

He is an upstream muscle mammal and I will pray that he will always be a muscle man. Son, you know, we all mammals have feet and because we have feet we play mammalball which is the most important sport in Mammalary Land and I want you to be sure to develop your feet so you will be an excellent mammalball player." "But why am I different as a mammal," Babble asked? "Son, because you nurse." "Gee, Dad, does that mean I get to go to the nursery?" "Yes, something like that. Son, one other thing you should know. Mammalar or Shirley Marsh is going to put in a bill that will put us mammals on the map." "What do you mean, Pappy?" "Well, she is going to name a mammal of Mammalary Land and when this is accomplished we will truly have arrived at the Shangri-Mammal and we will be living happily ever after in Mammalary Land." Thank you, Mr. President, I just wanted to improve the....

SENATOR CLARK: Cut that man's microphone off.

SPEAKER MARVEL: Okay, the Clerk will read.

CLERK: Mr. President, new bills: (Read title to LB 434-451. See pages 281-286 of the Legislative Journal.)

SPEAKER MARVEL: I wish to make an announcement. From Tehran, Iran, a plane carrying the fifty-two American hostages took off today from Tehran's Mehrabad Airport a policeman at the airport told reporters. (applause.)

In the North balcony from Senator Landis' district it is my pleasure to introduce 11 sixth grade students from Sacred Heart School in Lincoln, Miss Glushenko, teacher. Will you raise your hands so we can see where you are located? Welcome.

March 16, 1981

LB 83, 136, 138, 290, 310,
325, 354, 440, 457

SPEAKER MARVEL PRESIDING

DR. ROBERT PALMER: (Prayer offered.)

SPEAKER MARVEL: Record your presence.

CLERK: Mr. President, Senators Clark, Nichol and Hoagland would like to be excused for the day. Senators Newell, Cullan and Beutler...Beutler is here, Senators Newell, Cullan and Wesely...Wesely is here, too.

SPEAKER MARVEL: Record.

CLERK: A quorum present, Mr. President.

SPEAKER MARVEL: Have you got some items to read?

CLERK: Yes, sir. Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 290 and recommend that same be placed on Select File with amendments; LB 138 Select File. (Signed) Senator Kilgarin, Chair.

Mr. President, your committee on Education whose Chairman is Senator Koch reports LB 440 to General File with amendments. (Signed) Senator Koch.

Your committee on Government whose Chairman is Senator Kahle reports LB 310 to General File with amendments. That is signed by Senator Kahle.

Mr. President, I have reports from the Department of Health, Bureau of Examining Boards pursuant to statutory section; and one from the Department of Administrative Services, State Building Division, both offered in compliance with statutory provisions. They will be on file in my office.

Mr. President, Public Works Committee will meet in executive session at one thirty on March 18, 1981 in Room 1517. That is signed by Senator Kremer.

Mr. President, LBs 83, 136, 325, 354, and 457 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LB 83, LB 136, LB 325, LB 354, LB 457. Okay, let's go to item #4.

CLERK: Mr. President, the first item under gubernatorial

April 14, 1981

LB 389, 318, 440

an economical way to do what we need to be doing to allow someone else to work within that individual's abilities. Sometimes we need one kind of assistance and sometimes we need another but this will allow persons to be partially self-supporting and taxpayers at the same time. I urge your support for LB 389.

SENATOR V. JOHNSON: Thank you. Senator Wesely, do you have any further comments? The question is, shall LB 389 advance to E & R initial. All in favor signify by voting green, opposed vote red. Are there any others wishing to vote on the issue? Yes, it is to advance the bill, Senator Goodrich.

CLERK: Senator Johnson voting aye.

SENATOR V. JOHNSON: Record, Mr. Clerk.

CLERK: 26 ayes, 7 nays, Mr President, on the motion to advance the bill.

SENATOR V. JOHNSON: LB 389 is advanced.

CLERK: Mr. President, if I may read a couple of items. Senator Maresh would like to print amendments to LB 389. Mr. President, Senator Wiitala would like to print amendments to LB 440 and Senator Lamb to LB 318. (See pages 1471-1473 of the Legislative Journal.)

And, Mr. President, finally a new resolution. (Read LR 59.) (See page 1472 of the Journal.) That will be laid over. Mr. President. That is all that I have.

SENATOR V. JOHNSON: Thank you. Senator Steve Wiitala has two guests under the North balcony, Sharon Hotchkiss and Al Zimbleman. Where are you Mrs. Hotchkiss and Mr. Zimbleman? Thank you very much. We are glad to have you here.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Peterson, would you like to adjourn us until nine o'clock in the morning?

SENATOR H. PETERSON: Mr. Chairman, I would move that we adjourn until nine o'clock tomorrow morning.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. We are adjourned until nine o'clock tomorrow morning.

Edited by:

Marilyn Zank
Marilyn Zank

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ing at nine o'clock underneath the North balcony.

Mr. President, Senator Fowler would like unanimous consent to add his name to LB 628 as cointroducer and Senator Stoney as cointroducer to LB 607.

SPEAKER MARVEL: If no objections, so ordered.

CLERK: And finally, Mr. President, I have a gubernatorial confirmation hearing report submitted by the Revenue Committee and that is signed by Senator Carsten. (See page 225 of the Legislative Journal.)

SPEAKER MARVEL: Okay, Mr. Clerk, do you want to proceed.

CLERK: Mr. President, Senator DeCamp asks unanimous consent to pass over LB 126.

SPEAKER MARVEL: As per our definition of passover, so ordered.

CLERK: Mr. President, Senator Fowler would like to pass over 115 and 115A.

SPEAKER MARVEL: Hearing no objection, so ordered. Senator Kilgarin, do you want 440 taken up now? Okay.

CLERK: Mr. President, LB 440 introduced by Senator Kilgarin. (Read title.) The bill was read on January 20, referred to the Education Committee. The bill was advanced to General File. There are committee amendments pending by the Education Committee, Mr. President.

SPEAKER MARVEL: Senator Vickers, as vice chairman, do you want to take up the amendments on LB 440? Senator Koch, do you want to take up the amendments to 440?

SENATOR KOCH: Mr. Speaker, members of the body, I move for the adoption of the committee amendments to LB 440.

SPEAKER MARVEL: Senator Haberman, your light is on.

SENATOR HABERMAN: Yes, I want to speak to the bill but I would like to have the amendments explained.

SPEAKER MARVEL: The Chair recognizes Senator Koch.

SENATOR KOCH: Mr. Speaker, this is a very complicated amendment that the committee offered. What it does was to make sure that it was permissive on behalf of the boards and not mandatory. I ask for the adoption of the amendment the second time.

SPEAKER MARVEL: The question is the adoption of the committee amendments to LB 440. All those in favor of the adoption vote aye, opposed vote no. Have you all voted? Okay, record the vote.

CLERK: 26 ayes, 0 nays on adoption of committee amendments.

SPEAKER MARVEL: Senator Kilgarin, do you wish to explain your bill and then we go to Senator Haberman.

SENATOR KILGARIN: Colleagues, Mr. Speaker, LB 440 is basically permissive legislation and especially since the committee amendments were adopted the technical changes were made to make sure it's permissive and it provides a clear statutory option to local school boards to appoint a nonvoting member representative on the school board. In terms of concept the measure is really taken directly from what has always been a fundamental concept of America and that is those who are affected by governmental decisions should have a voice in those decisions. This was recognized back when the voters approved a constitutional amendment to allow a student member to sit on the Board of Regents. In terms of legislation LB 440 extends that same recognition to secondary schools, yet it is on the basis of option to be exercised at the discretion of the school board individually. For several reasons I think I'd better emphasize that it is a voluntary effort, a voluntary decision to be made by the individual school board. In the past school boards which may have opted to have a student member serve on that board have not known for sure whether or not the state law permitted a student member to serve. LB 440 clearly says that a student member may serve at the discretion of the local board. Having a student member doesn't change the numerical composition of the school board but it is a nonvoting member and it is at the option. A guideline for selection is offered in the bill and it provides that the representative shall be a student body president or a senior class representative or a representative elected by the entire student body. The provision also insures that the student rep is not only one whom students themselves has already placed trust in but one who has displayed interest and commitment and responsibility that is necessary for some meaningful representation on the school board. When I was in high school there were instances where I wanted to have input into the political system and yet I was not sure of what avenue there was for a student to have input into school board policy. If LB 440 passes and school boards exercise their option

to have a student sit on the school board, that would no longer be a problem. Young people who support the bill have written from all over the state from Shickley, Fremont, Ralston, Papillion, some have been pursuing this idea for three or more years and the Student Councils Association of Nebraska also supports this bill. Again, we're not mandating anything in this bill. We're only making the machinery available to school boards who may want to have a student representative on the board and to show that they do want student input into some of their policy decisions. I would ask your support in advancing LB 440 to Select File. Thank you.

SPEAKER MARVEL: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, I rise to oppose LB 440 but before I talk on that I'm glad that it was a simple amendment so that Senator Koch didn't have any trouble explaining it to us. In regards to 440, if a student wants to have input into the school board now they can go to the school board meeting. Therefore, I see no reason to have to put them on the school board. Senator Kilgarin says that it is voluntary. Well what she is going to do if you vote for this bill, you're going to put a lot of pressure on the local school board. They're going to have to come up and defend themselves as to why not. Now what are we going to do in the case of confidentiality of discussing the faculty. Let's say some faculty member has to be talked about and do you want a student there? And the student goes out with his girl friend or his boy friend and says, "Hey, boy, you should have been at the school board meeting. We had that private confidentiality meeting about Mr. So and So. Let me tell you..." And wham! The rumors start around the school. Don't tell me this isn't going to happen because it is going to happen. Now Senator Kilgarin could have gone to the school board meetings when she was in high school. What about confidentiality reports on students that are given by the principals to the school board? Do you mean to tell me that some students are going to sit there and hear these kind of reports and not go out and tell the other students? Sure they are. They may do it deliberately or they may do it by accident sometime when a word or two slips or when they have a beer or two. They might say, "Boy, being on the school board this is what I learned. Let me tell you about Susie So and So." I think we are setting a very, very dangerous precedent here. Now a class officer, elections of class officers in many, many, many

cases are a popularity contest. The election of a class officer is not upon the quality of the student or their understanding of any problems, it is how popular they are. That is how you get to be in many, many cases a class officer. So having one of the qualifications being a class officer doesn't cut too much mustard with me. In Douglas County the poorest voting record according to the voting commissioner is the eighteen and nineteen year olds. Now if they don't care to vote into an election why should we extend to them the privilege of sitting on a board that is elected?

SPEAKER MARVEL: You have a minute.

SENATOR HABERMAN: So I would say to you, let's don't put the pressure on the local school board to have to come up and defend themselves. Let's leave it the way it is. Let's let them run for the school board if they want to, let them attend the school board meetings if they want to and have their input but I don't feel that they should be in on the meetings that teachers, where they discuss teachers' confidentiality, where they talk about problems of other students. I don't think this is a student's business to be in on this. This is the school board's business. So I ask you to oppose 440 and not put the school board in a bind as to having to come up and say no and have articles in the paper and have the students carry placards and raise a lot of you know what because the school board says no. Let's just leave it the way it is. When they get old enough let them run for the school board and serve if they want to. Thank you, Mr. President.

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Mr. Speaker and members, perhaps a question of Senator Kilgarin and the question would be, would this student board member be excluded from the executive sessions that the school board might go into or would they be allowed to attend those?

SENATOR KILGARIN: Senator Kahle, thank you for asking that question. They would be excluded from these personnel decisions simply for the reason Senator Haberman stated. Maybe I should have brought that up in my initial introduction of the bill but they would be excluded from these personnel decisions for the very reason Senator Haberman stated so his concern is unwarranted.

SENATOR KAHLE: So if they were student members and the board went into executive session they would not be able to attend. That is what you are saying?

SENATOR KILGARIN: That is correct, Senator Kahle.

SENATOR KAHLE: So they would not really have the kind of input that perhaps they would like.

SENATOR KILGARIN: Well I think they would have the kind of input that they would like at the public hearing. One of the reasons that many students don't attend these school board meetings is because they have to let the school boards know quite a while in advance to be placed on the agenda and I don't know, it wasn't too long ago, I remember, you know, I had no idea how to be placed on the agenda and with the school board representative non-voting, permissive, school board has control over whether or not they are even on the board, at least they have this opportunity to let their fellow students know how to be placed on the agenda. They let their fellow students know what policy decisions are going to be discussed at the next meeting. You know, I hope that answers your question.

SENATOR KAHLE: Thank you. One of the problems of course would be that even that student school board member could not bring up a subject that wasn't on the agenda. I suppose you could argue that they would be more aware of what the agenda would be. We had this issue in committee when I served on the Education Committee and I think it would take an unusual student to attend the meetings of the school board and unless they attended them all and attended the full length of the school board meeting, I believe they would be very ineffective in doing anything as far as that goes but especially in being influential with any of the issues. I can't imagine a young person wanting to sit from seven-thirty, eight o'clock until ten, eleven, twelve o'clock listening to the old fogies discuss the issues that a school might have. I think they would like to come, give their two cents worth and leave and if that is the case I would not... I think this is one trouble we have with news reporters out in the state especially with county boards. They come, they go and write up their story and then they complain because they are not so welcome but unless you are there all the time and know what is going on it is like this Legislature, if you don't stay here most of the time you aren't going to know what is going on. I would think that school boards could handle this internally without being in statute, that they could say we'd like to have an advisory group or two, one or two people from the student body to come and provide them with some input occasionally. I think that would be much better than putting it in statute. Thank you.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Wesely.

SENATOR WESELY: Mr. President, members of the Legislature, I would stand in support of the bill LB 440 introduced by Senator Kilgarin and I have a number of experiences that I will relate to you that give you the reasons why I do support this concept. First off, I'll tell you about the first experience I had as a young person involved in government. That was the time I represented my senior class at my high school at Northeast here in Lincoln and my job was to come up with a senior gift and I spent months and months working on a gift which turned out to be some shrubbery, some trees, some beautification in the front of that high school that we paid for out of our own monies as students to try and show our appreciation to our high school and we spent a great deal of time landscaping and getting everything prepared and saving the money and that was our class gift. It was then placed in front of our school as soon as we graduated and we left and it just so happened that about a year later plans were announced to expand the high school. All that frontage that we had just beautified was all torn up and the new addition was built on and everything that we planned for and worked for was eliminated and moved on to another high school and what we had tried to do for our alma mater was, in fact, destroyed in the matter of a year after all the work that we put into it. Now how does this relate to the idea of a student serving on the board? I think at the time that we were looking into this project it would have been helpful to have somebody on the board because surely these plans would have been there far in advance of the time it was announced and it was such a short time after we put in these improvements that it was announced that an expansion was in the works. It would have been helpful to have a student on there to relate to us that perhaps we'd better keep that in mind when we were planning our gift and there are many other such projects that students get involved in to help their schools, to work for their schools that I think are beneficial to the schools which they are not kept up as much as they should be as to policy of the school district or the board's actions or potential issues that they need to be aware of in making some decisions that a student member of that board would keep them aware of. It is the same sort of thing as the student members of the Regents provide. They tell the students what is happening, give them an idea of where the decisions are, what the policies are and keep them informed and I think that alone is a valuable asset in this whole question. I think another point in favor of LB 440 is the whole question of citizenship because we have a real problem

in this country with a lack of attention to our role as citizens in a democracy. That is to say that we all have a responsibility as citizens in a free country working to help our government in our society and it seems as though our schools are finally recognizing this responsibility and trying to teach our students the best way to learn about citizenship is to practice it. The best way to learn about our government is to participate in it and where we get our students to participate and become active is by giving them a chance, a goal in which they can have a representative on their local school board. It is the same sort of situation as the Board of Regents. At least there is a voice there that the students have to speak out and to be informed about decisions that affect them directly. There is nobody other than the teachers and staff involved in the school that is more affected by school policy than the students and the school is there to serve the students. That is the whole focal point of our educational system if there is no representative to work for them. As far as high school students not being able to handle the job I have had several high school interns in my office who have done an excellent job and have done as good a job as college students and are as perceptive and able as anybody many years older than they could be in that capacity. They can handle the job if you get the right person. So I think, number one, there are many things that students get involved in school policy that would be helpful to have a student on the board to give their opinions to and to inform students then of what the board is trying to do. Number two, we want to encourage citizenship, that it is important to have students learn that they can be part of the system and learn that they can work through the system to make change and I support trying to encourage them through the school boards if the option is adopted by the local school board to allow that to happen. And with those reasons I think that there is a real strong support and basis on which to allow LB 440 to be passed and encourage our young people to work through the system and be part of our society and good citizens in our country and state. I urge your support for LB 440.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Chairman, members of the body, I can see now why several people passed over their bills today because obviously this body isn't ready to go back to work, not at least in a very serious vein. This bill originally was brought to us by the Nebraska Council of Student Governments. I think the test before us today

is do we really believe in student councils, student government and there is a question in the mind of school board members whether or not they can legally have a student representative on that board or several. I have personally witnessed school boards that have student members presently and I will use school District 66 as an example. They have one student from each of the junior highs, that's three. They have one from each grade level, Grade 10 or the senior high. They are placed on the agenda on a monthly basis and there is a person who is selected to speak to the school board on the agenda on the items which are important to the students as they relate to the general conduct of the school system and they in turn, do not sit in on executive sessions at all and once they have made their report they are free to leave and do not have to go through the enduring efforts of the total school board business and agenda. These students are very bright, very articulate and very perceptive and oftentimes I believe they can help a school board to make a right decision when they are not getting the input from that person who has a property right which is an education in that system. I would hope that you would not today carelessly throw this bill aside. If you believe in student councils, if you believe in student government and you believe in young Americans today like I hear you often say, politically or otherwise, that they are responsible and can make good decisions then I think they deserve the right to permissively sit as a member of a board providing that board so desires. It is still left to the individual boards and I agree with Senator Wesely, if you want to get the young people involved in action as it relates to decision making there is only one way to do it. Let them observe, let them participate. They don't have voting power but at least they would have a voice and they certainly cannot do anything that would damage a school board nor its decision. In fact, they might help some boards in making decisions properly in the best interest of those who are being educated.

SENATOR CLARK: Senator Goll. Senator Dworak.

SENATOR DWORAK: Mr. President and colleagues, I can't see why we are all excited about this particular piece of legislation since it is the option of that local school board. I see nothing wrong with letting that school board putting a student representative on there if they desire. I think it could be a very positive thing in helping to manage and operate a school. Now this doesn't mandate it in any form and if some school boards are uncomfortable with the concept, fine. Sobeit.

Nobody is putting it on them. If the school board wants to use it as a tool and there is some question now as to whether they can or cannot use it, this merely enables them, close it up statutorily if they want to use it as a tool they may. I don't know why we deny these local boards options to run their business the way they want to run it. There is nothing mandatory in this. Some schools are doing it now. I ask the question if they are doing it now why in the world do we need legislation? I think it's a good idea. The answer is, there is some cloud as to whether legally, technically they can do it. I think we ought to eliminate that cloud. There is nothing here that forces it. There is nothing here that mandates it. If a school board doesn't want it, doesn't like the concepts, so be it. They don't have to do it but for heavens sakes, if they want to do it, let's give them all the tools they have. I think this is a good piece of legislation and one that should be supported.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, Senator Dworak, the School Board Association didn't ask for this legislation. They opposed the legislation. But as long as we're going to...but also the bill does not say they are excluded from executive sessions. It does not say that. It says nothing about executive sessions or special sessions. So the next thing we are going to do is we are going to have a bill to put them on city councils, then let's put them on the county boards, NRDs, Educational Service Units, Voc Tech Boards, Health Education, and let's have some down here in the Legislature. We're elected to represent a debate forum but let's don't do this. Let's let the people or the eighteen year olds or the sixteen year olds or the fifteen year olds come down here too. Let's just not stop with the school board. Let's go the whole way and again I say, the local school boards have not asked for this because in those who opposed it was the School Board Association. Why put the pressure on your local school board? The good Lord knows they have enough now, by having them have to say no to a group of students that come up that want to do something. And what is really the purpose going to be if they can't really get in on the nitty-gritty and have their input when they go to these session meetings. If you're going to go, go the whole way, if it means that much to them or if it means that much to the issue. So I say that this is poor legislation. The school boards have enough to worry about. Those school boards who have them now as Senator Dworak

says, I haven't seen any lawsuits. I haven't gotten any letters from anybody saying support this and if they want to invite a group of students in to come in and sit on the school board and have input I think that is perfectly within their right to do so. There is no law against it but I sure don't think we have to pass a law for it. So I will ask you to vote no on LB 440.

SENATOR CLARK: I now have the privilege of calling on an exsuperintendent. Senator Remmers.

SENATOR REMMERS: Mr. Chairman, members of the Legislature, I think it would be a very foolish school board that didn't invite students to come to their meetings to take part in them and give them a chance to voice their feelings about various issues to present the problems that they have in the school. They should always be welcome but it seems to me that the things that Senator Kilgarin suggests this bill to do that any school board can do today. Senator Haberman raised a question that I wanted to ask of Senator Kilgarin. I did not find in the bill that they could be kept out of executive session and I think very definitely that Senator Kilgarin should be given a chance to respond to that and I wondered if she would respond to that question now.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: Yes. Senator Remmers, my interpretation of the bill is that they don't have to be included in executive sessions, however, to answer Senator Haberman's concern and your concern, Senator Wiitala and myself, Senator Wiitala will offer an amendment on Select File or we can offer it now if you prefer, I was just thinking for time's sake, that will say, "any nonvoting student member of the board shall have the privilege of attending all open meetings of the board but shall be excluded from the executive sessions." We can offer that now or we can offer that on Select File. To clarify. Yes, I think it already says that but to clarify it we're going to offer this.

SENATOR REMMERS: Thank you. I don't think the bill says that now and I would be very concerned if it was not included but even then if you include that I see very little need for the bill because I think that they can do that now, I think school boards, in fact, again I'd say the wise school board is already doing that. Thank you.

SENATOR CLARK: Senator Higgins. The question has been

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LB 440

called for. Do I see five hands? I do. All those in favor of ceasing debate vote aye, opposed vote nay. Have you all voted? Record the vote.

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

SENATOR CLARK: Debate is ceased. Senator Kilgarin, do you wish to close on your bill?

SENATOR KILGARIN: Yes, thank you, Senator Clark. Members of the Legislature, some of the concerns raised were legitimate concerns and we will offer the amendment to absolutely clarify about the executive sessions on Select File. One thing that I would like to say is Senator Haberman was right about one thing and that was that the School Boards Association did not request this legislation. The students did. The young people of this state requested it. They want to become involved in the political process of this state. I would think all of you would want to support them in that effort. I remember when I was in high school I wanted very badly to be involved in government in the decision making process of our country but the opportunity was not always there and the school board did not send me invitations to their meeting. As a matter of fact they made me call three and four weeks in advance to be placed on the agenda. Many times I didn't know what was on the agenda and I didn't know how to find out what was on the agenda. I think this is an excellent opportunity for this State Legislature to tell the young people of Nebraska, the student councils of Nebraska, the student leaders of Nebraska that we appreciate their input, that we want their input. The young people of this state are very important to the political process. They need to begin learning because someday they're going to be down here making decisions like you and I are. I would appreciate your support of this bill. I really and truly don't understand what school boards and Senator Haberman are scared of. I really don't understand what they are scared of. I think it is time that we listen not only to the School Boards Associations and the other lobbyists groups, I think it's time we start listening maybe to some of the students and the people of this state and if you will look at the committee record you will see who testified in favor. There was only one person to testify in opposition to this bill. There were many students at the hearing. Not all of them testified but there were many students at the hearing there in support of the bill. I would certainly appreciate your report and I would like to defer the rest of my closing time to Senator Wiitala.

SENATOR WIITALA: Mr. Speaker, members of the body, I would just like to say in closing that when I sat on committee and listened to this bill, originally the bill intended to mandate the school boards that they shall have a nonvoting student member. It was at my suggestion that we make this permissive. What I am saying is when you take a look at the bill in its present form all the safeguards are in place. It is permissive. It is entirely up to the board. Secondly, the student member is nonvoting. Thirdly, on Select File I intend to offer a specific amendment that will address the issue that this student, when it comes to executive sessions, the school board, that they will be excluded. I think the bill is very important because it registers legislative intent that we look upon this as an important issue to our younger members of our society. It also advertises throughout the state to the school boards and school districts that we are interested as a state in seeing representation occur on those boards if those school boards wish so. It is much more difficult for those boards to select on their own volition to do so unless they know that there is precedent already in the state that there are students serving as nonvoting board members and that there will be in the future a good chance that many more will occur. So I would ask you to advance this bill to Select File. Thank you.

SENATOR CLARK: The question before the House is the advancement of LB 440. 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. Senator Kilgarin.

SENATOR KILGARIN: I would like that to be a record vote, please.

SENATOR CLARK: All right, a record vote has been requested.

CLERK: (Read record vote as found on page 226 of the Legislative Journal.) 13 ayes, 21 nays, Mr. President.

SENATOR CLARK: The motion lost. The bill does not advance. Senator Haberman, would you like to adjourn us until tomorrow morning at nine o'clock right after the Clerk has some things to read.

SENATOR VonMINDEN: Yes, Mr. Chairman and members of the body, when we passed this through on a Friday a week ago I don't think anybody really understood what we were doing. I just want to read a little bit of this here from the veteran's counsel. It says, "Due to the current economic conditions we know full well the Nebraska Legislature attempt to not only hold the line on spending but to also hold the line on increasing taxes. In an effort to cooperate with Legislature in their attempts we respectfully request that LB 255 be amended to provide for \$250,000." I just want to alert you people to the attention that the veteran's counsel will go along with reduction of the monies that we get too and I want to commend them for it and let you people know that we're trying to have a reduction of veterans' programs as well as the rest of Nebraska.

SENATOR CLARK: Any further discussion? The question before the House is the advancement of 255A. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

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

CLERK: 25 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The bill is advanced. We're ready for item #5, special order, a thirty minute time limit, LB 440.

CLERK: Mr. President, LB 440 offered by Senator Kilgarin. (Read title.) The bill was first read on January 20 of last year. It was referred to the Education Committee for a public hearing. The bill was advanced to General File, Mr. President. On January 11 of this year the committee amendments were adopted. At that time there was a motion to advance the bill to E & R initial. That motion failed.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: Thank you, Mr. Speaker. First of all there is an amendment on the bill and you can find the amendment on page 1471 of your Journal although I am having Pages hand out a copy of it also. It is on the front and back. Senator Wiitala offered this amendment at my request and it deals with the students who might sit on the school board, whether or not they can sit in executive session and this would prohibit them from sitting in executive session for personnel reasons and this was one of the major objections early on General File that was raised on the bill that people were concerned about these young people sitting in on these personnel matters and I would

urge you to vote to adopt this amendment which would keep the students out of the executive session of the school board meetings. I move for advancement.

SENATOR CLARK: Is there any discussion? Any discussion at all on the bill? Did you want to advance the bill?

SENATOR KILGARIN: No, adopt the amendment.

SENATOR CLARK: I'm sorry. Is there any discussion on the amendment? If not, the question before the House is the adoption of the amendment. All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 25 ayes, 0 nays on adoption of the Wiitala amendment, Mr. President.

SENATOR CLARK: The amendment is adopted. Senator Kilgarin, on the bill.

SENATOR KILGARIN: Yes, what the bill does is it's permissive legislation and I talked to most of you about it. It allows a student to sit as a nonvoting member of a school board if the school board members so desire to do that. It would be like the president of the student council and in Omaha's case it would probably be president of the citywide student council. Now many students have written me about this bill and I'm sure some of you maybe have received letters. If you will remember Senator Wiitala handed out an article about...or Senator Wesely I think it was, handed out an article about a fourteen year old who is running for the Weed Control Board or something like that. I don't necessarily think that fourteen year olds should be running for boards like that but I do think that that shows that young people are interested in our government and it shows that they are concerned and they would like to become involved. And I think this is a good way to get them started. They don't have a vote but they do have a voice. They can learn how board meetings are run, how agendas are set up, what type of issues the school board deals with and yet at the same time it is discretionary at the request of the school board. If the school board doesn't feel that a student should be on the school board even as a non-voting member, they do not have to allow a student to serve in that position. I would urge your support of advancement of LB 440 and I thank you for your support on the amendment.

SENATOR CLARK: Senator DeCamp.

SENATOR DeCAMP: Senator Kilgarin, I wasn't here last time but as I've read the bill with your amendment and I am saying this not critically because I am going to vote for the bill but it does nothing. I mean, they can

do tht now, can't they? A school board could do something?

SENATOR KILGARIN: Yes, they could do something although in present law some school boards in western Nebraska, Senator DeCamp, are questioning whether or not they can allow a student to sit because of the wording which is in the bill that says the board shall consist of so many members and if there is a nonvoting member. That would increase that and they wouldn't be statutorily technically correct.

SENATOR DeCAMP: Okay, so you're just saying they can do what they can do.

SENATOR KILGARIN: Well, yes and no. I am saying that technically this bill should pass so that what they are doing is correct because some of them already are letting a student sit on the board and it is working out quite well.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I would rise to support Senator Kilgarin's legislation in its current form. My first experience with government was as Hemingford High School's first representative on the school board and it was in a similar capacity. I didn't vote but I did have the opportunity to participate and they frequently asked questions about activities and about teacher evaluations and other things and it was kind of an interesting experience. I also think that as one of the younger individuals in the Legislature still that I am living proof of the fact that all young people are not wild, conservative Democrats like Wesley and some of the others in here so you shouldn't be threatened by letting a few young conservative Republicans sit on school boards.

SENATOR CLARK: Any further discussion? Senator Kilgarin, do you wish to close?

SENATOR KILGARIN: I think that Sam's testimony or Sam's speaking there was very adequate. I appreciate that very much and Sam is living proof of the fact that young people do get involved and they want to and they are not all liberals, right? But out in western Nebraska I think a lot of students out there would like to be involved in their school board. I would urge your support for this and I won't take up any more time. Thank you.

SENATOR CLARK: The question before the House is the advancement of LB 440. All in favor vote aye, opposed vote nay.

February 2, 1982

LB 440

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Have you all voted? We have thirteen excused. We're voting on the advancement of 440. Once more, have you all voted? The Clerk will record the vote. Senator Kilgarin.

SENATOR KILGARIN: I hate to do this but I request a Call of the House and a roll call vote.

SENATOR CLARK: Well we have thirteen excused so we are looking for three people. A Call of the House has been requested. All those in favor of a Call of the House vote aye, opposed vote nay. Record the vote.

CLERK: 16 ayes, 0 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. All unauthorized personnel will leave the floor please. All senators will take their seats and check in please. Senator Haberman. All senators will take their seats please. Senator Kilgarin, did you want a roll call vote? We have thirteen excused so everyone is here. Even more than that. The Clerk will call the roll.

CLERK: (Began roll call vote.)

SENATOR CLARK: We will have to have a little quiet so the Clerk can hear the response please. If the people under the North balcony will kindly keep quiet.

CLERK: (Continued with roll call vote as found on pages 504-505 of the Legislative Journal.) 25 ayes, 18 nays, Mr. President.

SENATOR CLARK: The bill is advanced. We are ready for item #7, LB 314. Senator Chambers, for what purpose do you arise?

SENATOR CHAMBERS: #6 comes before #7.

February 4, 1982

All Senators that are in their seats, please check in. Will you all check in or shall I call out the names? Senator Sieck, Senator Kremer. All right, they are all here. Do you want a roll call vote? The Clerk will call the roll. They are all here.

CLERK: (Roll call vote taken. See page 545, Legislative Journal.) 27 ayes, 20 nays, Mr. President.

SENATOR CLARK: The motion lost. The next motion is to place #758 on General File notwithstanding the action of the committee. Senator Fowler. The Clerk would like to read in and the Call is raised.

CLERK: Mr. President, your committee on Revenue whose Chairman is Senator Carsten instructs me to report LB 819 advanced to General File with the committee amendments attached. That is signed by Senator Carsten as Chair. (See page 546 of the Journal).

Mr. President, Banking, Commerce and Insurance gives notice of cancellation of hearing. Signed by Senator DeCamp.

Mr. President, Senator Wesely would like to withdraw LB 237. That will be laid over.

Senator Vickers would like to print amendments to LB 230 in the Legislative Journal. (See pages 546 and 547 of the Journal). Senator Kahle to print amendments to LB 703 in the Legislative Journal. (See pages 547 and 548 of the Journal). Senator Schmit to print amendments to LB 421 in the Journal. (See page 549 of the Journal).

Mr. President, new A bill, 590A by Senator Kilgarin. (Read title).

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 255A and recommend that same be placed on Select File; 440 Select File with amendments; 314 Select File with amendments; 131 Select File with amendments; 287 Select File with amendments; 649 Select File; 571 Select File; 598 Select File and 646 Select File. Those are all signed by Senator Kilgarin as Chair. (See pages 549 through 552 of the Legislative Journal).

Mr. President, Senator Fowler moves that LB 758 be placed on General File notwithstanding the actions of the Appropriations Committee.

February 5, 1982

LB 115, 115A, 440, 589

we go down to 589, Pat? Okay, Senator Kilgarin.

SENATOR KILGARIN: I move the advance of LB 589.

SPEAKER MARVEL: You've heard the motion. All those in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. The next item, 115, Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendment to LB 115.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried. The E & R amendment is adopted. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 115.

SPEAKER MARVEL: The motion is the advancement of the bill. A machine vote is requested. All those in favor of advancing the bill vote aye, opposed vote no. Have you all voted? The motion before the House is the advancement of the bill, 115. Record the vote.

CLERK: 25 ayes, 13 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill, 115A.

SENATOR KILGARIN: I move the E & R amendment to LB 115A.

SPEAKER MARVEL: The motion is the adoption of the E & R amendments to LB 115A. All those in favor of that motion say aye, opposed no. The motion is carried.

SENATOR KILGARIN: I move we advance LB 115A.

SPEAKER MARVEL: You've heard the motion. All those in favor of advancing the bill say aye, opposed no. The motion is carried. The bill is advanced. The next bill, LB 440. Okay, E & R amendments, Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 440.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The E & R amendment is adopted. Now on the advancement of the bill there is a machine vote requested. All those in favor of advancing 440 vote aye, opposed vote no. Have you all voted? Once more, have you all voted? Senator Kilgarin, what is your pleasure? Okay, record the vote.

February 5, 1982

LB 131, 314, 440

SENATOR KILGARIN: Call of the House.

SPEAKER MARVEL: A Call of the House requested? A Call of the House is requested. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 15 ayes, 3 nays to go under Call, Mr. President.

SPEAKER MARVEL: The Legislature is under Call. All Legislators please return to your seats, record your presence. The Chair will accept call in votes.

CLERK: Senator Burrows voting yes, Senator Warner voting yes. Senator Hoagland voting yes.

SPEAKER MARVEL: Have you all voted?

CLERK: Senator Chambers voting yes. Senator Vard Johnson voting yes.

SPEAKER MARVEL: Okay, record the vote first.

CLERK: 25 ayes, 13 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. LB 314.

SENATOR KILGARIN: I move the E & R amendment to LB 314.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried. The E & R amendments are adopted.

SENATOR KILGARIN: I move we advance LB 314.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. LB 131.

SENATOR KILGARIN: I move the E & R amendment to LB 131.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The E & R amendment is adopted. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 131.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. The next bill, LB 287.

February 9, 1982

LR 217
LB 115, 115A, 131, 255A, 274A,
287, 314, 440, 454, 520, 591, 954

Your committee on Revenue whose Chairman is Senator Carsten reports LB 591 advanced to General File.

Your committee on Education reports LB 520 advanced to General File with committee amendments attached. Those are all signed by the respective Chairmen.

Mr. President, Senator Sieck asks unanimous consent to withdraw his name as co-introducer from LB 954.

SENATOR NICHOL: No objection, so ordered.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 115 and find the same correctly engrossed; 115A correctly engrossed; 131 correctly engrossed; 255A correctly engrossed; 274A correctly engrossed; 287 correctly engrossed; 314 correctly engrossed; 440 correctly engrossed, and LB 454 correctly engrossed, all signed by Senator Kilgarin as Chair.

SENATOR NICHOL: We will go on to LR 217, Mr. Clerk.

CLERK: Mr. President, LR 217 offered by Senator Koch, found on page 576 of the Journal. (Read LR 217).

SENATOR NICHOL: Senator Koch.

SENATOR KOCH: Mr. Chairman and members of the body, this is noncontroversial I hope. This is merely an endorsement of vocational education week and this is the week that we highlight and I don't think it needs a great deal of explanation, and I ask for the adoption of resolution 217.

SENATOR NICHOL: The question is LR 217. All those in favor signify by voting aye, opposed nay.

CLERK: Senator Nichol voting yes.

SENATOR NICHOL: Have you all voted? Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of LR 217.

SENATOR NICHOL: Senator Koch.

SENATOR KOCH: Mr. Chairman, I would like to have a record vote on this and I want to see whether we are really loyal or we are just making fun.

February 19, 1982

LB 440

The Clerk will now read on Final Reading LB 440.

ASSISTANT CLERK: (Read LB 440 on Final Reading.)

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

ASSISTANT CLERK: (Read record vote. See page 767, Legislative Journal.) The vote is 25 ayes, 21 nays, 3 excused and not voting, Mr. President.

February 19, 1982

LR 225, 226, 227
LB 454, 378, 440, 623, 645,
673, 679, 717, 759, 827

clause. Have you all voted? Record the vote.

CLERK: (Read the record vote as found on pages 769 and 770 of the Legislative Journal). 34 ayes, 9 nays, 1 excused and not voting, 5 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed with the emergency clause attached. The Clerk has got some business to read in to the.....

CLERK: Mr. President, I have a motion from Senators Nichol, Wesely, Higgins, Rumery, Kilgarin, L. Johnson, DeCamp, Kahle, Remmers, Koch, and Haberman to advance LB 679 to General File notwithstanding the action of the Judiciary Committee That will be laid over.

I have a lobby registration report for February 11 through February 18.

Your committee on Public Works whose Chairman is Senator Kremer reports LB 759 advanced to General File; 645 indefinitely postponed; 673 indefinitely postponed.

Senator DeCamp would like to print amendments to 623.

Mr. President, I have new resolutions. LR 225 by Senator Nichol calls for a study of considering the legislative solution allowing the Mexican American Commission to provide direct services, assisting both the area service providers, agencies, and organizations. The second study resolution from Senator Nichol calls for a study on the way to improve the older Hispanic's knowledge of and participation in applicable service programs. (LR 226.) Mr. President, LR 227 by Senator Marsh. (Read resolution. See pages 773 and 774, Legislative Journal.) That will be laid over, Mr. President.

Mr. President, Senator Higgins offers explanation of vote; Senator Haberman offers explanation of vote.

Senator Higgins would like to withdraw her name as co-introducer from 827; and Senator Koch to add his name as co-introducer to 440.

SPEAKER MARVEL: Hearing no objections, so ordered.

CLERK: I have Attorney General opinions, one to Senator Cullan regarding LB 378; and one to Senator DeCamp regarding LB 717.

And Mr. President, I have a hearing notice from the Appropriations Committee.

February 19, 1982

LB 131, 274, 274A, 287,
314, 402, 440, 454,
589, 646, 649, 904

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LB 131, LB 274, LB 274A, LB 287, LB 314, LB 402, LB 440, LB 454, LB 589. The next order of business is Final Reading on LB 646.

CLERK: (Read LB 646 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 646. Have you all voted? This is voting on Final Reading, LB 646. Have you all voted? Record the vote.

CLERK: (Record vote read. See page 786, Legislative Journal.) 46 ayes, 1 nay, 1 present and not voting, 1 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. Next bill, LB 649.

CLERK: (Read LB 649 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 649 on Final Reading. Record the vote.

CLERK: (Record vote read. See page 787, Legislative Journal.) 45 ayes, 1 nay, 2 present and not voting, 1 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading.

CLERK: Mr. President, Senator Cullan would like to have an executive session of the Public Health and Welfare Committee Monday morning at nine o'clock in Room 1019. That is Public Health and Welfare Monday morning, nine o'clock in Room 1019.

Urban Affairs instructs me to report LB 904 indefinitely postponed. That is signed by Senator Landis as Chairman.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Beyer, would you like to adjourn us until Monday morning at nine-thirty.

SENATOR BEYER: Mr. Speaker, I move that we be adjourned until Monday morning at nine-thirty.

LR 211, 224
LB 131, 192, 198, 211, 224, 231,
239, 263, 270, 274, 274A, 287,
314, 402, 440, 448, 450, 454,
465, 511, 547, 589, 592, 634,
646, 649, 669A, 672, 827

February 22, 1982

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The prayer will be delivered by the Reverend Palmer.

REVEREND PALMER: Prayer offered.

SPEAKER MARVEL: Record your presence, please. While we are waiting for a quorum, underneath the South balcony from Scottsbluff, Nebraska, Audrey Towater is the guest of Senator Nichol. She is the one that has that large object there she is working on. I suggest that at your convenience you take a look at it. It is very interesting. Record, Mr. Clerk.

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

SPEAKER MARVEL: The Clerk has got some items to read into the Journal.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 634 and recommend that same be placed on Select File with amendments; 672 Select File with amendments and LB 827 Select File and 669A Select File, all signed by Senator Kilgarin. (See pages 790-791 of the Journal.)

Your Enrolling Clerk respectfully reports that she has presented to the Governor on February 19 at two-fifty, bills passed on Final Reading that day. (Re: LB 131, 274, 274A, 287, 314, 402, 440, 454 and 589.)

Mr. President, I have communications from the Governor. The first is addressed to the Clerk. (Read communication re: LB 239 as found on page 791 of the Legislative Journal.) The second communication is addressed to the Clerk. (Read re: LB 192, 198, 231, 263, 270, 448, 450, 465, 511, 592, 131, 274, 274A, 287, 314, 402, 454 and 589.)

Mr. President, your committee on Urban Affairs whose chairman is Senator Landis reports LB 904 as indefinitely postponed. That is signed by Senator Landis as Chair.

Senator Schmit would like to print amendments to LB 547 in the Legislative Journal. (See page 792 of the Journal.)

Mr. President, LR 211, 224 and LB 646 and 649 are ready for your signatures.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I am about to sign and do sign LR 211, LR 224, engrossed LB 646, LB 649. (See page

March 1, 1982

LB 152, 222, 304, 335, 348,
353, 358, 431, 440, 508,
525, 527, 578, 594, 624,
771, 772, 795, 799, 844,
871, 872, 877, 898, 921, 955

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Have you all recorded your presence? Record the presence, Mr. Clerk.

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

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal will stand published as is. Any messages, reports or announcements?

CLERK: Mr. President, a series of things. Your committee on Banking, Commerce and Insurance whose chairman is Senator DeCamp instructs me to report LB 358 advanced to General File with committee amendments attached. (See pages 881-884 of the Legislative Journal.)

Your committee on Education reports LB 578 advanced to General File with committee amendments attached. That is signed by Senator Koch. (See page 885 of the Legislative Journal.)

Your committee on Government reports 921 advanced to General File; 594 indefinitely postponed; 624 indefinitely postponed; 795 indefinitely postponed; 844 indefinitely postponed; 871 indefinitely postponed; 872 indefinitely postponed. That is all signed by Senator Kahle as Chair, Mr. President.

Your committee on Banking whose chairman is Senator DeCamp reports 799 advanced to General File with committee amendments attached. 877 is advanced to General File from the Public Works Committee. 152 indefinitely postponed; 222 indefinitely postponed; 348 indefinitely postponed; 508 indefinitely postponed; 527 indefinitely postponed; 771 indefinitely postponed; 772 indefinitely postponed; 955 indefinitely postponed, all signed by Senator Kremer as Chair. (See pages 885-886 of the Legislative Journal.)

Mr. President, your Enrolling Clerk reports that she presented to the Governor LB 353, 304 and 431. The Governor has received engrossed LB 440 and signed that bill on February 25, Mr. President. (See page 886 of the Legislative Journal.)

Rules gives notice of a hearing for Tuesday, March 16.

I have a series of Attorney General's opinions, the first addressed to Senator DeCamp regarding LB 898; one to Senator Culllan regarding LB 525; one to Senator Wagner regarding interpretation of Statutory Section 2-1504; one to Senator DeCamp regarding 335. (See pages 887-895 of the Legislative Journal.)