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LB 193-222

rules which the motion is before the desk.

SPEAKER MARVEL: Any further discussion? All those in favor of that motion vote aye, opposed vote no. Have you all voted? The motion is the Wesely motion. Have you all voted? Record the vote.

CLERK: 25 ayes, 10 nays on adoption of the permanent rules, Mr. President.

SPEAKER MARVEL: The motion is carried and the amendment is adopted. Senator Cullan wants to meet with the Public Health and Welfare Committee underneath the south balcony. Is that right, Senator Cullan? What is the next item?

CLERK: Mr. President, I have a series of matters to read in, if I may. First of all, Senator DeCamp offers a proposed rule change which will be submitted to the Rules Committee for their consideration. (See pages 180 and 181 of the Legislative Journal.)

Mr. President, new bills: LB 193 (Title read). LB 194 (Title read). LB 195 (Title read). LB 196 (Title read). LB 197 (Title read). LB 198 (Title read). LB 199 (Title read). LB 200 (Title read). LB 201 (Title read). LB 202 (Title read). LB 203 (Title read). LB 204 (Title read). LB 205 (Title read). LB 206 (Title read). LB 207 (Title read). LB 208 (Title read). LB 209 (Title read). LB 210 (Title read). LB 211 (Title read). LB 212 (Title read). LB 213 (Title read). LB 214 (Title read). LB 215 (Title read). LB 216 (Title read). LB 217 (Title read). LB 218 (Title read). LB 219 (Title read). LB 220 (Title read). LB 221 (Title read). LB 222 (Title read). (See pages 181 through 188 of the Legislative Journal.)

Mr. President, in addition your Committee on Business and Labor gives notice of public hearing for Wednesday, January 28. (See page 189 of the Legislative Journal.)

Mr. President, communication from the Chairman of the Executive Board which will be inserted in the Legislative Journal. (See page 189 of the Journal.)

Mr. President, I have an Attorney General's Opinion addressed to Senator Beutler regarding deferred compensation funds which will be inserted in the Legislative Journal. (See pages 189 through 192 of the Journal.)

SPEAKER MARVEL: May I have the attention of the members of the Legislature for just a second. I think the last few days have been tough on all of us. I think we are all

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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

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LB 16, 207

SENATOR V. JOHNSON: In other words, you are suggesting that if the Millard School District became a Class IV school district by virtue of population growth and that is if the Legislature didn't adopt your particular bill, then what would happen simply is that there would be some teachers in Millard who presently believe themselves to be tenured teachers because they have been there more than two years but less than three who would suddenly not be tenured because as a Class IV school district they would not have met the tenure requirements, is that correct?

SENATOR WIITALA: That is my understanding.

SENATOR V. JOHNSON: I see. Thank you.

PRESIDENT: The Chair recognizes Senator Wesely. The Chair recognizes Senator Wesely. No? Any further discussion then on LB 16? Senator Wiitala, you may close on LB 16.

SENATOR WIITALA: I only have a few further comments to make. To me the issue is whether you would like to, the body would like to relegate Millard Public Schools as almost an island unto itself in the Omaha metropolitan area, if they were to become a Class IV school district. I would also like to address Senator Higgins remarks. She is interested in a fiscal impact. Although I do not see any, I do see a positive economic impact because if Millard would become a Class IV school system, they would have to disengage themselves from the ESU, Educational Service Unit, which services most of the suburban schools and other outlying Class III schools and they would have to create an ESU of their own. It would be a needless duplication of expense and service. In closing, I would like to say I would appreciate your support in advancing this to E & R Initial. Thank you.

PRESIDENT: The motion then is the advance of LB 16 to E & R Initial. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of the bill.

PRESIDENT: Motion carries and LB 16 is advanced to E & R for review. The next bill is LB 207.

CLERK: Mr. President, LB 207. (Title read.) The bill was first read on January 15 of this year. It was referred to the Education Committee for public hearing. The bill was advanced to General File. I have no amendments pending, Mr. President.

PRESIDENT: The Chair recognizes Senator Koch.

SENATOR KOCH: Mr. President and members of the body, LB 207 is the result of a committee study of driver's education. The committee felt that this bill was important enough to advance to the floor for general discussion. In the early 1960's, this Legislature saw fit to pass legislation which does not mandate driver's education but allows it to be an elective course. At that time, they felt that they should offer some subsidy to the schools who offered this course in the amount of \$40. At that time that was appropriate. However, since that time, as you know the costs have escalated considerably and I give you a very brief background on this. One is the automobiles they used to get from the automobile dealers of their various districts, they would deliver them in good faith, not only in terms of developing students in terms of driver safety and defensive driving and rules of the road but also insurance agencies felt that those students who take driver's ed also were a more bona fide insured person because of this behind the wheel and in the classroom activity, and for those of you who may not know, there is 36 hours of classroom instruction and also a number of hours behind the wheel. Our study brought to us this year that the cost of driver's education across the state averaged one hundred and fifty some dollars but we are still providing to those same schools forty dollars. Some schools do it a little more efficiently because of the masses of students they serve and some schools where they have few students find it rather expensive and we feel that this bill merits your consideration. Now we had several choices. One is we could have brought to you the idea that we will increase the license. We just did this a couple of years ago, and then take that amount of money off the licenses and provide it to the Department of Education to be refunded to the schools based upon the number of students who participate in the program. However, as you know, there is a certain amount of the license money which goes into our general fund and we feel that the best way to reward the schools is to move the money from the general fund to the driver's education fund under the Department of Education and then pass it back to the schools who provide the program. I don't know whether you know it or not but probably at least...our latest figure is that 70% of the students in the public schools do take driver's education and they also serve, whether you know it or not, the schools of the private sector who many times take these courses during the summer time and avail themselves of this opportunity, those schools particularly in the highly impacted areas where the population is the greatest. So what we are proposing to you is basically this, that we want to increase the

amount of money we are going to provide to public schools from \$40 to \$80. This approximately, this approximately would be half of the cost of driver's ed today on the last word we had. There is some people who believe that possibly we ought to take driver's ed out of the schools and put it in the private sector. We also studied that possibility. Some suggested the State Patrol do it. Some suggested others do it. However, we feel that we can justify driver's ed because there are 36 hours of classroom instruction which occur and insurance companies consider these people to be good risks and they give those students who agree to get that diploma, they give them a reduced rate for their insurance premiums, which in addition is a savings to not only parents but to the state as a whole. So the committee brings this to you in good faith and we would appreciate your support. The amount of money which will be appropriated out of general fund is the figure, and I will give it to you in just a second, the amount coming out of general fund would be \$686,400 from the driver's education cash fund to the State Department of Education to carry out the provisions of this law. Thank you.

PRESIDENT: The Chair recognizes Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I think you should pay attention to this bill because it has a heavy fiscal impact. I was not one of those on the Education Committee who agreed to sending this to the floor of the Legislature, and whether you agree or whether you disagree, I think you should be very conscious of the impact and the change in philosophy, change in philosophy that this Legislature is adopting if you, in fact, go along with this bill. Let's go back a minute and make clear exactly what is happening because the end result of what is happening is that you are going to increase general fund expenditures by a minimum of \$700,000 and perhaps considerably more. The reason that that is going to happen is because essentially what is happening with this bill is that that portion of the license and school and learner's permit fees that ordinarily went to the general fund are now being redirected into the driver's education fund for the purposes of helping the public schools with their lid problem. That is the sum and substance of the bill. You would be enacting essentially a lid exemption type bill. Okay, the original philosophy in allocating a portion of these funds to the general fund was that these license fees should make up a portion of the cost of operating a Motor Vehicle Department and a motor vehicle system and the inspection system. How they arrived at the figure of 50% of learner's and school permits I am not sure. We had no background on that in the Education Committee but

what is clear is that the original philosophy was that these fees taken as a whole, the license fees, the learner's fees and the school permit fees were supposed to fund the operation or largely fund the operation of government operations related to those functions. So now with this shift what we are saying is that part of those functions are going to be supported by the general fund to the extent of better than \$700,000, and obviously, as we all know, when you cut off \$700,000, that is \$700,000 that has to be made up some place else. The correct solution from my point of view, there are two possible correct solutions. One of them would have been to raise the fees, and curiously enough in the other committee I am on, Public Works, we have a bill that is coming up to the floor to raise the fees. I don't know if that was worked out in conjunction with this bill or not, but for your information, you should know that that is on its way. The second solution, the second preferable solution from my point of view would be to start looking at driver's education in the two major cities, Omaha and Lincoln, and asking ourself the question, if this couldn't be done by private enterprise. Now we have been supplied with some figures today that say that government can do it three times more efficient than private enterprise and that to me is so ludicrous that it calls into the question the credibility of the entire set of figures. I can see no logical reason nor have I heard any argument why in the major cities as opposed to small towns where populations are dispersed, Lincoln and Omaha, why this whole thing could not possibly be done by the private enterprise system, by commercial schools. One argument you hear against that is that, "Well, not so many people will take the course then and we won't have everybody educated and acting in a properly safe manner by the time they learn to drive." But if that is what you believe will happen, then I think the proper alternative perhaps is to make an education course compulsory. After all if you really believe that these courses are so very effective, then shouldn't everybody have the course. Why should we allow people to choose to have the course or not have the course. Well, those are my basic ideas, I think some things you should throw around in your mind before you decide to vote in favor of a bill like this. Thank you.

PRESIDENT: The Chair recognizes Senator Haberman.

SENATOR HABERMAN: Mr. President, fellow colleagues, I rise to oppose LB 207 for two or three reasons. Number one, the fiscal impact is \$700,000 minimum this year. What is it going to be in future years? How are we going to make up the difference in the general fund? We are going to make it up by raising taxes somewhere along the line. And I feel that it is time that if they wish to have driver's

education and the cost is going up, let the parent pick up the difference. I believe we are doing enough along this line so therefore I would oppose it on that basis. I also have two amendments, one of them is include in the public schools the education of people to drive motorcycles. As we have so many of our young people driving motorcycles, I feel that they should be given the proper training and education and that this should be included in the school system. I also have an amendment upon the desk for the school systems to provide (interruption).

PRESIDENT: Do you want that amendment now or let's not discuss it unless the amendment is before the House?

SENATOR HABERMAN: I am not discussing it. I am just telling that I have one on the desk. Am I allowed to do this, or not?

PRESIDENT: Well, if you want to discuss the amendment, why don't we just have the Clerk read the amendment, then you can discuss it.

SENATOR HABERMAN: Fine.

PRESIDENT: Read the amendment on the desk, Mr. Clerk.

CLERK: Mr. President, Senator Haberman's first amendment is to amend LB 207 to include the education of drivers of motorcycles.

PRESIDENT: All right, now we are discussing your amendment.

SENATOR HABERMAN: Okay, we have so many, many youngsters that are riding motorcycles and they are being killed and they are dangerous if you are not properly trained. If we are going to give the schools the responsibility of driver's education, we should go the further step and do it in motorcycles, and would the Clerk please read the other amendment that I have up in front of the...on the desk, please.

PRESIDENT: We do them one at a time. We have the first amendment. You have how many amendments.

SENATOR HABERMAN: I am speaking against the bill.

PRESIDENT: We are discussing your amendment right now.

SENATOR HABERMAN: Okay, now I am ready, if you want to, I will just...(Interruption).

PRESIDENT: Any further discussion on your amendment? We will take up your amendment at this time. Any further

discussion on the Haberman amendment? We have several lights on. Who wishes to speak to the Haberman amendment? Hold up your hand. Senator Koch. I recognize Senator Koch speaking to the Haberman amendment. Does anyone wish it read again? All right, read it one more time.

CLERK: (Reread Haberman amendment found on page 358, Legislative Journal.)

PRESIDENT: Now the Chair recognizes Senator Koch.

SENATOR KOCH: Mr. President, members of the body, the committee also considered motorcycle safety. We held hearings on it and it is our best judgment that motorcycle safety is being handled in another sector and we are convinced that that sector provides it right now. It is done primarily by those who promote motorcycles. We have also, as you know, discussed motorcycles in terms of helmets and a lot of other things since I have been in this body, and for Senator Haberman to just suddenly use this bill to put motorcycle safety in there I don't think it is appropriate. If Senator Haberman wants motorcycle safety taught in the schools, then he should bring a separate bill and he should also then tell us how much it is going to cost because that means those schools are going to have to have certain kinds of programs, instructors, vehicles, not vehicles but in this case two-wheeled vehicles, and those costs which go with it. We are talking here about driver's education and the committee did not see fit to include this as a part of any legislation nor do we believe that it is absolutely viable at the present time. I stand to oppose Senator Haberman's amendment.

PRESIDENT: Senator Wagner, did you wish to speak to the Haberman amendment?

SENATOR WAGNER: Mr. Speaker, I have a question of Senator Haberman.

PRESIDENT: Question, will you respond, Senator Haberman, to a question of Senator Wagner?

SENATOR HABERMAN: Yes.

SENATOR WAGNER: Senator Haberman, your amendment states basically "motorcycles". I guess a year or so ago Senator Merz had a bill on mopeds. Now does the definition of "motorcycles" include "mopeds" too, just for my own information.

SENATOR HABERMAN: At the present time I don't believe it does because the motorcycle has to be licensed and a moped

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does not. However, if you wish to amend this to include mopeds, I will go along with it.

SENATOR WAGNER: What you are saying right now is mopeds to your interpretation is not included?

SENATOR HABERMAN: No, because they don't have to be licensed.

SENATOR WAGNER: All right. Thank you.

SENATOR HABERMAN: But I will put a motion in or you can, amendment.

PRESIDENT: Any further discussion on the Haberman amendment? Senator Vickers.

SENATOR VICKERS: Yes, Mr. President, members, I rise to oppose Senator Haberman's amendment also. It is very obvious that I think Senator Haberman pointed it out very clearly and I think the body should be aware that this is not an amendment offered in good faith, it is an amendment to kill the bill. I suggest to Senator Haberman he just put up that sort of a motion if that is what he has got in mind. Motorcycle safety is a separate issue. Motorcycle safety should be another bill. It should have a complete hearing and I can assure you that the people who would come to the hearing on motorcycle safety would be a different group of individuals that came to the hearing on this bill. I quite frankly am in favor of the bill for a variety of reasons but, Mr. President, I will speak to those questions after we handle this amendment but I think that safety, the question we are talking about is safety, our responsibility as legislators to address safety issues in the State of Nebraska and our responsibility to be fair to the public on issues relating to these bills so that they will have an opportunity to give us the benefit of their views at public hearings and to add something of this nature as Senator Haberman is attempting to do is certainly an attempt to make an end run around the public's input. I certainly oppose his amendment.

PRESIDENT: Senator Nichol, do you wish to speak to the Haberman amendment?

SENATOR NICHOL: Yes, I just have one question for Senator Haberman.

PRESIDENT: Senator Haberman, will you respond?

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SENATOR NICHOL: In our area we have a lot of people killed in motorcycle accidents and it seems that they do need some instruction. How would you propose that they do this when they don't have a sidecar in their driver training? Ride one in front of each other or what?

SENATOR HABERMAN: They can ride double or how...by the same way that Senator Koch said that there is motorcycle education going on now.

SENATOR NICHOL: Okay, thank you.

PRESIDENT: Did you get a response to your question, Senator Nichol?

SENATOR NICHOL: I was busy with two other things and I didn't hear his response frankly.

SENATOR HABERMAN: My response is that Senator Koch made the statement I do believe that the motorcycle education of the drivers is being handled at the present time by others in schools. So to answer your question I don't know how Senator Koch is...I don't know his reason or how they are doing this but we could do it the same way that it evidently is being handled now according to Senator Koch.

SENATOR NICHOL: Okay, maybe Senator Koch could respond to (interruption).

PRESIDENT: Senator Koch, could you come to the aid of the response here somehow?

SENATOR KOCH: Mr. President, I will attempt that.

PRESIDENT: Thank you.

SENATOR KOCH: And I hope it isn't serious that we need resuscitation because the gentleman who is speaking I wouldn't help that much right now but LB 22 is a safety vehicle...is Senator Landis' bill. LB 22 is going to be heard tomorrow before our committee. It deals with motorcycles and safety. Let's deal with that separately. It is a separate issue. Senator Nichol is correct. When you get into motorcycle safety and training, there is some serious problems I don't think the schools should have to handle especially under 7% lid, Senator Haberman, and you are one of the proponents of that.

SENATOR NICHOL: That answers my question, sir.

PRESIDENT: It is very noisy in here. It is very difficult

for people to hear in this response from one end of the Chamber to the other so would you hold it down to a roar at least. Senator Vard Johnson, did you wish to speak to the Haberman amendment?

SENATOR JOHNSON: No.

PRESIDENT: Any other persons wishing to speak to the Haberman amendment? I will look for you to hold up your hand because we have other lights on to speak to LB 207 itself. Senator Haberman, you may close on your amendment then.

SENATOR HABERMAN: I introduced the amendment to get the attention of the Senators to show that if you increase this, double the fee, to another \$700,000 for driver's education, that there is no stopping to what kind of education of any thing that we can foster onto the schools. So I want you to stop to think what you are doing. As Senator Beutler said, you are starting something here that is going to grow and grow and possibly it is time that we return it to the private sector but I don't think it is the time that we increase the cost. I withdraw my amendment, Mr. President.

PRESIDENT: You withdraw it, all right. What about the other amendment? Read the motion on the desk on the other amendment.

SENATOR HABERMAN: Go ahead and read it.

CLERK: Mr. President, Senator Haberman moves to amend LB 207 to include education in schools for the education to drive tractors.

PRESIDENT: Senator Haberman.

SENATOR HABERMAN: Mr. President, fellow colleagues, we have a lots of young people and elderly people that are killed every year driving tractors. So possibly we should have a tractor driver's education in the public school system. They can be dangerous, too, and they should be taught properly how to drive a tractor. So again I put this amendment in to draw to your attention to be opposed to the increase. Also maybe Senator Vickers doesn't have such a bad idea, that we should indefinitely postpone this bill, but instead of doing that and putting a motion to indefinitely postpone Senator Koch's bill and have him become upset and angry at me, I won't do that. Mr. President, I withdraw my amendment to have driver's education taught in a public school system.

PRESIDENT: Senator Koch, do you wish to speak to the second

Haberman amendment? Oh, he withdrew it. All right. Now we are back on the bill itself and the next speaker on the bill itself is Senator Vickers.

SENATOR VICKERS: Mr. President and members, I am a little bit amazed at what is going on here this morning. Undoubtedly some people are not that concerned with highway safety as I had been led to believe they might be. I think that is what we are talking about, and to answer some of Senator Haberman's questions and some of his concerns, as far as rural Nebraska is concerned, if we are going to teach driver education and the public schools out there are teaching driver education and it undoubtedly must be working or the insurance companies wouldn't be giving a discount for those students that have graduated from the courses, I think the insurance companies normally don't do that sort of thing without a good economic reason for it, therefore, it must be working. If we are going to teach it in rural Nebraska, the property taxes are going to go straight through this ceiling if we are going to continue to educate it. This is really dollars from the sales-income tax as Senator Beutler points out although I don't quite agree with that philosophy, it is dollars from the licensing fees is where the money is coming from. It is a use tax. The general fund dollars as Senator Beutler pointed out are simply dollars that the state might have to put in to print the licenses, to administer the...people that administer the licensing program. But the dollars on the local school level that we are attempting to replace with these license fee dollars will be dollars that otherwise have to come from the property taxes, from the school's budget. Now I admit I am a little bit prejudiced in this area. I have got a bill that is attempting to do away with the inspection program in the State of Nebraska and I will tell you we haven't had the hearing for it yet but I will tell you that I have never saw a bit of data for this state or any other state that would indicate that inspection programs have any bearing whatsoever on safety as far as the savings of lives out on the highway and this program is costing the people of the State of Nebraska just for their stickers \$522,000 a year, and also it is a regulation on the people that nobody likes. Well, if it is not doing any good and we don't have any data to indicate that it is, then I would suggest that we save the people of the State of Nebraska with that program five hundred some thousand dollars and include a little bit more and put it in a program that is going to do some good. One more thing, commercial schools might be able to do it in Lincoln and Omaha but commercial schools can't do it in rural Nebraska. We cannot have the private sector teaching driver's education to the small schools of this state. It just would not work. I think

driver education is very important. I believe safety on the highway is very important and I think it is our responsibility as representatives of the people to address that situation. I urge your support of LB 207.

PRESIDENT: The Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I am a little bit confused. Senator Koch, would this change the amount of money that a school board would use for driver education as a result of it being furnished by state aid? It should not increase the limit they can spend under the lid, would it? Or would it? I asked Senator Koch a question.

PRESIDENT: Senator Koch, will you respond?

SENATOR KOCH: Senator Nichol, I appreciate your question. We provide the schools with additional, and the figure being passed around here is not quite accurate. We are estimating under present conditions it is a little over \$600,000, and Senator Nichol's question is this, will it allow the school board to increase their budget? No, it wouldn't. What happens is that new money coming to the school board, they are still under seven percent, and what would happen would be a reduction in property tax they are presently having to draw to pay for the courses because they take it out of their mill levies against property taxes. This money, you see, is not going to open up a big spending spree. What it is going to help schools do is keep the program rather than cutting it out when they have to under severe limitations and it will help them justify and support it.

SENATOR NICHOL: That was the point I wanted to bring out that it would relieve the personal property tax somewhat and would put more of the burden onto sales and income tax. Thank you, Senator Koch.

PRESIDENT: The Chair recognizes Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I would like to spend just a few minutes discussing the driver's education situation in the Omaha School District because obviously that situation is somewhat different from the way it is in the rest of the State of Nebraska. We have had a driver's education program for a number of years. However, when the Omaha School District faced a zero percent growth limitation on the imposition of property taxes which was put on by the voters a year and a half ago, in August of 1979, the Omaha school board had to decide how to handle various educational functions and one of the things it did is it said that from this point forward driver's education is not

going to be taught during the school day but rather is going to be taught either in the summertime or on the weekends and, in fact, is going to be paid for by parents. So it became a voluntary paid-for program by parents. Now I assume still under this law, under the law as it presently exists, that even that program whenever a child took a voluntary driver's education program after school or what have you, the State of Nebraska still would have come in with its \$40. I have to assume that is the case though I don't know that...Senator Koch is shaking his head "yes". I don't know that for...Senator Koch says "yes" so it must be a fact, but the interesting thing that happened, the interesting thing that happened is that, you know, our school district was faced with a property tax limitation, and with faced with that, the school board had to make a choice, was this program one that should be cut or should be saved. Now what it did is it said we had better cut it as a traditional course offering but we still want to save it on a cash paid volitional basis. Now it seems to me that if we were to adopt LB 207 what we continue to do is we continue to encourage schools such as the Omaha School District to operate a program, not necessarily on a volitional basis, but on a regular part of the course offerings and that may not be a good thing to do at this time inasmuch as our school districts are really chafing under the taxpayer feelings about the property tax burden, which is very large, and in Omaha it is quite large for a variety of reasons. It may be better in the end if we do not lay any inducements, incentives or other factors on school boards to continue programs that could to some extent be secondary to academic programs. And it is for that reason that I am personally inclined to disfavor...not to support LB 207. It seems to me that the state continues to insist on a certain kind of a...I shouldn't say insist but to encourage, to encourage a certain kind of course offering notwithstanding some of the attitudes of the taxpayers that are out there and I would prefer almost to carry this program on without the heavy hand of the state involved. Secondly, one of the other things I dislike about 207 is the fact that it continues, in a stronger way, to earmark funds. It seems to me that one of the aspects...one of the traps that we have fallen into over the last few years with state government particularly is that we will impose a particular tax, such as on insurance companies, or we will levy a particular fee and then we will earmark revenues from that tax or that fee for a particular purpose. So as the tax is increased or the fee is increased, then so too do those revenues increase and the purpose continues to be paid for notwithstanding whether the need continues to exist or not. And I think in the terms of the 1980s and in terms of better government, we need to begin to de-earmark taxes and fees so that every program, every function

has to compete against every other function and every other program in terms of the general fund concept and that means that every program has got to stand on its own two feet. Now it might well be that driver's education could stand on its own two feet and needs no further justification, but by virtue of it being an earmarked fund program, at least under the drivers licenses, it doesn't have to compete quite as strictly as say, it doesn't have to compete, for example, with welfare payments, with general government costs, and right on down the line. So for that reason, I would oppose LB 207. Thank you.

PRESIDENT: The Chair recognizes Senator Higgins.

SENATOR HIGGINS: Thank you, Mr. President. Senator Koch, would you yield to two or three questions, please?

PRESIDENT: Senator Koch, will you respond?

SENATOR KOCH: Yes.

SENATOR HIGGINS: You stated earlier on that there had been a study made as to whether driver's education should be taught in the schools or by the private sector, could you tell me who made the study?

SENATOR KOCH: The Education Committee.

SENATOR HIGGINS: The Education Committee, and the result of the study was...?

SENATOR KOCH: The result of the study was that we felt that the schools had the major responsibility for this and it should be maintained at the schools. We also felt because of the increase in cost over the past twenty years that we should help the schools that carry on that program rather than cutting it out voluntarily.

SENATOR HIGGINS: Nobody from private enterprise then was involved in the study?

SENATOR KOCH: Well, they had a chance to appear before the committee. We had hearings on it, and for your information, Senator Higgins, there are only three commercial driver's education programs in the State of Nebraska. They are all in Omaha and they have one car, basically. You can't train many kids with one car.

SENATOR HIGGINS: Could you tell me, Senator, where do the cars come from that the school boards are using?

SENATOR KOCH: They used to come from the automobile dealers and the automobile dealers cooperated totally. However, the automobile dealers today are finding it difficult to give that same privilege and many schools are buying their own cars now for that purpose.

SENATOR HIGGINS: Would you say that if the automobile manufacturers provided the cars at the dealerships and if the dealerships were allowed to hire certified instructors and the money that we would have given or appropriated to the schools would be kind of a supplement to the children that want to learn and be paid to the dealers, so that the dealers would, number one, have the opportunity of instructing children in the proper way to drive, number two, we would be helping an industry that is vitally in need of help today, and, number three, it would give the automobile dealers a chance to show off their own automobiles to the children they are instructing and I think it would help an industry that is kind of on the skids right now, and at the same time because the manufacturers would realize the advantage of using their own cars, they could probably write that off as part of their advertising costs when furnishing the cars to the dealerships. Another question I have, we are teaching swimming in some of the Omaha schools right now, correct?

SENATOR KOCH: That is correct.

SENATOR HIGGINS: If you had to make a choice between teaching a youngster to swim, and I didn't learn until I was 41, and teaching them how to drive, when it comes down to what is the most important, which if you had to make that decision would you forego, teaching them swimming or teaching them driving?

SENATOR KOCH: If you want to give me that choice, I'd rather have them take driver's education, in the best interest of the public, the best interest of the individual and for us as a total society.

SENATOR HIGGINS: Do you think swimming is a part of education that is absolutely necessary to a child in order to get along in life and become a success in life?

SENATOR KOCH: No, not necessarily. I am not the greatest swimmer myself, Senator Higgins, but I will say this in defense of swimming and those schools that offer it is that there is a value to it, and if I have a heart attack tomorrow and I am put on a kind of a rehabilitation program, I will bet you one of the first things my doctor might say to me

is you ought to go to a swimming pool if there is one available and help rehabilitate yourself because that is a tremendous exercise for the good of the total body.

SENATOR HIGGINS: If that arises which isn't that probable, that would be a good time then for you to learn to swim. As I said, (interruption).

SENATOR KOCH: That may be the only way I learn how to do it.

SENATOR HIGGINS: Pardon me.

SENATOR KOCH: That may be the only way I'd learn how to do it because right now all I can do is paddle.

SENATOR HIGGINS: The question I want to raise is again what has been raised before, how necessary is it that we teach automobile driving in the schools and continue to raise...

SENATOR KOCH: How necessary is it for us to feed students in the schools? We do it, and, yes, the Department of Agriculture one time, that surplus, they thought a good way to get rid of them is can it and send it to the schools.

SENATOR HIGGINS: Senator Koch, I didn't hear the first part of your statement when you interrupted me.

SENATOR KOCH: I am sorry.

SENATOR HIGGINS: Go ahead and make your statement and use up my time if you'd like.

SENATOR KOCH: Senator Higgins, I said how important is it for us to have hot lunch programs?

SENATOR HIGGINS: That is a matter of survival for some children but driving an automobile and learning how to do the backstroke is not. My question and the only thing I am posing is, if you are going to have to teach them how to drive cars and if you are going to need money and if you are going to raise taxes, why don't we do away with the swimming instructions and then just open up those swimming pools in our schools to the public and let them pay for the use of the swimming pools and then the parents can bring their children and they can teach them how to swim, which to me is somewhat getting back to the basics of parental responsibility as opposed to state responsibility, but I would like you to consider the fact that maybe the automobile manufacturers if approached, given the opportunity to

give driver's education at their dealerships by certified instructors, they could write it off as a cost of advertising which it would be. Thank you very much, Senator Koch.

PRESIDENT: The Chair recognizes Senator Dworak.

SENATOR DWORAK: The only comment I want to make, and I think it should be made, and I am surprised Senator Goll isn't making it is that we are not doing the automobile dealers any great favor by allowing them to donate an \$8,000 or \$10,000 automobile for driver's training. This costs them a lot of money and it is an inconvenience, business inconvenience, and it is very debatable as to whether they benefit. Now I am not a great advocate of the automobile industry but I do think to suggest or even imply that a particular segment of society should bear the brunt of the particular program is absolutely wrong. I think that if we think this program is worthwhile then we should support it, and I think this is the bill to support it with. Number two, I think the next thing we have to consider is how we are going to pay for it and I think we might very seriously take a look at what we charge for licenses, drivers' licenses in the State of Nebraska, learners' permits, school permits and maybe through that process generate enough funds to fund this particular provision. Yesterday I put a bill in to raise the fees on learners' permits and school permits from \$1.00, yes, \$1.00, in 1981 \$1.00, to \$3.00 which is still not terribly high but still that isn't going to generate enough money to it but I think we might take a look at some other areas where we might be able to generate the money but I think these are all the factors that have to be considered in adjudicating this particular issue. The philosophical issue of whether it should be offered or should not be offered, number one, and then, number two, if we decide it should be offered, then figure out a way to finance it, but to expect one segment of the private industry to donate the use of these cars I think is fairyland thinking that isn't realistic in today's economy and I think it is unfair that we'd even imply that a particular industry take this burden.

PRESIDENT: At this time the Chair would like to introduce guests of Senator Wagner, Mr. and Mrs. George Hruza from Ericson. They are under the South balcony and would the Hruzas please step and be recognized. Welcome to your Legislature. The Chair recognizes Senator Cope.

SENATOR COPE: Mr. President, members, I support LB 207 for one reason and one reason only, it will save lives, and that

I think is pretty basic. It has been proven that people, and especially young people, who have training in driving automobiles have less accidents. It just makes sense, and when you consider the really small cost, if you could even save two lives, three lives in a year, that would underwrite the cost in dollars and cents. That isn't the important thing. The important thing is that we have saved someone's life and it could be your life, one of you right in this Chamber. Remember that. It isn't just the person that is driving the car, it can be the other car. I think we are penny wise and pound foolish. I was just thinking, and I certainly don't have the particulars on it, but if each person in Nebraska who drives a car would save five gallons of gas and the cost of that would underwrite this program probably a hundred percent. I don't know but it would mean a lot, and you don't bother too much when you go up to the gas tank and put in or the gas pump and put in five gallons of gas. Think of it. With our record in Nebraska last year in fatalities, we'd better be doing everything possible that we can to save lives and I think this will help do it. There is no doubt in my mind. I ask you to support LB 207.

PRESIDENT: Senator Stoney. Senator Stoney...I don't see him at his desk. Senator DeCamp. The question has been called. Do I see five hands? I do. All those in favor of ceasing debate vote aye, opposed nay. Record the vote.

CLERK: 28 ayes, 0 nays to cease debate, Mr. President.

PRESIDENT: Motion carries, debate ceases, and, Senator Koch, you may close. Senator Koch.

SENATOR KOCH: Mr. President and members of the body, the issue before us today is really a relatively simple one. We are talking about education. We are talking about safety. We are talking about the welfare of people. I have been in this body long enough to know that we have spent some monies I think are rather careless and you can't justify them. The facts are here, they are present. If the insurance companies didn't believe that this program had merit, they would not offer reduced rates to those who had it. The records show that those who have defensive driving, and that is the instruction, are also better drivers. There is no doubt about it but why should we confuse ourselves with facts when our minds are already made up. Now if you are concerned about the \$700,000, Senator Dwcrak has a bill we heard yesterday on driver's license, and if we can go another route, we can use that bill if you don't want to take it out of general fund. We can increase the license fees to \$10.00 from the present \$7.50. That excess

money would still not reduce that going to the county nor would it reduce the state's share. The money would be increased then would then go to the Driver's Education Fund to be given back to the schools, and I want you to know this state put into law driver's education may be taught in public schools. Today 306 schools out of 316 offer drivers' education but they are finding it extremely difficult to continue that program, yet they endorse it in terms of merit and value derived. Senator Beutler, who I appreciate very much, but his point of view in education is primarily two years of Latin, two years of German, all History, all English, and if Senator Beutler wants to talk about costs, let's do it with athletics, one of his favorites was sports when he was in high school, because we subsidize that totally except for a few people buying tickets once in while and that depends oftentimes on schools, how good their team is, how many people they are going to attract. And so, therefore, if we are going to get down to what the values of something might be, we really should repeal driver's education and say the schools will not offer it and let people go find their skills somewhere else, and I assure you there will not be many people taking defensive driving. Why does the state have all their employees take defensive driving? You know why they do...because it reduces the number of incidents of accidents and fatalities and costs. I think it is high time we say to the schools, we believe in this course. We are not going to mandate it but we believe in it and we are going to help you support it. Under a seven percent lid, schools today are looking at programs very seriously. I have a letter from Beatrice and their board of education is saying the seven percent lid is going to cause us to dismantle a good educational program, and if you want to be a part of it, then so be it, but right here in our own community we find it very, very difficult to make decisions on what should be offered and what should not be offered. Let's not argue about dollars, let's talk about the value of the course. If it isn't valuable, let's repeal it right now. If we need to find dollars from other sources, let's raise license fees to \$10. That will solve the problem. With declining enrollments, I would also suggest to you that their dollars might decline as well because schools have got to have the people there and they have to be qualified to take the course before they get that dollar, and you know as well as I do that most of the school districts in this state have declining enrollments, some of them very severely. And the smaller schools are the ones who are having the difficult time handling driver's education, the superintendents were there. Talking about the automobile dealers, they had a chance to appear before us and say, we can offer

this. Ask Senator Goll and he'd say that means I would have to hire instructors and a minimum of other factors, that I already have got enough problems in my business without getting into education, and if we believe in public education, then we should support this bill. If we believe in the principle of driver's training and defensive driving in safety and in cutting down fatalities, then we have to support this bill. If you don't vote for it, obviously, you are negative, you don't believe in the principle that we are trying to advance, so you don't want to help the schools with the cost of the program. Thank you.

PRESIDENT: The question before the House is the advance of LB 207 to E & R Initial. All those in favor vote aye, opposed nay. There are only three excused, Senator Koch. What do you wish to do? It looks like the votes are not coming on the Board. Senator Koch.

SENATOR KOCH: Three excused?

PRESIDENT: Three are excused, yes, sir.

SENATOR KOCH: With hesitation, I ask for a Call of the House and a roll call vote. I want people on record (interruption) their superintendents.

PRESIDENT: Clear the Board.

SENATOR KOCH: I can't believe Senator Remmers who is a former superintendent.

PRESIDENT: The question then is, shall the House go under Call? All those in favor vote aye, opposed nay. Record the vote.

CLERK: 22 ayes, 0 nays to go under Call, Mr. President.

PRESIDENT: The House is under Call. The Sergeant at Arms will see to it that every member is at his or her desk. The House will be cleared. All unauthorized personnel will leave the floor. The House is under Call. Record your presence. While we are waiting for the members to be brought in by the Sergeant at Arms or people to get to their desks, the Chair would like to remark about a matter of procedure which occurred this morning that I think I shall bring to your attention. When there is a speaking order for the presiding officer to follow, anyone up here, Speaker Marvel, myself or any other person presiding has been following the order very carefully of the names as they come on, as lights are put on. If there is a person

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LR 11

on that list who wants to trade places, wants to yield to another person in this Legislature, another legislator, it is up to that person when he or she is recognized to say "I yield to that person". Otherwise the presiding officer, at least when I am presiding, I am going to call on the names as they appear on the list and that person can do what he or she wants to do at that time but I am not going to attempt to substitute up here for you down there. I am going to call the list and you are going to have to yield and let it be known that you are the one that wants to yield your time. Is that clear? I want to make sure so there is no misunderstanding. Okay, Senator Chambers I guess is it. Senator Koch, Senator Chambers I believe is the only one not in the Chamber. Do you wish to wait for Senator Chambers? Here he is. Do you wish a roll call vote now on the issue?

SENATOR KOCH: I will request a roll call vote, please.

PRESIDENT: Roll call vote then. The question before the House is the advance of LB 207 to E & R Initial. Roll call vote, Mr. Clerk. You may proceed.

CLERK: (Roll call vote taken. See page 359, Legislative Journal.) 23 ayes, 23 nays, Mr. President.

PRESIDENT: LB 207 fails to advance. Mr. Clerk, do you have some matters to read in?

CLERK: Yes, sir, I do. Mr. President, I have four Attorney General's opinions. The first is addressed to Senator Warner, the second addressed to Senator Sieck regarding LE 58, the third to Senator DeCamp regarding LB 284; and a fourth to Senator DeCamp regarding LB 68.

Mr. President, your committee on Appropriations gives notice of rescheduling of public hearing for February 20. Senator Warner gives notice of Appropriations Committee hearing for Monday, February 9 and Friday, February 13.

Mr. President, A bill, LB 207A. (Read title. See page 365, Legislative Journal.)

Mr. President, a new resolution, LR 11. (Read. See pages 365 and 366, Legislative Journal.) Mr. President, that will be laid over pursuant to our rules.

Finally, Mr. President, I have a motion from Senators Chambers, Kilgarin, Landis, Kahle, V. Johnson and Chronister by the Government Committee to re-refer LBs 406 and 523 to Government from Miscellaneous Subjects.

January 30, 1981

LR 11
LB 30, 37, 39, 69, 140,
207, 312, 363.

your vote for the resolution.

PRESIDENT: Is there any discussion on the Wesely resolution which is LR 11? Seeing none, Senator Wesely, I guess that will be your opening and your closing. The question before the House is the adoption of LR 11. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 31 ayes, 0 nays on adoption of the resolution, Mr. President.

PRESIDENT: The motion carries. The resolution LR 11 is adopted. Mr. Clerk, are there any matters to be read in?

CLERK: Yes, sir, there are. Mr. President, I have a Reference Committee report referring LBs 533, 534 and 535. The Committee on Ag and Environment gives notice of hearing in Room 1520 for March 5 and March 6. The Committee on Public Health and Welfare gives notice for a hearing on February 9, 10 and 17. Your Committee on Public Health and Welfare whose Chairman is Senator Cullan to whom was referred LB 39 instructs me to report the same back to the Legislature with the recommendation it be advanced to General file with amendments; LB 69 to General File with amendments. (See pages 378 and 379 of the Legislative Journal.)

Mr. President, your Committee on Revenue whose Chairman is Senator Carsten to whom was referred LB 140 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File.

Mr. President, I have a motion from Senator Chambers to re-refer LB 363 from Education to the Government Committee. Senator Stoney asks unanimous consent to...or he makes a motion to withdraw LB 312. Pursuant to our rules that will be laid over, Mr. President. Senator Stoney also asks unanimous consent to have his name added to LB 37 as co-introducer.

PRESIDENT: No objections, so ordered.

CLERK: Mr. President, Senator Koch would like to print amendments to LB 207 in the Legislative Journal. (See pages 380 and 381 of the Legislative Journal.) Your Committee on Urban Affairs whose Chairman is Senator Landis to whom was referred LB 37 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments, and LB 30 General File with amendments. (Signed) Senator Landis (See pages 380 and 381 of the Legislative Journal.)

February 9, 1981

LB 81, 143, 207

SENATOR KILGARIN: I move LB 81 be advanced to E & R for engrossment.

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

CLERK: Yes, sir. Mr. President, Senator Koch would like to have amendments printed to LB 207 in the Legislative Journal. (See pages 471-472 of the Journal.)

SPEAKER MARVEL: No objection, so ordered. We now move to item #6, General File. The first bill is LB 143.

CLERK: Mr. President, LB 143 was last considered by the membership this past Friday. (Title read.) The bill was read on January 14. It was referred to the Public Works Committee. It was advanced to General File with committee amendments. The committee amendments were discussed last Friday. Senator Chambers had an amendment to the committee amendment that was adopted. I now have amendments to the committee amendments offered by Senators...well first of all Senator Labeledz wants to add her name as coinroducer to the offer of these amendments, Mr. President.

SPEAKER MARVEL: No objection, so ordered.

CLERK: The amendments then, Mr. President, are found on page 406 (sic) of the Journal and they are offered by Senators Labeledz, Koch and Hoagland and they are amendments to the committee amendments.

SPEAKER MARVEL: Senator Stoney, your light is on. Do you wish to be recognized? Okay, Senator Hoagland.

SENATOR HOAGLAND: Mr. Speaker and colleagues, Senators Labeledz and Koch and I are offering an amendment to Senator Chambers bill that would exclude from any increase in the speed limit the interstate system around Omaha. Now let me say at the outset, speaking for myself only, I am against any increase in the speed limit at all in Nebraska. In addition to my own views on the subject I have talked to about five constituents over the last four days, and to an individual, those persons are against increasing the speed limit and I have really been surprised at the unanimity of the constituent response that I have gotten. It confirms my own feelings that for safety reasons, for energy conservation reasons and because of the possibility of our losing up to \$70,000,000 of federal funds it simply doesn't make any sense at this point to increase the speed limit. One particular individual, a minister at Dundee Presbyterian Church gave me what I thought was the most cogent reason

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LR 15
LB 24, 65, 207

situation but I don't want to change the situation that we have had for current RTSs, so this is an attempt to maintain the status quo for them but still allow Senator Nichol to deal with the problem he has in his area.

SPEAKER MARVEL: The motion is the adoption of the Wesely amendment to LB 65. All those in favor of the motion vote aye, opposed no. Record.

CLERK: 26 ayes, 1 nay, Mr. President, on adoption of the amendment.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. Now are we ready to advance the bill?

CLERK: Yes, sir.

SENATOR NICHOL: Mr. Chairman, I move LB 65 be advanced to E & R for Engrossing.

SPEAKER MARVEL: The motion is the advancement of the bill as amended. All those in favor say aye. Opposed no. The motion is carried. The amendment is adopted. The bill is advanced. LB 24.

CLERK: I have nothing on it, Senator.

SENATOR NICHOL: Mr. Chairman, I move LB 24 be advanced to E & R Engrossment...for Engrossment.

SPEAKER MARVEL: All those in favor of advancing the bill say aye. Opposed no. The motion is carried. The bill is advanced. Are we ready for General File now? Okay, the Clerk has got some items to read in.

CLERK: Mr. President, your Committee on Judiciary gives notice of cancellation of public hearing and rescheduling for February 18. (See page 495 of the Legislative Journal.)

Senator Koch would like to be excused on Thursday, February 12.

Mr. President, new resolution offered by Senators Koch and Marvel. (Read LR 15 as found on pages 495 and 496 of the Legislative Journal.) Mr. President, that will be laid over.

SPEAKER MARVEL: We are ready to go to General File, item #5, and the first bill the Clerk will read is 207.

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LB 207

CLERK: Mr. President, LB 207 was offered by the Education Committee and signed by its members. (Read title). The bill was read on January 15. It was referred to the Education Committee for public hearing. It was advanced to General File. At that time, Mr. President, there was a motion to advance the bill which failed on January 29. I now have pending, Mr. President, amendments by Senator Koch. Senator, I understand the amendments on page 380 are to be withdrawn and the amendments on page 471 are the ones that you want to consider. Is that right?

SENATOR KOCH: It is with mixed emotion that I withdraw that amendment, but I may run it again. But you can withdraw it for the present time.

CLERK: Okay, thank you. Mr. President, Senator Koch has amendments that are found on page 471 of the Legislative Journal.

SPEAKER MARVEL: The Chair recognizes Senator Koch.

SENATOR KOCH: Mr. Speaker and members of the body, a week and a half or two weeks ago we discussed the merits of LB 207. At that time it was obvious that there were some concerns in the body about how we could finance the increase as the committee recommended from the interim study, and as I reminded you then when the state decided we were going to subsidize Drivers Education in the schools we did so at \$40, the cost of Drivers Ed at that time was \$59. The cost has escalated over the years to the present state average of about \$152. The committee thought it was proper that we demonstrate to the public schools that we believe in defensive driving and the rules of the road, but there is a merit to those students who take this course. With the help of Senator Warner and his staff we have drafted this amendment, and very basically what the amendment does, first of all it takes away an earmarking of a fund that goes forward to a Driver's Education fund and the money that is derived from licenses goes directly to the general fund, and then there would be an appropriation annually to the Department of Education and to fund those schools who demonstrated that they had X number of students involved, and that is the way it would be done because Senator Johnson had some concerns about earmarking. But I want to say to the body if we are going to get away with the earmarking it will take us a whole session because I think we have got that many earmarks around here someplace. But I am willing to do that to show you I can compromise, and trust old Jerry,

and that is Jerry Warner, not myself. What we are proposing to do....you can speak for yourself too, Senator Warner, pretty soon. What we are proposing to do though is to increase the license fees from the present rate of \$7 to \$10, and that, of course, would more than take care of the support we are going to provide to Driver's Education and it would provide in the area of \$700,000 of additional receipts, and this in turn would take care of the aid dollars we are recommending to go to the public schools. The county will continue to receive the same dollars they now receive to assist the state in administering the program. Those of you who may not be familiar with this, it is \$1.75 to the county. The amendment strikes, as I told you, the cash fund for Driver's Ed and places all receipts directly to the general fund and the amendment would require annual appropriation support to Driver's Ed at a rate of 8 hours per student, and, of course, again that is from forty to eighty and this fee increase will provide what we need. And the present anticipated balance of approximately \$135,000 on June 30, 1981 will be transferred into the state general fund to provide funds for the operative date in 1981. That is what the amendment does which is printed in the Journal. And the question is always, do we want to increase license fees? And we are putting it to you, we are suggesting that they be increased to \$10. The last time the license fee was increased was in 1977, and I don't think this is unreasonable. We all know we get a driver's license every four years if we can pass the test, and I don't think that the privilege of driving a car that license is excessive, and I am asking you to support this amendment. Thank you very much, Carol.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President and members of the Legislature, I would rise to support Senator Koch's amendment for several reasons, most of which he has outlined, but I do think in this particular instance that to have those funds deposited directly to the general fund and to be considered at what level it should be appropriated is the right way to go. Secondly, this amendment will preclude the reduction in the general fund or using general fund sources other than driver's licenses for the support of Driver Education. It also laps the unexpended balances in the fund now so there would be no reduction in availability of general fund money for this '81-'82 fiscal year, and I don't think it is unreasonable that cost for Driver Ed ought to be a part of the cost of license plates, and for that reason it makes sense to me also. So I think

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that this is a reasonable solution to provide the funds for more adequate funding of Driver Education and the source of the money is appropriate but it still is done in such a manner that the Legislature can review it each year as an appropriation matter as to the level that ought to be appropriated for that coming year. So I think it is a good solution and I would support the amendment.

SPEAKER MARVEL: Senator Clark, would you like to be recognized?

SENATOR CLARK: Mr. President and members, I have superintendents out there telling me to get rid of this Driver's Education for the schools, and it is not an educational function. They want to get rid of it out there. They do not disagree with the fact that there should be Driver's Education, but certainly not in the schools, and the school superintendent tells you that. You have got to stand around and listen to him. Now I would like to ask Senator Koch, are you trying to raise the license fee to drive an automobile from \$6 to \$10?

SENATOR KOCH: We are raising it from \$7 to \$10.

SENATOR CLARK: From \$7 to \$10?

SENATOR KOCH: That is correct.

SENATOR CLARK: Thank you.

SENATOR KOCH: Once you renew it, and that is every four years that you have to pay that.

SENATOR CLARK: I realize that. The trouble is that I just answered letters this morning that say, what are you trying to do, every darn thing you are doing down there is raising money, and it is the taxpayers that are paying this. We are sick of it, do not raise more money down there. The people have told you to stop raising money, to start letting the taxpayer have a reduction, not an increase. I certainly cannot go along with this.

SPEAKER MARVEL: Senator Haberman and then Senator Cope.

SENATOR HABERMAN: I have a question of Senator Koch, please.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Yes, sir.

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SENATOR HABERMAN: Senator Koch, at the present time 25 percent of the funds go to the county. Is that still true the way you have amended the bill?

SENATOR KOCH: That is correct, Senator Haberman, it will remain as is, \$1.75 of each license would remain at the county level.

SENATOR HABERMAN: What your bill does, what all of this says is that you are raising the fee from \$7 to \$10.

SENATOR KOCH: That is correct.

SENATOR HABERMAN: Well then, why do you have the \$1.50 and the 75 cents and the 25 cents, why do you have all of the rest of this garbage in the bill?

SENATOR KOCH: Well, Senator Haberman, I explained that... (interruption).

SENATOR HABERMAN: Well, you didn't explain it so I can understand it. Would you please try again, I am not very bright this morning.

SENATOR KOCH: Well, I told you that part of the amendment eliminates the cash fund for Driver Education and places all the receipts directly into the general fund. There were some concerns about earmarking X number of dollars into the Driver Education fund. What we are doing is all money from licenses goes directly to the general fund and then there will be a transfer of this fund to the Department of Education that would go to the schools for those students who had been in Driver's Education to pay part of the cost.

SENATOR HABERMAN: All money from all licenses, did you say, goes to the general fund? That's what the bill, this does?

SENATOR KOCH: After the county takes their part of it, that money then would be transferred to the general fund.

SENATOR HABERMAN: Now all of this money that is being transferred to the general fund, does some of it not go to Driver's Education at the present time?

SENATOR KOCH: Well, I will let Senator Warner answer that. He is familiar with that appropriation more than I am, Senator Haberman, and I would defer to him.

SENATOR HABERMAN: Okay, Senator Warner, my question is

this, I understand the part that you are taking the \$7 now that goes to Driver' Ed, you are trying to change that to \$10. If you change it to \$10 or if you don't change it to \$10, it will go to the general fund. I understand that much of what the amendment does. Now what about the other funds and the other license fees in the amendment? Where presently does that money go that you are putting in the general fund?

SENATOR WARNER: There is no change. The only change of dollar amount, Senator Haberman, is the additional \$3 that is proposed by Senator Koch's amendment would all go to the general fund to then be appropriated for Driver Education reimbursement for local school districts. It doesn't change any of the other distribution that the license money now has in terms of the dollars. It was by percentage in the old statute, instead of using percentage it now uses fixed dollar amounts which is the same dollar amounts that they previously had. If the amendment would have retained percentages, then that \$3 increase, there would have been a percentage of that \$3, for example, it would have gone to the county for collections, but they get their same \$1.75 that they now have, which was 25 percent of the old fee.

SPEAKER MARVEL: Senator Cope.

SENATOR COPE: Mr. President and members, I support this bill, one reason, and this is personal and that is the fact that I am going to consider that 62 1/2 cents a year that it costs me as additional insurance for me, liability insurance. Now it is a proven fact that students who have taken this Driver Ed course are better drivers. What is the proof? The proof is that insurance companies give them an allowance on their insurance, and insurance companies are not doing that just out of the goodness of their heart. They do it because they have researched it. They know they are better drivers. Why do I consider it insurance? For the simple reason, that it could save my wife's life, it could save my life, my relatives, my friends, by having this particular person that I meet thousands of times on the road or in cities, or somewhere, be a better driver and we don't have a crash. I think it is the cheapest insurance that I can buy.

SPEAKER MARVEL: Senator Warner. Senator Koch. Senator Koch, do you want to close on your amendment?

SENATOR KOCH: Thank you Mr. Speaker. I will be very brief. We are increasing license fees as Senator Warner

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LB 207

has stated, and the amount of money that increases every four years to each of us who renew our license. The money goes to the general fund, and the Department of Education then advises us as to the number of students who have completed the course, and we will transfer that amount of money to the Department of Education to be refunded to the schools for the costs incurred of offering Driver's Education. And for those of you who have forgotten the previous discussions on this, 316 highschoools offer Driver's Education in the state out of 320. Not only that but I have in my file the fact that it's offered during the summer time and the private school sector also is offered this opportunity, and that, of course, in many cases we help to subsidize that. So there are a considerable number of people who are being served under Driver's Education. I ask for the adoption of this amendment to LB 207.

SPEAKER MARVEL: The motion is the adoption of the Koch amendments found on page 471 of the Journal. All in favor of that motion vote aye, opposed vote no. Have you all voted? The motion is the adoption of the Koch amendment as found on page 471 of the Journal. Have you all voted? Senator Koch. Senator Koch. Where is Senator Koch?

SENATOR KOCH: Mr. Speaker.

SPEAKER MARVEL: Yes, sir.

SENATOR KOCH: How many are excused?

SPEAKER MARVEL: Ten excused.

SENATOR KOCH: Ten excused?

SPEAKER MARVEL: Yes.

SENATOR KOCH: If Senator Fitzgerald would cast a vote, why we would be in shape. Thank you, Senator Fitzgerald.

SPEAKER MARVEL: Record the vote.

CLERK: 25 ayes, 9 nays, on adoption of Senator Koch's amendment, Mr. President.

SPEAKER MARVEL: The amendment's adopted.

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

SPEAKER MARVEL: Have you got an A bill? The motion is

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LB 167, 207, 207A

the advancement of 207 to E & R for Review, as amended. Senator Koch, do you have any other comments you want to make?

SENATOR KOCH: I move to advance as amended to E & R Initial. Thank you.

SPEAKER MARVEL: All those in favor of the advancement of the bill vote aye, opposed vote no. Have you all voted? Senator Koch. Record the vote.

CLERK: 25 ayes, 9 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Now we have the A bill?

CLERK: Yes, sir.

SPEAKER MARVEL: The motion before the House is the advancement of LB 207A. This is the A bill. All those in favor vote aye, opposed vote no. Last time, have you all voted? Senator Koch. Record the vote. Record the vote.

CLERK: 27 ayes, 8 nays, Mr. President, on the motion to advance the A bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Okay, the next order of business is LB 167. The Clerk will read.

CLERK: Mr. President, LB 167 was offered by the Revenue Committee and signed by its members. (Read title). The bill was first read on January 14 of this year. It was referred to the Revenue Committee for public hearing. The bill was advanced to General File. Mr. President, there are committee amendments pending by the Revenue Committee. You will find the committee amendments in your bill books. They are cited as Request #2024.

SPEAKER MARVEL: Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, I move we adopt the committee amendments and I will try to explain them to you a little bit. They are found in front of the bill. There are three parts to the committee amendments. The first part includes interest rate change on the special assessments, and if you will notice that this was quite a lengthy amendment. It is in the white

February 17, 1981

LR 16
LB 24, 109, 110, 114, 143, 188,
188A, 207, 207A, 234, 234A, 246,
325, 388.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Paster Rodney Hinrichs from the Rejoice Lutheran Church here at Lincoln.

PASTOR RODNEY HINRICHS: Prayer offered.

PRESIDENT: Roll call.

CLERK: Mr. President, Senator Higgins would like to be excused. Senator Labedz and Chronister until....

PRESIDENT: Record the presence.

CLERK: 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 correct as published. Any messages, reports or announcements.

CLERK: Mr. President, your Enrollment and Review Committee respectfully reports they have carefully examined and reviewed LB 207 and recommend that same be placed on Select File; 207A; 188; 188A; 234; 234A; 110; 143 and 109 all placed on Select File. (See pages 525 and 526 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 24 and find the same correctly engrossed.

Mr. President, your committee on Public Works whose Chairman is Senator Kremer to whom was referred LB 114 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; 246 General File with amendments; 325 General File with amendments; 388 General File with amendments. (Signed) Senator Kremer, Chair. (See pages 526 and 527 of the Legislative Journal.)

Mr. President, I have a unanimous consent request to have Senator Clark add his name to LR 16.

PRESIDENT: Any objections? If not, so ordered.

CLERK: Mr. President, LR 16 is ready for your signature.

February 19, 1981

LB 214, 207, 207A

SPEAKER MARVEL: Okay the motion is the Johnson amendment to LB 214. All those in favor of that motion vote aye, opposed no. Record the vote.

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of the Johnson amendment.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. Senator Hefner, do you want to advance the bill?

SENATOR HEFNER: Mr. President, I move the advancement of LB 214 to E & R engrossing.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. Are we ready for LB 207?

CLERK: Mr. President, there are E & R amendments to LB 207.

SPEAKER MARVEL: Senator Kilgarin, E & R amendments to 207.

SENATOR KILGARIN: I move the E & R amendments to LB 207.

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

CLERK: I have nothing further on the bill.

SENATOR KILGARIN: I move LB 207 be advanced to E & R for engrossment.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. 207A.

CLERK: Mr. President, Senator Koch has an amendment to LB 207A. (Read Koch amendment offered on page 575, Legislative Journal.)

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker, thank you. The original A bill, we still had the trust fund earmarked in the Department of Education. There was some objection on the floor about the earmarking. What we did in the amendment to the A bill was to make certain money collected for license fees goes directly to the general fund and the amount you see here is the amount we are presently giving to driver's ed plus the new amount which we approved and I ask for the adoption of this amendment to the original 207A.

LB 14, 18, 20, 27, 28, 29, 30
37, 41, 42, 43, 45, 46, 81
110, 121, 125, 130, 140,
143, 155, 164, 188, 188A,
207, 207A, 214, 234, 82, 64
234A

February 20, 1981

SENATOR DWORAK: I wish to close, Mr. President. I just reiterate that LB 125 be advanced to E & R initial.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed vote no. Okay, record.

CLERK: 33 ayes, 9 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The Clerk has some items on the desk before we adjourn.

CLERK: Mr. President, before we leave Senator Kremer would like to remind the Public Works Committee that they have a hearing at noon today in Room 1517 on Gubernatorial appointments for the public roads classification for motor vehicle licensing board. That is in Room 1517.

Mr. President, I have legislative bills ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I am about to sign and I do sign LB 121, LB 64, LB 41, LB 18, LB 14 and engrossed LB 140, engrossed LB 130 and engrossed LB 82, engrossed LB 81, engrossed LB 46 and engrossed LB 45. Okay, Mr. Clerk.

CLERK: Mr. President, I have an Attorney General's opinion addressed to Senator Goodrich. It will be inserted in the Journal. (See pages 608-610.)

Your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 110 and find the same correctly engrossed; 188, 188A, 207, 207A, 214, 234 and 234A, all correctly engrossed.

Mr. President, your Enrolling Clerk respectfully reports she has at 10:37 a.m. presented to the Governor for his approval the following bills: 28, 42, 156, 20, 27, 29, 30, 37 and 43.

Mr. President, Senator Chambers moves to reconsider the action in voting to indefinitely postpone LB 143. That will be laid over.

I have explanation of votes from Senator Haberman and Senator Sieck. (See page 611 of the Journal.)

I have a report of registered lobbyists for February 12

May 11, 1981

LB 188, 188A, 207

CLERK: Senator Clark voting aye.

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

CLERK: (Read record vote as found on pages 1911-1912 of the Legislative Journal.) 42 ayes, 2 nays, 2 excused and not voting, 3 present and not voting, Mr. President.

SENATOR CLARK: LB 188 is declared passed with the emergency clause attached. The Clerk will now read LB 188A with the emergency clause.

CLERK: (Read LB 188A on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass with the emergency clause attached. All those in favor vote aye. All those opposed vote nay. Voting aye.

CLERK: Senator Clark voting aye.

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

CLERK: (Read record vote as found on pages 1912-1913 of the Legislative Journal.) 36 ayes, 8 nays, 2 excused and not voting, 3 present and not voting.

SENATOR CLARK: LB 188A is declared passed with the emergency clause attached. The Clerk will now read LB 207 with the emergency clause.

CLERK: (Read LB 207 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall LB 207 pass with the emergency clause attached. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Once more, have you all voted? We are all supposed to be in our seats. Record the vote.

CLERK: (Read record vote as found on pages 1913-1914 of the Legislative Journal.) 29 ayes, 13 nays, Mr. President.

SENATOR CLARK: The bill, having failed to receive a constitutional majority of 33 votes, the question is now shall the bill pass without the emergency clause attached. All those in favor vote aye. All those opposed vote nay.

May 11, 1981

LB 207, 207A, 234

CLERK: Senator Clark voting no.

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

CLERK: (Read record vote as found on page 1914 of the Legislative Journal.) 33 ayes, 12 nays, 2 excused and not voting, 2 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed without the emergency clause attached. The Clerk will now read 207A (E). This also requires 33 votes.

CLERK: (Read LB 207A on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with the question is, shall LB 207A pass with the emergency clause attached. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting no.

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

CLERK: (Read record vote as found on page 1915 of the Legislative Journal.) 33 ayes, 13 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed with the emergency clause attached. The Clerk will now read LB 234.

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

SENATOR CLARK: Read the motion.

CLERK: Mr. President, Senator Fowler moves to return LB 234 to Select File for a specific amendment.

SENATOR CLARK: Senator Fowler.

SENATOR FOWLER: Mr. President, members of the Legislature, the amendment is to raise the weekly Workmen's Compensation benefit maximum from \$180 a week to \$190. It is the same as the provisions of a bill that was voted out of the Labor Committee. It is kind of a compromise figure. I guess it is fairly straightforward as to what we are talking about, simply to raise the weekly benefit maximum which is now \$180 to \$190. It is a 5.5% increase. Right, the people are asking Senator Maresh if he voted. Senator Maresh did not support this in the committee but a majority of the Labor Committee did. With that, I would move to return the bill for this specific amendment.

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LB 144, 144A, 188, 188A,
204, 204A, 207, 207A,
LR 79, 115, 116

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Pastor Martin Russert from Grace Luthrean Church in Norfolk, Nebraska, Senator Dick Peterson's district.

PASTOR RUSSERT: Prayer.

PRESIDENT: Roll call. Have you all recorded your presence? Record the presence.

CLERK: A quorum present, Mr. President.

PRESIDENT: Are there any corrections to the Journal?

CLERK: I have no corrections Mr. President.

PRESIDENT: The Journal will stand correct as published. How about any messages, reports or announcements?

CLERK: Mr. President, the first item I have is your Committee on Enrollment and Review respectfully reports that they have carefully examined LB 207 and find the same correctly enrolled.

Mr. President, LB 207, 207A, 188, 188A, 144, 144A, 204, 204A are ready for your signature. As well as LR 79, 115 and 116 Mr. President.

PRESIDENT: While the Legislature is in session and capable of doing business I propose to sign and do sign LB 207, 207A, 188, 188A, 144, 144A, 204, 204A, LR 79 and LR 115 as well as LR 116. Anything further Mr. Clerk?

CLERK: I have nothing further Mr. President.

PRESIDENT: We are then ready for agenda item number four but I understand there is a motion on the desk.

CLERK: Mr. President, Senator Warner would move to overrule the Speaker's agenda for May 12 by not reading any bills on final reading but only consider motions to return bills on final reading for specific amendment. That is offered by Senator Warner.

PRESIDENT: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. Chairman and members of the Legislatur, I assume that this is up hill but in keeping with what I believe ought to be.....the priority of the Legislature

May 12, 1981

LB 22, 22A, 144, 144A, 157, 157A, 158,
158A, 168, 168A, 188, 188A, 197, 197A,
204, 204A, 207, 207A, 243, 245, 245A,
317, 317A, 253, 253A, 292, 292A, 427, 427A

Mr. President, your committee on Enrollment and Review respectfully reports....your Enrolling Clerk reports that she has presented to the Governor those bills that were read this morning on Final Reading. (See page 1977 regarding LBs 207, 207A, 188, 188A, 144, 144A, 204, 204A, 197, 197A, 245, 245A, 168, 168A, 157, 157A, 427, 427A, 292, 292A, 317, 317A, 22, 22A, 158, 158A, 253, 253A, in the Legislative Journal.)

SENATOR CLARK: I would like to announce the guests of Phyllis Todd from Senator Beutler's District, Mr. Kim, Mrs. Kim and Mrs. Bae-Pusan from Seoul, Korea. They are under the south balcony. Will you stand and be recognized, please? They are in the south balcony. Welcome to the Legislature. LB 243.

CLERK: Mr. President, LB 243 was a bill introduced by Senator Schmit. (Read title.) The bill was first read on January 16, referred to Ag and Environment. The bill was considered by the body on April 10, Mr. President. At that time the committee amendments were adopted. There was an amendment from Senator Schmit that was adopted. The bill failed to advance on that date, Mr. President. I have nothing further on the bill.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I am going to ask you once again to consider LB 243. The bill was heard and discussed and debated at length. The previous time it was up it received 23 votes to advance on a Friday afternoon with about 27 or 8 people on the floor. I think that the fact that we have discussed the bill should perhaps wipe out any reason for a lot of lengthy debate. I know there are a lot of other bills that you want to get to today. I just want to say in reply to a piece of material that is lying on your desk, two and a half pages in length, which casts serious doubts about the problems that LB 243 can cause, I want to say this. You will recall that Senator Kremer and myself and along with several...at least 23 others in this body successfully added about \$2 million to the water development fund. There are rumors now that they may want to cut that back in the Executive Office to \$3 million from 4. That means that we will have about an additional \$800,000 in the water development fund, 50 cents per capita. Not exactly an overwhelming amount of public support I would guess for water development. My concern as I have indicated many times on this floor is this, if we are going to use funds that have been generated by a subdivision of government for

May 14, 1981

LB 22, 22A, 144,
LB 144A, 138, 188A,
LB 207, 207A, 253,
LB 466, 253A, 376, 548

SENATOR NICHOL: The amendment fails. Mr. Clerk, do you have anything else?

CLERK: I have nothing further, Mr. President.

SENATOR NICHOL: Senator Labedz, would you like to speak to the bill?

SENATOR LABEDZ: Thank you, Mr. President. I move for the advancement of LB 466 to E & R engrossing, and unless there is going to be some debate, I will offer further comments on my closing.

SENATOR NICHOL: Senator Cullan.

SENATOR CULLAN: Mr. President, just one thing for the record and that is I want to state for the record that I voted against the Marsh amendment, not because I believe that the concept of hospitalization is a bad one, but because we did not have adequate chance to review that amendment thoroughly and sufficiently at this point in time. We may very well sponsor some similar legislation in future years. Thank you.

SENATOR NICHOL: We are now voting on the advancement of LB 466. All those in favor signify by voting aye, opposed nay. Record, Mr. Clerk.

CLERK: 28 ayes, 9 nays, Mr. President.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Motion carried. The bill advanced.

CLERK: Mr. President, a few items to read in, if I may. I have an appointment letter from the Governor. That will be referred to the Executive Board for reference, Mr. President.

Mr. President, a communication from the Governor addressed to the Clerk. (Read: Re: LB 22, 22A, 144, 144A, 188, 188A, 207, 207A, 253 and 253A. See page 2049, Legislative Journal.)

Mr. President, Senator Maresh would like to print amendments to LB 548 in the Legislative Journal; Senator Dworak to print amendments to LB 376 in the Legislative Journal.

Your committee on Retirement gives notice of hearing on gubernatorial appointments for two, Thursday, May 12 (sic).