IIs, IIIs and VIs, that during the three years of employment for each employment year those individuals shall be evaluated at least once each semester and in accordance with the procedure outlined. You have the amendment before you, where I have inked out a number of sentences and it states very simply the probationary employee shall have been observed and the evaluation shall have been based upon classroom observation for an entire instructional period which is not unreasonable. Should deficiencies be noted in the work performance of any probationary employee the evaluator shall provide the teacher or administrator at the time of the observation with a list of deficiencies, a list of suggestions for improvement and assistance in overcoming those deficiencies and follow up evaluations and assistance where deficiencies remain. That is rather succinct. It is not unreasonable and I ask for the adoption of the amendment.

SENATOR CLARK: Senator Lamb. It is on the Koch amendment to the amendment.

SENATOR LAMB: A question of Senator Koch, please. It also includes, does it not, the bottom part of the...where it says "any certified ...." (interruption.)

SENATOR KOCH: Yes, sir. Senator, that is a grandfather clause, grandfather or grandmother.

SENATOR LAMB: Thank you.

SENATOR CLARK: Senator Marsh.

SENATOR MARSH: Mr. Chairman and members of the Legislature, I rise to support the amendment and I hope that the entire body would give its support to this amendment for LB 259.

SENATOR CLARK: Senator Remmers.

SENATOR REMMERS: Mr. Chairman, members of the Senate, I'd like to give my support to this amendment. I think it is a very reasonable amendment.

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: I just briefly want to support the amendment, too, Mr. Chairman, and remind the body that there has been a very tenuous compromise put together here that does a lot of good, both for administrators and teachers in cleaning up the law and I think this will make it a little bit



stronger and bring the compromise back together a little bit so that we can get a good bill through the Legislature and in effect this year. So I hope you'll support the amendment. Thank you.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, Senator Koch, does this mean that all teachers within the first three years of their employment will have all of these procedures performed on them, evaluated at least once each semester?

SENATOR KOCH: Restate your question, would you, Senator Nichol? I was visiting with Senator Goodrich.

SENATOR NICHOL: I said, my question, Senator Koch, was, does this amendment mean that all teachers during their first three years of employment will have this evaluation done every semester, every six months?

SENATOR KOCH: It shall be done each semester for at least one class, full classroom hour or forty minutes or forty-five minutes, whatever the period is. It is a total and actual observation of the teaching in the class.

SENATOR NICHOL: Okay. What if they don't do that, then what happens?

SENATOR KOCH: Alright, then in this case then, the person who is a probationary person knows what the law is will say, "I wasn't evaluated. You never came to my classroom and gave me an evaluation. You never sat down with me and told me what my deficiencies were. How do I know what they are unless you observe me for a class hour," or that period and it isn't always an hour. Some are forty minutes and some are forty-five as you well know.

SENATOR NICHOL: And according to these rules up here, who does that? Superintendent? Principal? One of the other teachers or who?

SENATOR KOCH: In case of elementary it would be your elementary principal and in case of teacher-leader who is responsible for X number of teachers who teach in the same unit, then that immediate supervisor would be responsible for it and eventually probably the superintendent would have very little to do with it because these administrators are responsible for the supervision and development of curriculum.

SENATOR NICHOL: And who would do it in a Class I school

district where perhaps you don't even have a superintendent?

SENATOR KOCH: Well I suppose the county superintendent would have to help out a little bit or the president of the school board or whoever makes that determination.

SENATOR NICHOL: Then if one of those people didn't do it, that teacher would be home free for that semester, right?

SENATOR KOCH: Well because obviously they didn't evaluate her, how can they advise her that she is deficient?

SENATOR NICHOL: So that if a year and a half goes...say two and a half years go by and nothing is done but in the last half of the third year they decide something is wrong simply because they didn't evaluate that teacher the first two and a half years, that is out the window and....?

SENATOR KOCH: I think it would be the supervisors who would be challenged to the fact that they hadn't performed the law, didn't carry out the intent of the law. How can you dismiss someone, Senator Nichol, if they've never been evaluated?

SENATOR NICHOL: Well my problem with this amendment is that when we include Class I, II, III, IV, some of those won't have people to evaluate them every semester. I don't think it is....excuse me, excuse me. (Both talking at once.)

SENATOR KOCH: Senator Nichol, if it gets to the last semester of the sixth semester, let me answer one question.

SENATOR NICHOL: I asked a question but go ahead. The problem is that when we include all of these school districts they won't have somebody to evaluate them and without an evaluation that means that they haven't been doing their part and the teacher has no criticism even though there may have been some but the board or whoever is hiring the teacher won't even know about it until the particular time. I don't know, I have a serious problem about this amendment.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Chairman, members of the body, I'll make one statement in reply to Senator Nichol. Assume that the issue is exactly as he stated. The last semester of the last year, there has never been an evaluation nor have any deficiencies ever been noted. Senator Nichol, in that case, that would immediately go into a formal hearing under due process and just cause. That is when you would have to prove it.

SENATOR CLARK: Senator Newell.

SENATOR NEWELL: Mr. President, members of the Legislature, I think this is the essence of the issue here. You know, one of the things that I have heard continually about we need plenty of time to evaluate teachers is that we need to evaluate teachers and if you're not in favor of this amendment then you're basically saying that this whole thing is as exactly as I've always argued that it was. It is an opportunity for superintendents or those who are in an advisory capacity not to do their jobs. You're basically, you encourage them not to do their jobs so, therefore, what happens is we keep poor teachers in the classroom. Now frankly the longer you delay this process without a review, the worse the situation becomes. Anyone should have an opportunity to be evaluated and not only should they have that opportunity but it is a responsibility for management to manage. It is a responsibility that the superintendent or the supervisor has to review a person to decide whether or not they are able to do the job and this is absolutely necessary.

SENATOR CLARK: Senator Koch, do you wish to close?

SENATOR KOCH: I have no closing, Mr. Chairman. I'm certain that each member present here knows what we are doing. It is not unreasonable. It is a good compromise. I ask for the adoption of the amendment.

SENATOR CLARK: The question is the adoption of the Koch amendment to the committee amendments. All those in favor vote aye, opposed vote nay. Have you all voted? Once more, have you all voted? Record the vote.

CLERK: 23 ayes, 6 nays, Mr. President, on adoption of Senator Koch's amendment to the committee amendments.

SENATOR CLARK: The amendment is adopted and we're back on the original committee amendments. Senator Koch, as amended.

SENATOR KOCH: Mr. Chairman, we've spent considerable time on the bill. I think we are all aware of what it does. We have now got a uniform tenure bill. It is three years across the board for those who choose that profession in the public sector of education. It provides certain kinds of procedures and most important as I told you this morning, it also provides that you don't have to dismiss a teacher but you can suspend a teacher for a certain period of time. You can eventually dismiss them and that action has to take place. It also tells you how you accumulate tenure on a part time basis. The way it is now, as I told you, in many cases you

could teach there a few hours a day, as long as you were there two years, you had tenure. Now we spell this out and I think it is in the best interests of the profession and I ask that we advance LB 259 to E & R initial as amended.

SENATOR CLARK: We are going to have to accept the committee amendments first.

SENATOR KOCH: I'm sorry. I ask for the adoption of the committee amendments as amended.

SENATOR CLARK: The question before the House is the adoption of the committee amendments as amended. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

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

CLERK: 28 ayes, 0 nays on adoption of the amended committee amendments, Mr. President.

SENATOR CLARK: The committee amendments are adopted.

CLERK: Mr. President, I had an amendment from Senators Koch, Wiitala, Vickers and Beutler. I understand they wish to withdraw. That was request #2514, Senator. Is that right, you wish to withdraw? Mr. President, the next amendment I have is from Senator Haberman and that amendment is found on page 745 of the Legislative Journal.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. President and members of the Legislature, at the present time school Classes III which are 1,000 to 50,000 that have both an elementary and a high school, school districts Class IV which is Lincoln and school district Class V which is Omaha, and I have passed out a sheet for each one of you to follow me on this, at the present time when they have a wage dispute and they can't settle the dispute, those three classes of school districts may appoint a committee of three members, one being a school board member, one being a teacher's association member and one member that is mutually agreed upon by the other two. Those three people can sit down and iron out the problem. They do not have to go to the Commission of Industrial Relations. They can do it on a local level. That is excellent. That is an excellent idea. However, members of the Legislature, school districts Class I, which is kindergarten through the eighth grade, school districts Class II which are under a thousand and maintaining both an elementary and a high school and school district, Class VI which is a district high school only, they do not have this right to do

that. They are forced, if they can't settle it, to go to the Commission of Industrial Relations. In many, many, many cases they have to hire an attorney and in one case this cost one of the little school districts, \$5,000. They cannot settle it on a local level. Now it behooves me that what is fair for the Class III, IV and V schools is fair for the I, II and VI's. Now you will hear that at one time the one I, II and VI's could have gotten in under this act but they didn't want to. Well there is nothing wrong with somebody changing their mind. You will hear that there is going to be an interim study on this issue. That is fine. Let's have the interim study. I have no objections to that but in the meantime let's give those small schools the same right as the big schools. Then if the interim study shows that the big schools and the little schools should not have this right and they can pass a bill on this floor to do away with that, let's do away with it for both classes. So I am asking you, do not let it drag any longer that the little schools aren't as equal as the big schools when it comes to negotiations. I would like to ask your support to pass this amendment, go ahead and have the interim study. Who knows what it is going to show. Let's give the little schools the same right that they are not forced to go to the CIR and that they can settle it on a local level if they so desire. That is what my amendment does. That is the only thing it does and I ask your support. Thank you, Mr. President.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. Speaker, members of the Legislature, I rise to oppose the Haberman amendment and I would like to point out a few reasons why. First of all, I think the Education Committee has been very honest and above board with this issue. Now a year ago Senator Haberman had a bill in to do this very thing. I didn't vote to kill his bill in committee but it was killed. Another bill was advanced doing the opposite thing, doing away with the TPNA entirely for all school districts. That bill is out here on the floor. It is not going to go anywhere but it's held...the introducer I think has agreed to hold it back. Senator Haberman introduced another bill this year doing the same thing he is trying to do with his amendment. Strangely enough this amendment was filed in the Journal on February 18. The hearing on his bill, LB 891, which is exactly the same language as this amendment wasn't even held on the Education Committee until the 22nd. So Senator Haberman was attempting this amendment even before the hearing on the bill. Now the Education Committee has heard this issue for two years in a row now and we have decided to study the issue as to whether or not some schools should have the TPNA, some schools should not or whether, in fact, all schools should

have the TPNA or whether any schools should have the TPNA and I think the Education Committee will make that studious study of that issue but as a matter of fact, and Senator Haberman mentions, that the small schools need and want this. There has been two small school superintendents come to us at the Education Committee the last two years and I happen to represent a number of small schools, too. Nobody has been beating on my door telling me they were having a problem with TPNA. Just these two school superintendents who seem to think that they have to have statutory authority in order to talk to people, in order to have facts drawn up before they go to the CIR but I suggest to you that no school administrator worth his salt is going to go to the CIR until they have the facts straight anyhow. They would be thrown out on their ear. It is simply a matter, as near as I can understand it, as to whether or not people need to have statutory authority to talk to each other. It is that simple as a negotiation process. But again I urge this body's rejection of this amendment based on grounds that Senator Haberman is attempting to insert in another bill an amendment, a bill that he had introduced himself, a bill that by the way, he persuaded the Speaker to name a priority bill, but wasn't able to get out of the Education Committee. If our committee structure means anything, if the fact that this is a Unicameral and that the committees are supposed to be our second House, then that should be reason enough to vote against the amendment in itself. But I swear to you that the Education Committee is serious about studying this issue. But I also swear to you that this issue is not the big, major issue as far as the small schools are concerned as Senator Haberman points it out to be. If it was, you would think that from all the small schools in my district, I would be hearing from them and I'm not. As you can tell, I am opposed to the Haberman amendment.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Chairman and members of the body, I understand Senator Haberman's concern but I have tried to advise Senator Haberman that there is another point of view out here on professional negotiations and we placed on this floor last year, LB 445, as a priority bill. That bill said that all schools shall go after conferring and discussing and both parties not able to proceed any further, that they shall go to the CIR. You go by the fact finding and go directly to CIR. That is the reason the committee decided we had better take a look at this because there are now different positions and I can assure Senator Haberman and this body that when we study this issue this summer we will have a Uniform Negotiations Act for all the professions. There

won't be anyone left out, just like today on 259. We'll make it uniform the Is, the IIs and VIs will be in it just like the IIIs and the IVs and the Vs and that is a commitment in behalf of the committee who the other day by unanimous position felt that we should study this diligently and hopefully next January bring a new law to this floor as it relates to professional negotiations in the public sector of education. I ask us not to adopt this amendment.

SENATOR CLARK: Senator Remmers.

SENATOR REMMERS: Mr. Chairman, members of the Legislature, I am a little reluctant to speak any more on the education issues but I think what Senator Haberman is doing is what those that are criticizing him have been guilty of doing all along, filibustering by amendment. Now I don't think this is really a filibuster by amendment, at least not in my case because I support what we just finished. I think we made some real progress in moving the bill to the extent that we have. But I can't see that this concession to the Class IIs and Class VIs is that great a thing. If we had the issue before us to take that away from the Class IIIs last year and didn't do it, there must have been pretty good reason for having it there. I think that having the provision for another discussion where you bring in a neutral person, that many times that you can resolve the differences. I think the amendment is part of this thing that we are talking about, termination of teachers' contracts. It may not be exactly the same thing but I do think it is related and I would support his amendment at this time.

SENATOR CLARK: Senator Koch, did you want to speak again?

SENATOR KOCH: Briefly, to Senator Remmers. Right now the Is, the IIs and the VIs, if they so desire, can request to the CIR a neutral party who is referred to as a mediator. They can do that. The only thing is they have not selected to do this I don't believe. Right now Norfolk and others have used mediators. That is their privilege with the law. That is why I think you should allow us to study this to make certain that everyone understands what the professional negotiation is all about but if they need any neutral arbitrator right now, they can request the CIR, they will pay for it, they will come out and they will try to arrive at a fair position between the board and the professional staff. That is available to them right now.

SENATOR CLARK: Senator Haberman, do you wish to close?

SENATOR HABERMAN: Yes, Mr. President, I most surely do. My goodness, Senator Vickers, you sure blow hot and cold. Last



year you voted in the committee to advance this bill. Last year you voted in the committee not to kill this bill. When I came around a few days ago to take a tally, would you support my amendment, he says, yes. So, Senator Vickers, I say this to you. I'm talking about local control. I'm talking about selling it on a local issue and the reason you didn't have more little superintendents is because I told them to save their time and their money, not to come down because it wouldn't be put out of the committee. I said, it is going to be held. You might as well stay at home because look who is on the committee. So we will go a step further. I passed a sheet out to you. It shows who uses this law, you meet on a local level and you have to go to the CIR. The Class Is and IIs and VIs, the little schools had to go fourteen times to the CIR. The big schools, Omaha never did because they sell it on a local level. Lincoln went once because they sell it on a local level. Now try and tell me that that is fair. Why can't we settle it on a local level? I believe Senator Koch when he says they are going to have an interim study, sure I believe that, but I still say it isn't going to be a thing wrong with adopting this amendment. Whatever their interim study shows, if it says change the whole thing, let's argue about it then but I still say look at the second sheet. You are forcing the little schools, fourteen times they had to and the year isn't up. Lincoln used it once and Omaha never had to and they are the ones that are fighting the bill because in the vote in the committee, Beutler, Hoagland, Wittala and Koch, kill. Where are they from? So let's don't talk about bills up on the blackboard or things happen here or things happen there. Those are the facts and I didn't open up this can of worms about the committee, one of the committee members did, but I'm not afraid to stand up here and talk about it. So I showed you the sheet. I showed you where there is a great disparity. It doesn't cost any money. The only thing it does is make everybody equal in those little schools, the teachers and the superintendents and the schoolboards and the citizens are just as equal there as they are anywhere else. And I passed out another sheet that shows you proof of who is forced to go where and spend the money. So all I am saying is let's get everybody the same chance and I ask for you to vote yes on my amendment. Thank you, Mr. Speaker.

SENATOR CLARK: Senator Newell, he was closing and your light has been on all the time. It has never been off so I just figured you had forgotten it. All those in favor of the Haberman amendment vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? Senator Haberman, I'm going to call the vote.

March 3, 1982

SENATOR HABERMAN: A Call of the House.

SENATOR CLARK: A Call of the House has been requested. All those in favor of a Call of the House vote aye. Record the vote.

CLERK: 9 ayes, 1 nay, Mr. President, to go under Call.

SENATOR CLARK: The House is under Call. All Senators will return to their seats and check in, please. Will all those that are in their seats please check in and we'll get the Appropriations Committee in here. Senator Cullian, will you check in please. Senator Newell, will you check in. If everyone will return to their seats please. We are waiting for the Appropriations Committee. Just as a little side light I thought you might like to know this process usually takes eight minutes to get a vote when you have a Call of the House. Senator Schmit, will you check in please. Sergeant at Arms, will you keep everyone in their seats, please. We're looking for Senator Warner, Senator Rumery, Senator Cope, Senator Dworak, Senator Lowell Johnson, Senator Goodrich. The Clerk would like to read a few things in here while we are waiting.

CLERK: Mr. President, a new A bill offered by the Revenue Committee. (Read LB 740A. See page 950 of the Legislative Journal.)

New resolutions, LR 235 by Senator Kremer and Vickers. (Read.) LR 236 is a resolution offered by Senator Fowler, Beutler and Burrows. (Read. See pages 950-952 of the Legislative Journal.) That too, will be laid over, Mr. President.

Senators Landis, Hoagland, Newell, Beutler, Fenger would like to print amendments to LB 359. (See pages 952-953 of the Legislative Journal.) And I have an Attorney General's opinion addressed to Senator Labeledz regarding LB 138 and LB 531. They will both be in the Journal. (See pages 953-954 of the Journal.)

SENATOR CLARK: Sergeant at Arms, have you gotten the Appropriations Committee? We're looking for Senator Warner, Senator Johnson, Senator Cope, Senator Rumery. Senator Haberman, did you want a roll call vote? Alright, thank you. Senator Dworak, Senator Goodrich, would you check in, please. The Clerk will call the roll.

CLERK: (Read roll call vote as found on pages 949-950 of the Legislative Journal.) 24 ayes, 22 nays, Mr. President.

SENATOR CLARK: The motion lost. Next motion.

CLERK: Mr. President, Senator DeCamp would now move to amend the bill. The amendment is on page 833 of the Legislative Journal.

SENATOR CLARK: Senator DeCamp.

SENATOR DeCAMP: Mr. President, the hour is late. This is a two to three year amendment but a little more complicated. I think with the information that Senator Koch and some of the others put in there I think the problem is adequately addressed. My main concern was getting a three year thing for my people out there and that has been done effectively so I will withdraw the amendment.

SENATOR CLARK: The amendment is withdrawn. Do you have another amendment?

CLERK: Nothing further on the bill, Mr. President.

SENATOR CLARK: Senator Koch, do you wish to move the bill?

SENATOR KOCH: I move to advance 259 as amended to E & R initial.

SENATOR CLARK: You heard the motion. Senator Newell.

SENATOR NEWELL: It is Senator Wesely's and my bill but at this point in time somebody else can have it and maybe Senator Koch ought to have it. I hope this bill gets better because it can't get much worse.

SENATOR CLARK: Is there any further discussion on the advancement of the bill? If not, all those in favor of advancing the bill vote aye, opposed vote nay. The Call is raised so the Budget Committee can go back to work. Voting aye.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 38 ayes, 0 nays, Mr. President, on the advancement of the bill.

SENATOR CLARK: The bill is advanced. We will now go to 774.

March 5, 1982

LB 126, 259, 428, 609, 626, 774

intact the system of evidence that exists now.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature, we've spent so much time that I don't want to take time so I'll just say I respectfully oppose the amendments. I believe we've treated the issue before.

SPEAKER MARVEL: Okay, Senator Chambers, do you want to close on your motion. There are no lights up here. Do you want a roll call vote? Okay, call the roll.

CLERK: (Read roll call vote as found on page 1004 of the Legislative Journal.) 10 ayes, 33 nays, Mr. President.

SPEAKER MARVEL: The motion lost. Okay, we will now proceed with Final Reading. All legislators should be in their seats and the first bill to be read now is LB 126.

CLERK: (Read LB 126 on Final Reading.)

SPEAKER MARVEL: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass. Those in favor vote aye, opposed no. Have you all voted? Clerk, record the vote.

CLERK: (Read record vote as found on page 1005 of the Legislative Journal.) 42 ayes, 2 nays, Mr. President, 3 present and not voting...3 excused and not voting, 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The next bill is LB 428. Yes.

CLERK: Mr. President, if I may right before that, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 626 and recommend that same be placed on Select File with amendments; LB 259 Select File with amendments; LB 774 Select File and LB 609 Select File, all signed by Senator Kilgarin as Chair. (See pages 1005-1006 of the Legislative Journal.)

I have a reference report referring gubernatorial appointments and I have an announcement from the Speaker regarding the scheduling of priority bills for special order consideration.

Mr. President, with respect to LB 428, first of all, Senator Johnson, I believe you had an amendment that you had printed

March 11, 1982

LB 259

SENATOR CLARK: If they have got an amendment on, we will take it off. Do you understand that? Senator Chambers.

SENATOR CHAMBERS: So that I will at least give notice, when I get a chance to read these bills, I may have to do my debating on Final Reading.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: All right, Senator Kilgarin, are we ready then with LB 259? We will be at Ease for just a moment. Go ahead. Senator Nichol, for what purpose?

SENATOR NICHOL: Mr. Chairman, maybe I wasn't listening very carefully but what about the bank bill, are we not going to take that up today or what?

PRESIDENT: All those that have amendments or have any other motions on them will then be taken up as soon as we get these that have absolutely nothing but E & R action. In other words, this is.....

SENATOR NICHOL: Then as soon as we are through with the E & R action we are going to the bank bill, is that what we are doing?

PRESIDENT: Then we come back, nothing loses its order, that's right. Nothing loses its order.

SENATOR NICHOL: Thank you, sir.

PRESIDENT: That is correct. That is correct. We come right back to the order which the Speaker put on the agenda. Senator Kilgarin, LB 259.

SENATOR KILGARIN: I move the E & R amendment to LB 259.

PRESIDENT: Motion is to adopt the E & R amendments to LB 259. Any discussion? All those in favor of the E & R amendments to LB 259 signify by saying aye. Opposed nay. The E & R amendments on LB 259 are adopted. Senator Kilgarin.

SENATOR KILGARIN: I move to advance LB 259.

PRESIDENT: Motion to advance LB 259 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 259 is advanced to E & R for Engrossment. I understand that LB 577 and LB 869 have been deleted from the list that we are handling in this way. Have you got those, Senator Kilgarin? Okay. We will go ahead then with

March 16, 1982

LB 259, 642, 644, 652, 678, 696  
767, 767A, 775, 776, 828, 845

that's where they have the programs that count and a number of kids that need help are being taught so I think that is a little bit misleading. So I believe it is only appropriate for us today to indefinitely postpone LR 240, get on with the business because we're going to have plenty of time to debate the budget in the next couple of weeks. Thank you.

SENATOR CLARK: The question before the House is the indefinite postponement of the resolution. All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: Mr. President, Senator Koch requests a record vote. (Read record vote as found on page 1206 of the Legislative Journal.) 28 ayes, 10 nays, Mr. President, on the motion to indefinitely postpone the resolution.

SENATOR CLARK: The resolution is indefinitely postponed. Senator Lamb. He has some things to read in first.

CLERK: Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 259 and find the same correctly engrossed; 642, 644, 678, 696, 767, 767A, 775, 776, 828, 845 all correctly engrossed. (See page 1207 of the Legislative Journal.)

Senator Haberman would like to print amendments to LB 259 and Senator Slick and Remmers to LB 652. (See page 1207.)

SENATOR CLARK: Senator Lamb.

SENATOR LAMB: Mr. President, I move that we adjourn until nine o'clock tomorrow morning, March 17, St. Patrick's Day, no celebration because Tommy's not here.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. We are adjourned until nine o'clock tomorrow morning.

Edited by

  
L. M. Benischek

Seated under the south balcony are four members participating in the multiregional project on the free and balanced flow of information. They are Mr. Ul-Alam from Bangladesh, Mr. Wanakilala from Tanzania, Mr. Namungalu from Uganda and Mr. Ivancevic from Yugoslavia. They also have with them Mr. Amos Jones the U.S. Escort Officer. Would these gentlemen please stand and be recognized by the only Unicameral Legislature in the United States. Welcome to the Nebraska Legislature. I also would like to take the pleasure to introduce some 70 students of the Youth Citizens Seminar representing 62 counties in the state sponsored by the Nebraska Farm Bureau. They are up here in the north balcony. Would they just all kind of wave to us because we don't want them all to stand up at the same time, but would you just wave. Welcome to your Nebraska Legislature Youth Citizens Seminar. Mr. Clerk, do you have anything to read in before we get started on Final.

CLERK: Very quickly, Mr. President, an explanation of vote offered by Senator Dworak, and I have an Attorney General's Opinion addressed to Senator Haberman regarding LB 890. (See pages 1332 and 1333 of the Legislative Journal.)

PRESIDENT: We are then ready for Final Reading. Sergeant at Arms will secure the Chamber. All members will return to your desks. As soon as you are all back at your desks we will commence with Final Reading. All unauthorized personnel will leave the floor. I might just explain to those visiting the Legislature today that the Constitution requires that on Final Reading the bill be read in its entirety and which requires numerous hours of reading at this time of the session when we have a great number of Final Reading bills. So if everybody will please be at your desks, as soon as you are we will start with Final Reading. As soon as everyone gets to his or her respective desk the sooner we can get under way with Final Reading and then we can get to the business of the day...the rest of the business of the day. Okay, Mr. Clerk, we will commence then with Final Reading. The first bill on Final Reading today is LB 259, Mr. Clerk.

CLERK: Mr. President, Senator Haberman would move to return LB 259 to Select File for a specific amendment. The amendment is found on page 1206 of the Journal.

PRESIDENT: The Chair recognizes Senator Haberman.

SENATOR HABERMAN: Mr. President, I respectfully ask permission to remove that amendment.

PRESIDENT: You are withdrawing the motion. All right, so



March 22, 1982

LB 259, 642, 644, 678

we want to go ahead with Final Reading. Motion is withdrawn. We will proceed then with the Final Reading of LB 259.

ASSISTANT CLERK: (Read LB 259 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 259 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 1334 of the Legislative Journal.) The vote is 44 ayes, 0 nays, 4 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 259 passes. The next bill on Final Reading, Mr. Clerk, is LB 642.

ASSISTANT CLERK: (Read LB 642 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 642 pass? All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 1335 of the Legislative Journal.) The vote is 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

PRESIDENT: LB 642 passes. The next bill to be read on Final Reading, Mr. Clerk, is LB 644.

ASSISTANT CLERK: (Read LB 644 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 644 pass? All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on pages 1335 and 1336 of the Legislative Journal.) The vote is 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

PRESIDENT: LB 644 passes. The next bill to be read on Final Reading, Mr. Clerk, is LB 678.

ASSISTANT CLERK: (Read LB 678 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 678 pass?

March 22, 1988

LR 259  
LB 259, 631, 642, 644, 678, 845,  
696, 767, 767A, 775, 776, 828,

PRESIDENT: Senator Dworak, you wish to withdraw the amendment. Senator Dworak is withdrawing his amendment which was in the Journal and the amendment is withdrawn. So we will now proceed, Mr. Clerk, with the reading of LB 631.

CLERK: (Read LB 631 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied, the question is, shall LB 631 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: (Read the record vote as found on pages 1342 and 1343 of the Legislative Journal.) 38 ayes, 6 nays, 4 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 631 passes with the emergency clause attached. That will conclude Final Reading this morning. Before we take up agenda item #6, the Chair would like to introduce 70 students of the Youth Citizenship Seminar. This is group number two of the Nebraska Farm Bureau representing some 62 counties of our State of Nebraska and they are up here in the south balcony. We welcome you to your Legislature. Welcome. The Clerk will have some matters to read into the record. Proceed to do so.

CLERK: Mr. President, new resolution, LR 259, offered by Senator Haberman. (Read LR 259 as found on page 1343 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, legislative bills read this morning on Final Reading are now ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 259, 642, 644, 678, 696, 767, 767A, 775, 776, 828, 845 and 631. Ready then, Mr. Clerk, for agenda item #6, motions, LB 731.

LR 270

LB 127, 259, 601, 611, 623, 642, 644,  
647, 651-2, 659, 678, 696-7, 700,  
716, 724, 757, 767-7A, 774-776,  
779, 784, 792, 816, 828, 839, 845,  
877, 931, 941, 951, 961-2, 705

March 29, 1982

Mr. President, three communications from the Governor addressed to the Clerk. (Read. Re: LBs 775, 776, 601, 623, 651, 659, 697, 705, 716, 724, 774, 779, 784, 792, 839, 877, 931, 941, 951, 961, 962, 259, 642, 644, 678, 696, 828, 845, 767, 767A. See pages 1415 and 1416, Legislative Journal.)

Mr. President, I have a series of Attorney General's opinions. The first is to Senator Vickers regarding LB 647; one to Senator Wesely regarding LB 700; a third to Senator Hefner regarding LB 611; a fourth to Senator Haberman regarding LB 127; and a fifth to Senator Carsten regarding LB 816. All of those will be inserted in the Legislative Journal.

Mr. President, a new resolution, LR 270 offered by Senator Newell. (Read. See pages 1424 and 1425, Legislative Journal.) That will be laid over pursuant to our rules, Mr. President.

Finally, Mr. President, Senator Wiitala asks unanimous consent to remove his name as cosponsor from an amendment to LB 652, Request 2652.

SENATOR CLARK: Is there any objection? So ordered.

CLERK: That is all that I have, Mr. President.

SENATOR CLARK: All right, is Senator Koch here? I think we will go ahead and pass over Senator Koch's request here until he arrives. We will go to item #5 on General File, the priority bills, the revenue priorities, 757 is the first bill.

CLERK: Mr. President, LB 757 introduced by the Speaker at the request of the Governor. (Read title.) The bill was read on January 11 of this year, referred to the Revenue Committee for public hearing. The bill was advanced to General File, Mr. President.

SENATOR CLARK: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, in the absence of Senator Marvel I suspect that I should take the bill. The bill is very straightforward. There is no committee amendment. It is in its original form to reduce the minimum of the overlevy or cushion from 3% to 2%. It was a recommendation from the Governor in a bill that he had introduced by Senator Marvel and I would move that it be moved from General File to E & R Initial.

SENATOR CLARK: We have a motion on the desk.