

CLERK: (Read LB 152 by title.) (See page 148 of the Journal.)

SPEAKER MARVEL: Will the Legislature come to order please. The Chair will recognize Senator Kremer for the purposes of making a motion.

SENATOR KREMER: Mr. Chairman, members of the Legislature, I move that a committee of six be appointed to escort the Governor of the State of Nebraska to the Chamber at this time.

SPEAKER MARVEL: You have heard the motion. The six member committee will escort both the Governor and his wife to the Chamber. All those in favor of Senator Kremer's motion say aye, opposed no. The motion is carried. The committee, Senator Kremer, chairman, Senator Carsten, Senator Clark, Senator Warner, Senator Maresh, Senator Marsh. The committee will retire for the purpose of escorting the Governor and his wife to the legislative Chamber, Senator Kremer, chairman, Senator Carsten, Senator Clark, Senator Warner, Senator Maresh and Senator Marsh.

Mr. Sergeant at Arms.

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting his excellency, the Governor of the great State of Nebraska and Mrs. Thone.

SPEAKER MARVEL: Will the committee please escort the Governor and Mrs. Thone to the front of the Chamber.

GOVERNOR THONE: State of the State and Budget address. (See pages 148-162 of the Legislative Journal.)

SPEAKER MARVEL: Would the committee please escort the Governor and his wife from the Chamber. The Legislature will come to order. There is some business on the Clerk's desk that we need to listen to before we recess this morning. Okay, Pat.

CLERK: Mr. President, your committee on Banking, Commerce and Insurance gives notice of public hearing in Room 2230 for Monday, January 19. That is signed by Senator DeCamp as chairman.

Mr. President, Senator DeCamp would like to announce that Senator Haberman has been selected as vice chairperson of the Banking, Commerce and Insurance Committee.

Read LB 153-166 by title. (See pages 162-165 of the Legislative Journal.)

January 28, 1981

LB 15, 16, 57, 92, 141,  
165, 178, 185, 187, 199,  
207, 238, 244

EASE

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The Legislature will come to order. The Clerk has some items to read in.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 141 and recommend that same be placed on Select File; LB 57 (sic 50) Select File with amendments. (Signed) Senator Kilgarin, Chairman.

Mr. President, I have an Attorney General's opinion addressed to Senator Wesely regarding Nebraska Revised Statutes 32-1001.33 which will be inserted in the Journal. (See pages 342 - 344.)

Your committee on Revenue gives notice of public hearing in Room 1520 for February 2, 3, and 4. Committee on Ag and Environment gives notice of hearing in Room 1520 for February 19, 20, 26, and 27. Your committee on Public Works gives notice of public hearing in Room 1517 for February 5, March 5, 6, 11, and 12. Your committee on Business and Labor gives notice of cancellation of a hearing for February 4 and rescheduling one for February 4. Your committee on Retirement Systems gives notice of public hearing for February 5. Your committee on Rules gives notice of hearing for February 3. Those are signed by the respective chairmen.

Mr. President, your committee on Education whose Chairman is Senator Koch to whom we referred LB 15 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 16, General File; LB 207, General File; and LB 165, General File with amendments. (Signed) Senator Koch, Chairman.

Mr. President, your committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp to whom we referred LB 238 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments. (Signed) Senator DeCamp.

Your committee on Revenue whose Chairman is Senator Carsten reports LB 178 to General File.

Your committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp refers LB 185 to General File; LB 187 to General File; and LB 244 to General File; LB 92 to General File with amendments; and LB 199 to General

will you show your presence. Thank you. Senator Landis, are you....? Thank you. Senator DeCamp seems to be the only one who is not here. The Sergeant at Arms will find Senator DeCamp and then we will proceed. There are five absent, Senator Chambers, so we have just one left. Shall we wait for Senator DeCamp or do you want to...? All right, we will proceed, Mr. Clerk, with the roll call vote.

CLERK: (Read roll call vote as found on page 387 of the Legislative Journal.) 17 ayes, 25 nays, Mr. President, on the motion.

PRESIDENT: The motion fails. We will proceed then, Mr. Clerk, with agenda item #5, General File.

CLERK: Mr. President, LB 165 was introduced by Senator Howard Lamb of the 43rd District. (Read title.) The bill was first read on January 14 of this year. The bill was referred to the Education Committee for public hearing. It was advanced to General File. There are committee amendments pending by the Education Committee.

PRESIDENT: The Chair recognizes Senator Koch.

SENATOR KOCH: Mr. President, members of the body, LB 165 deals with a very unique situation in education, the very sparsely settled area in this state and how we are going to educate students for the best benefit of each of those individuals. This bill has been before this body as long as I have been here going back to Senator Kime who preceded Senator Lamb and it affects his district probably the most direct way. The committee adopted an amendment which I believe is a fair amendment trying to treat this problem. The bill has been in the court and it has been treated by the courts. We are trying to solve an issue in the Education Committee to help resolve this issue. I ask this body to adopt the committee amendments to the bill, LB 165. I will turn it over to Senator Lamb since he is the chief introducer.

PRESIDENT: Senator Lamb, do you wish to speak to the committee amendments at this time or...if you don't, I'll see if Senator Beutler wanted to speak to the committee amendment. No, all right. Senator Lamb, you just may proceed on both or either though we are speaking to the committee amendments at this point.

SENATOR LAMB: Mr. President, members of the Legislature, the committee amendment, in effect, cuts the cost of the bill by one-half, 50%. It is an amendment which I supported in the committee because I believe it is a fair resolution to the problem in that area. It is very

difficult for me to speak strictly about the committee amendment without talking about the bill as a whole. I guess at this point I would ask that the committee amendment be adopted and then we will discuss the bill as a whole.

PRESIDENT: All right. Senator Koch, is there any closing on the committee amendments? All right, the question then is the adoption of the committee amendments to LB 165. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 36 ayes, 0 nays on adoption of committee amendments, Mr. President.

PRESIDENT: The motion carries. The committee amendments are adopted. Now the Chair recognizes Senator Lamb.

SENATOR LAMB: Mr. President, members, as Senator Koch has explained this is a bill that is an attempt to resolve a long standing problem in my district up in Keyapaha County. It involves some people who live closer to a school in South Dakota than they do to their home school at Springview, Nebraska. Many of you have had letters I am sure, from Elmer Richardson from that area this year and previous years. We have finally come to, I hope, a resolution of the problem in that those people in that area would like to send their children over to Burke, South Dakota. The local school district objects to that in that not only does it weaken the school from a lesser number of students attending the school but also the people who are sending their students to South Dakota are asking that the local school district pay the tuition over into South Dakota and I think you can understand that the local school district does not think it should be responsible for not only providing the facilities and the school, but also paying the tuition over into South Dakota. Well this has had a long history. It has been taken to the State Board of Education. The State Board of Education upheld the patrons and held against the school district saying the school district should pay the money. What we are talking about now is whether the state should mandate programs without providing the financing so under this bill we have a compromise now. The original provisions of the bill were that if the State Board of Education mandated that a school district, Class VI school district, paid tuition into another state for some of the students, then the State Board of Education should provide that money. They are mandating that it be done. Then it is logical that the state pick up the tab. We hear this all the time where the state mandates a program but does not provide the funding. So this bill originally would require the state to pick up the tuition in total

for those students which the State Board of Education mandated that the local school district pay the tuition. So as a result of the committee amendment the school district then will pay half of that amount. The State Board of Education will pay half of that amount. There will be an A bill and the cost under the present situation will be approximately \$6,000 for the State of Nebraska which is one-half of the tuition for these six students which are attending school in South Dakota. Now if you will look at the fiscal note you will see there are big numbers on there but I am contending that those other possibilities will never materialize. There are some other students it could affect but first of all, the State Board of Education has to determine that those students should be attending school in another state. I do not believe they will do that. They have not done it up to this point. They have mandated this only for those few students in this one district and I suggest that that is the way it will be. The fiscal impact will be about \$6,000. I ask the bill be advanced.

PRESIDENT: The Chair recognizes Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, this is another education bill which I hope you will pay attention to because it involves, I think, some important concepts. From time to time as you have looked through the laws in different areas you have discovered that there appears to be no uniformity. Different counties have different laws. Different cities of different sizes have different laws. Different school districts have different laws. Sometimes there are reasons for the differences but more often than not when you look back over the history of how the law developed you will see that the splintering of the law occurred because somebody or another was interested in solving one political problem and that the law over time has come not to make sense in a number of areas because of this. That is precisely what is happening, in my opinion, with this bill. We are saying Class VI districts are going to have a different law apply to them than all other classes, in Classes II, III, IV, V and I and the important thing you should be asking yourself is why are we giving this privilege to Class VI districts and to no other districts? Uniformity in the law has more value than just the esthetic value it may have to lawyers who like to see some symmetry in the law. It has value in that the more uniform the law is the easier it is for people to understand it, the easier it is for lawyers to find it and interpret it for people and far and away and most important, uniformity is important because it helps ensure that everybody is treated fairly under the law. Ask yourself in this case, in this case we

are asking that the state pick up 50% of the reimbursement for students who are allowed to go out of state. Ask yourself in this case why this is applicable to Class VIs and not to all other classes. There are certain criteria that can be looked at when you are making the determination as to whether students should be allowed to go outstate, whether a student lives near attendance center in the proposed receiving district than in the district of residence. That is one criteria. Well that criteria would apply to any district as well as to Class VIs. Natural barriers such as rivers cause transportation difficulties within the district of residence. What makes a Class VI different than any other district when it comes to the applicability of that particular criteria, road conditions, travel time, educational advantages in one district or the other? All of these criteria apply equally to all districts but somehow we are going to make a law here that Class VIs are going to be treated differently. No other class gets state reimbursement when one of their students is sent across state lines but now Class VIs will get reimbursed up to 50% of the cost. Let me tell you another problem with this particular law. When we set up the law generally with regard to students who could go across state lines, we set up some protections in the law. For example, one of them states that we won't go along with this unless, basically unless the other state has a reciprocity agreement with regard to sending students across to Nebraska. Another protection is that there is a daily rate of tuition which is a maximum amount that can be expended. Neither of these are protections now will apply to Class VI districts. They have a completely separate law. Let me take you back a few years ago to one change that was made in this law. It was one of the first distinctions that was made between Class VI districts and other districts with regard to this particular problem and it changed the appeal procedure. It said basically with regard to Class VI districts they would have the right to appeal to the Department of Education. With regard to all other districts the appeal is to the district court but they got the law changed so the Class VIs appealed to the Board of Education. Then what happened was that the Board of Education came down and said, all right, these students should go across state lines and now Senator Lamb comes in and tells you that because the Board of Education in appeal proceeding directed that they go across state lines, that this is the state mandating something to the local district and, therefore, the state should pay a part....

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: You have ten seconds.

SENATOR BEUTLER: ...but the Department of Education came

into us into us at the Education hearing and said, look, we don't want to be a part of the appeal proceedings. We don't even want in it. They opposed the bill. They did not like the original change in the law that was made by Senator Lamb's predecessor if I am correct. So what we did years ago, a few years ago, was make a change in procedure which was a mistake but was a political change to help solve a problem. Then that didn't work out so now we are trying to further make another change and the rationale for that change is based on a mistake we made three or four years ago so we are compounding the problem. I see no reason why in this area there should not be a uniform law and if you want to make a uniform rate on the state treasury and have the state paying for all these things now, then let's go ahead and do it but let's do it for everyone and if we are not going to adopt that principle then let's not adopt it for Class VIs because I can see no basis for making the distinction for Class VIs. Thank you.

SPEAKER MARVEL: Senator Hefner.

SENATOR HEFNER: Mr. President, members of the body, I would like to ask Senator Lamb to respond.

SPEAKER MARVEL: Senator Lamb, do you yield?

SENATOR LAMB: Yes.

SENATOR HEFNER: Would this include all the states that surround Nebraska?

SENATOR LAMB: This bill applies to Class VIs so most of the Class VIs are in the western part of the state but it would apply to any Class VI which borders another state.

SENATOR HEFNER: Okay, thank you, and then I have another question of you. It says the State Board of Education determines. What factors do they have to use to determine if this is in the best interest of these school children?

SENATOR LAMB: Well in this particular case the patrons appealed the local school board's decision to the State Board of Education. The State Board of Education held against the school district and mandated that the school district pay this money and I don't know...you know, they look at the situation and just decide whether or not those students should go to their own home district or whether they should go into another state. I guess I can't really explain all the factors that they take into consideration and I am sure part of it is, or most of it is the distance that is travelled.

SENATOR HEFNER: Okay, thank you.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: A couple questions of Senator Lamb.

SPEAKER MARVEL: Senator Lamb.

SENATOR WARNER: One was I think similar to what Senator Hefner but as I understood your reply, there is no apparent guidelines in the statute that we utilize by the State Board of Education?

SENATOR LAMB: I believe that is correct, Senator Warner. It just merely states that if the patron is aggrieved then he can appeal it to the State Board of Education and that is what was done.

SENATOR WARNER: Okay, and then the second question, you indicated in your remarks it was like \$6,000 cost and I notice the fiscal note would indicate substantially more than that. I understand the bill is amended to only half the cost but it would seem to me that based upon the fiscal note apparently a number of school districts were contacted that are in a like position and the total cost then was estimated somewhere between \$108 thousand as I recall and some higher figure which would be at least half that if all those schools did apply and those students did qualify. I didn't quite understand the rationale that why only four or five students when the potential appears to be up towards the seventy or so.

SENATOR LAMB: Well there are a number of students around the periphery of the state in the Class VI which meet the guidelines as far as being closer to a school in another state than they are to their home school in the State of Nebraska but up until this point that has been resolved on the local basis. In some cases the local district is paying the tuition out of state. That has been their decision. In other cases the students are travelling the longer distance to their home school rather than go into another state. We must remember that under this bill the State Board of Education has the...really the final or well they have, if they mandate they have to first mandate that the school district pay this tuition or that this tuition is paid and only in this one case have they done so and I have a letter from one of the members of the Board of Education that indicates that they are going to be very, very selective in the cases whereby they would mandate that any of these students should be sent out of state. That is why I am saying at this point, I think the \$6,000 is going to be



the fiscal impact and I really don't believe those other figures are realistic.

SENATOR WARNER: Well, Mr. President, members of the Legislature, at this point I would be still hesitant to vote to advance the bill. I think it ought to have some guidelines. I too frequently recall incidences similar to this, certainly when we enacted legislation a few years ago for wards of the state. It was essentially enacted on the basis that there was a boys' ranch at Alliance and there was ten or fifteen students that would qualify and it had, I've forgotten the cost, but forty, fifty thousand maybe. Today I think we are spending somewhere closer to nine hundred thousand for that statute that was enacted and I would imagine that every school district very properly would look to this as a source of income to shift some of their cost from property over to state support and until or unless there are more narrow guidelines which would limit the application of the statute to very limited numbers, unless there are some provisions as Senator Beutler pointed out to put some kind of limit on what that tuition cost might be, the nonresident tuition in another state and other provisions that will protect someone from making broad applications, certainly the State Board of Education has very few legal grounds to determine denial in the absence of guidelines and I think that the bill to be enacted ought to have those kinds of provisions provided to it before we advance it on to General File.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature, for about five to seven years now I have worked with, one way or another, the individual that is primarily behind this legislation, a Mr. Richardson and he has got a problem. But I think the water you are getting out into with this particular piece of legislation is a lot broader and deeper pond than you may imagine. I need a couple of questions answered so I can kind of explain what I mean and so I would ask Senator Koch or Senator Lamb, did this case or this issue go to the Nebraska Supreme Court once already.

SPEAKER MARVEL: Senator Lamb.

SENATOR LAMB: Yes, the Supreme Court upheld the State Board of Education on this matter.

SENATOR DeCAMP: And so basically the Supreme Court, and you correct me if I am wrong, the Supreme Court said, didn't they, kind of, look, these people are in that school district. It is your responsibility, school district, to solve this problem

422

and pay the tariff. And these people, school district, just said, shoot, we don't want to pay it. We will just change the law and get somebody else to pay it. Isn't that about where we are?

SENATOR LAMB: Well the real issue is that the school district is furnishing the school there but then here comes the State Board of Education and says, hey, those kids don't have to go to your school. They can go to another school and you have to pick up the tab. We are going to mandate that you do that but we are not going to provide any funds for you to do it. You are going to have to take it out of your regular funds which you have available for supporting your school district and you are going to have to take them out of there and pay tuition over into South Dakota.

SENATOR DeCAMP: Okay, that is, I guess as I recall in this case and as I say, I was involved in it quite a bit for a long time until I told them to pick on you, it is my recollection that the school district just basically said to the guy, look, we don't like to pay it. It is too expensive to bring your kids in here or run them over there so we changed the law one time, run it to the Supreme Court. We have jacked around with this for seven or eight years and underlying it is a fundamental issue that we are trying to really duck and that fundamental issue is the whole issue of reorganization, consolidation, whichever you want to say and so we buy time in one little spot because we've got one boil or wart up there and it has finally gotten obnoxious and one individual up there decides he is not going to back down. He is going to keep pushing it, Mr. Richardson, and I admire him for it even though this is the wrong solution. So we finally say, okay look, get off our back, fellow, we will give you a couple hundred grand out of the state from now and forever and we solve that little problem over in that little corner but what we are doing is ducking the big issues of what our school districts should be, what our school financing should be. We are saying, school district, if you don't want to pay, if you do want to buck us, if you do want to say, go to hell, and you do it long enough, we don't care what the Supreme Court says, we don't care anything else, that Legislature there will come up with money because that seems to be our magic solution to thorny problems. Buy a little time, throw a little salve, give them a little aspirin and worry about it another year.

SPEAKER MARVEL: You have fifteen seconds.

SENATOR DeCAMP: I will submit to you, it is better not to

pass the bill and let the problem cause problems which it will and begin to force addressing the other issues.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. President and members, I find myself in a rather difficult situation on LB 165. I understand the problem that those people have up there but I wouldn't feel quite free to advance LB 165 without having more information than I have had presented to me yet as to how this affects the rest of the state. I agree with Senator Beutler's comments. I think Senator DeCamp and Senator Warner also pointed it out, that this could be just the tip of the iceberg. Senator Lamb is attempting to address the situation where people are several miles away from their school system, yet close to a state line and in attempting to address it in a situation where only Class VIs are involved, but I am suggesting to you that if we provide this 50% state funding to those people, next year we are going to have a group of Class IIs in here because there are some Class IIs out there that have a lot of miles involved also and they are going to say to us that it is not quite fair that you are paying 50% of the out of state tuition to one class but not to another and I don't know how we are going to answer that except to agree with them. I think we are opening the door wide open to something a lot bigger than any of us realize and until I get some indication as to how big a door that is and how many people are out there and how many dollars it might wind up being, I personally cannot support the advancement of 165 off of General File.

SPEAKER MARVEL: Senator Koch and then Senator Chambers.

SENATOR KOCH: Mr. Speaker and members of the body, I share some of the same concerns that have been offered by Senator Beutler and Senator Warner and others but I would remind you that this Legislature created Class VI school districts. I wasn't here but I think some of you were. Senator Warner was here I know and some of the other members of this body were here. This Class VI school district is a very unique district. It sits in an area that is very isolated and we have a few students who are located in a very isolated area in a Class I school district called Spotted Tail. Now for those students to go to Springview, the high school in this countywide system, is a daily trip in excess of sixty miles. You will notice if you read your bill that there is a mileage figure in here by which the state board derives some degree of logic for making a determination. It says, beyond ten miles. It also talks about accredited school systems and Burke, South Dakota, is an

accredited system under the South Dakota system. These young people that we are talking about, they are very few really, can drive one mile to the South Dakota line and there they can get on a bus and from there they can go to Burke High School which is about another nine miles and they can do this each day and they can do it in a degree of comfort and they can also be assured that the system they are attending is accredited. They can also be assured that they can take part in the academic program as well as the cocurricular activities of that system which is also important. That is a learning laboratory as well. I share Senator Vicker's concern the process may occur but for us to try to anticipate that now I think is not appropriate. We are talking basically about one school system, this Class VI system which is a countywide system. I don't believe this is going to hurt us one iota. It is a few thousand dollars to try to help children get the best education possible under some normal types of situations. I am sure the State Board of Education when people come to them are going to take into consideration several criteria and by the way, we do have a law on the books that relates to education in how you determine the best interests of a student. We talk about accreditation. We talk about distance. We talk about other kinds of things that would be a handicap to pursue a reasonable education. The State Board of Education has elected to represent the State of Nebraska. I think occasionally this body ought to put some responsibility on those people to make determinations as to what is the best interest of the children and I am certain that they will make those kinds of decisions. That school district also is a very poor school district. They educate approximately eighty students and I can see why they are reluctant to give up the number of six students to their system because it does penalize them some ways in state aid but I must also remind you those people who live in Spotted Tail pay tax on their property to support that school system so it isn't without some quid pro quo. That is what we are always looking for. I am saying to you that if we are really concerned about young people, let's not use them as pawns all the time. Let's look at them in terms of what might be in their best interest.

SPEAKER MARVEL: Fifteen seconds.

SENATOR KOCH: In this case I have studied this for six years. I happen to believe it is in the best interest of Mr. Richardson and those children that we pick up part of that support, not only in behalf of those children, but on behalf of that school board who labors under some distinct financial problems and they are very unique. So I am saying that I support Senator Lamb because after all,

I do that not only because of Senator Lamb. It is not a local political issue at all, Senator Lamb in good faith tried to resolve this issue and good faith, I think myself and other members of that committee that I serve as chairman of, are trying to resolve this as well. I recommend this piece of legislation to you for your serious consideration and Senator DeCamp, when he talks about a few hundred thousand dollars one more time, he is rather loose with his figures. This figure will be I think considerably less and as Senator Lamb said, probably not any more than \$6,000 and I don't see it as opening a Pandora's box to a lot of money. Thank you.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I would like to ask Senator Lamb a couple of questions. Senator Lamb, these questions will be based on the new language in the bill itself as you are offering it. On page 3 it says, "from funds budgeted and appropriated for such purpose." Will the A bill determine the amount of money that is budgeted and appropriated for the purpose of funding this bill?

SENATOR LAMB: Well, Senator Chambers, I guess this is probably one of the first times that I have introduced a bill which had an A bill connected with it so I am not that familiar with it but I assume, yes, that the A bill will contain the funds for this appropriation.

SENATOR CHAMBERS: And you are saying that amount will be about \$6,000?

SENATOR LAMB: Yes.

SENATOR CHAMBERS: So then what is on this pink slip, this fiscal statement can be disregarded and your A bill will say just that amount of money to handle this one student that you have in mind or this one case you have in mind.

SENATOR LAMB: If you will refer to the pink sheet there, down at the bottom of the first page, you see where it says Keyapaha County, it says six pupils, tuition \$2,009 per pupil, total amount \$12,054. Now with the amendment on the bill we can cut that number in two. So that would be \$6,027. The A bill will carry approximately that amount.

SENATOR CHAMBERS: Could any other students in any other area want to take advantage of this proposition should LB 165 pass? Or are these the only students who would be eligible?

SENATOR LAMB: Well as it also mentions in the A bill you can see that there may be some students in Sioux County that are eligible, however, the ... first the State Board of Education is going to have to say that those students should be attending the school in another state and furthermore it will have to mandate that the local school district pay the tuition. So those situations have not occurred at this point. There is a possibility they could occur sometime in the future. I don't think they will. I think it is unrealistic to believe that there will be others besides Keyapaha County.

SENATOR CHAMBERS: But if it were to happen and the amount of money were limited in the A bill and the only money available for funding this bill would be the amount budgeted and appropriated for the specific purpose, then those students would have to be told that they cannot participate even though they qualify because there is not money or the money that is available would be prorated among all of them, thereby not giving enough for anyone. I am just curious how it would work.

SENATOR LAMB: I believe that if that did come to pass, then the future appropriation would have to cover that situation but there is a long time lag, it would not happen in this year's budget. It would be in another year's budget if it did come to pass and so then that would have to be dealt with at that time.

SENATOR CHAMBERS: Thank you. I share the concerns that were mentioned by those earlier so I won't repeat any of that but this particular provision limiting the money available to the amount actually appropriated I thought was an additional issue that should be looked into if they are going to try to work the bill in some kind of...I guess you would have to say acceptable form.

SPEAKER MARVEL: Senator Pirsch. The question has been called for. Do I see five hands? The issue before the House is, shall debate cease? All those in favor vote aye, opposed vote no. Record.

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

SPEAKER MARVEL: Debate ceases. The Chair recognizes Senator Lamb to close.

SENATOR LAMB: Mr. President, members of the Legislature, Senator Beutler brought up the situation, the argument that we should have uniform laws. We should not do something for one segment that we do not do for another but

February 2, 1981

LB 165, 82, 27

as you well know, we have various classes of cities and we pass laws which affect one class of city, do not affect another class of city. We have various classifications of counties. We pass laws that affect one classification of county, do not affect another. We have the same situation in school districts. We have several classes of school districts and that is...we have many different laws which affect different school districts differently. So we are not charting new ground. We are doing what we have been doing all the time and I think it is justified because there are different situations in different areas and they should be treated differently. Now these classifications are not perfect but they are an attempt by the Legislature to deal with the differences in the various areas of the state. I think they do a fairly good job and I think we should continue to take into consideration the different conditions in these different areas. I might call to your attention the fact that the State School Boards Association supported this bill and the real issue is this: Should the state mandate programs without providing the money to fund them? I say that they should not. I say that this bill should be advanced and I ask you to vote in support of it.

SPEAKER MARVEL: The motion is the advancement of LB 165 to E & R for review. All those in favor of that motion vote aye, opposed vote no. Have you all voted? We are voting on the advancement of the bill. Record.

CLERK: 26 ayes, 13 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Are you ready for the next bill?

CLERK: Yes, sir. May I read some things first?

SPEAKER MARVEL: Yes. The Clerk has some items on the desk and then we will go to 178.

CLERK: Mr. President, a few items, a new resolution, LR 12 by Senator Wesely. (Read LR 12 as found on pages 388-389 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, your committee on Miscellaneous Subjects whose chairman is Senator Hefner to whom is referred LB 27 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 82 to General File, (signed) Senator Hefner.

February 4, 1981

LB 39A, 45, 64, 65, 92, 165,  
170, 185, 187, 199, 238, 244.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: (Microphone not on)....will be given by Dean L. Hubbard who is the President of Union College.

PRAYER: Offered by Dean L. Hubbard, Ph.D., President of Union College, Lincoln, Nebraska.

SPEAKER MARVEL: Roll call. Please record your presence. Have you all recorded your presence?

CLERK: Mr. President, Senators Warner and Carsten would like to be excused all day.

SPEAKER MARVEL: Okay, record.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: The Clerk will read in some reports first.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 165 and recommend that same be placed on Select File; LB 185, Select File; LB 187, Select File; LB 238, Select File with amendments; LB 244, Select File; LB 92, Select File with amendments; LB 199, Select File with amendments; LB 170, Select File with amendments. (Signed) Senator Kilgarin, Chairman. (See pages 413 and 414 of the Legislative Journal.)

Mr. President, your Committee on Public Works whose Chairman is Senator Kremer to whom was referred LB 64 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 65, General File with amendments. (Signed) Senator Kremer, Chairman. (See pages 414 through 416 of the Legislative Journal.)

Mr. President, new bill, LB 39A, offered by Senator Kahle. (Read title to LB 39A as found on page 416 of the Legislative Journal.)

Mr. President, Senators Vard Johnson and Chambers would like to print amendments to LB 45 in the Legislative Journal. (See page 417 of the Journal.)

Your committee on Banking, Commerce and Insurance gives notice of public hearing in Room 2230 for Tuesday, March 3. (Signed) Senator DeCamp, Chairman. (See page 417 of the Journal.)



February 6, 1981

LB 15, 16, 165

PRESIDENT: We will pass over the agenda item #4 since Senator Warner is absent and we will go on to agenda item #5 which is Select File. Ready, Mr. Clerk, then for LB 15 on Select File.

CLERK: Mr. President, I have no E & R amendments to LB 15.

PRESIDENT: Senator Kilgarin, do you want to just move LB 15 on to E & R for Review.

SENATOR KILGARIN: I move LB 15 be advanced to E & R for Engrossment.

PRESIDENT: Motion to advance LB 15 to E & R. All those in favor signify by saying aye. Opposed nay. LB 15 is advanced to E & R.

CLERK: Mr. President, I have no E & R amendments to LB 16.

PRESIDENT: Senator Kilgarin.

SENATOR KILGARIN: I move LB 16 be advanced to E & R for Engrossment.

PRESIDENT: Motion to advance LB 16 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 16 is advanced to E & R for Engrossment. LB 165.

CLERK: Mr. President, I have an amendment on LB 165 offered by Senator Beutler.

PRESIDENT: Amendment on the desk. Read the amendment.

CLERK: Well, it's a....(interruption).

PRESIDENT: Do you want to just take it up? Senator Beutler, did you want to just take up the amendment... explain the amendment on LB 165?

SENATOR BEUTLER: Okay. Mr. Speaker and members of the Legislature, get you started thinking this morning. LB 165, as you may recall, is the Keyapaha County bill which basically provides that with regard to Class school districts the state is now going to pay 50 percent of the tuition costs of those students who the State Board of Education directs should be educated outside of Nebraska. As you may recall, I had objections at

the time that this was coming across on General File because it established a whole different set of procedures and a whole different method of reimbursement to be applicable to Class VI school districts, which was not applicable to any of the other classes of school districts. What I am doing with this amendment is to provide for uniformity among all districts, that is to treat Class VI districts the same as we treat all other districts, while at the same time... while at the same time retaining Senator Lamb's request for 50 percent state reimbursement. So what I am giving you an opportunity to do in my opinion is to establish a uniform law but to establish it with Senator Lamb's request for 50 percent state reimbursement in a situation where the students are allowed to go to out-state schools. Let me tell you what the main effects of the amendment would be. First of all, it would eliminate the Department of Education from the appeal process. With regard to Class VI districts only right now, and this is one of the differences that I don't see a reason for, with regard to Class VI only, the decision of the local board can be appealed to the State Department of Education. What I am saying now...and the State Department of Education, by the way, testified at the hearing that they didn't want to be involved in the appeal process, so what I am doing is dropping the State Board of Education out of the appeal process, which means that the appeal would be the same as for all other districts. In other words, the local Board of Education's decision would be appealed directly to the District Court and the District Court would make a decision. It would be the same for all districts. The second main effect of this amendment would be to put into law with regard to Class VI districts all of the protections that we have established for all the other classes of school districts...for example, the necessity of having a reciprocity agreement with adjoining states. That protection would be applicable to Class VIs as it is to all others. The maximum payment amounts that are put forth in the statutes which are applicable to all districts except VIs right now would now be applicable to VIs also. So the protections that the Legislature thought were important to get into the statutes on this kind of a question would be equally applicable to Class VIs as they should be. And, again, the last and perhaps from Senator Lamb's point of view most important effect of the amendment would be to retain the idea of 50 percent state reimbursement in the event that a student is forced, or is allowed to go outstate for educational purposes. That 50 percent reimbursement

concept would now be applicable to all class school districts. So I wanted to at least give you the opportunity of doing this the way I think it should be done. I appreciate your attention.

PRESIDENT: The Chair recognizes Senator Lamb.

SENATOR LAMB: Mr. President and members of the Legislature, I, of course, oppose the Beutler amendment. I believe this amendment would effectively kill the bill. This sort of amendment was discussed in the Education Committee and was discarded because it was too broad. Nobody knew exactly where it would end. There has been some criticism and probably just criticism of LB 165 in the fact that somebody said it was maybe the tip of the iceberg. I submit that if you adopt the Beutler amendment, you are not only... you not only have the tip of the iceberg, you are exposing the whole glacier. We don't know how far it goes. I would suggest that there are some logical points in Senator Beutler's amendment in that it applies to all school districts rather than Class VIs, and I would have no argument with that if we had more information about the possible ramifications of that. I have investigated the possible ramifications of the original bill which applies only to Class VIs, and they are maybe more than some of us would like, the possibilities. I am suggesting that under Senator Beutler's amendment we are opening it up to a much broader area and the ramifications could be much greater. Admittedly, this bill is designed to deal with a specific situation. I would like to keep it that way. That sort of thing is not unusual in this Legislature, and I oppose the Beutler amendment.

PRESIDENT: Before we call on the next speaker, the Chair would like to recognize some guests of Senator VonMinden, Mr. and Mrs. Larry Baker from Wakefield. They are under the south balcony and would they just stand up and be recognized by the Legislature. Welcome to the Bakers. The Chair now recognizes Senator Haberman.

SENATOR HABERMAN: Mr. President and fellow legislators, I rise to oppose the amendment. I think this is a poor time to start changing things especially due to the fiscal impact. We have no idea as to the fiscal impact if we adopt this amendment. I also oppose eliminating the appeal procedure. I feel that this is very important that the State Board of Education should be able to decide and there should be an appeal

procedure. So I would suggest that we oppose the amendment, advance the bill, try it for a year, take a look at it and possibly change it next year. Thank you.

PRESIDENT: The Chair recognizes Senator Vickers.

SENATOR VICKERS: Mr. President and members, I rise to support Senator Beutler's amendment. I think that Senator Lamb and Senator Haberman have pointed out several good reasons why it should be supported. Senator Lamb admits that we should treat all pupils the same. This is what this would do. Senator Haberman suggests that maybe we should try it for a year and then there will be other people coming in and maybe we can do something next year. That is exactly what is going to happen if we pass LB 165 without Senator Beutler's amendment. I am surprised that Senator Haberman is not able to understand that he might have some people out there in his district that have been forced to go over into Colorado, or Kansas, and now they are going to be treated as second class pupils, actually, because if they were in a Class VI school, the State of Nebraska is going to be paying half of their tuition. If they are in a Class II or a Class III, I have several of them along the Kansas border, we are not going to. I don't think that is fair. I don't think it is right. This is strictly class legislation that we are dealing with here. By expanding it as Senator Beutler is attempting to do, we are saying that all school pupils in the State of Nebraska are worth the same amount of dollars to the State of Nebraska, provided...provided they have been ordered to attend school in another state by the District Court. I think the language that Senator Beutler is putting in puts the decision in the right spot. I don't think the Department of Education should be the judge and the jury. In the language in line 15 of Senator Beutler's amendment it says, "if it determines such action to be in the best interest of the pupil". I think that is what this body should be concerned with, what is in the best interest of the pupil, not necessarily the best interest of each individual taxpayer someplace. I strongly urge the body's support for the adoption of Senator Beutler's amendment.

PRESIDENT: The Chair recognizes Senator Koch.

SENATOR KOCH: Mr. Speaker and members of the body, I admire Senator Beutler's ambition to declassify entities of government and people. However, I would remind him

that that is almost impossible to try to make everything uniform. Our law books are full of laws that work with different classes. We have got six classes of school systems, each of them unique. There have been those who say we should have only one class of school system and they should all be Class Is, period. They should all function on the same kind of management, the same kinds of programs, the same kinds of financing, you name it. That's a dream that will probably never come true. Let me give you an example of what could happen if we adopt this amendment. We are going to place all districts and all students in the same position. I come from a part of the state where there is a very emotional issue on busing. Now what's to prevent those parents to line up, and it could become a mile long, at the District Court to say, wow, I want to flee from this environment and I want to go a little further West because my child is being bused from a neighborhood school to another neighborhood school sometimes a considerable distance away from that. That does not interfere with the decree of the federal court. We are now saying we are going to make available, we are going direct to the District Court, if they can prove in the best interest of the child, then that transfer is going to be made and there is also going to be a financial obligation of the sending district to the receiving district and the state will pick up the remainder. What a Pandora's Box. Class VI schools are treated differently from other classes in terms of transportation and in terms of the total configuration of the system. They are not a K-12. They are only a 9-12, and they contract with Is, and I would submit to you what we are talking about here is a very unique problem in the State of Nebraska. I concur and agree with Senator Lamb, if we find that there is indeed an abuse of other people who live on borders similar to this, we can change it next year. But for us now to make this kind of a decision is not in the best interest of us nor in the best interest of the school system, nor in the best interest of the state. Why should we bypass the State Board of Education? They are elected just like we are to manage the system. They are elected from districts and they represent the total interest of the state as it relates to public education. What is wrong with having the child and parent go to that board to determine if there is indeed a hardship? I think we spelled it out pretty well in the bill, and we have also said, if that happens and if the decision is made that the schools shall pay part of it, the state will help to relieve the additional financial burden to the

individuals affected. That is the way it should be left and I oppose Senator Beutler's amendment, and I am sorry he brought it on the floor after we spent considerable time in the committee talking about this.

PRESIDENT: The Chair recognizes Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, I wonder if Senator Lamb could yield to a couple of questions.

SENATOR LAMB: Yes, sir.

SENATOR CULLAN: Senator Lamb, I understand your proposal and I think I understand Senator Beutler's amendments. Am I correct in assuming that this applies only to pupils who attend schools outside the State of Nebraska?

SENATOR LAMB: Yes, both proposals apply only to those outside the State of Nebraska.

SENATOR CULLAN: Okay. Thank you, Senator Lamb. I guess I am not sure how I feel about these particular amendments. I can certainly see the logic behind Senator Beutler's proposal. I have recently become a situation in my own district that I think the Education Committee is going to have to take a look at. As you know, school districts set tuition for nonresident students and these tuitions vary in the State of Nebraska from almost per pupil cost which in some cases will be around I think \$2500 per student to some cases I think about as high as \$7000 per student. But we have a situation in western Nebraska now where an individual family lives 60 miles from the school district within which they are located and a few miles from another school district, and they are going to have to dig about \$1400 out of their own pockets if they want their children to go to the school district that is closer to home, that is closer to home by about 60 miles. So we are going to have to start taking a look at these problems on tuition and in this particular case it is obviously in the best interest of the child to go to the school district that is closer to home. But you hate to see a family have to dig up \$1500 out of their own pocket to do that. Maybe we should just hold this bill for a while and address some of those kinds of problems with some amendments later.

PRESIDENT: Any further discussion on the Beutler amendment to LB 165. Senator Beutler, you may close.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, there have been a number of arguments given against the amendment, but none of them I think address anything substantial when you start looking down underneath them. Some are troubled because I am trying to make things uniform as if I have ever asserted on this floor that everything should be completely uniform for all classes of school districts. That would be nonsense, of course. I am asking you to look and see if there is a reason for making a distinction, and if there is not, then I am asserting that in the interest of equity and fairness that it should be the same for all. And what reason have you heard today for the distinction? What reason have you heard? Well, they are Class VIs. What reason is that? What does that mean? The only other possible reason that has been asserted this morning was Gerry Koch's assertion that this was going to open things up for all kinds of transfers. Well, let me remind you to begin with that to my knowledge, and I don't think Senator Koch knows of any request for transfer in IIs, IIIs, IVs and Vs to date, so I can hardly think that this is going to open up a Pandora's Box. In addition to that, there are a number of conditions that have to be met before anybody can transfer in any of these districts. The law says that the application for transfer also shall state whether any of the following conditions exist: The student lives nearer an attendance center in the proposed receiving district than in the district of residence; natural barriers exist; road conditions from the pupil's home to the school in the proposed receiving districts are better than to the school in the district of residence; travel time; educational advantages for the student exists in the proposed receiving district. They have to consider all of these conditions, and all of these conditions are equally applicable to the Class VIs as they are to other classes, and in considering all these conditions, they have to make a determination whether it is in the best interest of the student. The tip of the iceberg argument. Well, if it is the tip of the iceberg, if you really believe that, what is wrong with that? Shouldn't you treat the students in a Class II the same as a Class VI? I guess part of my problem is that I see coming in the Education Committee next year and the year after that and the year after that and the year after that a whole passel of little bills. One of them is going to come from a Class II and it is going to say, well, my student lives just as far away as this fellow up in Keyapaha County did, and he wants to go

across the border and the District Court says he can go, now why don't we get 50 percent state reimbursement? I don't know what you are going to answer that fellow. You are going to change the law is what you are going to do, one way or another. And then somebody is going to come in and they are going to say, well, why don't I get to appeal to the State Board of Education? Gerry Koch was talking about how great it is to appeal to the State Board of Education after they testified they didn't think they should be involved. Well, if it is so great, why doesn't he amend the law so that we all... all districts appeal to the State Board of Education? Why not? There is no reason. There is no reason for these distinctions. If he likes it the other way, then amend the bill to have it the other way. Well, I guess that is all I would say in response, except to apologize to Senator Koch for being so rude as to mention this whole thing on the floor of the Legislature.

PRESIDENT: The motion before the House is the adoption of the Beutler amendment to LB 165. All those in favor vote aye, opposed nay. Senator Beutler.

SENATOR BEUTLER: I'd like to have a roll call vote.

PRESIDENT: Just a roll call vote at this time? All right, sir. Mr. Clerk, we will have a roll call vote at this time.

SENATOR BEUTLER: Does that also include a record vote?

PRESIDENT: Yes. Yes, commence with the....he wants to start with a roll call vote.

CLERK: (Read roll call vote as found on page 455 of the Legislative Journal.) 13 ayes, 25 nays, Mr. President.

PRESIDENT: The motion fails. Any further amendments on the bill?

CLERK: I have nothing further on the bill, Mr. President. Nothing, no, sir.

PRESIDENT: Senator Kilgarin.

SENATOR KILGARIN: I move LB 165 be advanced to E & R for Engrossment.

PRESIDENT: Senator Remmers, do you wish to speak to



February 6, 1981

LB 165, 185, 187

this motion for advancement?

SENATOR REMMERS: I believe that we should advance this bill. The arguments that I heard a while ago in having just one class of school or just one class of child sounds pretty good, but I think we have an unusual situation over in the north part of our state. These children that this particular legislation is being drafted for are in a very unusual situation. We do not have that same situation on the southern boundary where we have a number of Class II districts. A Class II district takes all the children from kindergarten through high school and we would have many more students involved in this type of a situation and their distances are not that great. Remember Class VI has only the high school grades and when we look at the distances that those people have to travel, I think we should have a little sympathy for a few children up in that area. I am sure the number will never be very great, but I do think that they need some special attention and I urge you to vote for this bill.

PRESIDENT: Any further discussion? The motion then is the advance of LB 165 to E & R for Engrossment. All those in favor signify by saying aye. Opposed nay. The bill, LB 165, is advanced to E & R for Engrossment. The next bill, Mr. Clerk, is 185.

CLERK: There are no E & R amendments to LB 185, Mr. President.

PRESIDENT: Senator Kilgarin.

SENATOR KILGARIN: I move LB 185 be advanced to E & R for Engrossment.

PRESIDENT: The motion is to advance LB 185 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 185 is advanced to E & R for Engrossment. LB 187. Any E & R, Mr. Clerk? None. Senator Kilgarin.

CLERK: No amendments, I'm sorry.

SENATOR KILGARIN: I move LB 187 be advanced to E & R for Engrossment.

PRESIDENT: Motion to advance LB 187 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 187 is advanced to

February 9, 1981

LB 15, 16, 20, 27, 30, 37,  
45, 82, 93, 108, 130,  
140, 165, 165A, 178, 185,  
187, 238, 244, 260

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer will be given by Pastor Loren Mullins of the Warren United Methodist Church of Lincoln.

LOREN MULLINS: Prayer offered.

SPEAKER MARVEL: Roll call. Please record your presence. Will you please record your presence.

CLERK: Mr. President, Senators Vard Johnson, Carsten, Cullan and Dworak would like to be excused.

SPEAKER MARVEL: Okay, record. The machine is acting up and somebody will be here to fix it fairly soon. Meanwhile we will call the roll verbally. The Clerk will call the roll.

CLERK: Called the roll. We do have a quorum, Mr. President.

SPEAKER MARVEL: Okay, the Clerk has some items to read into the Journal.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 20 and recommend that same be placed on Select File; LB 165A Select File; LB 178 Select File with amendments; LB 140 Select File; LB 37 Select File; LB 30 Select File; LB 130 Select File; LB 27 Select File; LB 82 Select File and LB 45 Select File, all signed by Senator Kilgarin, Chairperson.

Mr. President, your committee on Public Health and Welfare whose chairman is Senator Cullan to whom was referred LB 260 instructs me to report the same back to the Legislature with the recommendation if be advanced to General with amendments; LB 93 indefinitely postponed and LB 108 indefinitely postponed.

SPEAKER MARVEL: The Legislature will be at ease for the next ten minutes.

EASE

SPEAKER MARVEL: The Legislature will come to order.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined LB 15 and find the same correctly engrossed, 16 correctly engrossed, 165 correctly engrossed, 185 correctly engrossed, 187 correctly engrossed, 238 correctly engrossed, 244 correctly engrossed,

February 19, 1981

LB 24, 34, 80, 104, 165,  
167, 221, 236, 260

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Reverend Kalmer Knudson, St. Paul United Church of Christ here in Lincoln.

REVEREND KALMER KNUDSON: (Prayer offered.)

PRESIDENT: Roll call.

CLERK: Mr. President, Senator Kremer would like to be excused until he arrives.

PRESIDENT: Senator Landis, Senator Koch, Senator Wiitala, would you all show your presence so we can have a quorum. Thank you. Record the presence, Mr. Clerk.

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

PRESIDENT: Quorum being present, are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal will stand as correct as published. Any messages, reports and announcements.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 34 and recommend that same be placed on Select File with amendments; 260 Select File with amendments; 80 Select File; 104 Select File with amendments; 236 Select File with amendments; 221 Select File. (Signed) Senator Kilgarin, Chair.

Mr. President, your committee on Banking, Commerce and Insurance gives notice of continuation of public hearing.

And finally, Mr. President, I have a report from the Nebraska Power Review Board. That will be on file in my office.

Mr. President, Senator Warner would like to print amendments to LB 167, 165 and LB 24, print amendments in the Legislative Journal.

PRESIDENT: We are ready then for Final Reading, agenda item #4. All legislators will be at their desks. All other personnel will leave the floor of the Legislature. The Sergeant at Arms will see to it that all others are off of the floor. The Legislature will be on Final Reading.

May 11, 1981

LB 165, 273, 273A, 336, 459A

SPEAKER MARVEL: I am referring to item #5 on your agenda. In setting up item #5 we have run into some conflicts and the conflicts basically, and Senator Warner has this motion, but the motion indicates that bills with General File implication or containing General File characteristics should not be considered until the main line appropriation bills have been acted upon by the Governor and the Legislature has had a chance to react to the Governor's action. Therefore, and if you have any questions I wish you would refer them either to the Chair or to the Chairman of the Appropriations Committee, we would change the agenda so that we would take up those bills starting on item #5, those bills, we would take up those bills which have motions to return and those bills, if you are interested I will give them to you. 165, 336, 273, 273A and 459A. So the agenda would be changed in that particular category. Do you want them again? Okay, once more, 165, 336, 273, 273A and 459A.

PRESIDENT: Is that 459A, Mr. Speaker, or 459?

SPEAKER MARVEL: It is on the sheet that Pat gave me. It is 459A.

PRESIDENT: 459A, that is what I thought. I didn't hear you say the A. 459A, okay. So those would be the only five bills taken up then under agenda item #5. Is that correct?

SPEAKER MARVEL: Yes, I think the thing that screws this deal up is the fact that we had it set up to read 204 and 204A because of the length of the bill and we were going to do this over the noon hour. I understand the conflict. This is not possible so we will have to devise another time to take up that particular item. So we are not ignoring it, Senator Wagner. It simply will come up at a different time.

PRESIDENT: The Chair recognizes Senator Lamb.

SENATOR LAMB: Mr. President and members, I discussed this with Senator Warner a few days ago and he indicated to me that this has been done both ways, that under the identical amendment which or identical motion of Senator Warner's, we have other years had the A bills after they have been passed by this body but before the Governor has acted on them, even though the motion, I agree, states that should not be the case but we have in this body, gone ahead and done that and so I would just ask Senator Warner to comment on that fact.

PRESIDENT: Did you want Senator Warner to comment? Senator Warner.

SENATOR WARNER: Mr. President and members of the Legislature,

May 11, 1981

LB 165, 506A, 541A, 257A

CLERK: 29 ayes, 2 nays, Mr. President, on the advance of 506A.

SENATOR CLARK: 506A is advanced. The next bill is 541A.

CLERK: (Read.)

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, I move that LB 541A be advanced to E & R initial.

SENATOR CLARK: Is there any discussion on the advancement of 541A? If not, all those in favor vote aye. All those opposed vote nay. Have you all voted on the advancement of 541A? Record the vote.

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

SENATOR CLARK: The bill is advanced. We are going to take 257A if there is no objection to it now. This is a bill that has to catch up with the main bill. Senator Wesely.

CLERK: (Read.)

SENATOR CLARK: Senator Fowler.

SENATOR FOWLER: Move it be advanced.

SENATOR CLARK: The motion before the House is the advancement of 257A. Is there any discussion? If not, all those in favor vote aye. All those opposed vote nay. The advancement of 257A. Have you all voted? Have you all voted on the advancement of 257A? Record the vote.

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

SENATOR CLARK: The bill is advanced. We will now go to item #5 on the agenda, Final Reading. LB 165. Is everyone in their seat? We are on Final Reading. All unauthorized personnel will leave the floor. All senators will be in their seats. Read the bill.

CLERK: Mr. President, I have a motion on the desk.

SENATOR CLARK: Read the motion.

CLERK: Senator Warner would move to return LB 165 to Select File for a specific amendment. The amendment is on page 567 of the Journal.

SENATOR CLARK: Senator Warner, the motion to return.

SENATOR WARNER: Mr. President, all the amendment does, it is Senator Lamb's bill. It dealt with tuition for the students, you recall, who would have to go out of state and my only concern with the bill as it stands is that the appropriation as I recall is in the vicinity of 54 hundred dollars, I believe or thereabouts. On the assumption there is going to be a handful of students and my assumption is that based upon the survey that was made, a potential number of students it could be significantly more and my presumption is that under the enabling legislation 165, schools could apply in excess of the number that is anticipated and then we will probably be asked to do a deficiency, or at least consider a deficiency for the increased number. What my amendment does is places into law the dollar amount will not exceed the amount currently proposed in the A bill which makes it clear that if substantially more students are considered that the amount will be prorated rather than a possible of a deficiency be requested. And the amount would be prorated ~~then~~ barring action by the Legislature to increase the statutory amount of dollars that can be appropriated. Again, the sole reason is to assure the probability or the possibility of a deficiency being requested because more students, asking to have this consideration than what is anticipated by Senator Lamb, and I think we need that protection. The Legislature ought to have that protection. So the amendment merely states that the total appropriation will not exceed the amount contained in this A bill without a separate action by a future Legislature to increase the amount. I move its adoption.

SENATOR CLARK: Senator Lamb.

SENATOR LAMB: Mr. Chairman, members of the body, I, of course, will oppose the Warner amendment. This is a bill that, when it was in committee was compromised by 50%. The original bill said that if the State Department of Education orders a district to pay tuition into an adjoining state from a Class VI school, and that limits it severely right there when you talk about Class VIs, then the state will pick up that tab which is ordered by the State Department of Education. Where the local school is providing the facilities for those students, but if the State Board of Education decides that those students should go to another state, then instead of forcing the school district to pick up the tab, this bill says that the state will pick up half the tab. In the first instance, when the bill was first introduced it said that the state will pick up all that tuition when so ordered by the State Department of Education. In committee, at the suggestion of the committee members, I accepted a compromise which says that the state will pick up only half

May 11, 1981

LB 165

of this tuition although it is ordered by the State Department of Education. So I am standing firm on that. I have pared the cost down to the realistic thinking. Now I am not going to guarantee that there is not going to be one more student move into KeyaPaha County and ask to have the tuition paid but if that is ordered by the State Department of Education I think that that should be an available option. I do not think there will be any but I am not going to guarantee it. Senator Warner is correct. It could be a small amount more but at this point, I think the bill has been compromised down as far as you reasonably do and still have a bill. I ask that the Warner amendment be defeated.

SENATOR CLARK: Senator Marsh.

SENATOR MARSH: Mr. Chairman and members of the Legislature, I rise to support Senator Warner's amendment. We were told that this would be the total amount. Senator Warner is simply trying to make sure that this is the total amount. If additional students move in the school board is still getting a bargain to receive this much support. We can look at it another year but if we are already forced to come up with additional dollars for another year that does not seem to be a fair method to the Legislature. I would urge the adoption of Senator Warner's amendment. It still is accomplishing the intent of Senator Lamb's introduction of the bill. 165 should cost no more than the dollars which are currently there. This is simply a safeguard to see that there is not a hidden cost which we will be forced at some later date to pick up. I urge the adoption of the amendment.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. President and members, I also rise to support the Warner amendment. LB 165 is being presented to us as affecting very few people and, therefore, the cost would not be any greater or much greater than the cost as proposed in the bill but I think Senator Warner has touched on a very serious and...part of the bill and that is the fact that it is unlimited. We do not know how many people will be affected in the end and as I have pointed out in this bill numerous times in the committee and also on General File, this is class legislation. We are dealing only with Class VI schools but I predict to you that there will be numerous Class IIs and Class IIIs in some of the rural areas of this state that are close to state borders where this same sort of instance might come up and if we are going to pay 50% of the funds for students in a Class VI, I can assure you we are going to have people from Class IIs and Class IIIs that are going to come to us and ask for 50% of their funding also. So I think it

May 11, 1981

LB 165

is a wise decision that Senator Warner has made in order to put a cap on this because I think we really are signing a blank check. So I certainly agree with the Warner amendment and urge this body's adoption.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. President and members, I do not support the Warner amendment. I think Senator Lamb is correct. I don't know how you can hold anybody to the exact number. It is discriminatory to say the least that you can't have only so many kids in a district that are going to be involved. I don't believe we passed much legislation like this. When people are involved we take a head count. Everybody in here always wants to use population for a factor and here you have a situation where really no one knows exactly how many kids are going to be involved but you are trying to tell us we can only have so many dollars for it which in one way is a discrimination against those that might want to also attend or be qualified. I realize that this thing has been before us every year since I have been in the Legislature and I would hope that we would not put this kind of restriction on it and it will surely be back next year. If the Legislature has to move everytime that some kid wants to go across the state line to school we are going to be awful busy. I don't see any big problem with this. There is not too many kids involved as Senator Lamb said and I don't know why you would want to restrict it absolutely to so many dollars. We do not do it on any other fund. Thank you.

SENATOR CLARK: Senator Warner, do you wish to close on your amendment, motion to return.

SENATOR WARNER: Mr. President, again, this is certainly precedent. The example of governmental subdivision fund by statute says the Legislature will not exceed 12.6 million of the old personal property tax by statute, had it at 70 million cap and if I had time to think of it I am sure there are a number of statutory caps now imposed. The only concern...I have no argument with the intent of the Legislature to assist in those cases where there obviously are some problems but based upon the survey that was made by the fiscal office calling a variety of students. If you look at the fiscal note on the General File book the estimate is that by next year there could be between forty-five and ninety some students based on estimates by a variety of superintendents with a cost, for half the cost being somewhere between 54 thousand and 92 thousand, depending again on the number of students and my concern is one that parallels a concern that I will probably express frequently and that is as new programs are started I think the Legislature



May 11, 1981

LB 165

ought to be fully aware of the growth potential that there is in that appropriation and in this case I think that growth is substantially probable and one of the ways that the Legislature as a whole then can consider that growth, is through enabling legislation. It puts a ceiling on the expenditure rather than being faced with a consideration of a deficiency appropriation each year as the number increase. So I would move the adoption of the amendment to put the ceiling of approximately 54 hundred dollars on the amount of funds that are to be appropriated by the Legislature unless there is separate action at a future session to expand that dollar amount.

SENATOR CLARK: The motion before the House is the return of 165 as explained by Senator Warner. All those in favor vote aye. All those opposed vote nay. Have you all voted? Record the vote.

CLERK: 25 ayes, 7 nays on the motion to return the bill, Mr. President.

SENATOR CLARK: The bill is returned. Senator Warner, on the amendment. Senator Warner, do you want to adopt your amendment.

SENATOR WARNER: Mr. President, I move adoption of the amendment as I have explained it.

SENATOR CLARK: Senator Lamb.

SENATOR LAMB: Mr. President and members, I guess I...I strenuously object to this. I think this is the first A bill I have had in the five years I have been in here. It is a very modest one. The bill has already been compromised down to where it is only half of what it was originally. We have a real problem here in that the State Board of Education is telling these school districts on the perimeter of the state that these students can go into another state even though that school district is responsible for keeping the facilities there. The State Board of Education is mandating that the local school district pay that tuition into a neighboring state and that is absolutely unfair. I am saying that the state, if it is going to mandate those things, should pick up the tab. The way the bill reads now they are only going to pick up half of this tuition. I resist this. I hope you vote against this amendment.

SENATOR CLARK: Senator Marsh.

SENATOR MARSH: Mr. Chairman, I think there is a very important principle involved here. The Legislature needs to

know where our dollars are being spent. If we pass legislation so that we have no control we will come back in future years and be unable to control what dollars are mandated by this legislative body. This will cover the students who are involved this year. We should know by another year the number of additional students whose parents apply for this type of assistance. Perhaps we should say they have to go to school in this state. That is not what Senator Lamb is trying to accomplish but we could solve the problem that way. With the adoption of Senator Warner's amendment we have a mechanism to carefully monitor this expenditure. If you say it is not much money, this year it is not much money, but if the amount doubles because there are more students and we have no way to keep a handle on it, then we have defeated the purpose. I urge your adoption of Senator Warner's amendment to LB 165.

SENATOR CLARK: Before I call on the next speaker I would like to announce the delegation from Taiwan. There are 29 members from a special mission from Taiwan, Republic of China who are over here to contract for a hundred and twenty metric tons of U.S. corn. The mission leader is Mr. Benjamin Lu. The deputy leader is Mr. Chung and the director out of Chicago is Stephen Chen. Would you stand and be recognized by the Legislature please. We are glad to give you a hearty welcome to the Unicameral of Nebraska and thank you for coming over. Senator Newell.

SENATOR NEWELL: Mr. President, I stand to support Senator Lamb in this regard. I think that Senator Lamb has not only made an attempt to be compromising in this regard but I think that the amount of money that we are talking about can easily be absorbed by the Department of Education. Senator Lamb, if I could get your attention for a moment. Senator Lamb, much has been said about this amendment, about the purpose of putting this limitation on and if there were additional monies. Have you talked at all or had an opportunity or do you think the cost will be so great that the Department of Education could not absorb that in a one year period that would be there? Couldn't they absorb that sort of cost and that be budgeted into the normal appropriations process from here on out?

SENATOR LAMB: I am sure they could and furthermore, at this point there has only been one school district which has gone through the procedure involving the State Board of Education and taking it to them for adjudication and so in this next year these other Class VI schools that are on the perimeter, there is no way that they can become eligible for this thing in that short of time and admittedly, in the future, if they

go through that procedure they may be but right now we are only talking about whether one or two more students move into KeyaPaha County.

SENATOR NEWELL: Thank you very much, Senator Lamb. With that I would like to strongly urge the members of this body to not put on the Warner amendment. I don't think that it is going to be that great of cost to the Department of Education. If it should be for some reason, a greater cost to the Department of Education, like all departments they will come back to the Appropriations Committee and ask for additional money but it does not need to be limited here. If it is, I am fearful that we will find that in the future we will have to come back in and offer other legislation to clarify that limitation and we may only be talking about a very small amount of money. I think that Senator Lamb's point and the compromise that he has made by allowing only half the reimbursement is a legitimate one, so I strongly urge this body to reconsider their actions in regard to this and not to place the Warner amendment. I think it is absolutely not necessary and I think it will cause problems in the future. Thank you.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Thank you, Mr. Chairman. For the edification of this body this piece of legislation has been before the Education Committee for a number of years. It has also gone all the way to the Supreme Court and we are talking about the best educational interests of the child and I would remind you that I don't believe the State Board of Education is going to be awarding tuitions to certain kinds of students unless in their judgement, according to court cases which have been established, that indeed the interest of the child is being damaged by remaining in the home district. I do not foresee some of the concerns of Senator Warner and Senator Marsh that this is going to open a huge financial burden upon the State of Nebraska because it very clearly designates Class VI schools and if you look at the VI schools around the state, there are really not that many that could be affected in terms of tuition outside of the State of Nebraska. I do not determine either that the school districts we are mainly talking about, which is KeyaPaha, that they are going to have a great number of students that are all going to be wanting to go to Burke High School in South Dakota. There are presently very few of those and with declining enrollments as we know them I believe there will be fewer in the future. And again, I want you to know that there is a court case that defines beneficial interest of students that the State Board of Education will have to consider in making this determination. So I see no reason for us to adopt Senator Warner's

amendment because I don't believe it is going to be huge sums of money that suddenly are going to be going with students to other school districts outside the state and so I would ask that you not support Senator Warner's amendment and that you leave the bill go as it is because I think it is appropriate and we have discussed this on the floor prior to this time and we spent a great deal of time in the Education Committee trying to resolve this issue and I think this 165 is the appropriate way to do it and I will oppose Senator Warner's amendment.

SENATOR CLARK: The Chair has the privilege of introducing Mr. and Mrs. William A. Hamilton. They are parents of Bill Hamilton, the Governor's special consultant of government improvement and the parents in law of Dr. Penny Hamilton Nebraska's Public Health dental hygienist. They are seated in the North balcony. Bill and Penny live in Senator Warner's district. Will you give them a welcome, please. Also from Senator Maresh's district there is a hundred students from Crete Elementary School in Crete, Nebraska, and they have Mrs. Prokop, Mrs. Lingle, Mrs. Davidson, Mr. Shestak with them. Would you give them a welcome, please. From Senator Wiitala's district we have 21 fourth through eighth grade students from Elk City, Nebraska. Mrs. Brostad and Mr. Stoller are the teachers. They should be in the North balcony. Would you welcome them, please. The next speaker is Senator DeCamp.

SENATOR DeCAMP: Question.

SENATOR CLARK: The question has been called for. Do I see five hands? I do. All those wishing to cease debate vote aye, all those opposed vote nay. Record the vote.

ASSISTANT CLERK: 29 ayes, 0 nays to cease debate, Mr. President.

SENATOR CLARK: Debate is ceased. Senator Warner, do you wish to close?

SENATOR WARNER: Mr. President, once again, I am not arguing the appropriateness or inappropriateness of the enabling legislation and I have been around the issue with the problem in KeyaPaha County as long as any of the rest of you have and my sympathy are with those students but that has nothing to do with the issue I am talking about this morning. The only issue I am talking about is the principle I have heard discussed time and time again, that a new program being started ought to have some kind of a ceiling on it or another option is to have a second, third or fourth year appropriation contained so that the Legislature really knows what

kind of a long-term impact they are acquiring and I can start a lot of lists of programs that started out very modestly or even with legislation prohibiting any general fund in which we are today spending hundreds of thousands of dollars. Now this program, based upon superintendents of Class VI schools, apparently from Sioux County, Keyapaha, Gordon and Kimball County, two of which this year indicate they expected interest but all four of them next year and their estimated cost as the bill is now drafted ranged from 54 to 92 thousand, depending on the number of students, and the only issue I am raising is that when a new program is started then you ought to be well aware of the probable fiscal impact that it is going to have and it seems to me that one of the ways barring the second, third and fourth year appropriation for guideline is to put that limit, the financial dollar limit into the statute itself so that it can then be considered by subsequent legislatures as a separate item as opposed to the way the bill is going across now. For good fiscal control I think that the amendment is appropriate and, again, it has absolutely nothing to do with the quality or the purpose of the enabling legislation. That is not my argument. My sole argument is that if all this is to cost is this minute sum, then the Legislature is entitled to believe that that is the amount that will be the cost of the future and not anywhere from ten to twenty times that amount as indicated by the survey from superintendents themselves. I would urge the amendment be adopted.

SENATOR CLARK: The question is the adoption of the Warner amendment to LB 165. All those in favor vote aye. All those opposed vote nay. Have you all voted? Have you all voted on the adoption of the Warner amendment?

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted on the adoption of the Warner amendment? We have two people excused. Once more, have you all voted on the adoption of the amendment? Record the vote. We can't hold it forever. Senator Marsh.

SENATOR MARSH: (Mike not turned on immediately.) ...a roll call vote and I would like first to have each person indicate presence because we are all supposed to be in our seats but I do not believe everyone is.

SENATOR CLARK: Clear the board. Everyone record your presence please. Senator Fowler, would you check in please. Senator Fenger, Senator Haberman. Senator Marsh, Senator Haberman is the only one missing. Do you want to go ahead w' the roll call? Call the roll.

May 11, 1981

LB 165, 302, 320, 336

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

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

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

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

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

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

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

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

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

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

SENATOR CLARK: Senator Stoney.

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

LB 118, 129A, 165, 181, 224, 234, 234A,  
273, 273A, 303, 326, 336, 360, 394,  
396, 411, 459A, 485, 551 - 554

May 12, 1981

favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted on the adoption of the committee amendments? Once more, have you all voted on the adoption of the committee amendments. Record the vote.

CLERK: 27 ayes, 4 nays, Mr. President, on adoption of the committee amendments.

SENATOR CLARK: The committee amendments are adopted. Now on the bill itself, Senator Maresh.

SENATOR MARESH: Mr. Chairman, I move that LB 118 be advanced to E & R Initial.

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

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 25 ayes, 1 nay, Mr. President, on advancement of the bill.

SENATOR CLARK: The bill is advanced. The Clerk wants to read some things in.

CLERK: Mr. President, new A bill, 129A offered by Senator Nichol. (Read LB 129A for the first time.)

Mr. President, Miscellaneous Subjects gives notice of hearing for Tuesday, May 19 on LB 551, 552, 553 and 554. And that is signed by Senator Hefner as Chair.

Mr. President, I have a reference report from the Executive Board referring legislative resolutions for interim study. That will be referred to in the Journal. (See pages 1966 through 1973 of the Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed LB 165 and find the same correctly engrossed; 181, 224, 234, 234A, 273, 273A, 303, 326, 336, 360, 394, 396, 411, 459A, 485, all those reported correctly engrossed, Mr. President. (See pages 1974 through 1977 of the Legislative Journal.)

May 19, 1981

LB 181, 165

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The morning prayer will be given by the Reverend Alvin M. Petersen, who is Pastor Emeritus of the American Lutheran Church.

PASTOR PETERSEN: Prayer.

SPEAKER MARVEL: Do you want to record your presence please. Have you all registered your presence? Record now if you want to.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Do you have anything for item number three?

CLERK: Mr. President, the only item I have is a report from the Agricultural Products Industrial Utilization Committee. It is the biennial report. That will be on file in my office. That is the only item that I have.

SPEAKER MARVEL: All legislators should be in their seats we have a 78 page bill that we are going to read now. All legislators are to be in their seats as we begin Final Reading. Okay.

CLERK: Read LB 181.

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

CLERK: 37 ayes, 0 nays, 2 present and not voting, 10 excused and not voting. Vote appears on page 2095 of the Legislative Journal.

SPEAKER MARVEL: Bill is declared passed on Final Reading. The Clerk will now read on Final Read LB 165.

CLERK: Read LB 165.

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 165 on Final Reading.



May 19, 1981

LB 165, 165A,

Record the vote.....have you all voted? Record the vote.

CLERK: 30 ayes, 8 nays, 1 present and not voting, 10 excused and not voting. Vote appears on page 2096 of the Legislative Journal.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read LB 165A on Final Reading.

CLERK: Read LB 165A.

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass. All those in favor vote aye, opposed vote no. LB 165A. This bill takes 30 votes. Have you all voted? Record.

CLERK: 30 ayes, 8 nays, 1 present and not voting, 10 excused and not voting. Vote appears on page 2097 of the Legislative Journal.

SPEAKER MARVEL: Bill is declared passed on Final Reading. The Clerk will read on Final Reading LB 224.

May 19, 1981

LB 134, 165, 165A, 181, 186,  
303, 336, 336A, 459, 459A,  
485, 488, 544

It is printed, I am sorry. Mr. President, Senator Vickers would like to print amendments to LB 186. (See page 2119 of the Legislative Journal.)

Mr. President, your Enrolling Clerk has presented to the Governor the bills that we read on Final Reading this morning. (Re: LB 181, 165, 165A, 303, 336, 336A, 459, 459A and 485.)

Mr. President, Education offers a hearing notice for confirmation hearings regarding certain gubernatorial appointments.

Mr. President, Senator Vickers would like to print amendments to LB 544. (See pages 2116-2118 of the Legislative Journal.)

And finally, Mr. President, one last thing, Mr. President, Senator DeCamp asks unanimous consent to add his name to LB 134 as cointroducer.

SENATOR CLARK: No objections, so ordered. I think they are trying to find our Sergeant at Arms out there. Walt (Robbie) Robinson is visiting the Legislature today, the former Sergeant at Arms. He is at the back of the Chamber. Welcome, Robbie. We will now take up LB 488.

CLERK: Mr. President, LB 488 was a bill introduced by Senator Goodrich. (Read.) The bill was first read on January 20. It was referred to the Government, Military and Government Affairs Committee. The bill was advanced to General File. There are committee amendments pending by the Government Committee, Mr. President.

SENATOR CLARK: Senator Kahle, the committee amendments.

SENATOR KAHLE: Mr. President and members, I move the committee amendments and the committee amendments do considerable with the bill. LB 488 increases the salaries for constitutional officers for the next...(interruption)

SENATOR CLARK: (Gavel.) Could we have it a little quiet, please. It is awfully hard to hear up here.

SENATOR KAHLE: LB 488 increases the salaries for constitutional officers for the next four year term of office beginning in January of 1983. The offices are for the Governor, the Lieutenant Governor, Secretary of State, Attorney General, Auditor of Public Accounts and State Treasurer. The bill as introduced set a base salary for each officer plus Section 3