

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....

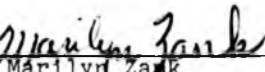
SPEAKER MARVEL: It will be in the Journal?

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 19, 76, 102, 103, 107, 146,
147, 200, 284, 290, 305, 306,
316, 318, 326, 338, 371, 374,
389, 398, 441, 487

March 19, 1981

to LB 290. Have you all voted? One more time, have you all voted? Four. Have you all voted? Okay, record the vote.

CLERK: 16 ayes, 23 nays on the adoption of the DeCamp amendment.

SPEAKER MARVEL: The motion fails.

CLERK: Mr. President, a series of materials to read in: Senator Schmit would like to print amendments to LB 284. (Amendments printed separate and on file in the Clerk's office. Request No. 2118.)

I have an Attorney General's opinion addressed to Senator DeCamp regarding LB 76. (See pages 1026-1028 of the Journal.)

Senator Koch asks to be excused Monday and Tuesday of next week; Senator Fitzgerald excused next Monday.

Your committee on Public Works whose chairman is Senator Kremer reports LB 200 to General File; 326 to General File; 146 to General File with amendments; 147 as indefinitely postponed; 398 as indefinitely postponed, (Signed) Senator Kremer as Chair. (See pages 1028-1029 of the Journal.)

Your committee on Public Health reports LB 389 to General File with amendments and 107 as indefinitely postponed, (Signed) Senator Cullan. (See pages 1030-1032 of the Legislative Journal.)

Senator Chambers would like to print amendments to LB 76. (See pages 1032-1036 of the Legislative Journal.)

Senator Cullan reports LB 487 to General File with amendments, (Signed) Senator Cullan. (See pages 1036-1040.)

Education reports LB 305 to General File; 316 to General File with amendments; 318 to General File with amendments; 338 to General File with amendments; 371 to General File; 441 to General File with amendments, (Signed) Senator Koch. (See pages 1040-1042.)

Mr. President, your committee on Revenue reports LB 19, 102, 103, 306, 374 all indefinitely postponed, (Signed) Senator Carsten, Chair.

SPEAKER MARVEL: Is that it?

CLERK: Yes.

January 12, 1982

LB 511, 338

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of Senator Lamb's amendment.

SENATOR CLARK: The amendment is adopted. Now on the advancement of the bill.

SENATOR LAMB: I move the bill be advanced.

SENATOR CLARK: Do you want to explain the bill?

SENATOR LAMB: Well, the amendment was the bill, so if there are any other questions, I would be happy to respond.

SENATOR CLARK: Is there any further debate on LB 511? If not, the question is the advancement of the bill. All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 28 ayes, 1 nay on the motion to advance the bill, Mr. President.

SENATOR CLARK: LB 511 is advanced. We will now take up LB 415.

CLERK: Mr. President, I have a request from Senator Cullan to pass over LB 415.

SENATOR CLARK: LB 305.

CLERK: Mr. President, Senator Beutler has been excused.

SENATOR CLARK: LB 338.

CLERK: Mr. President, LB 338 was introduced by Senator Koch. (Title read.) The bill was first read on January 19 of last year, referred to the Education Committee for public hearing. The bill was advanced to General File. There are committee amendments pending by the Education Committee.

SENATOR CLARK: Committee amendments, Senator Koch.

SENATOR KOCH: Thank you, Mr. Chairman. The committee amendments are technical in nature and I ask for the adoption of those amendments and then I will go through the bill section by section.

SENATOR CLARK: Is there any further debate on the committee amendments? If not, the question is the adoption of the committee amendments. All those in favor vote aye, opposed vote nay. Have you all voted on the adoption of the committee amendments? Record the vote.

CLERK: 27 ayes, 0 nays on adoption of committee amendments.

SENATOR CLARK: Committee amendments are adopted. Now on the bill, Senator Koch.

SENATOR KOCH: Mr. Chairman, members of the body, in 1978 this Legislature saw fit to establish a role and mission statement for the postsecondary schools in the State of Nebraska. We have never attempted to do the same thing for the public schools of the State of Nebraska and that is what LB 338 is all about. What it does very specifically is that it establishes that every child attending the public schools shall be entitled to a minimum number of hours in units of teaching in specific courses both for the elementary and secondary grades and it is a policy statement that I would hope this body would express for the public schools saying that we believe the boys and girls of this state are entitled to a minimum basic education. Many of us today are bombarded about the schools are not teaching basic education, and if you go through the bill, you will find that we identify the areas which we consider to be basic and that those are the courses that should be offered and that the child or student enrolled should be entitled to a minimum of hours. It also provides that, the amendment that we adopted provides also as well that by 1982 the State Department of Education shall inform the appropriate committees of this Legislature that the public schools are indeed meeting the intent of the role and mission statement we now have. It also provides you and I an opportunity then to review the kinds of activities which our public schools are supporting that we often don't have an opportunity to, well, to survey or to watch it very closely. This piece of legislation is not particularly unique with the State of Nebraska. There are a couple of other states who have adopted similar types of missions and I tried to get this bill introduced a couple of years ago. However, at that time it was not successful. This time I brought it before the Education Committee and you can see by their record that they believe it is worthy of your consideration on the floor. So what we attempt to do in here, and I will go through it very briefly section by section, Section 1 is a statement of purpose and goal for education in the public schools. Don't get concerned that this includes the private schools. It does not, only the public schools. It states the purpose to America which is to preserve and advance the American ideals. It states the purpose to the State of Nebraska which is respond to the needs, values, and aspirations of our citizens and help improve the quality of life. Subsection (3) states the philosophy of human dignity in treatment of individuals in the educational process and subsection (4) states

the philosophy of accomplishing the educational enterprise in an equitable manner for all in terms of treatment as it relates to the research of this state, the stewardship of this state and the quality of education, and section (5) establishes the goals as being the basic...this is subsection (5), I am sorry. Section 2 is the definition and it defines what we mean by basic and subsection (2) talks about being accountable in terms of the patrons of that district, wherever it might be. Subsection (3) identifies the programs offers and those activities which would be identified as educational in nature. Section 3 establishes standards for an educational program which will meet the purpose and goals and subsection (1) provides an elementary student receive a minimum of nine hundred hours of program instruction. Subsection (2) provides for basic areas of instruction and balanced scheduling of the elementary program, and subsection (3) provides for basic areas of instruction for the high school program. Subsection (4) provides that a high school student have access to a total program offering 4500 class hours or 300 units of instruction, and subsection (5) provides for an accountability process and procedure of the educational programs for the patrons or the citizens of the State of Nebraska as well as the Legislature and other interested parties. And Section 4 is the accountability report of compliance with the standards of intent of the role and mission of this piece of legislation. That is the essence of the bill.

SENATOR CLARK: Senator Stoney.

SENATOR STONEY: Mr. President, a question of Senator Koch, if he would respond please. Senator Koch, reading the committee statement, I notice in addition to proponents, there were two people that appeared in opposition to this proposition, and since it isn't defined in the committee statement either what the testimony was for or against this proposition, I wonder if you would be willing to share with us what Miss Stevens and Mr. Eret expressed in the way of opposition.

SENATOR KOCH: Yes, these people...thank you, Senator Stoney. These individuals had a concern. They represented Class I school and they were concerned whether or not a Class I school could meet the intent of the role and mission statement, but the one thing I forgot to tell you is it applies only to approved and accredited schools in the State of Nebraska. So if they are really indeed approved and accredited, they would probably have no problems meeting the intent of the elementary section as we talk about units of instruction and number of hours minimum instruction.

SENATOR STONEY: Senator Koch, one additional question, is this not a proposition that you had offered a couple of years ago you mentioned in the way of a constitutional amendment that was heard before the Constitution Revision and Recreation Committee?

SENATOR KOCH: No, Senator Stoney. That has nothing to do with that amendment and you and I were on the same committee at the time, as I recall. This is only a statement of legislative philosophy of what we believe a public school should be.

SENATOR STONEY: Thank you, Senator Koch. One additional remark in attempting to follow through what Senator Koch has explained when he took it section by section, it appears to be very broad in general language and I think the interpretation subsequently should this become a contested matter would be very, very difficult so I would caution everyone to look at that quite closely. Once again it appears to be rather nebulous rather than being definitive in what it prescribes in the statute. So I would ask that you review it closely before making your final judgment. Thank you.

SENATOR CLARK: Senator Cope.

SENATOR COPE: Mr. President, a question of Senator Koch. Senator Koch, I see no fiscal impact. Would you explain?

SENATOR KOCH: There is no fiscal impact.

SENATOR COPE: Now will this do for secondary education what we now have role and missions on higher education?

SENATOR KOCH: Well, what it does for secondary education is what the Legislature is prescribing here in the section where we say that each approved and accredited school shall offer its students grade nine through twelve the following areas of instruction; language arts, social studies, mathematics, science, vocational education, physical education and health, music and art. The total program as a result for grades nine through twelve shall consist of at least 2,820 class hours per school year.

SENATOR COPE: What I would like to know, eventually there will be a fiscal impact if it is carried out, correct?

SENATOR KOCH: Well, the fiscal impact would not be on the state. Possibly it could be at the local school district level because they are not meeting those minimal standards.

In other words they would have to put in an instructional program if you don't have one in art. They are going to have to make sure that some way or other an art program is developed.

SENATOR COPE: Isn't there a fiscal impact on the roles and missions for higher education at the present time?

SENATOR KOCH: Because we established the Postsecondary Education Commission. That Commission was established by us. The Nebraska Department of Education is already intact and they foresee no fiscal impact as far as they are concerned.

SENATOR COPE: Thank you.

SENATOR CLARK: Senator Dworak, and then Senator Johnson, and then Senator Higgins.

SENATOR DWORAK: Well, Mr. President, I have a question of Senator Koch. I notice in Section 4, Senator Koch, that it says the common schools shall provide a thorough and efficient education program. That phrase rings a bell that at someplace I heard in the past and I am not sure just exactly where. Could you explain to me what a thorough and efficient system is, Senator Koch?

SENATOR KOCH: Yes, I will read you exactly as I have it drafted in the bill. "Thorough education program shall mean a complete and basic curriculum for all schools and pupils which embraces those educational opportunities needed to equip a child for his or her role as a citizen in our society".

SENATOR DWORAK: And efficient?

SENATOR KOCH: Efficient? "Efficient education program shall mean a program in which the schools are accountable to their patrons for a thorough system of education which effectively utilizes the finances available for their operation."

SENATOR DWORAK: Wasn't this the similar wording that was struck down in a referendum several years ago?

SENATOR KOCH: It wasn't defined. It was only used "thorough and efficient". That was the only thing that was in that constitutional amendment. It was not defined.

SENATOR DWORAK: Thank you, Senator Koch.

SENATOR KOCH: The reason I didn't have it in the constitutional amendment, I was going to let the Legislature define it.

January 12, 1982

LB 338

SENATOR DWORAK: Thank you, Senator Koch.

SENATOR CLARK: Senator Johnson.

SENATOR L. JOHNSON: I have a question for Senator Koch please.

SENATOR CLARK: Senator Koch, will you yield?

SENATOR KOCH: Yes, sir.

SENATOR L. JOHNSON: I do not see a record of the opposition of the School Board of the City of Lincoln tabulated. They did have one distributed. Are you aware of that and do you have any comment on that where they say...?

SENATOR KOCH: I am not familiar with that, Senator.

SENATOR L. JOHNSON: ..."We believe such specific of a requirement should be issued as rules and regulations by the State Department of Education not as law by the State Legislature."

SENATOR KOCH: I wasn't aware of that. Obviously the lobbyist didn't see me but I am quite familiar with the Superintendent of Schools, Mr. Prasch, and I have much respect for him and he has never indicated to me that he feels that LB 338 is harmful or would be damaging to the public schools. This is our way of putting rules and regulations into law rather than some other agency.

SENATOR CLARK: Senator Higgins.

SENATOR HIGGINS: Mr. President, I would like to ask Senator Koch a question. Senator Koch, the number of hours prescribed in this bill for education, do they differ in any way with the number of hours required today?

SENATOR KOCH: Not a great deal. By and large, Senator Higgins, if you check most of your systems now, those are minimal hours and you can probably check with Senator Remmers who is a former administrator and knows this as well as anyone else. They are approved standard hours, is what they are, Senator Higgins.

SENATOR HIGGINS: As I read this bill, could it just as easy be a resolution?

SENATOR KOCH: No, because I think it is important this body places into law an intent for role and mission of the public schools, what their thrust should be.

SENATOR HIGGINS: Thank you, Senator Koch.

SENATOR CLARK: Is there any further debate? If not, the advancement of LB 338, do you have anything further on the bill? Senator Nichol wanted to talk first, pardon me.

SENATOR NICHOL: Senator Koch, I am disturbed by all these words and as to what they really mean. For example, in addition to the one that Senator Dworak brought out, on page 3 of the bill, it says, "To organize words and other symbols into acceptable verbal and nonverbal forms of expression, and numbers into their appropriate functions."

SENATOR KOCH: Are you talking at the top of the page?

SENATOR NICHOL: Yes, second paragraph.

SENATOR KOCH: And were you talking about interpretation?

SENATOR NICHOL: Yes.

SENATOR KOCH: "To make use of words, numbers, and other symbols, including sounds, colors, shapes, and textures", right?

SENATOR NICHOL: Yes.

SENATOR KOCH: All right, this is not an unusual statement because in examining some role and missions of public schools now, some of them have this as a part of board policy. What we are saying here is that the children should be taught to be able to interpret not only numbers and words but other kinds of symbols that have meaning and they may be somewhat abstract but we are saying this should be a teaching technique and a matter of instruction if you can possibly do it.

SENATOR NICHOL: Then down further, under Section 2, subsection (2), "Efficient education program shall mean a program in which the schools are accountable to their patrons for a thorough system of education which effectively utilizes the finances available for their operation", and so forth. It just seems like these are a bunch of words that don't really mean anything, and if they do, are they in other sections of the law, and if they are, is this bill really necessary?

SENATOR KOCH: Well, I guess all bills are necessary only in the eyes of the beholder, the introducer. But, Senator Nichol, you know as well as I do, you formerly were in

education as an instructor and it is my belief today that schools are going to start cutting these kinds of programs simply because the state has not been treating them in the fashion I believe is important enough so that they can adequately offer programs we are talking about right here. We are already starting to cut, for instance Beatrice cut vocational education last year. You know that as well as I do and Beatrice vocational education should be a viable program because that is a rural community by and large when you get outside of that city limit. So we are saying here is that we are talking about the local finance but I think we are also saying that the Legislature has got to be very candid about this. If we expect the schools to carry out this role and mission, then we are going to have to help with some additional financing to help bring this all about but it doesn't really commit it to us, it is just words if we don't act financially to help support it.

SENATOR NICHOL: Well, if there is no fiscal impact on this, why isn't there, if we are going to help them out financially?

SENATOR KOCH: You know as well as I do, Senator Nichol, you and I have been proponents of state aid to education for a long time, and until this body acts and the Governor is willing to work with us, more and more of the burden is going to fall at the local level and they are going to have to make vertical cuts as well as horizontal cuts in their programs and the children are going to be the losers.

SENATOR NICHOL: Well, I am not fighting with you, Senator Koch. I am just wondering if we are going to pass this bill, then maybe we should have a fiscal bill, an A bill go with it or provide for some of these demands we are making on them.

SENATOR KOCH: I would like to use our present school finance bill to help subsidize this. You know as well as I do we attempt every year.

SENATOR NICHOL: One other thing, did you say that this would not apply to the Christian schools that we have been....?

SENATOR KOCH: Does not apply to the private schools, no, only public. The Constitution says we are responsible for free public education to every child in the State of Nebraska.

SENATOR NICHOL: Okay, thank you, Senator Koch.

SENATOR CLARK: There is an amendment on the desk.

CLERK: Mr. President, Senator Vard Johnson would move to amend the bill. (Read Johnson amendment found on page 242, Legislative Journal.)

SENATOR CLARK: Senator Johnson.

SENATOR VARD JOHNSON: Mr. Speaker, members of the body, I want you to know and Senator Koch to know that I wholeheartedly support the bill and the Education Committee's effort. One of the things the bill does is the bill says that a high school has a thorough and efficient education program if it meets certain standards and the standards require teaching in the following areas of instruction; language arts, social studies, mathematics, science, vocational, physical education and health, music and art. I think those are very solid basics to be offering in high schools but I think if this Legislature is going to establish for the first time a role and mission statement for our public schools that we ought to state that history is to be taught in the high schools and we ought to state that foreign languages, I don't care whether they are Spanish, they are German, they are Greek or Latin or what have you, ought to be in the high schools in our state. It is incredibly important to us in the 1980s that we educate young men and young women who are conversant in our past which is what the teaching of history does and who are conversant in what is happening abroad which is what the development of foreign language skills do, and so long as the Legislature is in the process of establishing a role and mission statement for the public schools, I think we ought to say that a fairly efficient method of education is provided when we at least teach language arts, social studies, mathematics, science, vocational, physical education and health, music and arts, and in addition, we have foreign languages and we have history. My amendment would add history and foreign languages to the bill. I move the amendment.

SENATOR CLARK: Senator Pirsch on the amendment of Senator Johnson. Senator Cope on the amendment. Senator Koch on the amendment.

SENATOR KOCH: Well, Mr. Chairman, Senator Johnson, language arts is an area of instruction that includes language. Now obviously you want to become more definitive. You are talking about the tongue-tied Americans and I know what you are getting to. At one time when I went through college prep and high school, I had to take two years of language because it was required to get into an accredited college. Well, I can't help that the colleges reduced their standards over the years so they could be bounty hunters and get bodies.

Now then social studies is also a broad parameter and it deals with history and it deals with political science. It deals with world history, Far East history, philosophy, Russian history, whatever that school can possibly put in there. By state law we already say before you can graduate from a public high school, you must have American history, period. That is one of the few courses we prescribe. So I think it is covered now in a broad way, language arts and social studies cover both of the things you want except you want it to become very definitive and put it in there very specifically.

SENATOR CLARK: Senator Higgins, on the amendment.

SENATOR HIGGINS: I am sorry. I was going to speak on the bill.

SENATOR CLARK: Is there any further debate on the amendment? If not, Senator Johnson do you wish to close?

SENATOR V. JOHNSON: Yes, I would. Just for a quick closing, Senator Koch may well be absolutely right that social studies will encompass history. It also encompasses political science, economics and cultural relationships and a lot of other things but I do want to make certain that history is actually covered. I don't want any school to be in a position of not offering somewhere along the line good solid courses in history. Senator Koch points out that we have other statutes that specify we must teach American history in our high schools. Since we are coming up with a comprehensive role and mission statement I think history should be included in our role and mission statement. With respect to foreign languages, frankly I would conclude that the expression "language arts" can be interpreted locally to include basic English, basic expression, literature and the like but does not include foreign languages, and as Senator Koch rightfully points out, we have become a tongue-tied nation. We have become a group of people who no longer emphasize the need for understanding foreign languages and it strikes me that every high school in our state ought to at least have some foreign language program so that we don't continue to graduate young men and young women who truly have no sense of our full relationship to the world. This is a serious amendment and I do offer it and I ask your approval.

SENATOR CLARK: The question before the House is the adoption of the Johnson amendment. All those in favor vote aye, opposed vote nay. Have you all voted? Once more, have you all voted? Record the Vote.

SENATOR V. JOHNSON: I would ask for a Call of the House, Mr. Speaker.

SENATOR CLARK: A Call of the House has been requested.

SENATOR V. JOHNSON: I will ask for a roll call vote as well.

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

CLERK: 15 ayes, 1 nay to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. All unauthorized personnel will leave the floor. All Senators will come in and check in please. Senator Warner, Senator Kremer, Senator Schmit, Senator Wiitala, will you all check in please? Senator Newell, Senator Kahle, Senator DeCamp. Senator Marsh, will you check in please? Is Senator Cullan in the House? We are looking for Senator Schmit and Senator Cullan. We have everyone here that hasn't left the building. Go ahead and call the roll please.

CLERK: (Roll call vote started. See page 242, Legislative Journal.)

SENATOR CLARK: Could we have a little quiet please so the Clerk can hear the response. The Clerk will read the amendment.

CLERK: Mr. President, Senator Johnson moves to amend the bill. (Reread the Johnson amendment found on page 242, Legislative Journal.) (Roll call vote resumed.) 16 ayes, 26 nays, Mr. President.

SENATOR CLARK: Motion lost. We are back on the original bill. Senator Pirsch.

SENATOR PIRSCH: Thank you, Senator Clark and members of the body. I think if you want to establish in the schools a uniform kind of system and you want to establish subject matter in the schools or class hours, then so be it. That is the will of the Legislature but I would like to point out to you some of the pitfalls in this bill or at least what I see as a pitfall in this bill. In Section 4 on page 2, we say that the Nebraska common schools shall provide a thorough and efficient education program which will provide for all persons between those ages the opportunities to develop the values, attitudes, skills and knowledge necessary to become a happy, self-confident, responsible, productive,

and contributing member of society. Now I know that we all feel that way but I want to point out that when this becomes law this will be subject to court action and my brother-in-law happens to be Superintendent of Schools in Pequannock, New Jersey where they have established a thorough and efficient form of schools in the State of New Jersey. My brother-in-law has said that the last seven years since they established that has been pure chaos and more expensive paperwork because you see when you have to prove that you have a thorough and efficient system of schools, that means that you have to write down and you have to produce documentation and you have to go before certain groups and committees and departments to prove, not just what you are doing or how many class hours or what subject matter, but that you have been doing it thoroughly and you have been doing it efficiently and this is a very subjective opinion particularly when what I think is the opportunity to develop the values, attitudes, skills, and knowledge necessary to become a happy, self-confident, responsible, productive, and contributing member of society may not be what my school board agrees with and it will open the way for more court cases also. If you talk about fiscal impact, it is going to be twofold. It is going to be on the blizzard of paperwork which is required of school districts and it will be on our courts as these cases come to our courts and impact on them. Believe me, there is going to be a great fiscal impact. Thank you.

SENATOR CLARK: I think what we are going to do right now is break for lunch. There is no way to finish this thing right now. The Clerk will have to read a few things in first.

CLERK: Mr. President, your committee on Education whose Chairman is Senator Koch reports LB 210 advanced to General File; LB 319 indefinitely postponed, both signed by Senator Koch.

The Education Committee offers a gubernatorial appointment confirmation report.

Committee on Education gives notice of cancellation and rescheduling of a public hearing.

Mr. President, Public Health and Welfare will meet in executive session in Room 1019 upon adjournment today. Public Health and Welfare in Room 1019 upon adjournment.

Notice of Appropriations exec session for Tuesday, Thursday and Friday.

RECESS

January 12, 1982

LB 338, 795, 796

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Sieck, do you want to record your presence? Senator Lowell Johnson, would you record your presence, please? Senator Sieck. Okay, record the vote.

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

SPEAKER MARVEL: The Clerk has some items on the desk.

CLERK: Mr. President, two new bills. LB 795 offered by Senators Wesely and Warner. (Read title). LB 796 offered by Senator Koch. (Read title). (See page 245 of the Legislative Journal).

SPEAKER MARVEL: Okay, we will now discuss LB 338. Senator Cope, do you wish to speak to the bill?

SENATOR COPE: Mr. President and members, after hearing the debate this morning I firmly believe there will be a fiscal impact, now not today but in the future. We are, if we do, passing a mandatory law requiring that school districts comply with the law, and either the local school district or the state are going to pay the costs. Now I am afraid I know where the costs will be paid and that is by the local school district. The state hasn't been known too well for its way of passing a law and then not backing it up with cash. I also think that we are taking responsibility away from the Department of Education and local school districts. I, for one, certainly am not as well versed of what the school districts should teach as the Department of Education and local school boards. So I will oppose LB 338.

SPEAKER MARVEL: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker and members of the body, I want to rise in total and wholehearted support of LB 338. I want to begin by calling your attention again to the Nebraska Constitution, a document that we all ought to familiarize ourselves with as the occasion arises. Section 1 Article VII of the Nebraska Constitution says: "The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of 5 and 21 years. The Legislature may provide for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof." That provision has been in our organic law for a century. What that means very simply is that the State Legislature genuinely sits as the school board for the schools in the

State of Nebraska. Now every now and then you and I have occasion to take a look at the school code and you know that you and I collectively over the last twenty, thirty, forty, fifty years have added provision after provision in the school code with respect to subject offerings in schools such as courses on Americanism, with respect to the way schools express their patriotism such as requiring students to say the Pledge of Allegiance on a regular basis, with respect to who can teach in schools by requiring certified teachers, with respect to a variety of different things. You and I have never been any strangers in carrying out our constitutional responsibility in providing free instruction in the common schools of this state. We have never been any strangers to setting standards for our schools. Very clearly what has happened here is that the Education Committee has offered a solid, sound, responsible role and mission statement for all the public schools in our state to follow. I read the role and mission statement over and it is a statement with which I would have total and absolute agreement. It is clear. It is concise. And it is a very broad expression of what it is we as the peoples' representatives believe all the schools in this state should do as a minimum to ensure educational quality for our children. The fiscal analyst has looked at the statement. They say there is no current fiscal impact. And it may well be that in subsequent years there is a fiscal impact. I don't know. But if there is, so be it. You and I well know that today our society is losing economically to other societies. We continue to read with amazement how the Japanese are able to outproduce our own labor, how the Japanese are able to develop new technologies in areas that we had once been pre-eminent. There are a lot of reasons why those kinds of things are occurring but one of the primary reasons is that we have lost our way when it comes to public education. We no longer demand the excellence of our students that we once demanded. We are prepared to accept "fluff" courses instead of solid learning. We are prepared to underfund the public education because we think that is what the taxpayers really want. That is not true. You and I will inherit the whirlwind tomorrow if we don't provide for our children today. And in my opinion, one of the very basic building blocks in providing for our children today is for us to establish a solid, responsible role and mission statement for our public schools which is what LB 338 is. And if this role and mission statement ultimately requires our commitment of more dollars to public schools, then we should be there with the money because we cannot afford to live in a society of illiterate persons, of people not capable of exercising sound judgment, of people who cannot be creative and cannot think independently for themselves.

I submit that our first responsibility as state legislators, our first responsibility is to ensure quality in our public schools because as our public school goes so go our children. It is for that reason that I totally and wholeheartedly endorse and support LB 338 and I would ask everyone of you in this body to set aside parochial interests, to not overly concern yourselves with the costs, but instead to go with tomorrow....

SPEAKER MARVEL: You have 30 seconds.

SENATOR V. JOHNSON:which is what our children are.

SPEAKER MARVEL: Senator Higgins, do you wish to be heard?

SENATOR HIGGINS: Yes, Mr. President. I thought this bill over during the lunch hour and after listening to Senator Johnson speak and say that money should be of no concern to us because our children are so precious to us and we must look down the road to the future, right now in the county in which I live about 70 percent of our real estate tax goes to education. I am not concerned about that. But if it is our children what we are concerned about, then shouldn't we be advancing a bill today that would put millions of dollars into research for disease, particularly diseases that attack children? In other words, if the argument is going to be if we are going to use children as an excuse for raising taxes, then let's first let them live long enough to go to school. So I don't think that is a very strong argument saying that we will never spend too much money on our children's education. Also as I look at the bill I wonder where they are mandating the different subjects we will teach, we come up with art and music, I think that every child should be exposed to these and I think it would be nice if every school board and every school district across the state can afford to buy musical instruments and teach all these things, but again I think it should be up to the local school boards to decide if they want to offer art, if they want to offer music, if they can afford to offer it. But first let's get the basic fundamentals of education and then go on from there. Thank you, Senators.

SPEAKER MARVEL: Senator Koch is recognized to close on a motion to advance.

SENATOR KOCH: Mr. Chairman, I appreciate this opportunity but I possibly should have reconsidered this morning and passed over LB 338 because obviously this body is not too serious about assuming the responsibility as policymakers. Right now there are probably 15 people who are not back, and

I am always amazed at the number absent shortly after lunch, how long it takes us to get into gear to operate. I am going to speak on behalf of the youth of this state because obviously as policymakers we like to use that neat name often about our grandchildren and our sons and our daughters, and when it gets down to the point of talking about dollars and cents, and I can't see dollars and cents in this piece of legislation in spite of what my good friend, Senator Cope, says and who constantly wants me to vote for Kearney State. I would remind you that education starts at the kindergarten level and starts when you come out of the womb. It doesn't just start at that brick and mortar we place in some Taj Mahal, because we have academia there that we are going to be sure that all young people are going to be able to face this nation tomorrow. That is what we are talking about. I have spent considerable time observing political actions and sometimes I get terribly frustrated because I watch people speak one way and I watch their actions another way, and I would sooner see sermons any time than listen to one. And if you can tell me where the dollars are in this, Senator Cope, I will start raising money on the street corners of Lincoln to help support it. All we are saying as policymakers is we expect the public schools in the State of Nebraska to do these minimal things, and these are not extraordinary. I happen to come from a family not too long ago my father was lucky to go school. He got to the 6th Grade but he had to work the rest of the time and the only day he would go to school would be a day like this when it was too damn cold to do anything else. My father had a great pride for education and it was so great that he put himself in debt to make sure I could go on to higher and better places I would have never been allowed to under any other circumstances. But this generation that we are today we forget how we got where we are. And I want to quote to you, we look at this nation today as becoming a third rate power and we may be closer to it than you think. And I will guarantee you one thing, that the public schools made this nation what it is today and no other system really did it because as one great statesman said, whether you like him or not because of his politics and his name was John F. Kennedy, and I will quote him. "Our progress as a nation can be no swifter than our progress in education. Our requirements for world leadership and our hopes for economic growth and the demands of citizenship itself in an era such as this all require the maximum development of every young American's capacity", and I am talking about Nebraska U.S.A. which is part of this nation. I get tired of people taking on the public schools that we are doing a miserable job, and when you and I have a chance to give them some general direction, we refuse to take the action. After

all the school boards are an arm of this body and nothing more, and school boards by and large probably do a pretty good job but there are some that are not doing a very good job at all. Every time I look at the appropriation to the University of Nebraska and see the amount of money we are appropriating to that institution, I am not anti-University but I just hope the children who matriculate there are able to handle the basics and that is all 338 is it's a basic philosophy on what public schools should be about. If the role and mission is good enough for the postsecondary education in the State of Nebraska, it is good enough for the public schools in the State of Nebraska. We finance very little to the public schools. We finance virtually all to the postsecondary education schools, the biggest share of it. I would like for us to pick up 70 percent of the costs of public education, but this body only treats it on some impulse and we wouldn't have had any more state aid to education if it hadn't been for a few of us who live and die by it every year and then there are those who say, look what I did to relieve your property tax. Usually the chief executive says that when he vetoes it. But this body has had enough courage over the years occasionally to look at the responsibilities, but too often we look in other places and I submit to you today if Japan and Germany and other countries are rising in front of us it is due to some extent that we have been negligent in how we look at the institution of education.

SPEAKER MARVEL: You have one minute.

SENATOR KOCH: Because every dollar you put into it you are going to have dollars returned and every dollar you fail to put into it you are going to have to provide for the welfare and care of people who couldn't make it because they didn't have the same treatment of access and equity that you and I might have had, or they didn't inherit large sums of money so suddenly they become the last of the immaculate conceptions. And I am saying to you go ahead and beat down 338 and I want a record vote because then I want to go to the school boards and the school administrators and others and say, here is your policymakers, this is what they believe in role and mission. There should be no role and there should be no mission, just let it grow up like Topsy and hope that something good happens. Mr. Chairman and members of this body, I sincerely hope that you will search your conscience and that you will vote aye. This state needs a role and mission for public education and they can afford no less and neither can you or I. Thank you.

January 12, 1982

LB 202, 338, 423

SPEAKER MARVEL: The motion before the House is the advancement of LB 338. All those in favor of that motion vote aye, opposed vote no. Record vote has been requested. Have you all voted? Senator Koch.

SENATOR KOCH: I rise to request a record vote, Mr. Speaker. I want it in the Journal.

SPEAKER MARVEL: Record the vote.

CLERK: (Read the record vote as found on page 246 of the Legislative Journal). 18 ayes, 26 nays, 5 excused and not voting, Mr. President.

SPEAKER MARVEL: The motion lost. The next item is 202.

CLERK: Mr. President, I have a request from Senator Chambers to pass over LB 202.

SPEAKER MARVEL: Hearing no objection, so ordered. Before we go to the next item, in the north balcony from St. Paul, Minnesota it is our pleasure to introduce 65 adults of the Cenex which is a Co-op Farm Organization, and they come from all parts of Minnesota and they are enroute from Minnesota down south where they have oil wells. It is our privilege to welcome you to the Unicameral Legislature and congratulate you on the number of times you have visited us and hope you will come back again. Let's give these people a hand. The next bill is LB 423.

CLERK: Mr. President, LB 423 offered by Senator Hoagland and Senator Sieck. (Read title). The bill was first read on January 20 of last year. At that time it was referred to the Education Committee for public hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending by the Education Committee.

SPEAKER MARVEL: The Chair recognizes Senator Koch for the committee amendments. Senator Hoagland.

SENATOR HOAGLAND: Mr. Speaker and colleagues, I am speaking in favor of the committee amendments to LB 423, and let me make clear from the outset that the committee amendments completely replace LB 423 with a bill, LB 254, that was inadvertently killed in the Education Committee last year after the public hearing. And because LB 254 had been killed why I consented permitting Senator Sieck to use LB 423 as a vehicle for LB 254. So the description on the green sheet, of course, is incorrect, and that will be corrected if these committee amendments are adopted and