

January 19, 1981

LR 6
LB 311-356

read some bills in now, we will recess until 3:30 and come back and hopefully there will be more bills to process and then I would like to have a meeting with the chairmen in Room 1520 at 9:00 tomorrow morning. The Clerk now will....Senator Carsten.

SENATOR CARSTEN: Mr. President, I am hopeful to have a meeting of the Revenue Committee at 3:00. We may be a little late getting back in Exec Session, so I just wanted to alert you of that.

SPEAKER MARVEL: Okay. Senator Carsten is calling a meeting of the Revenue Committee for three o'clock this afternoon. In which room? 1520. Okay, Mr. Clerk, go ahead.

CLERK: Mr. President, first of all, Senator Marsh has an explanation of vote to be inserted in the Journal. (See page 244 of the Legislative Journal.)

New bills, Mr. President. Read by title LB 311-355 as found on pages 244 through 255 of the Legislative Journal.

Mr. President, new resolution. (Read LR 6 as found on pages 255 and 256 of the Legislative Journal.)

Mr. President, Senator DeCamp asks unanimous consent to have the names of all the members added as co-introducers to LR 6.

SPEAKER MARVEL: Okay, the motion before the House is the unanimous consent request that all names be added to the resolution which was just read. Is there objection to that motion? If not, the motion is so ordered.

CLERK: Mr. President, pursuant to our rules....

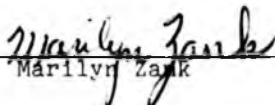
SPEAKER MARVEL: It will be in the Journal?

CLERK: Yes, sir, it will be taken up some time later.

Mr. President, LB 356. (Read title to LB 356 as found on pages 256 and 257 of the Legislative Journal.)

SPEAKER MARVEL: Okay, the motion by Senator Marsh to recess until 3:30 p.m. All those in favor of that motion say aye. Opposed no. We are recessed until 3:30 this afternoon.

Edited by:


Marilyn Zark

LB 9, 34, 51, 78, 91, 124,
125, 133, 150, 178, 195,
205, 223, 272, 273, 273A
277, 317, 320, 321, 345
363, 376, 409, 439, 459

March 6, 1981

PRESIDENT LUEDTKE PRESIDING

REVEREND GERALD LUNDBY: (Prayer offered.)

PRESIDENT: Senator Higgins, do you want to put your light on and then we will make sure we have got enough. Thank you. Record the presence, Mr. Clerk.

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

PRESIDENT: A quorum being present, is there any corrections to the Journal?

CLERK: I have no corrections to the Journal, Mr. President.

PRESIDENT: All right, the Journal will stand correct as published. Any messages, reports or announcements?

CLERK: Yes, sir, I do. Mr. President, first of all, your committee on Education whose Chairman is Senator Koch to whom was referred LB 78 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 317 General File with amendments; 320 General File with amendments; 321 General File with amendments; 91 Indefinitely postponed; 223 Indefinitely postponed; 363 Indefinitely postponed; 439 Indefinitely postponed. (Signed) Senator Koch, Chair.

Mr. President, your committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp to whom was referred LB 376 reports LB 376 to General File with amendments; LB 133 Indefinitely postponed; and 277 Indefinitely postponed. (Signed) Senator DeCamp, Chair.

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 51 and find the same correctly engrossed; LB 125 correctly engrossed; 150 correctly engrossed; 195 correctly engrossed; 205 correctly engrossed; 272 correctly engrossed; 273 correctly engrossed; 273A correctly engrossed; 409 correctly engrossed; and 459 correctly engrossed. (Signed) Senator Kilgarin, Chair.

Mr. President, LB 9, 34, 124, 178 and 345 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LB 9, LB 34, LB 124, LB 178, and LB 345.

May 11, 1981

LB 165, 302, 320, 336

CLERK: (Read roll call vote as found on page 1908 of the Legislative Journal.) 26 ayes, 21 nays, Mr. President, on the motion to adopt.

SENATOR CLARK: The amendment is adopted. Senator Warner, do you want to readvance the bill? The motion is to readvance LB 165 to E & R. All those in favor vote aye. All those opposed vote no. I am going to take a vote on it. It is too close. Record the vote. It didn't turn out to be that close.

CLERK: 34 ayes, 0 nays, Mr. President, on the motion to readvance the bill.

SENATOR CLARK: The bill is readvanced. The Chair is going to recognize Senator Marvel.

SPEAKER MARVEL: I would like to report that we will continue with the present agenda and at about a quarter to twelve we will recess and begin the reading of LB 204. We go back to the original... Pardon me? Okay, all right. We will start reading it at about a quarter to eleven. Quarter to twelve, okay.

SENATOR CLARK: You are going to start reading at quarter to eleven on 204 ?

SPEAKER MARVEL: Pardon me? Pat, do you want to tell him.

SENATOR CLARK: At a quarter to twelve you are going to start reading 204. All right. The Clerk will read 336.

CLERK: Mr. President, if I may right before that, Senator Wagner has amendments to 302 and Senator Cullan to 320 that they would like printed in the Journal. (See pages 1908-1911 of the Legislative Journal.)

Mr. President, I have a motion on 336. Senator Stoney would move to return LB 336 to Select File for a specific amendment. (Read Stoney amendment as found on page 1911 of the Journal.)

SENATOR CLARK: Senator Stoney.

SENATOR STONEY: Mr. President, members of the Legislature, the Talking Book Program here in the state receives a state appropriation of funding which represents approximately 47% of their budget and for those of you who were here in 1979, you will recall that LB 124 was passed and at that time I offered an amendment to limit the funding so that we would have an oversight subsequently with funding and the similar bill was heard before the Education Committee this year to continue the funding

May 19, 1981

LB 320

SPEAKER MARVEL: Senator Koch, do you want to start on LB 320? Okay, Clerk will read the title.

CLERK: Mr. President, LB 320 offered by the Education Committee and signed by its members. (Read title). The bill was read on January 19 of this year. The bill was reported to the Education Committee. The bill was advanced to General File. There are committee amendments pending by the Education Committee, Mr. President.

SPEAKER MARVEL: The Chair recognizes Senator Koch.

SENATOR KOCH: Thank you, Mr. Speaker. LB 320 is legislation that deals with the community colleges in the State of Nebraska. The bill has been amended by the committee. We deleted certain parts of the material in the original bill, and rather than to waste our time I would ask that we adopt the committee amendments and then I will take you through the sections of the bill that still remain and explain exactly how they would function. I ask for the adoption of the committee amendments.

SPEAKER MARVEL: Okay, Senator Koch, there are no lights so do you wish to discuss the committee amendments? Okay. Okay, the motion before the House is the adoption of the committee amendments to LB 320 as explained by Senator Koch. All in favor of that motion vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 26 ayes, 0 nays on adoption of the Education Committee amendments, Mr. President.

SPEAKER MARVEL: The motion is carried. The amendment's adopted. Senator Koch, do you wish to explain the bill, and then we have about four amendments.

SENATOR KOCH: Yes, I will, thank you. What we have in the bill now....originally the community colleges came in and they were requesting that they be allowed to change the role and mission statement that we consider allowing them the privilege of offering a nurse's course for associate degrees and the committee felt that we could not at this time amend the role and missions because it has not yet been demonstrated that this is necessary, so it remains as is. In addition to this, the community colleges are requesting that we expand the programs on general studies. If you recall originally, each campus had one campus designated specifically for general studies,

and we kept that again as a part of role and missions. However, we did amend the bill to allow a metro technical community college to offer a general studies program at their North Omaha Campus, and that is consistent with what we are allowing the other six...or the other five areas to do. So that is in the bill. Now in addition to that, we have a community college that has a difficulty in reaching its 7 percent lid and we talked about that yesterday and this is one of those problems that we have throughout the state, and until we can resolve that, I feel it is imperative then that we would allow Western Tech and any community college for that example if they have to, to go beyond the 7 cents per 100 when they cannot get the 7 percent of their budget because based upon their property tax and other kinds of funds which are sent to the community college. Now Western Tech has unusual problems. They are not able to get there. They just can't get their 7 percent so we are saying to you and advising you to allow this to happen, allow them some flexibility. Their board would have to by two-thirds vote would have to say that we do, indeed, have to exceed and we will go only up to what we are allowed under 285, which is 7 percent, and that is the way that will work. We don't anticipate other community colleges will have the same problem. But you've got to remember because of the problems of property tax assessments and some of these things which are unique to that area probably more than others, that...and they also have some declining enrollment and declining state aid. I think that we have got to try and help them with this problem, at least temporarily. And another item we have is that at the present we say that they can spend their money in a certain way at 2 1/2 mills. What we say presently is that they can levy the 1/2 mill for capital construction, but the revenue must be spent for, one, retirement of student bonds; two, renewal work and deferred maintenance; three, retirement of newly issued bonds; and, four, after paying for the first three items, new capital construction or facility improvements, even then such capital improvements are limited to \$100,000. Now they cannot go to a vote of the people even if they wanted to, so what we are saying is that rather than repeal this, we have increased that amount of \$100,000 to \$200,000 and allowing them to go to a vote of the people. I think most of us are aware of the fact that it doesn't take long to get to \$100,000 today in deferred maintenance. And I think that by leaving this in here we are impugning the integrity of the system, and so we are saying, let's increase it to \$200,000 and when you go over that then you will go to the vote of the people and see whether or not they want to approve of

what you are going to do. So that is the committee amendment again. Now, finally, in Section 5 what we are saying that the 1978 Legislature defined the role and mission of various segments of public higher education and we are suggesting as I mentioned a moment ago that Metro Tech be allowed to establish a general studies course specifically on the North Omaha Campus, and that is where they would provide general studies. And I know that the private colleges have some concerns about this, but I would remind you that unless a student pursues a general course of study, that the likelihood that he would go to a private college or to even the University is not there. Now if he pursues, or he or she pursues general studies, there is a good likelihood that after two years of general studies that student then might matriculate either at the private college or at the University system or state college. So I don't know if this is going to impede the private colleges or the University system, but there are some of those people who are concerned about it. That is the nature of LB 320, and if you have questions I will be happy to answer them.

SPEAKER MARVEL: Senator Nichol, your light is on.

SENATOR NICHOL: Mr. Speaker and members of the Legislature, just a quick word because the hour is getting to the place where you won't listen any more, I am afraid, but one of the things that Senator Koch touched on is critical to the western end. I don't know whether it will affect North Platte yet but it certainly does us and I have spoken to most of you and hope that you will support the committee amendments. Thank you.

SPEAKER MARVEL: Okay, we have some amendments to the bill now, Mr. Clerk?

CLERK: Yes sir. Mr. President, the first amendment I have is offered by Senator Cullan. Page 3, line 14 after the word "will", Senator. It's the 9 line amendment. Okay.

SPEAKER MARVEL: Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, I have distributed to you earlier this morning amendments to LB 320 and this is the first of a couple of amendments which I would like to have considered on this bill. This, I think, is the most critical one as far as the Western Technical Community College area is concerned and as far as the people of western Nebraska are concerned. As Senator Nichol and Senator Koch explained to you, what LB 320 does is allow the current mill levy ceiling for

technical community colleges to be exceeded in those areas which cannot using their current existing tax base raise more than...meet the 7 percent which is under the current spending lid proposal, and this does allow them to exceed their mill levy limitation and it does allow them to meet...raise their expenditures to that level of 7 percent. And we are not sure what this Legislature is going to do with the spending limitation, and so I guess perhaps this bill will have to be changed depending on how we deal with that. But I have to stand and oppose LB 320 unless the amendment which I propose is adopted. What this amendment does, this amendment says that that special tax status for the Western Technical Community College area will be limited to two years. It says that they will be allowed to exceed their current 2 1/2 mill authority for two years only. Now this is a compromise on my part because I do recognize that they have some funding difficulties in the Western Technical Community College area. I think they have had these funding difficulties for many years and I think they are going to continue to have them until we make some basic changes in the structure of the system. But I am not willing as a representative of the western area to allow the people of western Nebraska to be forced to pay higher property taxes for the support of vocational and technical education and for the other community programs than for the rest of the state is. It is wrong, in my opinion, that we pay property taxes for vocational education, postsecondary education any way, but it is clearly wrong to say to the people in western Nebraska, you pay more than 2 1/2 mills to support the technical community colleges and those of you who live in the five other areas of the state, you pay your 2 1/2 mills. That's wrong, and I don't like the philosophy of it at all. But as a compromise I am willing to allow that to persist for two years until we can take a look at a means to achieve some equity. Without this amendment and some other amendments, I will have to oppose LB 320 very vigorously. The philosophy is wrong to force people in western Nebraska to pay more property tax for the support of their technical community colleges than statewide. Now Senator Nichol and I disagree on this issue. He, I guess, is willing to allow them to pay higher property taxes in western Nebraska, perhaps forever. But I am not, and I hope that you will join me and limit this special taxing status of the western area to two years.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Speaker and members of the Legislature, Senator Cullan is correct, we do differ on this. I just want to speak very briefly on one or two items that he mentioned. This has nothing to do with the 7 percent mill limit. You can have any kind of a limit you want and the technical colleges and community colleges are hamstrung because of a bill that was run through this Legislature many years ago that put them in the particular position that no other school in the state is subject to, namely two mill levy limits, or two limits in taxation. Now no other schools in the state are prohibited from reaching their 7 percent, no other one. Now I don't see any reason why we should come here scrounging, begging, down on our knees and two years from now saying, Legislature, please do something as we have been doing, begging the Legislature over the past several years to let us do something to raise more money. What is the college out there doing? Raising approximately 3 percent above its present spending limit. Do you think that is fair as compared to what we are doing with other schools in the state? What's the University of Nebraska getting? You well know. What are the four state colleges getting? You well know. It is no where near 3 percent. I ask that you defeat Senator Cullan's amendment here to sunset this in two years simply to make us suffer, squirm, scrounge and come back begging on our knees.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Chairman, respectfully I would request that Mr. Cullan withdraw his amendment for the time being because 352 is here and it's ahead of this bill, and there may be some changes made on 352. For us to accept his amendment at the present time I think would not be in our best interest. I can understand what he is saying, and I am not totally opposed to it. But there may be some reason to make another kind of amendment on Select File and I would be willing to work with Senator Cullan along with others to try to get the amendment that he is trying to adopt now. So I am asking Senator Cullan in good faith if he would withdraw this amendment until Select File, let us see what happens to 352, and then make the changes that we have to make. I might also add for your edification that Western Tech has some problems that we have all been a part of, one area is with 284. That's a problem. The other one is, railroad taxes. That's a problem. And so we have got to take a look at all systems. Now I would hope Senator Cullan would withdraw the amendment and then at Select File I will work with him along with others to

May 19, 1981

LB 320

try to resolve the concerns he has in good faith.
Thank you.

SPEAKER MARVEL: Senator Lamb.

SENATOR LAMB: Mr. President and members of the Legislature, I rise to vigorously support Senator Cullan's amendment. Senator Nichol misses an important point when he talks about the financial problems of Western Tech and the western part of the state, and that is the fact that property taxes are being used in order to finance this institution of higher learning. It is a philosophical problem that I have had ever since I have been in this Legislature. I share Senator Cullan's concern. Here we are saying we are going to take the lid off the 2 1/2 mill property tax for community colleges in this one instance out in western Nebraska. Now as I have stated before on this floor, the theory behind this is wrong. This is the only system of higher education which uses property tax in order to finance it. The University uses the general fund money. The state colleges use general fund money, no property tax. However, when you get to the community technical colleges, we use a different system of financing. What do we do? About half of it comes from property tax. I submit that is not the proper method of financing those institutions. So in the spirit of compromise, I guess, previously agreed upon in this Legislature, we have said the maximum will be 2 1/2 mills. There will be a 2 1/2 mill ceiling. Now we are coming along with a bill and if you will look at the committee statement, I opposed the bill as it was advanced from the committee, we come along with a bill that is removing that 2 1/2 mill property tax limit. So now what will it be? Well, nobody knows. Nobody knows because if the 7 percent lid is modified then there will be no limit up to whatever the new 7 percent lid or the new lid that replaces the 7 percent, if any. And if there is no lid, then the property tax on western Nebraska will have no limit. So at this point I certainly support Senator Cullan's amendment. It is a reasonable compromise. It allows Western Tech to use the additional money to get additional money from the property tax for a two year period. It's a sunset provision. It is something that needs to be there and I hope you will pass the Cullan amendment.

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: Mr. President and members, I have no strong feeling on the Cullan amendment. I can live with it. I do want to say at this point, I feel strongly either

May 19, 1981

LB 320

we are going to give Western the authority to assess what is necessary to operate a good school or I think this Legislature should merge Western with North Platte, one of the two. There is no use of this school operating below a certain level. Either we want a good school at Western or let's merge it. That was a question that was before us and we established the six vocational technical schools in the State of Nebraska. There was a question then about Western. However, Western is there and they should be given the privilege to operate and operate it like a good school, or we should merge them. Thank you.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. President and members, I rise to echo the comments made by Senator Kremer. As a person living in the midplains area, I recognize the benefits by the technical community colleges. I would point out for the body, however, that Senator Lamb and Senator Cullan, both, have been in the past and are being very consistent today in their dislike for the mill levies levied by the community colleges. But I would point out also that you can change the name of the community colleges if you remove all of the mill levy authority and it certainly wouldn't be community any more. As a matter of fact, I doubt very seriously that there would be as many of the vocational schools as there are right now, particularly in rural Nebraska. I think they do a good job. I don't think that 2 mills or 2 1/2 mills that they might levy is enough to be of any burden on the property taxpayers and I don't think most of them look at it in that fashion. The one thing I think is rather odd, however, is that any increase that might come about with the...what we are trying to give Western and believe me if any of you have been on the Western's campuses, they do need assistance to get more funds. They are doing a good job, but they certainly need more dollars. But Senator Lamb does not, I guess, trust that local board out there to keep them from going hog wild, and I think that is rather strange. Maybe what they need to do is send a letter to Senator Barrett or somebody so he can tell us that they are not going to spend any more than a certain percentage. That would alleviate the concerns of the members of this body. It is strange that we take that trust on the Board of Regents that operate the University system but we don't trust local control, we don't trust the boards that operate the tech schools of this state. I cannot understand that. If we are going to be consistent, it seems to me that we should trust them

May 19, 1981

LB 320

also. I don't think they are going to go hog wild.

SPEAKER MARVEL: Senator Cullan, you are recognized to close on your amendment.

SENATOR CULLAN: Mr. President and members of the Legislature, when the people from the Western Technical Community College area approached me and asked me if I would support LB 320, I told them that I would after considering the bill and studying it on three conditions if three amendments were adopted. Those three amendments will be presented to you before I will vote on this bill. This is the first one. The second one has to do with what I think is the intentional skirting of the intention of the Legislature on capital construction. That amendment is coming. And the third one is also on capital construction. I would ask those of you who do not... are not affected by this amendment and who are really not affected by LB 320 to ask you if you would support the philosophy of the Legislature saying to the City of Omaha or Douglas County, we are willing to lift the limitation on property tax in those jurisdictions. That is what you are asking, that is what is happening here. You are lifting the limitation on property taxing authority in one part of the state. Now if what Senator Kremer has said is true, if what Senator Nichol has said is true, that we ought to support vocational education and take off the restraints, then let's take off the 2 1/2 mil statewide, but let's not just say there are problems in western Nebraska and so we are going to treat western Nebraskans differently. This problem comes to us every year because there is a basic fundamental problem with the system of funding the technical community colleges. I oppose any more property tax authority for these people, because I don't think that there is local control. It is regional control and there is nothing local about a 25 county area, or about a 12 county area. How many of you in this Legislature can name more than two or three members of the board of governors of a technical community college? Very few, I bet. I think that the system is not a local system, but more than anything I think it is wrong to give special taxing authority for an extended period of time to one political subdivision in one part of the state. That is the issue. I hope you will reject it, or I hope you will adopt this amendment and limit that for a period of time. Thank you.

SPEAKER MARVEL: The motion is the adoption of the Cullan amendment. All those in favor of that motion vote aye, opposed vote no. Senator Cullan, what's your pleasure?

May 19, 1981

LB 320

SENATOR CULLAN: Mr. President, I would ask for a Call of the House and a roll call vote.

SPEAKER MARVEL: Shall the House go under Call is the first motion? All those in favor of placing the House under Call vote aye, opposed vote no. Record.

CLERK: 21 ayes, 3 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please return to your seats. Record your presence. Record your presence. Senator Cope. Senator Schmit. Senator DeCamp, Senator Barrett, Landis, Newell, Haberman. Senator Cullan, the three who are not accounted for are Senator DeCamp, Senator Haberman and Senator Barrett. Do you want to go ahead with the roll call? Sergeant at Arms, you are looking for Senator DeCamp and Senator Haberman. Mr. Sergeant at Arms, we have Senator Haberman. Everybody else is here. Senator Cullan we are down to one and he is presumably on his way, Senator Haberman. Okay, call the roll.

CLERK: Roll call vote. 19 ayes, 24 nays, 3 present and not voting, and 3 excused and not voting. Vote appears on pages 2114-15 of the Legislative Journal.

SPEAKER MARVEL: The motion lost. Senator Von Minden, would you like to recess us until 1:45 p.m.

SENATOR VON MINDEN: Mr. President, I move we recess until 1:45 p.m.

SPEAKER MARVEL: All those in favor of recessing until 1:45 p.m. say aye, opposed no. We are recessed until 1:45 p.m.

Edited by:

Marilyn Zank
Marilyn Zank

May 19, 1981

LB 320

RECESS

SPEAKER MARVEL: Has everybody checked in? Okay, we have got a quorum now.

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

SPEAKER MARVEL: Senator Cullan, are you ready on your amendment to 320?

CLERK: Mr. President, Senator Cullan moves to amend the bill and the amendment is on page 1909 of the Journal.

SENATOR CULLAN: Mr. President, I would like to withdraw the amendments I have on LB 320 at this time.

SPEAKER MARVEL: Hearing no objections, so ordered.

CLERK: The next amendment I have is offered by Senator Dworak.

SPEAKER MARVEL: Do you have another one?

CLERK: Well I have one by Senator Haberman.

SPEAKER MARVEL: Senator Koch, do you have any other comments on the bill? We have two...we have one now who is not present. Senator Haberman.

SENATOR HABERMAN: I will withdraw the amendment, Mr. President.

SPEAKER MARVEL: The request is to withdraw the amendments. So ordered. Senator Marsh, for what purpose do you arise?

SENATOR MARSH: I rise to ask what the delay is on the legislative floor?

SPEAKER MARVEL: We have one more legislator who has an amendment. We are waiting for that amendment and if it doesn't....

SENATOR MARSH: If that person is not present can we go on since this is...

SPEAKER MARVEL: Yes, yes. Mr. Clerk, do you have anything on the desk?

CLERK: I have nothing on the bill, Mr. President, other than Senator Dworak's amendment.

SPEAKER MARVEL: Okay. Senator Koch, do you want to advance the bill?

May 19, 1981

LB 320

SENATOR KOCH: I move to advance 320 to E & R initial.

SPEAKER MARVEL: Senator Cullan.

SENATOR CULLAN: Mr. President, what has happened to Senator Dworak's amendment?

SPEAKER MARVEL: Excuse me?

SENATOR CULLAN: What is the status of Senator Dworak's amendment?

SPEAKER MARVEL: We have been awaiting the amendment.

SENATOR CULLAN: I would move Senator Dworak's amendment.

SPEAKER MARVEL: Do you have the amendment?

SENATOR CULLAN: No, I don't. Isn't it on the Clerk's desk?

CLERK: Yes, sir. Senator, if I read it would that help?

SENATOR CULLAN: Yes, I would appreciate that.

CLERK: All right, Mr. President, Senator Dworak would move to amend the committee amendment, Request #2142 on page 769 of the Journal as follows. (Read Dworak amendment as found on page 2115 of the Legislative Journal.)

SPEAKER MARVEL: The Chair recognizes Senator Dworak. We are on LB 320.

SENATOR DWORAK: Mr. President and colleagues, I apologize for being late but I was involved with the Taiwanese delegation and I felt that that was an important requirement on my time. We can't unfortunately be in two places at one time. The amendment that I propose is in compliance with the post-secondary role and mission statements where we spent two years in studying postsecondary education across the State of Nebraska in an effort, in an endeavor to curtail or reduce or stop duplication of effort. I think we are all acutely aware of the financial demands that our colleges, universities and community vocational schools have on the taxpayers of this state. I think everyone in this body is committed to a quality educational program but we have to face the fact that every institution absolutely cannot offer the same thing at taxpayer's expense. Now in the Omaha area and essentially this affects only one vocational community technical attendance center or campus or whatever terminology currently is in vogue in Omaha. In Omaha now we are spending a considerable amount of state resources for University of Nebraska Omaha, the original campus, the downtown campus. We are also spending considerable amount of taxpayer's dollars for the Med School. We, of course, have the facility of Creighton available in Omaha.

The College of St. Mary is available in Omaha and a mere thirty miles away we have Midland College in Fremont. We have Duchesne in Omaha. On the other side we have Bellevue College and of course in Council Bluffs, Beuna Vista. We have Dana in Blair and Iowa Western. Now this is a lot of postsecondary education. To put additional funds to allow this proliferation further I think is a mistake. Now I think we are faced with a very serious serious real problem in this state and that is maintaining what we have in existence without additional expansion. Now the people that put together, and I think Senator Koch, Senator Warner, Senator Cullan, were all members of this postsecondary coordination commission or committee that spent two years. I am sure there are others. Senator Marsh came out with a very strong recommendation, no more. Now there was some concessions made and I think we ought to just clear the air because somebody is going to bring it up. There is a vocational community technical college in Columbus that has some academic transfer courses, Platte Community Technical College. But I think historically we have to remember that when that college joined the system that was a two year junior college and now it is a 60/40 balance with only 40% academic transfer and I think there is another thing that has to be kept in mind and that is the only location in the vast central community technical college system that provides for academic transfer and I think there is some argument, and I would be less than honest with you to say that I have some real serious misgivings as whether that school should have academic transfer, but I think there is some argument in a twenty-six county area with the amount of miles we are talking about and the amount of other postsecondary institutions that are available to those citizens that you can justify some academic transfer in that area. But in the City of Omaha, with all of the postsecondary institutions available to those citizens and many of them at taxpayer's expense, many of them private, it is just absolutely not necessary to serve the citizenry. It is absolutely not necessary and I know I am going to get some criticism from some senators that you are going to be discriminating against a certain class of people and I think I should answer that right now in my open remarks. You know, I do not believe that we should have a different standard or a different level for a certain group of people. I think that is wrong. So I think, I urge this body to face this issue carefully, to understand this issue, to recognize, be cognizant of the historical development of this, to recognize the effort this Legislature has made to stop proliferation, the intense efforts that were made and at the same time we were talking about Super Board and lot of other drastic solutions but open the door. This will be just the first step and if we don't say no now without

some kind of guidance, with some kind of expertise that is going to be more difficult to say no in the future because they are going to be standing in line. This is only the first step. This is only the trial balloon. This is only number one and if we give and grant and crumble on this one, it is pretty hard to say well it was all right for one but not for another. So I very, very, very seriously, very sincerely urge you to take this matter very seriously in your deliberation and stop this, nip it right in the bud right now.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Chairman, members of the body, I appreciate the fact that Senator Dworak hurried back for that rousing speech. If I had a junket like he had I would try to be there with those people too and that is tongue in cheek that I say that, Senator. But he talks about the vast number of postsecondary schools in the Omaha area. One of them is no longer a college and they are all private with the exception of UNO. Having served with Senator Warner, Senator Cullin and others on the role and mission there was supposed to have been a memorandum of understanding that was to have been developed among those private schools and the public school, UNO. To this day that memorandum of understanding has not been developed. I would submit to you that the Fort Omaha Campus is the logical place. It serves a unique community and I also submit to you unless these people have a chance to enter into a general studies program, the odds of their every attending Creighton, Dana, Concordia, Midland, Bellevue or any other private college is probably slim and none. I submit to you in addition that once these people have continued their education again in a general studies course, the odds are very good that they are going to matriculate at another university, either public or private, for the purpose of pursuing a degree. We have granted to the five other community colleges a campus for a general studies and I don't believe this is out of reason for us now to grant this and I would say to the private colleges who are out here waiting for another bill to come up this afternoon that if they want 321 they probably ought to start understanding the role and mission of the technical community colleges because general studies in many cases are supplementary courses that allow these people to continue in search of a technical education so they get a good job entry skill. Certainly several years ago we thought that there would be no need for general studies in Omaha and I am not privy to all the understandings that were made because that time I felt that Metro Tech should have general studies. I did not prevail but until the standing colleges, private and public, are willing to sit down with Metro Tech and come to some sort of memorandum of understanding on general studies

and academic transfer, I have no other choice but to suggest to you that the North Omaha campus, because of its unique kinds of people and the fact that they believe they are deserving of this, I believe it is worth our time to grant to Metro Tech that privilege on that campus only and I would never support any additional campus for general studies any place in the State of Nebraska but I believe in fairness to that community it is needed and they can demonstrate the need. I ask you to reject the Dworak amendment.

SPEAKER MARVEL: Senator Goodrich.

SENATOR GOODRICH: Mr. President, members of the body, I rise in support of the Dworak amendment and I will tell you why. When this bill was first drafted or the community college system up in metropolitan area of Omaha came down originally they asked for nursing studies program and academic transfer program, academic offerings program rather. Now, the committee was wise enough through its committee amendment to delete the nursing program. The Board of the Metro Tech Community College had any number of the Omaha area senators to lunch to lobby us on this particular proposal, this bill, in their behalf in other words, and the particular day I went there was four of us, four of the Omaha senators went to that luncheon. The thing that came out in that luncheon was that there were some vocational courses that they had a market for. They readily acknowledged us, there was about five members of the board plus Dr. Gilliland all at the luncheon. They acknowledged, for example, there are vocational study courses that they are not offering now, they said because they were too expensive to offer. Yet they can ignore that need of the community and jump over into academic offerings and I asked them for example how can they justify that? And well they had an unmet need in the area of Omaha and consequently they felt it their duty to. They also stated emphatically, clearly that Metro Tech Community College campus of Fort Omaha which is all that is being spelled out in this particular bill, and that is what Senator Dworak is trying to eliminate, that was all that they would be able, the only campus that would be able to offer these academic courses in. However, they also clearly stated in this luncheon that they should be offering in South Omaha. They should be offering in all of the campuses, all three of the campuses in the Omaha area. So frankly, I stated to them, right directly to them at the luncheon that I was not in favor of this particular granting of them the right to offer academic courses when they have not even met the vocational needs of the area, when for example, we know that the Board will turn over every so often, just like the Legislature does. We know, for example, that the Dr. Gilliland, the head of the college up there will leave us in four or five years. The average stay of a college president is five to seven

years. Dr. Gilliland has been here a year. Give him another four or five years and he will be gone. They will be back. For that reason I am saying, wait a minute. You have already asked for nursing. Fortunately we cut that out. You are now telling us point blank that there are vocational needs that you have not met. You don't have the money for that but you want us to give you the money to offer academic courses. You want to go into the spending of money for that purpose when you have not met the vocational needs problem in that area. I just don't think it can be justified...(interruption.)

SPEAKER MARVEL: You have a minute left.

SENATOR GOODRICH: Thank you. When the nursing program request was still in the bill I had the research staff downstairs do a research project for me and I asked them, how much tuition would a nursing student pay, for example, for a year's tuition at Metro Tech for a nursing program? That was \$500 or give and take a couple of dollars but rough rounded out it would be \$500. The same course offered by the University the student would pay \$750. So consequently, we will be asking the taxpayers to pay the difference, more to get it at Metro Tech than he or she would if she got it the University campus. It is going to cost money and it doesn't make any difference whether it is nursing or any other programs that they offer. The difference is approximately the same...

SPEAKER MARVEL: Ten seconds.

SENATOR GOODRICH: ...and they say for example, well we offer a lower cost course. I am saying forget the lower cost course. If it isn't a legitimate program, don't be handing students a certificate or an associate degree and let them represent that public as a bona fide degree worthy of what it says when it is not a quality program behind that degree. For that reason...

SPEAKER MARVEL: Your time is up.

SENATOR GOODRICH: ...I ask you to adopt the Dworak amendment.

SPEAKER MARVEL: Senator Newell.

SENATOR NEWELL: Mr. President, members of the body, I rise to oppose the Dworak motion and I think I have a few good arguments that need to be stated and I think that I can discuss fairly accurately some of the questions that some of my colleagues have brought up. First of all I would like to deal with Senator Goodrich's points first because I think those can be more easily dealt with than those tremendous and weighty philosophical arguments that Senator Dworak

provides. The question of academic transfer courses on the Fort Omaha campus is one of real parity with other institutions across this state. The other campuses, all of them, are allowed to offer academic transfer in the majority of the facilities that are available. Now they do prohibit it in certain areas but every other area is allowed to offer academic transfer. Now that is not the case in Metro Tech which is the largest. It is denied that opportunity and I think that inconsistency is one that we ought to deal with but I think we also have to look at the neighborhood in the area that we are talking about providing these academic transfer courses. Frankly one of the reasons I am making this speech, and I supported the role and mission statement of before, and frankly felt that we ought to have some limitations and the only reason I am making this speech is because I think there ought to be this one campus for very unique situations and reasons why we should do that. I supported role and mission and I supported limitation on the growth of the tech schools, even though I have not... I kind of regretted it at some times, especially at last election time there was some times when I really regretted some of my positions on this whole area. Well frankly that is one of the reasons I am up here speaking today because I have not had a change of philosophy but I am going to be just like Senator Goodrich. I am going to represent my constituency as I see it. Senator Goodrich says his is the University and that frankly is a very logical and reasonable thing since his district encompasses the University. I see mine as one that has basically been far away from these kinds of services that have not been able to avail themselves and, in fact, during the campaign last year many, many people talked to me about the whole issue of academic transfer. Many poor people who reside in the North Side felt that they ought to have the opportunity to take these kinds of courses for enrichment and also for transfer if they ever thought they might do that and I heard this many many times in the course of the campaign. Now these were basically poor people, people that are not going to attend those private schools that Senator Dworak rattled off, people that basically if you ask them their religion I don't think they would name Lutheran or Catholic or some of the others, maybe mostly Baptist but I am not... anyway have no way of being sure of that either. The situation is simply this that the competition...

SPEAKER MARVEL: You have a minute, one minute.

SENATOR NEWELL: ...the competition that is being talked about is really not all that sincere or devastating. I don't think and I have every faith that this is not in any way going to detract from those private schools, nor do I believe it is going to detract from UNO. In fact, if it is limited as the

board has indicated they would do to just this one campus we achieve a number of things. We provide for this socioeconomic unique people in Omaha an opportunity to attend school close to their neighborhoods and I think that if they go on, and that is a big if, to acquire to higher education, they would not have gone on directly to the University as freshmen or in either the state colleges or the private schools. So I urge the rejection of the Dworak amendment.

SPEAKER MARVEL: Senator Cullan. Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I rise in support of Senator Dworak's amendment. As you may recall we have just gone through our appropriational process and we have increased our commitment to postsecondary education by 12.6%. Virtually every year we dramatically increase our commitment to postsecondary education and that essentially is our state teacher colleges and our two universities plus our medical school plus our agricultural school. The university system, the postsecondary education that we have is a very high cost operation in this state and one of the reasons it was necessary for us to develop role and mission statements several years ago was to make certain that we could more efficiently use taxpayer dollars to support in given facilities the kinds of educational programs that those given facilities were best able to carry out and we decided several years ago that come September 1, 1980, the Metro Tech Community College ought not to be in a position of offering a general studies degree and one of the reasons we made that decision simply speaking, is because we are putting a lot of tax dollars into offering equivalent courses at the University of Nebraska at Omaha. Now I have heard a number of persons indicate that if the general studies degree is not allowed to be offered at the Fort Omaha Campus there will be a number of persons who genuinely will not be able to pursue or will not pursue the kind of studies encompassed in a general studies program. But one of the things that this Legislature has been very good about, in my opinion, is to make certain that there are funding mechanisms available for low income students. The Goodrich program which bears Senator Goodrich's name is one such program at UNO and the basic purpose of that program is to ensure the availability at UNO of enough financial assistance and other supportive services to assist low income students in being able to obtain a four year course of college study. Now it would be nice to be all things to all people and by that I mean simply it would be good if we really could allow virtually all of the state facilities that we have to provide all kinds of educational programs for the all kinds of people who live in the immediate areas or who want to go to that particular state facility but we can't do that. We

do live in a time of very finite resources and we are compelled to make decisions about how those resources are used. Though I appreciate the real concern for offering the general studies program at the Fort Omaha Campus it seems to me that we have alternate mechanisms available in our city to ensure a quality education for all people who want to receive quality education and it is for that reason I submit that the Dworak amendment ought to carry and we ought to keep Metro Tech in its essential and basic business of offering a very solid vocational program to anybody in our city and elsewhere who want to use it.

SPEAKER MARVEL: Senator Higgins.

SENATOR HIGGINS: Mr. President, Senators, Senator Dworak, if you are here I would like to tell you, one of my thirty-four nieces was the last graduate of Duchesne College. They closed it that year. So it is gone. I don't know how much other misinformation Senator Dworak has offered today but that one I know is wrong since my niece was the last one to graduate from Duchesne College. Metro Tech is the only community college in Nebraska that by law is not allowed to offer a general studies curriculum. I don't know why we pick on that one particular one. Senator Goodrich, I don't think you have got any particular interest in keeping Metro Tech from doing this unless you think it might take students from the Omaha Public Schools where just last night's Omaha World Herald announced Czar Knutzen, his now possible one hundred and one million dollar budget. Now of course, the more students you get in the Omaha school system the bigger the budget. They might even add a new addition on the castle at 40th and Davenport and of course I know that Senator Goodrich does not speak from a prejudiced standpoint since his wife is on the Omaha School Board. I'm sure that that has no relation whatsoever to do with Metropolitan Technical Community College. Do you want to know a little bit about duplication, I think my good friend Senator Dworak said, we're talking about duplication of services. Well, I've got the answer for that. We've got Creighton University and we've got the University of Nebraska at Omaha. Creighton University is private supported. The University of Nebraska at Omaha costs taxpayers millions of dollars. Let's close UNO and everybody can go to a private school. We're going to close a college of engineering so why not the rest of it? Senator Dworak just said he agrees. I think the point I would like to make here is this. Metro Tech does provide something in spite of the Goodrich Foundation. There are people that use Metro Tech because it is the only school available to them at a cost they can afford. I have here a letter from one of those private colleges where I asked them, what is the cost for an RN program for a young girl to go to school and become an RN? University of Nebraska

College of Nursing tuition, 1980-81, \$885 per student per year; Creighton University and they say, quoted from the World Herald, "\$3,750;" Midland College, Fremont, \$3500; College of St. Mary's, \$3,606. Well we don't have an RN program at Metro Tech yet, but I mean, how many people can afford that? Incidentally, I have another niece, I told you I have 34 nieces and nephews, that when her husband was stationed in Kansas, she went to a Metro Tech Community College in Kansas City, Kansas, and became a license practical nurse. Do you know what it cost her? \$325.

SPEAKER MARVEL: You have one minute left.

SENATOR LABEDZ: She is now in Omaha working at a hospital. If you think there isn't a need for Metro Tech, believe me, if we don't provide these people that don't have the money to afford these high priced colleges and they don't get the education, then just figure we are going to have them on the unemployment lines and we are going to pay for them through welfare or unemployment or something. Otherwise, we can give them Metro Tech and make them taxpayers. Thank you, Senators.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I appreciate the way Senator Dworak delicately avoided mentioning that classification of people who would attend school at Metropolitan Technical Community College. They are black people primarily but there are a lot of poor white people there also. I can give you just a very brief bit of background, Senator Peterson, on my educational upbringing. I went to Lothrop School which was an all white school. I went to Tech High School which was all white. I graduated from Creighton University which was white and Catholic. I graduated from Creighton Law School which was controversial, evil and the other things. So, I have been all the way through the schools from elementary school through professional school and I appreciate the value of an education and I have to go through the thing that they like to give, you know, I worked hard when I was little. I did. I worked in a bakery. I had to go there at three-thirty in the morning to clean it up before I went to school. I worked at the post office at night. When I was thirteen years old and in the eighth grade at Lothrop School during summer vacation I worked on construction with a private contractor and on Saturdays during school when it was warm. So I went through all that stuff, however, I would hate to think that everybody would have to do what I did to go to school. I don't think that we ought to say because Abraham Lincoln may have gotten an education in a log cabin, schools ought to be built

on the pattern of a log cabin today and that kind of nonsense has been rejected. The point I am getting to is this. There are many people who have been told the value of an education but it is so expensive. It is so difficult to get from where they live to the place where the school is located. For example, in the area where I live way out to UNO it is too far to walk every day. So there has to be an opportunity to give people a taste of what education can provide and I think that taste ought to be substantial. It ought to show that there is a value in going to school because it can teach you, not only how to make a living, but how to live. How not to just take a trip from one side of the river to get a job but appreciate what you see as you cross the river. There are many things that education will expose us to that nothing else will. Senator Dworak, I can't travel so there are places I will never see but I can read books and I can look at pictures. There are people I will never talk to because either they are too far away in terms of distance or they are dead because they were here a long time ago. But through the wonder of books I can put my mind in contact with them. So if all we had at a technical community college was how to hammer a nail straight or how to make a corner square or how to hang a door or a window or plant gardens, and that is valuable, Senator Peterson. By the way, Senator Peterson voted for the ADC bill after what he said about the gardens and I think that ought to be in the record because he has been quite, he has been castigated quite strongly for that comment but his vote was right. But if those are the only things that are taught in school, people will begin to have the feeling that I could get this without going to school. That experience becomes to their mind what education is about. Personally I want people who live in my area to look beyond just making a living. That is very essential and important but there are other things which they will never be exposed to if all you have is technical education. I would want, Senator Dworak, these courses in general education to be there and I would want them to have such quality that a person could transfer them to an academic setting and blend right in. The only opportunity some of these people will have to taste of this kind of education beyond high school would be in a facility which is located within walking distance of where they live and within reason in terms of what they can spend in their pocketbook for the education.

SPEAKER MARVEL: You have a minute.

SENATOR CHAMBERS: So, yes, as much as I respect Senator Dworak in his sincerity I cannot agree with his amendment and as a matter of fact, I deliberately was not down there when Senator Dworak spoke because I know he is sincere on this issue and sometimes he is so sincere and so intense that when I look at him I think he is going to break. I mean,

May 19, 1981

LB 320

break like an object and I don't want to observe that in my friend, Senator Dworak. So what I wish that he would do is to withdraw his amendment but that failing, I hope that enough members will vote to defeat his amendment so that there is an educational opportunity given to a large number of people who otherwise would not have it.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, this is not an easy subject for me to discuss because I think I could make arguments on either side of the issue and would have to come down obviously on one or the other. A couple things for background, I suspect the primary reason that there are five areas do have, one campus with academic training was the simple fact that they did exist at the time role and mission started including the junior colleges. It went back a great many years and role and mission did limit those areas to one campus which was then in existence. Also I recognize that all education is good. I would never stand on the floor and suggest it is not but I do know there are limits to what can be paid for and still maintain quality. The important thing that I hear of many people discussing here today though is that apparently there is some misunderstanding that courses and programs are two different things. There is absolutely nothing, absolutely not a thing in the role and mission that prohibits the community colleges on those campuses where they do not have academic degree granting from having transfer courses for credit and whether or not the course is accepted for credit of course is dependent upon the accepting institution and the faculty of that institution to accept it. The prohibition that exists in role and mission was not on courses, but on who granted a degree for an entire program and the concept that was envisioned at the time that was put together was at the way you could logically limit duplication and still provide maximum flexibility for courses unless you put restrictions on the type of institution that granted the degree. The student could take the courses at a variety of places perhaps but that the competition in the same area and particularly among tax supported institutions that the competition would not be for who was going to grant the degree but rather a force or attempting to force full cooperation between these various systems. I gather from the lobbying, the comments I have had, and it has been stated on the floor that there are those who oppose it because they are competing systems. I guess I am going to come down on the side of supporting Senator Dworak's amendment, however, to try a little longer to force these various institutions to cooperate and work together in the granting of degrees which they can now do. There is full authority to give the credit transfer courses as I have stated and my concern I guess lies now in whether this is a foot in the door that will continue to be expanded and I think the cooperative effort can be done. There has been great progress made in a couple of areas, well more than that, several areas and I think there is no reason why we could not expect once it is understood that the Legislature expects that kind of cooperative effort between institutions, I see little reason to believe that that cannot be successful

because it is being worked in a number of areas with reluctance perhaps but I think we can end up with quality education opportunities minimal of duplication where it is not necessary and at a more efficient use of tax dollars as well as the students' and families' dollars as the case may be. Why I would agree that the choice is not easy, I think that the greater right would stand on the side at this point to support Senator Dworak's amendment.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. President, members of the body, I appreciate Senator Chambers' comments. As I said before, I am going to state one more time, those universities and colleges are worried about losing students are probably not going to get those students in the first place. Through general studies these students oftentimes are motivated to pursue an academic and professional degree or a very technical area of achievement. They will be the beneficiaries and I have a difficult time understanding why they have such opposition to a general studies program on the Fort Omaha Campus. It is only parity, and I am surprised at Senator Goodrich. He frequently talks about parity for UNO in relationship to UNL. Now he has suddenly forgot parity. I think we ought to talk about that a little bit. You have got to remember that that area that we call Omaha is a rather large metropolitan area, has not a homogeneous grouping of people but a heterogeneous group of people having different needs and talking about expenses, Senator Dworak is talking about this since he is the Chancellor of the Exchequer, appropriations. Community colleges get state aid and that state aid is given to community colleges based upon their weight of courses. And general academic courses are rated as most efficient and cheap courses in terms of costs. So I can't get all excited about that and not only that, but remember, we talked about nursing. It is interesting now when we had the hearing, there were people down there opposed to allowing community colleges to introduce nursing. They said, we have sufficient nurses and we have the institutions training them and we agree with them. However, since that time I was advised that a private school was going to put a full blown nursing program. The same private school was opposing Metro Tech from having that program. Now I have a little difficulty understanding testimony occasionally but that kind of testimony does not, in our best interest and it doesn't necessarily cause me to become a good friend. I understand those colleges defending their own turf but I sometimes think they want to extend their turf too far beyond an area where today we are satisfying a large number of students that are becoming productive students and some of them one of these days are going to be outstanding academic scholars and I think that is what we must do. Therefore, I continue to reject the Dworak amendment.

SPEAKER MARVEL: Senator Barrett.

SENATOR BARRETT: Mr. Speaker, I move the previous question.

SPEAKER MARVEL: Do I see five hands? I do. All those in favor of ceasing debate vote aye, opposed vote no. The motion is to cease debate. Have you all voted? Record the vote.

CLERK: 27 ayes, 0 nays to cease debate, Mr. President.

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

SENATOR DWORAK: Mr. President and colleagues, I can remember when that Postsecondary Coordination Committee started studying the issue of duplication of our postsecondary institutions and we were not talking about private schools. We were talking about duplication of tax supported schools. Three or four years ago I can remember a testimony here in Lincoln where identical courses were being offered at the University of Nebraska and at that time Southeast Community Technical College, exactly same courses, different tuition levels. You know if these community technical schools had their way I am sure there would be absolutely no stopping them. You know, if we don't put some kind of reins on them we are going to see growth that is going to be unbelievable. And now here we have got a bill coming across to take away limitation on capital construction, increase the mill levy, charge people more property tax, no sunset provision and now to allow to expand the statement of role and mission and academic transfer of courses. And that is just going to be the first step and if we allow Metro to do it then we are going to have to allow Southeast to do it and if we are going to allow Southeast to do it we are going to have to let the new school in Grand Island do it which isn't built yet but after we take off the limitation, look out, or the school twenty miles away in Hastings to do it. There just has to be some kind of control. There has to be some kind of guidance. You know we have sat here and lulled ourselves into the concept that we are going to let these people voluntarily coordinate and that is going to eliminate duplication. Now really, with declining enrollments the competition is getting fierce for students. That is really what part of this issue is all about and we've got a great competitive system here with taxpayers' dollars at taxpayers' expense to preserve, to maintain individual empires of the administrators of these various schools. Now we are spending 21 million dollars for UNO, 21 million dollars out of the general fund. We are spending 19 million 280 thousand dollars out of the general fund for the community technical college system. Now when we expand role and mission statements we are, in fact, encouraging additional expenditures

May 19, 1981

LB 320

and I really seriously question if these additional expenditures and this expansion are truly needed. Now if we were denying educational opportunity for anyone in this state I would be the first to lead the parade to make sure everyone had equal educational opportunity but I really really do not believe that is the case in the State of Nebraska today and I challenge anyone to prove to me that that is the case in the City of Omaha today. Of all places Omaha has as much educational opportunity as, more, than other areas of the state. So this is an ill-advised amendment or I mean an ill-advised concept and the amendment will straighten it out. So I urge you to...

SPEAKER MARVEL: You have thirty seconds.

SENATOR DWORAK: ...to support the amendment, to correct the situation and to stop what will be just a parade of requests coming in in subsequent years for every attendance center, for every campus requesting similar permission for academic transfer of courses.

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

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Once more, have you all voted? Record the vote.

CLERK: 26 ayes, 12 nays on adoption of Senator Dworak's amendment, Mr. President.

SENATOR CLARK: The motion is adopted. What is the next motion?

CLERK: Mr. President, I have nothing further on the bill.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Chairman, I move to advance LB 320 to E & R initial as amended.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, I rise to oppose the advancement of LB 320. I would also, I guess you are all familiar with these issues and you have already rejected the one amendment which I put up and I will have others on Select File and so this battle is far from over but before we move this bill I want you to think and perhaps hopefully we will not move this bill. But I want you to think a little bit about what this bill is doing. This bill is increasing the capital construction authority of the technical community colleges, the community college system that we had to bail out a couple years ago by passing legislation that extended their capital construction authority to pay off their bonded indebtedness. We are going to give additional capital construction authority to the technical community college system that ignored, no, not ignored, but very ingeniously figured a way to skirt the intent of this Legislature so far as additional capital construction was concerned in Grand Island. This Legislature put some of these restrictions on the system because we recognized that they were building a campus about twenty miles from where they had already had an existing campus and so how did they skirt it? With the use of revenue bonds. They know, they saw what the intent of this Legislature was. They know that we did not desire additional capital construction and new campuses and the expansion of that facility but they did it anyway and now we are going to pass a bill that or hopefully we will not pass this bill. I hope you will reject this bill that allows them to continue along this path and Senator Koch is proposing that we give them additional capital construction authority as well. But in addition to that we are going to say to the people of western Nebraska, we are sorry, it is too bad, but you should pay higher property taxes to support your technical community college than they do anywhere else. The same concept is taking the lid off any political subdivision in the state but we are going to continue down that road because some people in western Nebraska, and I would guess a minority, believe that the technical community colleges should have that kind of treatment. And maybe one of the reasons that the western Nebraska technical community colleges having this problem every year is that they refuse to face reality. They refuse to cut programs that should be cut. They refuse year after year to put their fiscal house in order. They refuse to look at the assets which they have and to justify and build a good program on that basis. Instead they are always coming down here asking for special treatment and I think that is wrong. They should not have higher property tax authority than people in other parts of the state. They are unwilling to compromise and I think we should defeat this bill, but one thing additionally bothers me very much. This bothers me a lot. When I took my amendments out to the representatives of the technical community college system, their lobbyist told me that their amendment was okay. Then later the amendment

was okay on Select File but not on General File. Well I fail to understand why a concept is okay on Select File and not okay on General File and so he put out the word to the supporters of the technical community college to oppose the Cullan amendment.

SENATOR CLARK: You have one minute left.

SENATOR CULLAN: Now maybe he is not being as sincere with me as he should be but if a concept is okay on Select File Thursday or Friday it should be fine on General File. I don't understand that kind of politics. Maybe I am not as trusting as some members of this Legislature but maybe I have good cause when you look at the activities and the actions because sometimes actions speak louder than words. I oppose LB 320 and I am disappointed in the tactics that have been used on this bill.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, without getting excited or out of line I would just like to respond slightly to Senator Cullan. It is no secret Senator Cullan has had a mad on for technical college and community colleges for several years, especially the ones in the west. I don't understand why. He says that we don't face reality. Well is facing reality getting along on 3% a year increase? If that is facing reality that is what they have been doing out there. Now show me another school that operates on 3% increase a year and I will back off of the bill. He says we come down here every year. Where else are we to go? This Legislature spelled out several years ago how community and technical colleges will get their money and this is still the place that says where we get the money, no other place to go. Let me remind you of one last thing. A few weeks ago we don't have football out there like we do at the state colleges, Senator Cullan, but we do have a basketball team that won a tournament out there and had the right to go down south several states away. I think it was Oklahoma. What do you think they did? They didn't take money from the state coffers to go on that basketball trip. They raised the money there at Scottsbluff and Gering to go and the people chipped in with a couple of programs to send them down there, didn't use any tax money. What do you think of that? If you think this is not living in reality then I don't know what it is all about. I don't think the community technical colleges are demanding much. They are not demanding much raise. I think the bill is extremely acceptable and I urge you to vote for it.

SENATOR CLARK: Senator Koch.

May 19, 1981

LB 320

SENATOR KOCH: Thank you, Mr. Chairman. I renew my motion to advance LB 320 to E & R initial. Before that action is taken I wish to remind my good friend, Senator Cullan. Just recently he wanted us to support money for Chadron which I did because I believe in state colleges and I have never tried to criticize people from that college or any other state college that wasn't on this floor to defend themselves. But I am a little offended by Senator Cullan who refers to the administration at Western Tech and others, the Board of Governors is being irresponsible and not handling their position as they should. He says, cut their programs. Two years ago the Education Committee toured the community college and I want to tell you I was impressed with what they do on so little money that they have and they perform a great service to that part of the state and I am certain that we are going to reap the benefits economically and in a lot of other ways. So, Senator Cullan, I wish that you would not be excited with those of us on this floor because you may be a little excited with other people but at least let's deal with them in equity and fairness and I will stand behind the Board of Governors and the presidents of those community colleges as doing an outstanding job because I met with them frequently and they work under severe conditions like no other postsecondary system does. So, therefore, with that, I would like to have you advance LB 320 to E & R initial without further debate.

SENATOR CLARK: Senator Howard Peterson.

SENATOR H. PETERSON: I would call the question.

SENATOR CLARK: There is no need for that. There is no other motions. The question before the House is the advancement of the bill. All those in favor vote aye, all those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted on the advancement of the bill? Record the vote.

CLERK: 29 ayes, 6 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. I would like to introduce from Senator Hoagland's district, David Wilken under the south balcony, member of the Omaha School Board, his wife Marty and his son Jason. Will you stand up and be recognized please? Welcome to your Legislature. The Clerk wants to read some things in.

CLERK: Mr. President, I have a proposed rules change offered by Senator Wesely. That will be referred to the Rules Committee.

May 20, 1981

LB 213, 243, 320, 321, 488

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill is 213.

CLERK: Mr. President, if I may right before that, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 488 and recommend that same be placed on Select File; 320, Select File; 243, Select File; 321, Select File. All signed Senator Kilgarin, Chair. (See pages 2148 and 2149 of the Legislative Journal.)

May 20, 1981

LB 412, 320, 523

Senator Warner? All right, call the roll.

CLERK: (Read the roll call vote as found on page 2159 of the Legislative Journal.) 25 ayes, 21 nays, Mr. President.

SENATOR CLARK: The amendment is adopted. Any further amendments on the bill?

CLERK: I have nothing further on the bill, Mr. President.

SENATOR CLARK: The question before the House is the advancement of 412. There is a motion.

CLERK: Mr. President, Senator Fowler would move to indefinitely postpone the bill. Under our rules that would lay it over.

SENATOR CLARK: All right, the bill is laid over. Senator Warner.

SENATOR WARNER: I just wanted to indicate I had the same motion up but I thought I didn't need it any more. It is perfectly okay.

SENATOR CLARK: We will now take up 523, the provisions establishing congressional districts, not legislative.

CLERK: Mr. President, if I may right before that, Senator Lamb would like to print amendments to LB 320 in the Legislative Journal. (See page 2159 of the Journal.)

Mr. President, with respect to LB 523, I do have E & R amendments pending, Mr. President.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 523.

SENATOR CLARK: You have heard the motion. All those in favor say aye. Opposed nay. The E & R amendments are adopted.

CLERK: Mr. President, the next amendment I have is from Senator Newell. That is on page 2118 of the Journal.

SENATOR CLARK: Senator Newell.

SENATOR NEWELL: Mr. President and members of the body, I have a motion to amend the bill, that motion would basically split Burt County and reinstate Cass County. It would split

SENATOR CLARK: LB 320.

CLERK: Mr. President, if I may before that Senator Dworak would like to print amendments to LB 552 in the Journal.

Mr. President, with respect to LB 320 there are E & R amendments pending first of all Mr. President.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 320.

SENATOR CLARK: You all heard the motion. All in favor say aye, opposed no. The amendments are adopted. Do you have anything further on the bill?

CLERK: Yes sir, I have a series of amendments. Mr. President, the first is by Senator Lamb. Senator you have a couple of different amendments. I understand that you wish to withdraw those?

SENATOR LAMB: I have a third. . .I'll withdraw those first two and substitute the third one, which is on the desk.

SENATOR CLARK: Has this been printed in the Journal?

CLERK: Mr. President, Senator Lamb. . .no sir, it has not. Do you want me to read it Senator?

SENATOR LAMB: Please.

CLERK: Mr. President, Senator Lamb would move to amend the bill.(Read Lamb amendment).

SENATOR CLARK: Senator Lamb.

SENATOR LAMB: Mr. Chairman, members of the Legislature, this is a compromise amendment which has been approved by those who have been supportive of letting the tech college, the Western Tech College exceed the mill levy limit, the two mill levy limit by an amount which would bring them up to the 7% lid. We have worked out this amendment which is a three, there is a three year sunset and the amendment is on your desks. I'm sorry it is not in the Journal but it is on your desk. This would be sunsetted after three years and the tax levy increase is an additional 2.2¢ on each hundred dollars valuation, that is above the current 7¢ or it is about two and a . . . well a little less than 2½ mills. It is an additional almost a half mill, not quite a half mill. This is the limit that could be exceeded in order to bring these, this school up to the 7% limit. I think perhaps

Senator Nichol or some others who have been involved in these negotiations may wish to comment.

SENATOR CLARK: Senator Koch and then Senator Nichol.

SENATOR KOCH: Mr. Chairman, I'm acceptable to Senator Lamb's amendment. I'll yield the rest of my time to Senator Nichol.

SENATOR NICHOL: Mr. Chairman, also Senator Lamb did want a limit on this. I think it is reasonable and sensible and he has kept it conservative, which I think it should be, and it is certainly acceptable. I recommend his motion.

SENATOR CLARK: Senator Lamb, do you have any closing? Senator Haberman did you want to talk?

SENATOR HABERMAN: We are on the Lamb amendment? I'll wait and talk on the bill.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, I like the Lamb amendment. It looks very similar to the Cullan amendment which looked so bad to everybody on General File. Thank you.

SENATOR CLARK: Senator Lamb, did you want to close on your amendment?

SENATOR LAMB: No closing.

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

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 26 ayes, no nays on the adoption of the Lamb amendment, Mr. President.

SENATOR CLARK: The amendment is adopted. Do you have anything further on the bill?

CLERK: Mr. President, Senator Nichol would move to amend the bill by adding the Emergency Clause.

SENATOR CLARK: Senator Nichol.

May 26, 1981

LB 320

SENATOR NICHOL: Mr. Chairman, I don't know that it is necessary that we have it. The attorney seems to think that even though it goes in ninety days after it would apply to next year but just to be safe I thought we should have it. I move for the adoption of the amendment.

SENATOR CLARK: Senator Haberman, did you want to talk on that amendment? Adding the Emergency Clause.

SENATOR HABERMAN: On the bill?

SENATOR CLARK: No, adding the Emergency Clause.

SENATOR HABERMAN: May I ask a question of Senator Nichol? Senator Nichol, what is the emergency?

SENATOR NICHOL: There isn't any emergency, just so it goes into effect in the year 1981-'82. I'm not sure that it is necessary but in case there is a legal technicality we won't be faced with it. I think it goes in all right. They prepare their budget ahead of time, but it wouldn't go into effect until sometime in the budget year '81-'82.

SENATOR HABERMAN: Thank you.

SENATOR CLARK: Senator Koch, do you want to talk on the Emergency Clause. . . .

SENATOR KOCH: I move the previous question.

SENATOR CLARK: Well there is no one else to talk. The question before the House is the addition of the Emergency Clause. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 25 ayes, 1 nay Mr. President on the motion to adopt the Nichol amendment.

SENATOR CLARK: The amendment is adopted.

CLERK: I have nothing. . . .

SENATOR CLARK: Move the advancement of the bill if you have nothing further on it. The motion before the House is the advancement of the bill. Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature,

Senator Nichol, a question please.

SENATOR NICHOL: Yes sir.

SENATOR HABERMAN: Does the bill still have in the \$200,000 building maximum?

SENATOR NICHOL: We haven't touched that part of it with amendments sir.

SENATOR HABERMAN: Pardon?

SENATOR NICHOL: We haven't touched that part of the bill with amendments that I know of.

SENATOR HABERMAN: It is still there?

SENATOR NICHOL: Yes.

SENATOR HABERMAN: All right thank you. Senator's I would like to point out to you that if you vote for the advancement of 320 what you are doing is you are allowing the Voc Tech Schools to build as many buildings as they wish for \$199,000 ± \$199,999 a piece. Right now there is a limit of a \$100,000. You are going to vote to double that to \$200,000 and at \$200,000 they have to have a vote of the people. But they are not going to go to \$200,000. They are going to go to \$199,999. They are going to build the biggest string of buildings and dormitories and things that you have ever saw before in your life. The citizens aren't even going to know anything about it. When their mill levy goes up and they get their tax receipts and they see this they are going to blame us because they don't even know who is on the Board of Directors of the Voc Tech Colleges. We are going to get the blame. I don't think that it is right that this body should allow any group to go from \$100,000 to \$200,000 in building, of any kind, without a vote of the people. I just think it is wrong. They are going to build dormitories, I understand at one of the Voc Tech Schools. They don't have dormitories at the University of Omaha. Surely if they can get along without dormitories at the University of Omaha they can get along without dormitories at a Voc Tech School. They said they took a poll and the kids within 25 miles said they would like to have dormitories. I have students who ride a bus further than twenty-five miles, so maybe we should build dormitories for the kids out in the country to stay at the high school and the grade school. So I ask you to oppose LB 320, because they are not being up front when they say they have to take a vote if it is over \$200,000. Because they are not going to take a vote. I asked some of them. I

said what if we had this amendment on, that I had prepared that had to take a vote of the people to build a \$100,000 building? This fellow said, oh it would never pass. They would never vote to build a \$100,000 building. So here we are giving them the authority to build a \$199,999 building or buildings. It doesn't even limit the number of buildings. So I am personally going to oppose 320 on that grounds alone. I would ask you to do the same thing. Thank you Mr. President.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: A question of Senator Haberman if he would yield.

SENATOR CLARK: Senator Haberman, will you yield to a question?

SENATOR KOCH: Senator Haberman, is this sort of like the play pen in Chadron?

SENATOR HABERMAN: I wouldn't exactly say it was like a play pen at Chadron. Because I didn't call those things play pens I called them dormitories.

SENATOR KOCH: They are going to do those dormitories through revenue bonds, aren't they Senator Haberman?

SENATOR HABERMAN: You say are they going to?

SENATOR KOCH: Aren't they?

SENATOR HABERMAN: I didn't read that in the bill.

SENATOR KOCH: Well you seem to know a lot about it. So I'm asking the question.

SENATOR HABERMAN: I don't know, Senator Koch.

SENATOR KOCH: Well then I don't think you should make statements which are not quite accurate.

SENATOR HABERMAN: Are they going to build the playpen with tax dollars?

SENATOR KOCH: They're going to build out of my cigarettes I smoke.

SENATOR HABERMAN: With cigarette tax dollars not tax dollars.

SENATOR KOCH: Right. The point is \$199,999.99 is not a whole lot more than that planning money we appropriated for Chadron to build a nice facility for leisure time.

Thank you Senator Haberman.

SENATOR CLARK: Senator Nichol, did you want to...

SENATOR NICHOL: Mr. Chairman, is there anything before the, OK, then I would just say this. Senator Koch covered mostly what I was going to say except that Senator Haberman, you're willing to spend \$6½ million on some one thousand students but you're having a hemorrhage here to raise it from \$100,000 to \$200,000 for something over 30,000 people, students in the state. Senator Haberman, shame on you.

SENATOR CLARK: Question before the house is the advancement of LB 320. All those in favor say aye, opposed nay. The bill is advanced. LB 488.

ASSISTANT CLERK: Mr. President, there are E & R amendments on LB 488.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 488.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed nay. They are adopted.

CLERK: Mr. President, I now have an amendment from Senator Higgins. (Read Higgins amendment as found on page 2277 of the Legislative Journal.)

SENATOR CLARK: Senator Higgins.

SENATOR HIGGINS: Mr. Speaker and members of the Legislature, briefly what this amendment does is give the same increase in salary to the Governor, whoever he or she might be in 1983, as our present Governor felt the ADC people should get, ten dollars a month, a hundred and twenty dollars a year. Before we vote on this I want every one of you who voted with the Governor to recall the Governor's own words when he vetoed LB 561, this is a time for us to be conservative. I am going to read you our own Governor's words back when he sent the message May 13th, not all of it. I am not going to bore you that much. "For the 1980-81 fiscal year through April revenues are approximately 24 million dollars below projections. With this information there is good substantial cause for concern," and this is Governor Thone's words, not mine, "For increased restraint in accomplishing our budget setting duties." Now that was May 13th. Today, Senators, you got another veto message from the Governor, you got another message from the Governor and in it he says, "As I have stated many times recently, with the current downturn in state revenues it is neither prudent nor appropriate to embark on new or expanded programs at this time." I think a 10 thousand dollar a year raise for the Governor

May 26, 1981

LB 411, 216, 320, 352,
406

interlocutory procedure whereas a defendant will have an adequate chance to appeal at the conclusion of a trial and loses no substantive rights. If defendants are allowed to use this mechanism, it is quite possible that they can use this mechanism as a delaying tactic. For that reason in the middle of a trial take up one of these kinds of appeals use three months, six months or whatever until an answer comes back before the case could proceed, or also in the alternative it is possible for them to make an appeal based on certain of the evidence of the prosecution, whereas even without that questionable evidence there would be enough to convict and yet the trial would come to a halt while this barely relevant and perhaps non-material evidence was ruled on by a higher court. In other words, the defendant can use this mechanism if it is allowed to be utilized as a delaying tactic where as the prosecution will not. For that reason I would urge the adoption of Senator Sieck's amendment as found on page 1982 of the Journal to LB 411.

SENATOR CLARK: Is there any discussion on the amendment? If not, all those in favor vote aye, all those opposed vote nay.

CLERK: Senator Clark voting yes.

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

CLERK: 26 ayes, 1 nay, Mr. President, on the motion to adopt Senator Sieck's amendment.

SENATOR CLARK: The amendment is adopted. Is there anything further on the bill? It is now the advancement of the bill. It was returned for a specific amendment. All those in favor of readvancing say aye, all those opposed, the bill is readvanced. Pat, do you have the bills back from Emory?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined and reviewed LB 216 and find the same correctly engrossed, 320 correctly engrossed, 352 correctly engrossed, 406 correctly engrossed. Those are signed by Senator Kilgarin as Chair.

SENATOR CLARK: Senator Haberman, I do believe we are ready for your motion.

SENATOR HABERMAN: Mr. President, members of the Legislature, I move we adjourn until 12:00 tomorrow noon.

May 28, 1981

LB 138, 216, 320, 376,
406, 466, 512.

PRESIDENT: All right, would you verify the vote?
Proceed to verify the vote.

CLERK: (Reread the roll call vote as found on page
2370 of the Legislative Journal.) 24 ayes, 23 nays,
2 present and not voting, Mr. President.

PRESIDENT: The motion fails...the bill fails on Final
Reading.

ASSISTANT CLERK: (Read LB 320 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure
having been complied with, the question is, shall LB 320
pass with the emergency clause attached? All those in
favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on pages
2370 and 2371 of the Legislative Journal.) The vote is
37 ayes, 12 nays. All members were voting.

PRESIDENT: All right, LB 320 passes with the emergency
clause attached. The next bill on Final Reading is
LB 406, Mr. Clerk. And again I would urge all members
to please stay at your desks as much as possible. It
is very confusing to see everybody running around and
politicking on the floor. It just shouldn't be and the
people that sit there would like to have those others
sit there too. Thank you.

CLERK: Mr. President, may I read some material in?

PRESIDENT: Yes, you may.

CLERK: Mr. President, I have a proposed rules change
offered by Senator Wiitala, and, Mr. President, the
bills we read this morning are ready for your signature.

PRESIDENT: Okay, while the Legislature is in session
and capable of doing business, I propose to sign and I
do sign LB 138, LB 512, LB 466, LB 376, LB 216. Proceed
then, Mr. Clerk, with the reading of LB 406.

CLERK: (Read LB 406 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure
having been complied with, the question is, shall LB 406
pass? All those in favor vote aye, opposed nay. Record
the vote.

CLERK: (Read the record vote as found on pages 2371

May 28, 1981

LR 180

LB 320, 406, 551, 553, 554

present this information to you. We have known all along, of course, the importance of the dairy industry in Nebraska and it is a very vital part of agriculture, and we appreciate these Senators bringing this to you. Thank you.

PRESIDENT: Senator Koch, the Chair recognizes you.

SENATOR KOCH: Mr. Speaker, I know that Senator Kahle and I were caught unaware but in that vast District Senator Kahle represents in Red Cloud, Nebraska is an outstanding processor of cheese, so for the good City of Red Cloud we want them to be on the list.

PRESIDENT: And now I must recognize Senator Kahle, I guess, after that.

SENATOR KAHLE: Mr. President and members, not only do we have a cheese plant at Red Cloud, we also have one at Superior. It's been there for many years, and it is in the 37th District, and we certainly don't want to leave them out.

PRESIDENT: Thank you for the clarification and so that we get a travelogue of our great State of Nebraska. I would also at this time like to introduce from Senator Hoagland's District twenty-four 8th Graders from Louis Clark Junior High in Omaha, Ruth Owen, the teacher. They are up here in the north balcony. Do you want to wave to us up there, so we see where you are? Welcome to your Nebraska Legislature. Okay, while the Legislature is in session and capable of doing business, I propose to sign and I do sign LBs 320, 406, 551 and 553 and 554. Mr. Clerk, I guess we are ready then for agenda item #6, resolutions, and commencing with LR 180...Senator Wesely, if you want to read it for the record, Mr. Clerk.

CLERK: Mr. President, LR 180 offered by Senator Wesely. is found on page 1943. (Read LR 180.)

PRESIDENT: The Chair recognizes Senator Wesely.

SENATOR WESELY: Yes. Mr. President and members of the Legislature, this resolution has been pending now for a couple of weeks. It does support the service of the San Francisco Zephyr through Nebraska. I did have a handout that I passed out which shows that the San Francisco Zephyr has increased in ridership from 142,000 in 1978 to over half a million in 1980, which is a clear increase of strong support for the program. All we are asking for

May 28, 1981

LR 189

LB 320, 406, 551, 553, 554.

people who are on the public payroll in Omaha. When he talks about these...I don't if he mentioned a George Garnett, but this man is on the federal payroll with an agency and their agency says whatever the city wants to have them say. So their interest is tainted. He may have mentioned a Mr. McVoy and I notice every time they give his name, they mention him as a member of the Omaha Board of Education but he is really a member of the Omaha Housing Authority, and he has an interest from the standpoint of the Housing Authority accumulating this land in other areas and that is why he is favor of letting them destroy the middle of a housing project development. There are many issues which need to be addressed. And Senator Newell's resolution is ill-advised and ill-conceived. So in order that the issue will remain where it ought to be, I am asking that you kill this resolution and not put the Legislature on record in favor of a project that it doesn't understand which can breed litigation and which could put the state in a very embarrassing position. Because I think if the Legislature pushes the Department of Roads forward, then there could be a type of liability that would accrue to the state as a result of that particular action. So I am asking that you put this matter to rest and vote in favor of the motion that I have up there.

PRESIDENT: The motion before the House then is the motion to indefinitely postpone LR 189. All those in favor vote aye, opposed nay. We are voting on the motion to indefinitely postpone LR 189. Well, Senator Chambers, what do you wish to do? Call of the House? Record the vote.

CLERK: 9 ayes, 17 nays, Mr. President, on the motion to indefinitely postpone.

PRESIDENT: The motion fails. Now do you want to.... Mr. Speaker, do you want to recess now and take this up after lunch, or the resolution? I believe that is what you wanted. So, Senator Newell, do you want to... does anybody want to move to recess then until two o'clock? Yes, he wants to read some things in.

CLERK: If I may, Mr. President, very quickly, the Enrolling Clerk has presented to the Governor LBs 320, 406, 551, 553 and 554. That's all that I have.

PRESIDENT: Senator Newell.

SENATOR NEWELL: Mr. President, I move we recess until two o'clock this afternoon.

LR 146, 180, 188, 189,
191, 194-196

LB 111, 118, 138, 213, 216,
320, 472, 506, 506A, 512,
523, 551, 556, 556A

May 29, 1981

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend John Schmeltzer, Associate Pastor of First Plymouth Congregational Church here in Lincoln.

REVEREND SCHMELTZER: Prayer offered.

PRESIDENT: Roll call. Record the presence, Mr. Clerk.

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

PRESIDENT: A quorum being present, are there any corrections to the Journal.

CLERK: One little one, Mr. President, on page 2378, insert the contents of LR 194.

PRESIDENT: All right, the Journal will stand published as corrected. Any messages, reports or announcements?

CLERK: Mr. President, I have a series of items. Mr. President, I have several communications from the Governor addressed to the Clerk. (Read. Re.: LB 320, 472, 111, 118, 213, 216, 512, 523, 551, 553, 554, 556, 556A, LB 138, LB 506. See pages 2383-2384.)

Mr. President, I have a veto message from the Governor. (Read. Re.: LB 506A. See page 2385 of the Journal.)

Mr. President, I have an Attorney General's opinion addressed to Senator Beutler regarding LB 321; an opinion addressed to Senator Hoagland on LB 213. See pages 2385-2387 of the Journal.)

Mr. President, new resolutions, LR 195 by Senator Koch. (Read. See page 2387-2388.) And Mr. President, LR 196 offered by Senators Wesely, Hoagland, Fowler and Beutler. (Read. See pages 2388-2389.) Mr. President, finally LRs 146, 180, 188, 189, 191 and 194 are all ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LR 146, LR 180, LR 188, LR 189, LR 191, LR 194. Anything further, Mr. Clerk?

CLERK: I have nothing further, Mr. President.

PRESIDENT: We will proceed then with agenda item #4, Final Reading on this final day of the 87th Legislature, first session. The Sergeant at Arms will secure the Chamber.