

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

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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.)

March 15, 1982

LB 573, 795

SENATOR BEUTLER: I have no objections, Mr. President, to this particular bill proceeding to a vote but I have kind of a gut level reaction to the procedure of discouraging people from speaking on a bill and thereby discouraging debate on General File for ten minutes of debate. I think that is a real problem and I don't....

PRESIDENT: Yes, it is a problem with the consent calendar whenever you use it. There is no doubt about it. You're right, no doubt. Senator Higgins, what...?

SENATOR HIGGINS: Mr. President, I just have a question to clear something in my mind. Does this rule mean that every bill on the consent calendar, if people get up and discuss it for fifteen minutes or more, then we aren't going to vote on it or if they go right to fifteen minutes there won't be a vote on the bill? I'm not asking it for Senator Clark but all bills.

PRESIDENT: I'll ask the Clerk if that is not the procedure. Mr. Clerk, is that not the procedure with the way the Speaker has them placed this tight? This is not the kind of consent calendar that we had when I was Speaker. This is a consent calendar that if there are still speakers wishing to speak at the end of the fifteen minutes, as I understand it, we just go on to the next bill unless everybody is willing to allow the mover to move it to take a vote.

SENATOR HIGGINS: Then what happens to these consent bills? Do they go to the bottom of the General File?

PRESIDENT: No, they retain their position and then the Speaker must put them back on again.

SENATOR HIGGINS: Okay, thank you, Mr. President.

PRESIDENT: So are we agreed then? There is no further lights so we will go ahead and take a vote. There will be no closing, Senator Clark, as I understand it. Take a motion to advance LB 573 to E & R initial. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 27 ayes, 2 nays, Mr. President, on the motion to advance the bill.

PRESIDENT: The motion carried and LB 573 is advanced to E & R initial. Do you have some things to read in?

CLERK: Yes, sir, very quickly, I have four Attorney General's opinions, the first to Senator Kahle on LB 795; one to Senator