

January 19, 1981

LR 6
LB 311-356

read some bills in now, we will recess until 3:30 and come back and hopefully there will be more bills to process and then I would like to have a meeting with the chairmen in Room 1520 at 9:00 tomorrow morning. The Clerk now will....Senator Carsten.

SENATOR CARSTEN: Mr. President, I am hopeful to have a meeting of the Revenue Committee at 3:00. We may be a little late getting back in Exec Session, so I just wanted to alert you of that.

SPEAKER MARVEL: Okay. Senator Carsten is calling a meeting of the Revenue Committee for three o'clock this afternoon. In which room? 1520. Okay, Mr. Clerk, go ahead.

CLERK: Mr. President, first of all, Senator Marsh has an explanation of vote to be inserted in the Journal. (See page 244 of the Legislative Journal.)

New bills, Mr. President. Read by title LB 311-355 as found on pages 244 through 255 of the Legislative Journal.

Mr. President, new resolution. (Read LR 6 as found on pages 255 and 256 of the Legislative Journal.)

Mr. President, Senator DeCamp asks unanimous consent to have the names of all the members added as co-introducers to LR 6.

SPEAKER MARVEL: Okay, the motion before the House is the unanimous consent request that all names be added to the resolution which was just read. Is there objection to that motion? If not, the motion is so ordered.

CLERK: Mr. President, pursuant to our rules....

SPEAKER MARVEL: It will be in the Journal?

CLERK: Yes, sir, it will be taken up some time later.

Mr. President, LB 356. (Read title to LB 356 as found on pages 256 and 257 of the Legislative Journal.)

SPEAKER MARVEL: Okay, the motion by Senator Marsh to recess until 3:30 p.m. All those in favor of that motion say aye. Opposed no. We are recessed until 3:30 this afternoon.

Edited by:


Marilyn Zark

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

March 19, 1981

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

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

SPEAKER MARVEL: The motion fails.

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

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

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

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

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

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

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

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

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

SPEAKER MARVEL: Is that it?

CLERK: Yes.

April 14, 1981

LB 389, 318, 440

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

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

CLERK: Senator Johnson voting aye.

SENATOR V. JOHNSON: Record, Mr. Clerk.

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

SENATOR V. JOHNSON: LB 389 is advanced.

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

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

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

SPEAKER MARVEL PRESIDING

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

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

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

Edited by:

Marilyn Zank
Marilyn Zank

3496

April 15, 1981

LB 35, 318

yes. Senator Chambers voting yes. Senator Kahle changing from yes to no. Senator Wiitala voting yes. Senator Cullar voting yes. Senator Fitzgerald voting yes. Senator Goodrich voting yes.

SPEAKER MARVEL: Okay, record the vote.

CLERK: 26 ayes, 14 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The bill is advanced. Motion carried and the bill is advanced. What is the next item? Do you want the Call raised? The Call is raised. We are ready for item #6 which has to do with priority bills. The first one is LB 318.

CLERK: Mr. President, LB 318 was introduced by Senator Koch. (Read title.) The bill was first read on January 19, referred to the Education Committee for public hearing. The bill was advanced to General File. There are committee amendments pending, Mr. President, by the Education Committee.

SPEAKER MARVEL: Senator Koch, do you want to explain the committee amendments?

SENATOR KOCH: Yes. Thank you, Mr. Speaker. The committee amendments are as follows: We struck sections 1 and 2 of the bill and those sections pertain to establishment of a formula for the purpose of arriving at a nonresident tuition fee. However, after the hearing on LB 319 and other considerations of Class I schools and others who oppose that section along with schools who took nonresident students, the committee voted to strike those two sections that relate to the formula. In addition to this, the committee amendments place into the original bill as we had by study a program for gifted children in the State of Nebraska and English as a proficient language. That is the committee amendments and I ask for the adoption of those amendments, and I will explain the rest of the bill.

SPEAKER MARVEL: The motion is on the adoption of the amendments as explained by Senator Koch in regard to 318. All in favor of....okay, first of all, we take up Senator Lamb's amendment and then we go back to Senator Koch's. Senator Lamb.

CLERK: Mr. President, Senator Lamb moves to amend the committee amendments. His amendment is found on page 1473 of the Journal. It reads as follows: (Read the Lamb

April 15, 1981

LB 318

amendment.)

SPEAKER MARVEL: Senator Lamb.

SENATOR LAMB: Mr. President and members of the Legislature, if you....I did pass out the amendment yesterday in my handwriting which you may not be able to read, so if you would like to refer to the Journal, it is the last page of the Journal. It is easy to find, page 1473, the last page of the Journal. And in the original bill the limit on the nonresident tuition was set at 1.25, or one and one-fourth times the per student cost of that school. In other words, if a school was taking students from another district and they, of course, charge tuition, then the maximum cost that their tuition they could charge under the original bill is 1.25. Now the committee in its wisdom decided to strike that language so there is no ceiling, and that is the present law, there is no ceiling on the amount that can be charged. So my amendment would reinstate that language but it would set that price for that tuition, a maximum, at one and three-fourths times the per pupil cost that the school district has. Thinking that the amount should be reasonable, the amount should be not so low that the district is certainly going to lose money, and thinking...and this is really an arbitrary figure, and it is higher than most people who are in favor of this sort of thing would suggest, some people say 1.25, other people said, 1.5 times the per pupil cost. I am putting it $1 \frac{3}{4}$, or 1.75 times the per pupil cost because we don't want any district to suffer because they are taking the out-of-district students. However, on the other hand, I do think there should be a ceiling, because we get into some isolated instances where the district seemingly is trying to force consolidation by putting that per pupil... or that tuition cost at an unreasonable level, something on the order of 6 or 7 thousand dollars in some cases. And so the thinking is that there should be some ceiling on there. So that it cannot be an unreasonable amount, the ceiling should not be so low to pose a burden for the district which is taking the students, I am suggesting $1 \frac{3}{4}$ times the per pupil cost. I think it is reasonable, and I ask that the amendment to the committee amendment be adopted.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker, as you know, we held a hearing on LB 319 which was a consolidation of school districts and it wasn't that drastic. But I think that my mail and probably many of your pieces of correspondence numbered

in excess of two thousand letters, at least. Some of that wasn't very complimentary, and not only were they opposed to LB 319, but they also included LB 318. I think the majority of the committee agrees with me in trying to be fair oftentimes there is no fair way except those peoples' way, which is to maintain a position just as they are. When Senator Lamb speaks about excessive nonresident tuition, I would remind you when he used the figure 6 and 7 thousand dollars that that figure comes mainly from the greater part of Nebraska. Now it's interesting in the testimony against 318, it wasn't against the body of it but against that section 1 and 2, the Superintendent of Ainsworth, Nebraska, which is in Senator Lamb's District, they take a large number of nonresident tuition students, that Superintendent appeared before the committee and stated very succinctly that this part of that bill, or this bill, 318, was not in the best interests of the various high schools. Now I can give you an example of other high schools, Albion, Nebraska, they take a lot of nonresident tuition students, and that is a rural community primarily. Now if we are talking about the urban areas in Nebraska, it doesn't hurt us one iota, because we have very few nonresident tuition students, and those that we do have is a cost that is considerably less than that quoted by Senator Lamb. The other part of this is, if you go to 1.25 or 1.5 of their nonresident cost based upon their own per pupil cost, you have a considerable excess number of dollars that get into the state aid formula that causes them to be treated as accountable receipts. Immediately then that school who takes these children as a place to educate them through a more expensive form of education, Grades 9 through 12, is then penalized in state aid. And last year in our state aid formula we provided for the first time in the history of state aid that the county who sends these children nonresident to these high schools would receive credit for that in the state aid formula, and money is distributed back to the rural schools from whence those students came to receive the higher education of 9 to 12. Senator Lamb is a very astute legislator, so he knows before you adopt the committee amendments he has to have 25. This way he just gets the majority of those that's here and going to vote, before we adopt the full amendments. I am a little bit upset with the fact that there are certain people willing to obligate themselves financially to build a high school. They are willing to pay the bonded indebtedness. They are willing to pay a higher mill levy, usually the average across the state is somewhere around 40 mills, yet when people seek to send their children to those attendance centers of higher education in the secondary schools, they feel that in four years

that system should be willing to carry some of the financial responsibility for those who do not share that same cost. And there are those of you sitting in this body who know that that cost is higher. So there may be a few cases in this state where the nonresident tuition student fee may be higher than it should be. But I submit to you that is primarily in the smaller high schools where they are charging what might be costs beyond what they can truly justify. Senator Lamb mentioned the present law we have. That's right, it was passed about 1969, which said that the receiving school cannot charge less than their per pupil cost. In fact, there was a court case on it and the court upheld the law as being correct and appropriate. So if there are certain schools in the State of Nebraska who charge nonresident tuition fee beyond the higher cost, those people who send those children can look to other high schools to take those children at a cheaper cost. They are not bound to go to that high school. They can send them to other high schools. I know high schools in the eastern part of the state have taken children from Cass County, from various counties that are a considerable distance from where their schools are located, but that was the choice of the parent to send them there. So we are not saying that children are bound to one system. They can go to any other high school system and for those children for an agreed figure whether it is 2 thousand, 3, 4 or 5, or the high number which was quoted earlier of 6 or 7. So I am saying that the committee saw fit...we could not satisfy the Class I schools and some of the Class IIs and IIIs who take nonresident tuition students by providing a formula. And I suggest that we allow the local Board of Education who is the receiver of those children to arrive at a figure they think is appropriate in terms of cost and indebtedness which has been assumed by that community in order to carry out a high school setting. I suggest to you that were it not for that high school setting these people would have had to invent themselves some place to build that same system to provide for education through age 16 which is mandatory by constitutional law.

SPEAKER MARVEL: Your time is up.

SENATOR KOCH: So I oppose Senator Lamb's amendment which would reinsert the stricken language, Section 1 and 2, the formula for nonresident tuition students for the high schools in the State of Nebraska.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. Chairman and members, I would have

to rise to oppose Senator Lamb's amendment to a bill that I am not very enamored with to start with, much for the same reasons that Senator Koch pointed out. But I think the committee acted in good faith, and I think the committee acted right when they struck those sections from 318. As Senator Koch indicated, we had a very long and emotional hearing on the issue raised by LB 319 in regard to the reorganization of schools in the State of Nebraska, and it seems to me that setting this type of language in the statutes would be just perhaps setting something in the statutes that would put some school districts at an advantage and other school districts at a disadvantage in the whole area of reorganization or in the area of operations, and that, I guess, is my basic feeling about LB 318 in general, but I will discuss the bill when we get to the bill later. But I would urge this body to turn down Senator Lamb's amendment.

SPEAKER MARVEL: Senator Koch, have you closed? Okay, Senator Lamb. I thought...Senator Koch had his light on, but....

SENATOR LAMB: Am I closing, Mr. Chairman?

SPEAKER MARVEL: Yes, sir.

SENATOR LAMB: Thank you. Well, just to comment on some of the comments of Senator Koch and Senator Vickers, the only real argument they made and that was made by Senator Koch, is that these students do not have to go to this particular high school. This is the only valid issue that he raised, and that is true in some cases. However, because of geography, that is not always strictly true in a practical sense because you have a situation where distances are so great that if students are going to another school other than the one that is closest to them, it is a considerable imposition on them. Other than that, they did not give any arguments why the....any valid arguments, in my opinion, as to why this amendment should not be adopted. And I would just repeat that this amendment would merely set a cap, a very generous cap, on the amount of tuition for these nonresident students, a cap of 1.75 times the per pupil cost of the district which is accepting the student. This, I believe, is reasonable. This is a generous amount, and that to have no cap on there leaves the situation such as it is now when there is nothing to keep a school district from attempting to reorganize or to force some of the districts to join with it merely by putting that nonresident tuition at an extremely high level. I urge that the amendment to the committee amendment be adopted.

April 15, 1981

LB 318

SPEAKER MARVEL: The motion before the House is the adoption of the Lamb amendment to the committee amendment. Are you ready for that vote? All those in favor of the Lamb amendment to the committee amendment vote aye, opposed vote no. We are voting on the Lamb amendment to the committee amendment. Have you all voted? Senator Lamb.

SENATOR LAMB: Mr. Speaker, I realize that it looks hopeless. On the other hand there are 25 people who are not voting, and so I am going to ask for a Call of the House.

SPEAKER MARVEL: Shall the House go under Call? All those in favor of that motion vote aye, opposed vote no. Record the vote.

CLERK: 12 ayes, 2 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please return to your seats. Record your presence. Unauthorized personnel please once again leave the floor. Senator Beutler, Senator Chambers, Senator Dworak, Senator Fitzgerald, Senator Landis, Senator Nichol, Senator Pirsch, Senator Schmit, Senator Warner, will you please record your presence. Senator Von Minden, will you record your presence. The motion is the adoption of the Lamb amendment to the committee amendments. All those in favor of that motion vote aye, opposed vote no. Senator Lamb, do you want a roll call vote?

SENATOR LAMB: Yes, sir.

SPEAKER MARVEL: Okay, are you ready to....okay, proceed with the roll call.

CLERK: Senator....

SPEAKER MARVEL: Excuse me.

SENATOR LAMB: (Microphone not on)....be read, please. I think a lot of people were not in here.

CLERK: Mr. President, Senator Lamb is attempting to amend the committee amendments. Senator Lamb's amendment is on page 1473 of the Journal and it reads as follows: (Read the Lamb amendment.)

(Read the roll call vote as found on pages 1490 and 1491 of the Legislative Journal.) 11 ayes, 28 nays, Mr. President.

SPEAKER MARVEL: Motion lost. The motion now is on the adoption of the committee amendments. Senator Wagner. Yes, the Call is raised. Okay, the Chair recognizes Senator Koch. Adoption of the committee amendments.

SENATOR KOCH: Thank you, Mr. Speaker. As I stated at the beginning of this discussion, the committee amendments did two things. They struck section 1 and 2 which is an issue we just voted on and approved. Secondly, it provided for a formula on how we will provide monies to the schools who recognize gifted children as a part of the program once they have been identified for that program. I am asking for the adoption of those amendments, and then I will speak to the total bill and explain it to you as you have a handout on your desk.

SPEAKER MARVEL: Okay, the motion is the adoption of the committee amendments as explained by Senator Koch. All those in favor of that adoption vote aye, opposed vote no. Have you all voted? The committee amendments. Record.

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

SPEAKER MARVEL: The motion is carried. The committee amendments are adopted. Senator Koch, do you want to explain the bill now?

SENATOR KOCH: Thank you, Mr. Speaker, and members of the body, LB 318 is the result of a committee study, primarily focusing upon vocational education. The committee felt that it is time that this state places an emphasis upon vocational education that we have not in the past been willing to do. In fact, our appropriations presently going to public schools for vocational education is a little over \$100,000. What we do in here is we provide several modifications of the present school finance general aid formula. One is that we change the payments going back to the schools so that when they have a cash flow problem, that there will be a greater amount of money going to those schools than the rest of the payments which will total a number of 9. Now there is a reason for this as well. There will be 12 payments, I'm sorry. But the reason for this is because we have three....primarily we have three Indian schools in the State of Nebraska and oftentimes their federal funds are not forthcoming, and it places them in a cash flow problem. These three schools also have problems in terms of whether they get their money from property taxes. So we are providing this larger payment so that those schools can carry on their

programs without being impeded by a lack of dollars or the uncertainty of dollars. We also provide in this modification what you call the hold harmless clause. This means that since we have declining enrollment in the State of Nebraska that schools would not suffer a total loss of state aid simply because they have a declining enrollment and in some cases rather severe, and this would be predicated over a 2 percent figure over a period of years. So we have to diminish the blow of schools losing money because of declining students. I think this is appropriate. And by the way, this particular provision of the bill is not unique with Nebraska. Surrounding states have similar types of clauses in their school aid and foundation act. The other provision that we placed in here is for vocational education as I mentioned a moment ago. We provided in here a weighted program for vocational education, for instance, Consumer Homemaking, Distributive Education, would be 1.2; Diversified Occupations would be 1.3. This would also include Health Occupations, Economics, Vocational Agriculture, those kinds of programs and they are in your handout. That would be 1.3 for every child enrolled, or student. Another area we placed in there is Special Vocational Needs, Business Office Practice and Traits, 1.4. That is the vocational program. I want you to know that this particular part of this bill is supported by the Economic Advisory Committee of the State of Nebraska made up of people from throughout the state. They are very strongly in favor. I am sure you have received correspondence from those individuals asking you to support this provision of the bill. Senator Hoagland came in with a bill that tried to treat gifted children, and for several years the committee has received legislation promoting gifted education in the public schools. There are some provisions in the present state aid law now which says that schools providing gifted programs receive some dollars. However, that is in the equalization section. Unless you are a school that receives equalization, you will not receive any dollars for having a gifted program. What we are proposing to do here is put it in the foundation side and if you have a gifted program that has been approved by the State Department of Education, for every child that you have in a gifted program, it is worth a weighted program of 1.3. In addition to this, as you know, in recent years we have had a large influx of people coming from the Far East and other parts of the country, or nation, the world I mean, and many of them have congregated in certain communities, and so that is referred to as Limited English Proficiency. Those schools which provide programs both large and small would receive again additional dollars for trying to provide to those kinds of children a proficiency

April 15, 1961

LB 318

in the English language. That is the major provision of LB 318 along with the vocational education programs. These are the modifications to our present state aid. Now, naturally when you talk about this kind of legislation, we are always talking about dollars. Now, in your bill book there are several pink sheets, however, those pink sheets are somewhat misleading. Our intention is when LB 318 goes to Final Reading that we will amend the present school aid formula as a part of education to approximately include \$4 million. The \$4 million will go toward the funding of vocational programs of this provision, along with the gifted programs, along with the English Proficiency program. That is where the dollars would go, and they would go to those schools who would provide the various vocational programs. Many of those are already in place. And so this is one way in which we as a body, if we are not willing to provide additional monies in general aid, can justify providing dollars for children in various kinds of vocations and who have other needs and who have been identified, and reward those schools to some degree for the programs they provide for the benefit of those students. That is LB 318, and I ask that this body give it a vote of confidence and move it to E & R Initial.

SPEAKER MARVEL: Senator Remmers, do you have a motion to the Koch amendment?

SENATOR REMMERS: Yes, I have a motion to amend the bill.

SPEAKER MARVEL: Do you want to read the motion?

ASSISTANT CLERK: Mr. President, Senator Remmers moves to amend the bill. It reads as follows: (Read the Remmers amendment as found on page 1491 of the Legislative Journal.)

SPEAKER MARVEL: Senator Remmers.

SENATOR REMMERS: Mr. Speaker, members of the Legislature, I will try to explain the amendment. Basically what it does, it strips everything out of the vocational except special vocational aid for handicapped and special aid for those lacking in English proficiency. My amendment would strike the other programs. I first want to say that I am not doing this to save money. I will be glad to vote for the additional money for the state aid to education, the extra 4 or 5 million that is suggested in this bill that it might cost to provide for this program. I am in favor of putting that money into the school foundation.

April 15, 1981

LB 318

or right into the formula in any way that the Education Committee would like to do it. So my motive is not one of cutting the amount of money going back to schools. My motives rest mainly on two reasons, one a matter of principle which I think that I have stood on pretty firmly through all the years, and the other is a matter of economic fairness. The first place, a matter of principle....I think the Legislature again is getting involved in setting curriculum. I don't think that is our function. We are sending the cannot to get them to teach the courses that we think they should teach. I have always felt that the Legislature was the responsibility of the State Department of Education, and I still feel that way. I think the Legislature makes a mistake when it enters into this type of a thing. Now you might say it is a contradiction in that I am willing to accept part of the provisions. Well, as far as the handicapped are concerned, many districts have a concentration of handicapped children and others do not have any handicapped children. And I think that this is an obligation that everyone should help, and so I would support that. The same way with the English Proficiency...I am sure that these people that have this problem more or less are found in concentrated areas rather than generally across the state, and for that reason I support that type of aid. But on the rest of the vocational program, again I think that most of the schools in the State of Nebraska that have an enrollment that would justify the program already have this kind of a program. I don't think you are going to initiate a lot of new programs. You are simply going to reward schools that have this program. I can't imagine that a school board and an administration in this state that takes its responsibilities in regard to providing a good curriculum, takes this responsibility seriously, hasn't already provided a vocational program. They are doing it. So we would simply be rewarding them for something that they are doing. Now, we have a number of small schools in this state because of enrollments, and there are many of them that cannot provide a complete vocational program because they simply don't have the numbers of students. They might be willing to spend the money but they just don't have enough students to spread out over the whole curriculum to provide the type of vocational program that the State Department would recommend. Well, those that do have the type of vocational program that they can justify for their student numbers, so this money that you are going to put into this fund is not going to go to all students in Nebraska. It is going to go to the larger schools that already have a vocational program. And I would like to add one more thing about the vocational

program, and that is in our complicated environment that we have as far as industry is concerned, all companies have their own training program. Students don't go from high schools very often into a very sophisticated job. The companies will train them from the ground up. They prefer that training. If they have learned their basics in these vocational areas, they will furnish the rest. I advocate a program...a broad program that will test students' interest, give them a chance to find out what they like to do, but I think that one of the big criticisms that we have today is that we are not teaching basics enough. I am not so sure that that is true, but we are being criticized for that quite a bit, and part of the reason, of course, is because our schools are providing a broad curriculum today. They are already providing these vocational type subjects. So, again I say, basically I am opposed to this because the Legislature has no business setting curriculum, and, furthermore, the aid will not be equally distributed over the State of Nebraska. Thank you.

SPEAKER MARVEL: Senator Lamb.

SENATOR LAMB: Mr. President and members, I rise to support Senator Remmers' amendment. Actually there is one part of this bill that needs to be passed, and that is the part that has to do with the federal funded schools such as the Indian schools. They do have a problem. At certain times of the year they have a cash flow problem and this part of the bill is designed to alleviate the problem that they have before federal funds are received. However, as Senator Remmers has indicated, this Section 5 needs some modification. My first inclination was to strike the whole section, Section 5. I think Senator Remmers' solution is probably better. He is modifying it so that these funds are channeled into some probably more worthwhile areas. As the bill now stands in regard to the vocational part, we will, if the bill passes in its present form, be in effect taking four or five million dollars from the state aid which funds other programs, the basic programs, and be putting it into vocational education. Now as Senator Koch stated that when it gets on Final Reading, he is going to have to try to put an A bill with it to restore that four or five million dollars so that nobody will lose any money for their basic programs, and so the people that have...or the schools that have these vocational programs will get the additional money without hurting the other schools that don't have those programs. However, as I see it, this is a very iffy thing. There is no reasonable assurance that there will be this four or five million dollars available when this bill is on Final Reading to

April 15, 1981

LB 318

add to state aid to schools so that nobody loses and some people gain. So under the present bill as it is now written, without the Remmers amendment this money would come from the basic programs and be channeled into the vocational programs. Now I am not opposing vocational programs. I think they are very important, but I see no point in robbing Peter to pay Paul when in all probability Peter needs the money worse than Paul, and it is a more worthy...in my estimation it is a more worthy purpose to put this money into the basic programs rather than the vocational programs. And I certainly hope that you will support Senator Remmers' amendment.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker and members of the body, for clarification, I think it is important that you know that under Federal Program 94480 there are provisions for handicapped children and vocational education and special needs. That is where much of the \$3 million we presently get from federal monies go in terms of helping those kinds of people with unique learning problems. Now for us to add another dimension here, we are going to give a greater emphasis to that than it already has...not that I am opposed to it. I talked to Senator Remmers. If he wants to add another dimension of a weighting program for treating expensive vocational programs and those who do it, let's add another dimension in there by a simple amendment for handicapped vocational programs 1.75, because of the expense that's incurred in addition to what you get from the federal government under special needs or handicapped provisions. That's what 94480 is all about. Now we know that those funds may be reduced because we all read in the paper each day what Mr. Stockman's going to do and what the Congress is going to do. So I cannot accept Senator Remmers' provision, but I would be willing to amend the section which provides for a weighting of that kind of program for those schools who have a heavy burden in this area. Now to Senator Lamb I would say this, where we had LB 486 which was an authorization bill to revise the old formula, we did not pass that bill until we were certain there was going to be a corresponding A bill to make certain the formula is put in place for the good of all schools. And I assure you I do not intend to let 318 go to the Governor without those dollars necessary, because that indeed would handicap some schools in the State of Nebraska, and I don't want to do that. And you have a commitment from me that when we run about \$4 million into the present budget of 95, which would bring it to about \$99 million, if we can't get that \$4 million, 318 will sit right on Final Reading and we will

go home. That is a commitment, and I wouldn't do that to the schools, but presently I will offer this to you, that 216 of our high schools in the State of Nebraska have vocational education programs and others who have had far more than that. And I submit to you, all you have to do is look at what happened to Beatrice, Nebraska recently. You read it. Because of the 7 percent lid, they are farming....and with the loss of an Ag teacher, they are farming their program out to Southeast Community College for about 17 or 18 Ag students. And those of us in here who know the value of a program as vocational education, and I was in that program one time like many of you were, realize it has a value and a purpose, and I think it has been very successful. But that program goes way back to the Smith-Hughes Act of many years ago...I think it was in 1917 or a little later than that, that program has been subsidized over the years and I think the record is pretty good. And as we enter into a time of our way of life when technology and skills are more important than academic degrees in terms of job entry, I think it is time....

SPEAKER MARVEL: You have 30 seconds.

SENATOR KOCH:that we place before the public schools an encouragement and an incentive to provide vocational programs for children who have an aptitude for vocational abilities or who want to explore the area of vocational programs so they might find their way in life at a sooner rate than they do presently. There is nothing more wasteful to have a boy or girl go to the university system and spend two years at high tuition, then suddenly find out they shouldn't be here because at that time you can't recover the money and that's tax dollars and that's also sometimes not to the best interests of the student.

SPEAKER MARVEL: Your time is up.

SENATOR KOCH: I'm saying that 318 is the answer and if Senator Remmers wants to add an amendment to the provision to add a weighting to disadvantaged vocational programs, I will accept it, but not to strike the rest of it and have that only, because we make provisions for handicapped now under federal monies.

SPEAKER MARVEL: Senator Remmers, do you wish to close on your amendment?

SENATOR REMMERS: Mr. Speaker, members of the Legislature, I will try to be brief. I just want to reemphasize the

fact that the matter of exploration in studies that even the small schools are doing that. I don't think there is a school of any size in the State of Nebraska where the students don't have an opportunity to explore areas of the business field, in home economics, or industrial arts, some type of shop program whether it's agriculture or basic shop. They are already doing that. So I don't think they need this extra encouragement. The reference to Beatrice, that's not the problem that we are addressing at this time. If that's the case, the thing that's causing those cuts is the 7 percent lid, and I don't think we should use something like this to circumvent the 7 percent lid. I'm a hundred percent in favor of repealing that 7 percent lid and I hope we can do it before we go home. But I don't like to see that excuse used to put in another program that most of the schools already have. I urge you to support my amendment.

SPEAKER MARVEL: The motion is the adoption of the Remmers amendment to the bill. All those in favor vote aye, opposed vote no.

SENATOR VARD JOHNSON PRESIDING

SENATOR V. JOHNSON: Are there others that are desirous of voting? Senator Remmers has requested a Call of the House. Do I see.....I see five hands. All in favor of the House going under Call. Record.

CLERK: 26 ayes, 0 nays to go under Call, Mr. President.

SENATOR V. JOHNSON: The House is now under Call. Will all members please take their seats and check in. Senator Newell, would you punch your button, please? Senator Schmit, could we have you sign in, please? Senator Landis, would you check in, please? Senator Wagner, would you check in, please? Senator Remmers, we are only missing Senator Chambers. Do you wish a roll call vote? Oh, isn't Senator Beyer here, I hadn't noticed. He's excused, all right. Clerk, proceed with the roll call vote.

CLERK: (Read the roll call vote as found on pages 1492 and 1493 of the Legislative Journal.) 21 ayes, 18 nays, Mr. President.

SENATOR V. JOHNSON: Amendment fails. We will now proceed with the bill but before we do that, I have several announcements. Under the north balcony we have guests of Senator Labedz. We have Tom Burns of Omaha with his son, Tom Burns, Jr. or the 2nd, and Antoine Ronstand an exchange

April 15, 1981

LB 318

from Marseille, France, attending Creighton Prep in Omaha. Can we welcome the Burns and Miss Ronstand. Under the south balcony we have 10 Nigerians from the Ogun State which is in western Nigeria. We have the Honorable Jagundina, the Honorable Idowu, the Honorable Abiodun, the Honorable Awojinrin, the Honorable Elegunde, the Honorable Ademoye, the Honorable Adenaike, the Honorable Akinton, the Honorable Kadirí, and Mr. Otesile, nine of whom are legislators and one of whom is the Clerk of House of the Ogun State in Nigeria. Welcome our guests. Patrick, we have another amendment?

CLERK: Yes, sir. Mr. President, Senator Lamb moves to amend the bill by striking Section 5.

SENATOR V. JOHNSON: Senator Lamb.

SENATOR LAMB: Mr. President and members of the Legislature, I apologize for taking so much time on this bill, but I really feel that I am trying to make it into a good bill and I already have Senator Koch unhappy with me, I may as well proceed. Now as I stated before, there is at least one section in there and that is Section 3 which is needed for our Indian schools. So I am...and then Section 4 which I am not sure is all that necessary but it provides an advantage to those schools which have declining enrollments. Now I am objecting to Section 5 which Senator Remmers attempted to amend. This is the part that puts more money into vocational classes, and at present the way the bill reads now it takes it out of the other programs that the schools would have. So I respect Senator Koch's commitment that this bill will not be placed or it will not be read on Final Reading until that additional four or five million dollars is available. I am proceeding on the assumption that that is not going to be available, but we need the rest of the bill. We need part of this bill for a problem that...the cash flow problem that the Indian schools have. So I think that we should take Section 5 out of the bill, let the bill go ahead without the transfer of money to the vocational program. This has been discussed considerably already, so I will leave it at that, and I hope that you will adopt this amendment.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: We are speaking to the Lamb amendment and my records show that Senator Vickers is....do you wish to speak to the Lamb amendment?

SENATOR VICKERS: Yes, I do, Mr. President. Mr. President

April 15, 1981

LB 318

and members, I rise to support Senator Lamb in this amendment. As Senator Lamb indicated, he and I were the two members of the committee that had little problems with LB 318 and Senator Lamb has pinpointed very directly the portion of LB 318 that I had a problem with, and I would like to explain a little bit to the body as to the problem I have. As most of you know, I have fought long and hard to get more state aid dollars to local schools. It is my belief that the sales and income tax should support education more than it has in the past. But I think we should be straight up front about it and provide as near as possible an equal amount of dollars to the schools across the State of Nebraska and the provisions under Section 5 of this bill would certainly not do that. Even though I know how important vocational educational programs are, it seems that what is going to happen if we start weighting certain programs with more money is we are going to have those school districts that possibly already can afford the expensive vocational programs such as auto mechanics, welding and so forth, receiving a disproportionate share of the state aid money at the expense of those smaller or poorer school districts that possibly can't afford that type of a program to start with, and I think that is very grossly unfair. Also, it seems to me that we are going to set up a position...the schools in a position where the administrators...and I certainly don't blame them or wouldn't blame them, if I was an administrator, I would do the same thing...I would make certain that I had the number of students that I could possibly have that were gifted or that were in these other programs, I would go out and recruit students, if you would, to fill up the vocational programs that I did have in my school system that would get the most state aid dollars into my school system. And I don't think that is a good idea either. I don't think we should have school administrators actually hunting for warm bodies, if you will, to fill up programs to get more dollars. As I said earlier at the outset, I am for more state aid to education. I think any member of this body knows that, but I am also for it in a fashion that I can go back home or go to any school district in the State of Nebraska and say that I helped you, and under this program it wouldn't do that. It would help certain school districts, but wouldn't help others. And I don't think that is our responsibility as a Legislature to help certain programs and not others. One final point, I was very outspoken on the bill that Senator Peterson from Grand Island brought to us before the Education Committee this year. I was outspoken in the fact that I was not going to be in a position that I dictated curriculum to the local schools.

This is not dictating curriculum, but it is very close to it. It is telling local schools that certain curriculum is worth more to us on the state level, and as I indicated, obviously the schools are going to take that as a message and fill up certain programs more than others. If a local school district, my local school district or anybody else's local school district wants to have an expensive vocational educational program, which I think is probably necessary in most places, I think that should be a local decision and paid for with local dollars. On the other hand, if they choose not to, again I think that is a local decision. But I think we should put the dollars for education from the state level up front for the number of pupils that are there, obviously some for equalization because there are some school districts that really need it, some an incentive....I have got no argument with that, but I think the majority of dollars as we did last year should be on a straight foundation basis and not based on certain curriculum. So I certainly do support Senator Lamb in this amendment.

SPEAKER MARVEL: Senator Hoagland.

SENATOR HOAGLAND: Mr. Speaker and colleagues, I rise in opposition to Senator Lamb's amendment. By attempting to strike Section 5 of the bill, I think Senator Lamb may be going far beyond even his own intentions. You know we worked these provisions out very carefully in the Education Committee and Section 5 includes adjustments and changes in the state aid formula not only in relation to vocational education, which we have been talking about so far, but also in relation to limited English Proficiency programs, and finally, in relation to gifted programs which was made part of Section 5 when we adopted the committee amendments. Now for a couple of years I have been supporting various approaches in attempting to improve the number and quality of programs for gifted children around the state, and to that end I introduced LB 423 this year identical to a bill I introduced last year. And what we decided to do was to change the concept of LB 423 and put it into LB 318 as an amendment which scales way down the scope of the gifted proposal that myself and the Association for the Nebraska Gifted have been advocating before this Legislature for a long time. The amendment to LB 318 the Legislature has adopted to change the funding for gifted programs from the equalization part of the formula to the foundation part of the formula is not going to require a whole lot of new appropriations, considerably less than LB 423 would have, but it does, nonetheless, strengthen gifted programs. It's an important and modest step towards

improving gifted programs around the state in the small districts I might add to Senator Vicker's remarks as well as the larger districts. For two years in a row now the Education Committee has heard considerable testimony about the importance of beefing up programs for the gifted, for the rural areas as well as for the urban areas, and I think maybe the scope of Senator Lamb's amendment really goes way, way beyond what any of us would like to see in cutting in not only to these vocational programs but other kind of programs as well, and changing some fine tuning and some adjustments that we are attempting to make with the state aid formula in LB 318. And for that reason, I would ask you all to take a hard look at the scope of what he is doing and be very careful before voting in favor of it. Thank you, Mr. Speaker.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker and members of the body, if we are going to gut this bill, then we might as well just kill it. You know, the other day we sat here in awe listening to the former Secretary of State, Senator Muskie. I have never seen this group so silent and so enthralled. He was talking about our national defense. He was talking about the economics of the world. He was talking about the needs of this world and he was talking about the productivity of this nation. He was talking about a number of things. Now I submit to you right now....Mr. Speaker, I refuse to talk to people if they are not willing to listen. That is a courtesy I generally try to provide to other members.

SPEAKER MARVEL: (Gavel) We started with the pounding of the gavel when the session started this morning.

SENATOR KOCH: We are talking about vocational education in the State of Nebraska but its implications are far greater than that. You are talking about employment opportunities for youth and today they are the greatest number unemployed. And I submit to you CETA won't get them where they have to be. We are willing to spend millions of dollars for CETA where young people cut grass and sweep streets and do some odd jobs that are never job entry skills. What we are talking about here is trying to provide for at least 90 percent of the students in the State of Nebraska vocational opportunities that some are being denied, that they need. We are not all academicians when we go through high schools. We are not all concerned about academics, but there are many of us that have many aptitudes that relate to other kinds of endeavors which are equally

important to us, and thank God for individuals who have that mechanical skill. And I submit to you that every opportunity we provide to a high school student whether it be a boy or a girl is not a loss of dollars but a gain of dollars. What this bill attempts to do is provide some stability to programs now in existence. I don't like the 7 percent lid either, Senator Remmers, but I think it is a fact of life. We are going to live with it, and the least we can do is provide schools an incentive to keep programs going rather than cut them, because these are high cost programs, you know that as well as I do. Where they have one faculty member to ten or twelve students in a laboratory where you can't handle any more simply because of certain dangers that go along with that program, you can't have great numbers of students so naturally the costs are higher. When school boards under 7 percent lids start cutting programs, that is where they are going to cut, that's where you will irreparably damage young people. I happen to believe that high school is a place where every child should be given an opportunity to pursue a certain talent whether it's academician, college prep, whether it's manual arts, vocational, or what it might be. Let's talk about the national defense problem we have got. You can build all the new tanks you want to, but unless we have people qualified to take over that sophisticated piece of equipment, your national defense program is going to suffer. I am saying if you want to cut down on unemployment, if you want to help national defense, then you are going to do everything in your power as a responsible body to provide programs at the high school level for exploratory purposes and for career purposes. We need it now like we have never needed it before. Now I would add, if we were intelligent, we would also add language in here as a weighted program because in the war at Vietnam we could only find two qualified people in all this nation who could understand that language and interpret it correctly for those who had to make decisions. Our national production may fail because we don't have enough linguists who can go to other countries and speak their native tongue and sell our product, and that is a fact, and you know it is a fact. But for us to ignore these things I think is not in our best interest, and more importantly, the best interests of the boys and girls in the State of Nebraska. So let's talk about national defense, let's talk about unemployment and employment, let's talk about the dignity of the human being. When you and I graduated from high school, we had plenty of opportunities, plenty of opportunities because we were just moving into the world of technology and so we were even with most people because not many of us knew much except bailing wire and pliers. We could wire anything together on

the farm. We knew that technique. We knew a little bit about animal husbandry. We knew a little bit about some other things, but I submit to you that many of those people that graduated FFA on the farms at the time I graduated went directly to the farm and were successful. You can't do it today. You have got to have that as a background, then you move on into Agribusiness and pick up the skills you need. For us to strike this section, you might as well just say, we don't want to deal with anything dealing that provides educational opportunities, and vocational education is an educational opportunity. All we are saying to schools right now is we are going to give you 49 to 75 dollars a child in that program to encourage you to maintain it and hopefully with quality. It may mean the difference between keeping a faculty member or losing a faculty member. It will mean the difference between keeping that program or cutting that program. So that's why I am so strongly in favor of LB 318. And I can't believe the Economic Advisory Council and the leaders of business and other places have not written you letters supporting this bill. I can't believe it. They should have been because they are concerned about young people coming out of the high schools and what kinds of a future they may or may not have.

SPEAKER MARVEL: Your time is up.

SENATOR KOCH: And what we do not provide in these programs, we are going to put on the street a boy and a girl that is stunted and inarticulate and will be way behind in competition, because there are many other places that competition is tough and if you don't believe me, look at Oklahoma. The State of Oklahoma puts over \$30 million a year into vocational education in their high schools and their voc tech schools, and I'll tell you that is a sum of money. We are putting \$108,000 of our general fund into high school vocational education. I think that shows you where our priorities are. So I am against Senator Lamb's amendment to strip Section 5.

SPEAKER MARVEL: Senator Remmers.

SENATOR REMMERS: Mr. Speaker and members of the Legislature, I support Senator Lamb's amendment, and I...am I... I rise to support Senator Lamb's amendment, and I just want to remind you that I do not believe that this bill as it is written is going to add a lot of vocational courses over the State of Nebraska. I think most of the schools already have those courses. I think they are important. They think they are important, and I believe they are going to keep them, because I realize that vocational education is

April 15, 1981

LB 318

a very expensive type of education. It costs a lot more than it does to teach a class of first year Algebra, for instance. But again cutting out a program doesn't always save all the costs that are apparent or seem to be apparent. Cutting that one program is not going to save that school that much money. I think they think it is important. They are already offering those courses, and I don't believe we are going to add very many courses by passing this bill.

SPEAKER MARVEL: Senator Lamb, do you wish to close on your amendment?

SENATOR LAMB: Mr. Speaker, if it were in order, could I ask that there be a Call of the....there is going to have to be a Call of the House. Could I have a Call of the House before I make my closing? I would request that if it is in order, Mr. Chairman.

SPEAKER MARVEL: Okay, shall the House go under Call? All those in favor of placing the House under Call vote aye, opposed no. The vote is on placing the House under Call. Okay, record.

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

SPEAKER MARVEL: Okay, will you please record your presence. Senator Goll, will you record your presence, please? Senator Koch, Senator Wiitala, Senator Burrows, Senator Warner, Senator Kremer, Senator Fowler, Senator Beutler, Senator Kahle, Senator Hefner, Senator Newell, Senator Chambers, Senator Remmers, Senator Stoney, Senator Haberman. Senator Labedz is excused. Senator Carsten is temporarily excused. How many of them are there? Senator Chambers, Senator Stoney, and Senator Carsten is temporarily excused. Do you want to proceed?

SENATOR LAMB: Yes, may I close on the motion, Mr. Chairman?

SPEAKER MARVEL: Yes, sir.

SENATOR LAMB: Thank you.

SPEAKER MARVEL: Senator Lamb is closing on the motion.

SENATOR LAMB: Mr. Chairman and members of the Legislature, I will reiterate the arguments in support of my motion. My motion is to strike Section 5 out of LB 318 and this will, as Senator Hoagland has mentioned, and I was remiss in my opening in not mentioning that it will

not only strike the vocational...the increase in funds for vocational education but it will also strike the funds or the emphasis on the Limited English Proficiency and also the increase for programs for gifted children. Now the reason for striking this section is what I would call a back to the basics sort of an amendment. Under the bill as written now we are giving more emphasis to these other areas which I mentioned, primarily the vocational area, and under the bill as it now stands without additional funding we would be taking money away from those basic programs, giving it to the vocational programs. And I contend that that should not be done. If an individual school district wants to emphasize one program over another, they have that right to do so. I don't think the State Department of Education or this Legislature should make that decision by giving more money to those schools which do have these vocational programs. If they want to use that money in that manner, that is their prerogative, they can do it under the present law. I ask that... well I know some of you were not probably in the room when we argued this, and Senator Koch, of course, opposes this. I believe Senator Hoagland also opposed it. Senator Vickers supported it. Senator Remmers supports it. This, in a nutshell, is what happened during the debate. You have on your desk the very concise and thorough explanation of the bill presented by Senator Koch, a three-page sheet, and Section 5 will be stricken by my amendment. There are a couple of sections in there that we need, and primarily the section in there which provides relief for cash funding for Indian schools at certain times of the year. I ask that the amendment be adopted.

SPEAKER MARVEL: The motion....Senator Lamb was closing on... those in favor of the Lamb amendment vote aye, opposed vote no. Have you all voted?

SENATOR LAMB: Since we are under Call, Mr. Chairman, I will ask for a roll call vote.

SPEAKER MARVEL: Do you want to call the roll?

CLERK: (Read the roll call vote as found on pages 1492 and 1493 of the Legislative Journal.) 20 ayes, 21 nays, Mr. President.

SPEAKER MARVEL: Motion lost.

CLERK: Mr. President, I have a motion from Senator Beutler to indefinitely postpone the bill.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I have been to the Education Committee hearings on this bill and I have tried to give a lot of thought, and I have talked to a lot of people about vocational education this last year. I am doing some work on a proposition whereby students may be able to get out of high school a little bit earlier and over to the community colleges for some specialized vocational training a lot sooner than they otherwise would. But I have to frankly admit to you that I have had a lot of problems with the idea of extensive vocational education at the secondary school level. Let me try to go through with you some of the thoughts that I have on the subject and some of the problems that came to my mind. First of all we are a republic that is about 200 years old now. During that period of time we rose from nothing to being the industrial giant on this earth. We did that, with the exception of the last ten or fifteen years, without any vocational education whatsoever. We managed that feat without teaching vocational education extensively at our public schools. Theoretically I think that we have to go back to the beginning and take a look at why we are teaching vocational education in the schools. The way we have done it in our country up until the present time, until recent years is that we have relied upon each and every employer to train the people specifically in the work or the jobs that he has. I submit to you that on a theoretical basis, that this may be very likely is the most efficient way economically to do it. It is the most economic because when the person gets there to learn they want that job. Whereas opposed for example in the schools, they may take some specialized course or another and never end up going into that area. It is more efficient secondly because the employer knows exactly, exactly what position he is training the person for. He knows exactly what machines and what equipment the person has to learn to run. Sure the system has its cost. The employer builds that cost into the cost of his product. The person who buys that product pays that cost. That is the third reason why I think it is better for the employer to do it than for the schools to do it. When the schools teach vocational education the cost is borne by all tax payers. By all tax payers. Whereas when the employer teaches the apprentice to do a particular job, the consumers who use that product pay for that education. That is the way it should be because some products take a lot more expense, or are a lot more expensive than others. So I think it is a better system, really. But we are past the

point obviously and at this particular point in the country's time it seems like vocational education is at the forefront. So, I don't delude myself into thinking that we are going to go backwards on vocational education. But I wanted to go into that philosophical argument and that background because I am very hesitant, I do not think that it is wise to go full speed ahead forward. Let me give you some other reasons. We teach now some vocational education in our secondary schools. We have a number of courses that are said to be exploratory courses and by and large those courses do not take the extra money, the extra expense that the more specialized vocational education courses take. I think that we are not really talking about those courses when we are talking today. Those will be taught and perhaps they should be taught to give the student some ideas as to what is out there in the world that he might be interested in doing. But there are other kinds of courses that are very specialized and those courses tend to be very expensive for a number of reasons. One, of course, because they take equipment, very specialized equipment, that is the first expense. A lot of that equipment that we are using is quickly outdated so now, just as industry retools, vocational education has to retool and it is going to be a never ending expensive retooling process in the schools. It is also expensive, I think, in the sense that if we did this at the vocational community college level where I think the specialized courses should be taught, then we can get together groups of students who are large enough in number to teach these courses more efficiently. At the secondary school levels in an awful lot of schools there are only a few students who are interested in this course or that course so they really don't get much pick in their courses at that level, even when they have specialized courses then you end up with some students in the course who take it because there is nothing else to take, so we have an expensive course that many students may not be interested in. So the third point is besides it being not necessary, philosophically from my point of view, and besides it being expensive, I think by and large the kind of specialized vocational education courses that we are talking about are better done at the community college level. The fourth point, and this is one that Senator Remmers has dwelt on for some time now, or has dwelt on before, so I won't hit that very hard but that is that we are getting into the business of writing formulas that are no longer based, that are no longer simply giving money to the secondary schools for whatever purposes they think best, but which in fact are weighting certain types of courses and to some extent influencing the curriculum in the secondary schools. You can do this for vocational education today, tomorrow you can decide that some other course is a little more expensive than some other, or maybe you don't really decide that. Maybe you decide that you

want to promote a certain course over another and so you build up the facts to indicate that it is more expensive than another. Lastly and finally, and this is something I probably feel more strongly about than most other people and I suppose that it is the argument that has the least weight with you, but it has great meaning to me. There is the argument that it distracts from the basics and on review of some of the vocational education courses here in Lincoln, I'm not really sure how much it distracts from the basics. There is an awful lot of the basics in the vocational education courses that I saw. But I am sure that it does distract from what I call the liberal arts education. It distracts from English, it distracts from history and it distracts from geography and the knowledge of the world and social studies and those other things that we have traditionally and historically found to be important in this country. I guess I am a little old fashioned in this regard, I think that those things are so, so important. The teachers come to me and say, well, there are so many students who are not interested in history and geography and these things and I respond that they should be interested. One of the things that has bothered me most about education in the last ten or fifteen years is this idea of making everything relevant to the student, doing what the student likes, going along with what the student finds fascinating. The fact is that we have to learn to make fascinating those things that are in fact the most important, and history and geography and these types of subjects are absolutely crucial in a democracy, because if you are the most important person here or if you are the least important, if you are the most intelligent, if you are the least intelligent, if you are the most educated or the least educated, you have one vote in America, and you have to make some intelligent decisions in America, and it just doesn't wash with me to say that we don't have to worry about how the less educated vote or how those students who are not interested at the moment may vote in the future. They are voting the same as you and I. I went to a meeting this last December where there was a large group of people...

SPEAKER MARVEL: You have thirty seconds.

SENATOR BEUTLER: ...and I talked about this a little bit before and I mentioned the name of a group, which I should not have done, because what I was trying to illustrate is true of that group or any group. It was a group, an audience made up of the well educated and the less educated, high income and low income, those who had advantages and those who have had only disadvantages in this life, but they were listening to some speakers talk about America and what is wrong with America and what we should be doing differently in America

and who we should be electing in America, and what the relationship between morality and public policy was in America, economic issues, the discernment of truth from lies. The only method of discerning truth from lies in that situation is through the sifter that each and everyone of us has and which is provided to us by our background by our education. If you don't know history, if you don't have a understanding of people, if you don't know the world and who is in it, if you don't know a little bit about economics, how do you know, how do you separate truth from fiction? Part of my problem with vocational education at the secondary school level is that it takes away from those liberal arts, if you will, from those traditional courses, conservative in that respect, courses that we have always taught in our schools, that we have deemed to be important to a citizen in a democracy.

SPEAKER MARVEL: Your time is up Senator Beutler.

SENATOR BEUTLER: And expansion of vocational education, I submit to you will lead to the further degradation of those types of courses which I consider the most important. Thank you.

SPEAKER MARVEL: Senator Johnson, do you want to speak to the kill motion? And then we go to Senator Marsh.

SENATOR V. JOHNSON: Mr. Speaker and members of the body, I am a strong supporter of public education, and I have been very consistent in my faithfulness to public education. I have voted...I think I have taken difficult positions such as voting to repeal the voter placed lid on the schools in Omaha and Nebraska City. And one of the reasons that I have been such a strong supporter of public education is because in reading our State Constitution I realize that one of the few affirmative obligations that I as a legislator have is to provide for the common schools of this state. The Constitution says, "The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of 5 and 21 years". So one of the arguments that I have used to justify my defense of public education in this state is that you and I, fellow legislators, sit as a school board of 49 under our Constitution fashioning appropriate policies for our schools. Well, with LB 318 as a schoolboard member I am now faced with what I consider to be a very serious question concerning the education of our children in this state, and it is the kind of question that I look at rationally that causes me to support Senator

April 15, 1981

LB 318

Beutler's kill motion. And the issue very simply is this, what is to be the nature of our educational program in this state? Is it to be a program that is specially weighted...that is specially weighted toward the vocationally oriented, toward those who are in need of special education, and towards the gifted? Or, instead, is our program to be a program that gets down to what you and I regard as very fundamental to the educational process of our young people? And that process very simply is a process that our young people understand what is meant by the English language, they understand through history our heritage, and they understand our way of envisioning a world through the sciences, they understand our relationship in the commonwealth of human beings through foreign languages. In my opinion, the mark of an educated young person is a person who has been inculcated in the humanities, a person who from any background in life, whether he be rich or poor, black, white, or Indian, understands what it means to communicate in the common tongue, knows what it means to appreciate the sciences, knows what it means to be able to reckon in figures, and the like. And I think that is what the public wants its educational program in this country to be. Today more and more members of the public have become increasingly dissatisfied with public education and they are demonstrating their dissatisfaction by placing their children in private schools, and those schools may be preparatory schools, such as Brownell-talbot in Omaha, or they may be Christian schools, so-called Christian schools, such as the Temple Christian Academy in Omaha, or they may be Catholic schools such as Holy Name in Omaha. They can be a variety of different kinds of schools. But parents are beginning to vote on public education by placing their children in private schools. And the longer that you and I continue to tolerate the kinds of departures from public schools by parents with their children, the longer you and I tolerate a weakened public education program, and public education has been one of the real mainstays to American society. We have tried over the years to do our very best for public education. So I rise to oppose LB 318 because, in my opinion, 318 continues to divert us from the mark of providing a fundamental education for our children and instead will emphasize the vocational offerings, the home economics offerings, not as though they are unworthy, and I am not going to... I am not going to complain about their lack of worth, but I am going to elevate the merit of the more traditional straightforward offering. I was involved in a public hearing about a year ago....

SPEAKER MARVEL: You have 30 seconds.

SENATOR V. JOHNSON:concerning special education. To my surprise, I learned that one out of ten public school children in this state is now participating in a special education program. That is too high. I submit that the availability of special education money has caused some labeling to go on in the movement of children to that program. I think the same will be true if we provide special rewards and special incentives to the vocationally oriented and to the gifted and to the others. We should keep our eye on the ball which simply is to provide a solid basic education program for our youngsters, provide adequate funding and to go from there. I support the kill motion.

SPEAKER MARVEL: Senator Marsh.

SENATOR MARSH: Thank you, Mr. Speaker. I rise to strongly oppose the kill motion and I hope that both Senator Beutler and Senator Vard Johnson will listen carefully to what I have to say. Senator Beutler, it is very well for you to say that community colleges should teach vocational courses. But, Senator Beutler....Senator Beutler, it is all very well to say that you feel our community colleges should be teaching the vocational education, but we do need to be realistic and look at the statistics of the high school graduates in the State of Nebraska. Not all students go to college or to community college, or to a technical course. How many do? Forty-two percent of...are college graduates. I have just called the State Department of Education, so these are very recent figures as of today. That means that fifty-eight percent do not go on for higher education in any quarter but rather move into the work area. This is why I feel it is vitally important that we acknowledge that vocational training has a place and is needed at our high school grade level. When fifty-eight of Nebraska's high school graduates out of a hundred are not going to technical schools, are not going to our four-year institutions of higher learning, but will be moving into the job market, then we are really ducking our head in the sand by saying, this type course ought to be taught in our community technical schools. I think those courses should be taught but not at the exclusion of the high school level. I repeat, we are not doing away with the teaching of economics or history or mathematics, or English. Those are important topics of learning in our high schools, but by the supporting of LB 318 you are not doing away with those what some of you call "the basics". Those too need to be available for our high school students. We need to look at what the facts are, not what we would dream that every high school graduate would go on for additional

education. We might dream they all would be capable, all want to, all have the opportunity to do so, but the facts are they don't. And because they do not, because all of the students do not go on for additional education, we need to have available at our high school level adequate educational opportunities for those students who will not have additional education to move into the job market and still be valuable economic assets to themselves and to our state. As I heard Senator Koch mention on this floor before, for the State of Nebraska to invest in vocational high school education at the fund level of a hundred thousand dollars makes me ashamed, have you checked what other states are doing in this area? Are you aware how far on the bottom of the totem pole we are in our state? LB 318 will not solve all of the problems in this area but it is a step in the right direction. I feel it is vitally important for us to acknowledge that some of our high school graduates will not have additional educational opportunities.

SPEAKER MARVEL: You have 30 seconds.

SENATOR MARSH: Therefore, we need to do our very best to see that not just history, English, economics and math are available, but opportunities in vocational education as well. I urge your vote red on the kill motion.

SPEAKER MARVEL: Senator Goodrich.

SENATOR GOODRICH: Mr. President and members of the body, I, too, rise in opposition to the kill motion. And I was really surprised at what Senator Beutler was saying. He is saying, transfer the education costs of the state over to the employer, teach this youngster only how to make this particular machine run, he doesn't need to know anything else. Don't waste time and money teaching him something else. All you are going to teach him is just how to run this machine. We can get robots to do that. We don't need to even spend the money. But I cannot for the life of me understand the philosophy that would say, transfer this cost to the employer and let him teach him just one thing, how to run this particular machine. Remember that this particular bill has a provision in it for gifted also, and with the increased technology that we are bumping into every day, thank goodness, we need more and more of these gifted youngster programs and we will need those youngsters' minds to get these landing craft up into the air...into space and back down here right on target again. We need more and more gifted children programs every day. If a youngster, as I understand what Senator Beutler said, if a

youngster can't get history and geography and that sort of thing, stick him in a closet. Heck, that goes back a hundred years. We are fortunate that we are getting out of that particular thinking. And recently...Senator Beutler said, for example, that he had spoken to a group here recently and that they had not exactly reacted favorably to what he was saying. I would suggest, Senator Beutler, that you should have rethought your position, if they got that much of an opposition. And if you said the same things to them that you said on this floor today, I don't blame them for not reacting favorably to what you said. I would have reacted unfavorably too. I strongly urge you folks not to kill this bill. We just plain can't afford to go back into the Dark Ages. Thank you.

SPEAKER MARVEL: Senator Lamb.

SENATOR LAMB: Mr. Speaker and members of the Legislature, I rise to support the kill motion by Senator Beutler. I have, in good faith, tried to amend the bill into a shape that I could support, and I have been unable to do that. So I see no alternative but to try to kill the bill as Senator Beutler suggests. I would reiterate that I think it is a mistake for the State Department of Education to weight the formula toward vocational education as is done in this bill. We hear much these days about back to the basics...back to the basics, not that there should not be any vocational education. There should be, I am supportive of it, but I think that individual schools should not be influenced by the amount of money they get for that particular program in making that decision. Senator Goodrich's statement...his point is well taken, we do need vocational education and that is possible under the present situation without this bill. This bill merely gives the school an incentive to establish vocational education and under the present version of the bill without an A bill it is a disincentive to provide more in the way of such things as mathematics, English, sciences and so forth. I urge that the bill be indefinitely postponed.

SPEAKER MARVEL: Senator Remmers and then Senator Koch.

SENATOR REMMERS: Mr. Speaker and members of the Legislature, I urge you to support the kill motion. One point I want to emphasize again is that 318...the vocational programs that are proposed here are going to put dollars into the large schools and the hundred and so small schools in the State of Nebraska, the high schools, are not going to get their share. I hate to make this an urban-rural split, but I think this factor is involved in this. I think

anybody that knows the situation as far as the smaller schools are concerned, you are going to know that they are not going to get their share. I realize they can't always get an equal share. Some of the other points that have been made, in the first place we got to the point, as Senator Beutler and Senator Johnson indicated, we got to this point in history without intensive vocational programs supported by the government. The schools had them but we didn't push them real hard by the State Legislatures, and we got to the point where we are today. The questions that I see people complaining about today is that there is no interest in government. How many juniors and seniors are enrolled in American History classes, American Government classes and Economic classes? I think you will find very few. We hear a lot of criticism that people...young people today can't write and they can't speak. How many students are enrolled in intensive writing and speaking courses in the State of Nebraska? They are not enrolled in these courses because they are taking the vocational courses. We have other courses that are important. We decided that drugs or alcohol, one of our worst problems we have today, have...did we include some special training in this area, in this bill? I believe maybe that's just as important as any other area. I just want to emphasize again, I think that Senator Beutler so well expressed my philosophy as far as the purpose of this education. I think maybe the suggestion that I heard earlier...I don't know if it's in the bill or not, to increase the required age for school attendance might be a good thing so we could include both the vocational and some of the others. But for the time being I think we should be very careful that we promote certain courses over the importance of others.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker and members of the body, I have been drinking ice water in a greater amount than I have before. Senator Beutler and I disagree philosophically and he is entitled to his philosophy, but we went away from Latin Grammar school back in the 17th Century, and I submit to you if we want to go back to it, Senator Beutler can bring some legislation before this body to strike all references to vocational education in the state law, and go back to it. Some of those astronauts that we hold up as heroes, I want to remind you, were not academicians. What Senator Beutler describes as his philosophy reminds me a little bit of elitism where only those of us who have a certain innate talent which is to read, to understand and interpret can take five years of science, can take all the English that they can put to us, all the languages that they can

give to us, and all of the other academic courses which we can consume in terms of our ability to translate into good things for human beings. You know, a few years ago a great man said, and I quote to you, "Our progress as a nation can be no swifter than our progress in education". Our requirements for world leadership are a host for economic growth and the demands of citizenship itself in an era such as this all require the maximum development of every young American's capacity. And I submit to you it isn't just academics, it is also vocational opportunities. I am surprised at Senator Johnson who says that he has stood on the side of public education, who has such narrow point of views as to what public education is, should be and will be tomorrow, because not all of us walk into the same maturity with the same home life, the same competitiveness. We are different and that is why we say we are individuals with different needs that sometimes we hope will come to fruition as we grow older. Education is only one part of our life. The rest of it comes by experiences and by maturity and by understanding and by most of all understanding ourselves. We are talking about vocational education as a system that should be improved. If we want to adopt the European system, so be it, where we test them at age 11 and 12 or 13 and say, you go this way, you go this way, you go this way, and you may be forever chained to a machine, because that is all you are good for. I choose not to be a wrecker. I choose to be a builder. I am here today to say I want to build better schools for the boys and girls in the State of Nebraska, that includes vocational education, not by itself totally, but as a part of a comprehensive high school. And those public schools today who do not offer it in its totality I think are remiss in their obligation to those they serve. I submit to Senator Beutler that I know students who come out of high schools today that go to Harvard and Yale, and I have got a cousin that did this, who tested out of certain courses that were freshman and moved immediately to advanced studies. Today he is in Oxford, England. But he came from a high school that had a comprehensive high school, and not one that was very narrow in its scope and its mission and role. We are willing in this body to give the University 13 percent increase in their budget and I am for that, but we are not willing to give one dollar to public high schools to improve their programs, and vocational education is a part of this. Historically let me remind you that in 1642 we made a declaration in Massachusetts to move away from Latin Grammar schools. In 1800 and some in Michigan in the Kalamazoo Issue we said, public schools are for the best of all of us because everyone is entitled to an education and to education which meets their need. That's what we are talking

April 15, 1981

LB 318

about today. It is dangerous for us to make assumptions that everyone will go on to Postsecondary Education even in a community college, and Senator Marsh alluded to that a moment ago, because 58 percent of our students do not... they do not. Some do, and for us not to think about this seriously I think is not in the best interests of this state. In 1918 there was a commission which established the cardinal principle of education and they said vocation efficiency should be a part of this. Fifty years later in 1973 there was appointed a national commission on the reform of secondary education which states, and I quote, "Acquisition of occupational accomplishments as one of its goals", and, Senator Remmers, I can't believe you didn't have that in your administrative course of study. And more recently in 1978 by a study of the National Center of Vocational Education 86 percent of the people of this nation said and say it very emphatically that every child should have an opportunity to pursue occupational skills at a high school level. They stated very specifically that the public schools are the place to obtain this original exploration opportunity. I would remind you that LB 318 does not discourage schools. It encourages them. There will be only 8 percent of the public school students today who would not be covered by 318, only 8 percent. That's all, and the figures I can give to you and prove it to you.

SPEAKER MARVEL: Your time is up.

SENATOR KOCH: I am saying that if you want to be a builder, then build, allow students to take vocational opportunities so they can be a builder. If you want to be a wrecker, then ignore it because we are going to have more wreckers than we are going to be able to handle. Read this latest article here, Lincoln Journal, "Team Urges Corrections Overhaul". We are willing to spend \$14,000 for a person who offends the law to try to rehabilitate them but not one penny for a child to explore to see whether they have an occupational skill or a job skill that they can put to good use for all of us economically and for their own human dignity. I oppose the Beutler kill motion.

SPEAKER MARVEL: Senator Beutler, do you wish to close on your motion?

SENATOR BEUTLER: Yes, I do, Mr. Speaker. I think I have to slow down a little bit because I can feel the anger rising in me with these words elitism. I am the elitist, they say. Four or five times this year in this discussion they called me the elitist, but who is the elitist in this set-up? Think about it a minute. Senator Koch says, we

have got to give them education that meets their needs. Now what assumption does that make? That makes the assumption that Senator Koch and the educators have decided what their needs are and their needs are for vocational education. They don't have the same needs as the rest of us for history and geography and the rest. Who is making an elitist decision? They are making the elitist decision. I think the education we give to the most intelligent is deserved by everybody...everybody, and needed by everybody. Senator Goodrich says something about putting people back in the closet. Well I have a bill that is going to be coming up extending the age of education to 17 in this state because I don't want anybody in any closets, and we will see how Senator Goodrich votes when that bill comes up on the floor of the Legislature. The educators keep telling us that there are people who can't be educated. Well I think they have to work a little harder. That is elitist, isn't it? People who can't be educated? People who believe that? Latin Grammar school, did anybody ever say anything about Latin Grammar school? I don't think anybody suggested going back to Latin Grammar school. That just makes it sound all very elitist, but I never said that. I don't believe in doing away with vocational education. I believe in some balance and that is what I am arguing for today. I don't think it should be expanded into the secondary education system to a much greater extent than it is right now. That is what I am arguing. Senator Marsh says 58 percent do not go on to higher education. Well that is an argument in my favor. That is 58 percent we have to give our best shot to because it is the last time they will see the education system. That is when you want to give them everything you think they are going to need to face the rest of their life. And by the rest of their life I don't mean their job exclusively. I mean their life with their wife and their life with their country, their whole life. Chaining them to a machine...Senator Koch says I am for chaining them to a machine. Who is more likely to be chaining them to a machine? Someone that teaches them how to use a machine when they are 15 and 16? Or someone that says, look around a while? Who is the elitist? It is the one who chains them to a machine by teaching them how to use a machine when they are 15 and 16. That is the elitist. Those are my arguments. Thank you.

SPEAKER MARVEL: The motion is the indefinite postponement of 318. Those in favor of indefinitely postponing the bill vote aye, opposed vote no. Have you all voted? Have you all voted? Have you all voted? Senator Beutler, your light is on.

LB 40, 132, 200, 266, 280, 284,
329, 330, 333, 360, 366, 371,
379, 392, 395, 407, 437, 479, 318.

April 15, 1981

SENATOR BEUTLER: Mr. Speaker, I think I would like to have a roll call vote and a Call of the House.

SPEAKER MARVEL: All those in favor of placing the House under Call vote aye, opposed vote no. Record.

CLERK: 20 ayes, 0 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please take your seats. Record your presence. Unauthorized personnel.....yes, go ahead.

CLERK: Mr. President, I have an Attorney General's Opinion addressed to Senator Carsten regarding LB 284. (See pages 1499 through 1501.) Senator Schmit would like to print amendments to 360, Senator Wesely to 266, Senator Newell to 395, Senator Wesely to 366, Senator Beutler to 132, Senator Vickers to 266. (See pages 1494 through 1498 of the Legislative Journal.)

Mr. President, a communication from the Governor addressed to the Clerk. (Read communication regarding LBs 40, 200, 280, 329, 330, 333, 371, 379, 392, 407, 437, and 479 as found on page 1502 of the Journal.)

SPEAKER MARVEL: Senator Wagner, Senator Schmit, Senator Haberman, Senator Chambers. Senator Haberman, Senator Higgins. Senator Koch.

SENATOR KOCH: Mr. Speaker, I move that we adjourn until tomorrow morning at nine o'clock.

SPEAKER MARVEL: We are in the middle of a vote, Senator Koch. Senator Beutler, everyone who is not excused.... everybody is here except Senator Chambers. Shall we proceed with the roll call? Okay, all legislators will please return to your seats so we can complete the roll call. The Chair is not authorized to proceed until you are in your seats. Okay, call the roll.

CLERK: (Read the roll call vote as found on pages 1493 and 1494 of the Legislative Journal.) 23 ayes, 19 nays, on the motion to indefinitely postpone the bill, Mr. President.

SPEAKER MARVEL: Motion prevails. What else do we have?

CLERK: Mr. President, Senator Vickers asks unanimous consent to add his name to LB 266 as co-introducer.

SPEAKER MARVEL: No objection, so ordered.

April 16, 1981

LB 232, 318, 499

Ron Severson, teacher. They are up here in the North balcony. Would you indicate your welcome to Norris. Welcome to your Legislature. Why don't you read some matters in at this time, Mr. Clerk, and then we are about ready to commence Final Reading.

CLERK: Mr. President, Senator Landis would like to print amendments to LB 499 in the Journal.

Mr. President, Senator Koch moves to reconsider the body's action on the indefinite postponement of LB 318. That will be laid over.

Mr. President, your committee on Appropriations whose Chairman is Senator Warner reports LB 232 to General File with amendments. That is signed by Senator Warner as Chairman.

Mr. President, I have received a report pursuant to LB 722 from the Nebraska Department of Roads.

April 29, 1981

LB 318

resolution talks about the situation, it is clear that Lincoln would be a good place to locate this facility. The Brandeis building is now vacant and it has the facility that we need for the space that is required. Lincoln is a town that I think that we all can take pride in that could take care of the 3,000 employees that would be under this office and I think that we will see jobs result from that. We will see the revitalization of the downtown of Lincoln. I think we will see some growth in that area of Lincoln and I think that there is strong support in Lancaster County for this effort and we would encourage the Legislature to help us by supporting this resolution. The resolution did come to me from Governor Thone. I had written to him earlier asking what might be possible to help in his efforts and I think the Governor has done a good job in trying to work out this situation, and with his ties to the Reagan administration in Washington, I am sure that he is the best man possible for the job to try and encourage the location of the office here in Lincoln, and so to help him in his efforts, I did write to him and Don Stenberg did get a hold of me and said that a resolution such as this would be helpful and so in cooperation with him we drafted it and that is what is before you today. So the effort here is to try and help Governor Thone's efforts to encourage our Congressional Delegation and to send notice to Washington that if they are going to have a central regional office we would sure like it here in Lincoln.

SPEAKER MARVEL: The motion is the adoption of the resolution. All those in favor of that motion vote aye, opposed vote no. Have you all voted? #65 as explained by Senator Wesely. Record the vote.

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

SPEAKER MARVEL: The resolution is adopted. The next item is under motion, #5, on motions, LB 318.

CLERK: Mr. President, Senator Koch moves to reconsider the body's action on the indefinite postponement of LB 318.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker and members of the body, week and a half or a week ago this body discussed the merits of LB 318. As you recall, it provided a formula, a weighted formula for vocational education in terms of returning money to schools based upon those programs that are approved. It provided also programs and some finance for gifted programs

and English proficiency. When we debated the bill, you will recall, this body by a simple majority voting decided to indefinitely postpone on General File. I visited with some of the members of this body about the bill and they have advised me that they would support the resurrection of the bill at this time providing that I would strike a section which dealt with weighted program vocational education, English proficiency, and sit down, Johnson, I am going to talk the philosophy of education some more with you, and the gifted program. There are two other major sections of the bill which are important and do not cost you any dollars and I want you to understand that because we all are running a little shy, particularly if we are looking for pet peeves, and the two provisions of 318 I think are important to education. One is providing twelve payments in aid back to the schools to help them with cash flow problems at certain times of the year, and to help the Indian schools when federal dollars are not forthcoming so they can carry on their programs; and the second factor is to provide a formula before declining enrollment, and many of us know some of the schools are rather severely hampered by declining enrollment that affects their income. So there is a factor in here to provide the impact be less by two percent factor loss of students and I think that is important we adopt it. Other states have similar provisions in their state aid. So with that as an explanation, I am asking you to provide support to resurrect 318, place it back on General File for the purpose of consideration at a future date. Thank you.

SPEAKER MARVEL: Senator Nichol and then Senator Carsten.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I would like to ask Senator Koch one question. Senator Koch, I have no problem with your recalling the bill back. This money that we make up for the Indian schools when they don't get money from the federal government, what, is that a loan or do these federal funds just plain old not come or what is the situation on that, could you tell us?

SENATOR KOCH: What happens, Senator Nichol, the three Indian schools which we have under public education, they receive certain federal dollars, impact dollars. Oftentimes those monies are late in arriving. What we would do here is we would allow them a twenty-five percent allocation of their state aid under the formula that they are entitled to which would hold them over until such time as those funds arrive.

SENATOR NICHOL: Then when the funds arrive, what happens then?

April 29, 1981

LR 318

SENATOR KOCH: Well, then their future aid payments are diminished by the amount. They don't get any more. They just merely get a larger percentage.

SENATOR NICHOL: This is sort of a loan to them in a way.

SENATOR KOCH: In a way it is to help them with the cash flow problems and they have severe ones.

SENATOR NICHOL: Okay, thank you.

SPEAKER MARVEL: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, I rise to support Senator Koch in his motion to reconsider our action. I frankly admit that I voted the wrong way the other day and did not have a complete understanding of the bill and have since been better informed and believe that it does merit our further consideration and I, again, repeat that I support Senator Koch and hope the rest of you do to bring this bill back. Thank you, Mr. President.

SPEAKER MARVEL: Senator Koch, do you wish to close on your motion?

SENATOR KOCH: I have no closing, Mr. Speaker. I just ask that the body support the resurrection of 318 and then I will offer amendments to strike Section 5 at a later date.

SPEAKER MARVEL: The motion is to reconsider our action and it takes 25 votes. All those in favor of reconsideration vote aye, opposed vote no. Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the motion.

SPEAKER MARVEL: The motion is carried and the bill is back on General File.

May 5, 1981

LR 87, 88
LB 184, 318

SENATOR CLARK: The bill is advanced. LB 184.

CLERK: Mr. President, if I may right before that, the Committee on Miscellaneous Subjects gives notice of public hearing for Tuesday, May 12th. Senator DeCamp would like to print amendments to LB 318 in the Journal. (See pages 1763 and 1764 of the Legislative Journal.) Two new resolutions, LR 87, offered by the Public Works Committee. (Read LR 87 as found on pages 1764 and 1765 of the Legislative Journal.) LR 88 by Senators Marsh and Koch. (Read LR 88 as found on pages 1765 and 1766 of the Legislative Journal.) Both will be referred to the Executive Board, Mr. President.

Mr. President, with respect to LB 184, the bill was originally introduced by Senator Burrows of the 30th District. (Read title.) The bill was read on January 14 of this year. It was referred to the Ag and Environment Committee for public hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending by the Ag and Environment Committee.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Schmit, do you wish to speak to the committee amendments?

SENATOR SCHMIT: Yes, I do, Mr. President. Mr. President and members of the Legislature, LB 184 is a bill which was introduced by Senator Burrows. It is a bill which is similar to a bill which he has introduced in previous years. The bill has been a question of the Attorney General's Opinion as to its constitutionality and because of that the committee was reluctant to advance the bill to the floor. However, we did feel that there might be some merit in trying to approach the problem that was outlined by some of the recent large scale development in the Sandhills of property that had been purchased and in which an equity position by an insurance company is the primary interest. Therefore, we did adopt committee amendments to that effect. Since that time there has been some concern by Senator Burrows that he would prefer to go with the original bill and at this time I would like to ask Senator Burrows to speak to the committee amendments and after that I will offer a motion.

SPEAKER MARVEL: Senator Burrows.

SENATOR BURROWS: Mr. Chairman and members of the body,

May 5, 1981

LB 184, 252, 318, 451
LR 89

and vote for LB 184.

SPEAKER MARVEL: Okay, the motion is the adoption of the....the motion is the advancement of the bill. All those in favor vote aye, opposed vote no. Have you all voted? Senator Burrows.

SENATOR BURROWS: Mr. Chairman, I would like a Call of the House and a roll call vote.

SPEAKER MARVEL: Shall the House go under call first. First motion, all those in favor of placing the House under Call vote aye, opposed vote no. Record the vote.

CLERK: 21 ayes, 1 nay to go under Call, Mr. President.

SPEAKER MARVEL: The Legislature is under Call. Please record your presence. Senator Cullan, Senator Kilgarin, Senator Schmit, Senator Howard Peterson, Senator Goodrich, Senator Newell, Senator Chambers. Mr. Sergeant at Arms, you are looking for: Senator Newell, Senator Goodrich. Everybody else is accounted. Senator Chambers, do you want to record your presence. Okay, Senator Burrows, everybody is here but Senator Goodrich. Should we proceed?

CLERK: Roll call vote. 22 ayes, 20 nays, 1 present and not voting, 5 excused and not voting, and 1 absent and not voting. Vote appears on pages 1767-68 of the Legislative Journal.

SPEAKER MARVEL: Do you have anything to read in?

CLERK: Yes sir. Mr. President, Senator Cullan would like to print amendments to 451 in the Journal.

Mr. President, Senator Vickers to LB 252. Senator Koch to LB 318.

Mr. President, your committee. . .Mr. President, a new resolution, LR 89 offered by Senators Landis, Schmit, Chambers, Johnson, Fowler and DeCamp calls for a study to (Read title of LR 89). That will be referred to the Board, Mr. President.

SPEAKER MARVEL: Senator Fitzgerald, would you like to adjourn us until nine o'clock tomorrow morning.

SENATOR FITZGERALD: I would like to adjourn us till Wednesday, May 6, nine o'clock.

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

Edited by:

Marilyn Zank
Marilyn Zank

4569

LB 3, 11, 12, 70, 95, 99, 228,
250, 257, 266, 266A, 296A,
310, 318, 328A, 369, 381, 384,
389, 428, 441, 470, 472, 472A,
497, 501, 506, 541, 543, 556A

May 11, 1981

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain Palmer.

REVEREND PALMER: Prayer offered.

PRESIDENT: Roll call. Record the presence, Mr. Clerk.

CLERK: Quorum present, Mr. President, plus one.

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

CLERK: Mr. President, I have no corrections.

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

CLERK: Mr. President, I have an Attorney General's opinion addressed to Senator Chronister regarding compensation of rural water districts. That will be inserted in the Journal. (See pages 1899-1900 of the Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports that we have carefully examined engrossed LB 3 and find the same correctly engrossed. 11 correctly engrossed, 12 correctly engrossed, 70 correctly engrossed, 95 correctly engrossed, 99 correctly engrossed, 228 correctly engrossed, 250 correctly engrossed, 257 correctly engrossed, 266 correctly engrossed, 266A correctly engrossed, 296A correctly engrossed, 310 correctly engrossed, 328A correctly engrossed, 369 correctly engrossed, 381 correctly engrossed, 384 correctly engrossed, 389 correctly engrossed, 428 correctly engrossed, 441 correctly engrossed, 470 correctly engrossed, 472 correctly engrossed, 472A correctly engrossed, 497 correctly engrossed, 501 correctly engrossed, 506 correctly engrossed, 541 correctly engrossed, 543 correctly engrossed. Those are all signed by Senator Kilgarin as Chair.

Mr. President, a new A bill, LB 556A, offered by the Speaker at the request of the Governor. (Read as found on page 1904 of the Legislative Journal.)

Mr. President, Senator Vard Johnson would like to print amendments in the Journal to LB 428 and Senator DeCamp to LB 318. See pages 1904-1906 of the Legislative Journal.)

PRESIDENT: The Chair recognizes Speaker Marvel for an explanation of order of business today on the agenda. Speaker Marvel.

May 11, 1981

LB 548, 11A, 146, 179, 316,
318, 322, 361, 366, 478A
545

vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Have you all voted on the advancement of 548? It takes 25 votes. Record the vote.

CLERK: 27 ayes, 11 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. The Legislature having completed all its work that it is going to complete for today, we are now going to have a little reading in by the Clerk and then we will adjourn.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 11A and find the same correctly engrossed; 146 correctly engrossed; 316, 322, 361, 366, 545, all correctly engrossed, and those are signed by Senator Kilgarin as Chair.

A new A bill, 487A by Senator Wesely. (Title read.)

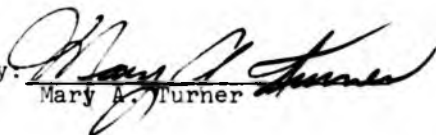
And finally, Mr. President, Senator Koch would like to print amendments to LB 318; and Senator Dworak would like to print amendments to LB 179.

SENATOR CLARK: Senator Stoney, would you adjourn us until nine o'clock tomorrow morning?

SENATOR STONEY: Mr. President, I would be pleased to. I move that we be in adjournment until May 12th at 9:00 a.m.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed nay. We are adjourned until nine o'clock tomorrow morning.

Edited by:


Mary A. Turner

May 12, 1981

LB 318

CLERK: Mr. President, LB 318 was a bill introduced by Senator Koch. (Read title.) The bill was originally read on January 19, Mr. President. It was referred to the Education Committee for hearing. The bill was advanced to General File. On April 15 of this year the committee amendments were adopted. On that date, there was a motion to indefinitely postpone offered by Senator Beutler. That prevailed. After that, Senator Koch made a motion to reconsider the body's action and that motion prevailed. I now have pending, Mr. President, a series of motions.

SENATOR CLARK: Senator DeCamp. Senator DeCamp, first amendment.

CLERK: Mr. President, Senator DeCamp has an amendment to the bill that is found on page 1763. Senator, you have two. This is your first.

SENATOR DeCAMP: I want to withdraw the first one and use the second version.

CLERK: All right. Mr. President.

SENATOR DeCAMP: Let me ask a question, Senator Koch has a main motion to the whole bill, doesn't he, where he changes the whole bill somewhere?

CLERK: Well, Senator, I have got some things in order here for now.

SENATOR DeCAMP: Okay.

CLERK: Mr. President, the next amendment I have is offered by Senator Koch. It is found on 1773. "Strike the original Section 5", Senator.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Clerk.

CLERK: Yes, sir.

SENATOR KOCH: Is that an amendment that precedes Senator DeCamp's?

CLERK: Yes, sir.

SENATOR KOCH: In that case I will pass over it and we might as well deal with the DeCamp amendment immediately.

May 12, 1981

LB 318

CLERK: Mr. President, the next amendment I have is by Senator DeCamp and that is on page 1905 of the Journal. Senator DeCamp.

SENATOR CLARK: Senator DeCamp.

SENATOR DeCAMP: Mr. President, I move adoption of the amendment. It is an amendment you are probably all familiar with. It has to do with the Christian Schools. We passed out some information. I am sure you have had discussions on both sides on the issue. Is there an objection on germaneness? Let's get to the heart of the issue and find out where we are. Are there any questions of germaneness raised? Good. Then we will go on with the amendment.

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, I would raise the germaneness question. I would ask that the amendment be ruled out of order on the basis that it is not germane and I would like to give a couple of arguments in that regard, Mr. Speaker, if that is appropriate at this time.

SENATOR CLARK: Go ahead, Senator Beutler.

SENATOR BETULER: Mr. Speaker, members of the Legislature, you and I, and I have been as guilty as you, have from time to time been subject to the criticism of the Speaker in that we have spoken too long and too often on the bills that have come before us in this Legislature and that we have not made good use of our time and directed our attentions specifically to those bills and to those subject matter which are deserving of the most time but I would also suggest to the Speaker and to the body that one reason that we have fiddled around and spent a lot of extraneous time this session on different items is that we have not had a reasonable rule of germaneness in this Legislature, actually since the time I have been in it, that if the Speaker would adopt a reasonable rule of germaneness on some of these amendments that we would have much, much less debate on amendments that don't really relate to bills and more time for the bills that have been brought through the committee process and more time for our priority bills and less time for subject matter that have not had a public hearing and have not come through the three stages of debate. So I am suggesting to you as a practical matter that a reasonable rule of germaneness be used in this instance to cut off this particular subject matter. LB 318 has to do with the timing of state aid to education with regard to the Indian schools, when

those payments will be made. It does not have anything to do with Senator DeCamp's amendment relating to the Christian Schools and whether education..minimum of educational criteria will apply to those schools. That is a big, broad area of serious consequence to the people of this state and to the children of this state which has not had a public hearing, which has not been through our process. LB 318 is about granting additional vocational aid to education and aid to the gifted. It has nothing to do with Senator DeCamp's amendment with regard to the Christian Schools. LB 318 has a provision in it with regard to tuition rates for handicapped children. That has nothing to do with minimal teaching requirements that might be applicable to the Christian Schools. It also deals with aid in declining enrollment situations. That is the fourth and final element of LB 318 and it has nothing to do with Senator DeCamp's amendment with regard to the Christian Schools. We have from time to time in this Legislature applied a chapter rule as to germaneness but I suggest to you that if you say anything in Chapter 79 is germane, then you are saying that anything having to do with education in this state is germane to any other bill having to do with education and I suggest to you, Mr. Speaker, that that is an unworkable rule of germaneness and that one of our big needs in this Legislature is to set up additional criteria and further define what germaneness means, if we are going to have an orderly process in this Legislature. This particular amendment will be an explicit example of how the process....

SENATOR CLARK: You have one minute left.

SENATOR BEUTLER: ...will not be orderly if a reasonable rule of germaneness is not adopted because it is an amendment which has broad implications. It is an amendment which has emotional implications. It is an amendment that will itself be subject to a number of amendments, and in the last two weeks that we have in this Legislature, it will take up a good chunk of our time. In fairness to everybody in the Legislature, it seems to me that Senator DeCamp ought to be asked as we all are asked to go through the public hearing process, to file a bill. There was no reason a bill couldn't have been filed on this matter, to go through the public hearing process, to jump through all the hoops that all the rest of us have jumped through. To allow this amendment to be put on at this point in time I think would be an abuse of our processes. So again, I would ask you, Mr. Speaker, to rule it not germane.

SENATOR CLARK: I am going to rule that this is in the

same Chapter but that it also does not pertain to the same subject so I am going to rule it not germane. Now if anyone wants to challenge that, they may do so. 25 votes. It will take a majority of those present to overrule it, so 24, I guess, because there is two gone. Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature, rather than spend an hour or two hours debating germaneness, what I will do, I think it is reasonable at this late time of the session and everything else, I will await offering this amendment until Select File with this understanding. I will present to you the arguments that substantiate the issue of germaneness, will give you time to make your own conclusions and decisions as to the reasonableness or fairness of the germaneness issue so we do not spend two hours here arguing technical problems, and when the issue comes up on Select File, and I assume the bill will move, it would seem reasonable at that time that in two minutes you can vote one way or the other. I would simply point out what Senator Beutler is essentially asking is that here on this particular subject at this particular time on this particular very sensitive issue, suddenly all the rules and precedents be changed. Now I am full well willing to change germaneness rules in here. I have suggested this for about three years that specific standards be developed. They have not been. Following the precedence of the past, the subject, education, the chapter, Chapter 79 or whatever it is, and following previous Attorney General's opinions on the issue of germaneness which is not, I repeat, not the constitutional issue of one subject, by the way, this would be as germane as anything ever offered. It certainly is germane as everything and anything we have allowed this year. But in deference to the body and with respect to whoever happens to be in the Chair and their ruling, I will await for the debate on the issue and on the subject until such time as I can document to each individual member in writing, so you can examine it, why this is as germane at this time as any time. So, go ahead with your balance of the bill with the understanding that I will be offering this on Select File and would hope at that time you would give this issue a chance to be heard for the first time.

SENATOR CLARK: You withdraw your amendment?

SENATOR DeCAMP: Withdraw it now.

SENATOR CLARK: It is withdrawn. Senator Koch.

SENATOR DeCAMP: I do alert you, though, that I will be offering this on Select.

May 12, 1981

LB 318

SENATOR CLARK: Is there any more amendments on the bill?

CLERK: Mr. President, yes, sir, there are. Mr. President, Senator Koch has an amendment on page 1932, Senator. This is the second one of your two.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Chairman, I object to Senator DeCamp's strategies. If we are going to deal with this subject sometime, we might as well deal with it today. One of the reasons we are dealing with this subject today is because the Speaker came back to me and said, do you mind if we lay this bill over until tomorrow? Others said to the Speaker, I am talking about Senator Marvel, people have come here today with the purpose of watching this body in action and they came here for one reason and that is 318. So if we are going to use our time, let's get right down to the issue. The issue is, is this subject germane? I don't care whether you try to do it on Select File or where you try to do it. The Chair presiding said it is not germane. Now Senator DeCamp wants to lay this over but I think this body has enough integrity and honor with people watching us who have interest and they primarily represent the Christian Schools and the children are here. Let's deal honestly with them right now, get to the issue. If you pursue this, I will not take any of my amendments. I will offer a motion to indefinitely postpone 318 because there is some part of that bill that is offensive to some of you people. Now if you want to carry six million dollars to the Governor's Office with you, we will do it, but I think the issue is germaneness and I am ready to argue germaneness, in terms of court cases, under the Nebraska Constitution, Article III, Section 14. The cases are very clear. Anderson versus Tiemann. Affholder versus State. City of Mitchell versus Western Public Service Company. They all deal with titles that deal with subject matter and so I am ready to take that issue up. I am ready to argue germaneness and several of us are. I would object to Senator DeCamp withdrawing his amendment because that is the real issue of this bill. The rest of it was really noncontroversial after I raised it because I was going to strike a certain section that obviously did not have the support of the majority of this body. So let's get on with the issue.

SENATOR CLARK: Senator DeCamp.

SENATOR DeCAMP: Sobeit, sobeit, Mr. Chairman or Mr. President, I, therefore, challenge the Chair. I would note for the members of the body, Mason's Rules of Order, which is pretty much

May 12, 1981

LB 318

the standard, suggests that the entire body decide what is or is not germane, not generally the Speaker. Now we followed the other custom here and I think that is some of the things we should examine this summer. But as I say, by every standard you used for everybody else, for every other group, this certainly would be germane. So I would urge you to follow your conscience, so to speak, and do whatever you think is right. I challenge the Chair.

SENATOR CLARK: The Chair has been challenged. Those that support the Chair vote aye, those that oppose the Chair will vote no. The question is shall the Chair be overruled. If you want to overrule the Chair you will vote green. It takes twenty-five votes because there is forty-eight here, forty-nine. All those in favor vote aye, opposed vote nay. Have you all voted? Once more, have you all voted? I am going to call the vote. Record the vote. Senator DeCamp.

SENATOR DeCAMP: Mr. President, I think it is only fair to everybody including Senator Koch that we have a full vote on it so I would ask for a Call of the House and a roll call vote.

SENATOR CLARK: Shall the House go under Call? All those in favor vote aye, opposed nay. Record the vote.

CLERK: 23 ayes, 0 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. Will all unauthorized personnel leave the floor, and all Senators, would you check in please? Senator Marvel, will you check in? Senator Koch, will you check in please? Senator Cullan and Senator Warner, Senator Hefner, Senator Kilgarin, Senator Kahle, no one is excused. They should all be here. Senator Kahle and Senator Cullan and Senator Hefner. Mr. Sergeant at Arms, can you find those three? Senator Kahle and Senator Hefner. Senator Goll.

SENATOR GOLL: Mr. Speaker, would you please explain in detail just exactly what we are going to vote on so I don't have any misunderstanding?

SENATOR CLARK: We will when the other two get here.

SENATOR GOLL: Okay.

SENATOR CLARK: When the other one gets here. Senator DeCamp, do you want to start the roll call? Senator Hefner is on his way. Mr. Clerk, will you state what we are voting on? May we have the attention of everyone please?

May 12, 1981

LB 318

CLERK: Mr. President, Senator DeCamp offered an amendment to LB 318 that is found on page 1905 of the Journal. Senator Beutler challenged the germaneness of that amendment. The Chair ruled that the amendment was not germane to the bill. Senator DeCamp has challenged the ruling of the Chair. We are now voting on whether or not the Chair shall be overruled.

SENATOR CLARK: Shall the Chair be overruled? It takes 25 votes. Call the roll.

CLERK: (Roll call vote taken.) (See page 1980, Legislative Journal.) 22 ayes, 27 nays on the motion to overrule the Chair, Mr. President.

SENATOR CLARK: The Chair has been sustained. The next motion.

CLERK: Mr. President, the next amendment I have to the bill is offered by Senator Koch and that is found on page 1932 of the Journal.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Could you read that amendment for me, Mr. Clerk.

CLERK: Mr. President, the amendment would read as follows: (Read.)

SENATOR KOCH: Thank you, Mr. Chairman and members of the body, in the last action on LB 318 when I reconsidered our action, I committed myself to you I would strike Section 5 which was the major issue of controversy. This is the section that deals with vocational educational factors on weighting of programs, the gifted program and the English proficiency program. This was the section that requested an A bill of approximately five million dollars so I am asking to strike that section and all that remains in the bill is the payments on state aid to the public schools and the declining enrollment sector which holds schools harmless in terms of percentage of loss of state dollars when they are suffering severe losses which would slow that loss down. So I ask for adoption of the amendment. Thank you.

SENATOR CLARK: Senator Cullan. Senator Cullan. Senator Marvel, do you want to talk? Senator Lamb.

SENATOR LAMB: Mr. President, and members, I guess I am a bit confused here. I thought that the first amendment

May 12, 1981

LB 318

Senator Koch withdrew was the one which struck Section 5, is that not correct? And a question of Senator Koch, I guess.

SENATOR CLARK: Senator Koch, will you respond?

SENATOR LAMB: You withdrew that amendment, is that right?

SENATOR KOCH: I asked that it be passed over to get to the DeCamp amendment.

SENATOR LAMB: Okay, which amendment are we considering then?

SENATOR KOCH: Section 5, to strike it.

CLERK: It is on page 1932 of the Journal, Senator.

SENATOR LAMB: But it is just to strike Section 5?

CLERK: Well, that is included. There are a couple of other things but to strike original Section 5 is part of it.

SENATOR LAMB: Thank you. Mr. President, members, I rise to support the Koch amendment in that as some of you may remember when this bill was considered the first time around, I had an identical amendment to strike Section 5, and I guess the arguments used at that time, although that did not prevail, I am happy to see that Senator Koch has seen the wisdom of this amendment and is now endorsing it.

SENATOR CLARK: Senator Marvel, do you want to talk? Senator Koch, do you want to close on your amendment?

SENATOR KOCH: Thank you, Mr. Chairman. There is no closing. We understand what we are attempting to do and I thank Senator Lamb for enlightening me but someday when he is Chairman of a committee he will defend an integrity until it is obvious you can no longer defend it. I still believe in Section 5 but I am doing this for the good of all of us, I guess.

SENATOR CLARK: The question before the House is the adoption of the Koch amendment. All those in favor vote aye, those opposed vote nay. Voting aye, Mr. Clerk.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

May 12, 1981

LB 318, 118, 448, 411

CLERK: 25 ayes, 1 nay on adoption of the Koch amendment, Mr. President.

SENATOR CLARK: The amendment is adopted. The next motion.

CLERK: Mr. President, I don't believe I have anything further on the bill.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Chairman, I move that LB 318 as amended be advanced to E & R Initial.

SENATOR CLARK: You heard the motion, is there any discussion? All those in favor of moving the bill to E & R vote aye, opposed nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted on advancing the bill? This is the last bill we are taking. Record the vote.

CLERK: 26 ayes, 0 nays on a motion to advance the bill, Mr. President.

SENATOR CLARK: The motion carried. The bill is advanced. Senator Sieck, we have got to read a few things in and then would you adjourn us until nine o'clock tomorrow morning.

CLERK: Mr. President, Senator Koch had amendments to 318 that he would like to withdraw.

Senator Maresh offers notice of hearing on the State Labor Contracts for next Wednesday at one o'clock. LB 118.

Mr. President, Senator Sieck has amendments to 411 he would like to print in the Journal; and Senator Lamb amendments to 448 he would like printed in the Journal, and that is all that I have.

SENATOR CLARK: Senator Sieck.

SENATOR SIECK: Mr. President and members of the body, I move that we adjourn until nine o'clock tomorrow morning.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. We are adjourned until nine o'clock tomorrow morning.

Edited by:


Mary A. Turner

May 13, 1981

LB 248A, 318, 334, 334A,
LB 184, 118, 129, 190, 248,
LB 463, 487

at Arms will secure the Chamber. All members who are not at their desks will return to their desks. All members will record your presence. The House is under Call. The House is under Call. Senator Goodrich, Senator Wagner. Senator Haberman is right here. Senator Labedz, Senator Pirsch. We can take call in votes, Mr. Clerk, yes.

CLERK: Senator Fowler voting yes. Senator Kremer voting yes. Senator Marsh voting no. Senator Wagner voting no. Senator Labedz voting yes.

PRESIDENT: All right, record the vote.

CLERK: 25 ayes, 14 nays, Mr. President, on the motion to advance the bill.

PRESIDENT: All right. The motion carries and LB 184 is advanced to E & R Initial. You want to read some material in, go ahead, Mr. Clerk.

CLERK: Mr. President, Senator Schmit would like to print amendments to LB 487 in the Journal.

Mr. President, LBS 190, 334, 334A, 463, 248 and 248A are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LB 190, LB 334, LB 334A, LB 463, LB 248 and LB 248A.

CLERK: Mr. President, an announcement from the Public Works Committee regarding an executive session to discuss interim study resolutions.

Your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 129 and recommend that same be placed on Select File with amendments; LB 118 Select File; and LB 318 Select File with amendments; all signed by Senator Kilgarin as Chair.

May 20, 1981

LB 129A, 118, 318

SENATOR CULLAN: Mr. President, members of the Legislature, I just rise to say I support the Warner amendment. I see no major problems with it. The one thing I wanted to clarify for the record is that LB 129 nor LB 129A do any earmarking of any sort. These programs come before the Appropriations Committee to be reviewed annually so there is absolutely no earmarking. Thank you.

SPEAKER MARVEL: The motion is the adoption of the Warner amendment. All those in favor of that motion vote aye, opposed vote no. The Warner amendment. Record the vote.

CLERK: 26 ayes, 0 nays on the adoption of Senator Warner's amendment, Mr. President.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. Now all those in favor of advancing the bill say aye, opposed no. Motion is carried. The bill is advanced. Next bill.

CLERK: Mr. President, LB 118, I have nothing on the bill.

SPEAKER MARVEL: The motion....Senator Maresh.

SENATOR MARESH: Mr. Speaker, I would like to report that the committee held a hearing on this bill today and there was no opposition, so we cleared that part, so I would like to say that there is no problem with this bill.

SPEAKER MARVEL: Okay, the motion is the advancement of the bill. All those in favor of the advancement of the bill say aye. Opposed no. The motion is carried. The bill is advanced. 318.

CLERK: Mr. President, there are E & R amendments to LB 318.

SPEAKER MARVEL: We are talking about the E & R amendments to 318. Okay.

SENATOR KILGARIN: I move the E & R amendments to LB 318.

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

CLERK: Mr. President, Senator DeCamp had amendments on page 1905 that I understand he wishes to withdraw.

SPEAKER MARVEL: If no objection, so ordered. Senator DeCamp.

SENATOR DeCAMP: Mr. President, we will withdraw that one because Senator Koch and I are offering a joint one. So

May 20, 1981

LB 318

I don't need that one.

SPEAKER MARVEL: Okay, it's withdrawn, I guess.

CLERK: Mr. President, the next amendment I have is from Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, this little amendment is what I call my double-dipping amendment. As you are aware, there are now students in high school who are going to the technical community colleges for part of the day and to the high schools for part of the day, and under our present statutes it is possible for both the high school and the technical community college to claim that student for state aid purposes, and the only thing this amendment does is says that they both cannot claim it, that the technical community college will continue to claim them for the number of hours that they are there and that the high school will only claim them proportionately for the number of hours that they spend in high school so that it ends the possibility of double-dipping for the same student. Thank you.

SPEAKER MARVEL: Senator Cullan. Senator Koch.

SENATOR KOCH: Mr. Speaker, I rise to support Senator Beutler's amendment. I think it is important that this is placed in the statute.

SPEAKER MARVEL: Senator Beutler, do you wish to close on your amendment? Are there any other amendments to the bill? Okay the motion is the adoption of the Beutler amendment. All those in favor vote aye, opposed vote no. Have you all voted? Record the vote.

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

SPEAKER MARVEL: The motion is carried. The Beutler amendment to the bill is adopted.

CLERK: Mr. President, Senators Koch and DeCamp move to amend the bill. It is Request 2448.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker and members of the body, these amendments have been worked out with a number of different individuals who are concerned about the problems of the Christian schools. We have tried to develop an amendment

that would be acceptable, and I want to tell you right now it is not totally acceptable with the NSEA and you have read the article put on your desk, but I understand the executive secretaries and their role and they are to protect the profession, and I want to remind you that the profession is being protected. We have not diminished the qualifications of the public schools. A week ago we talked about this issue and I think it is important that we are able to reconsider and talk about it one more time. What we are saying is that the schools that operate as what we call the Christian schools or academies that they shall do several things and they may do several things. In fact it sort of reminds me a little bit...what I am going to say to you that what they do is a Class I school system how it operated about 25 years ago. And you know we still have a lot of Class I school systems in this state and some of them are operating possibly to what we might think not in the highest standards of education. So what I am offering you today is not really anything that we haven't accepted in this state for quite some time. I think what we ought to forget right now, as soon as we can, is that this group of people as far as their religious background is concerned have been around here a long time, in fact, probably date back to the very beginning of this nation. What we are saying in this amendment is that the parent of a child or children attending a private school of this nature will sign an affidavit to the effect that that child is in attendance and they will also list the public school system where that school is located on that affidavit and they shall provide that to the county superintendent and the county superintendent shall expect this annually and then shall report this to the Department of Public Instruction which is the State Department of Education. In addition to this, we say that the county superintendent can also grant waivers on staff members the fact that they are not certified and again the parent must be aware of this. Primarily we also say in this amendment we are proposing that the county superintendent shall also justify to the State Department of Education that the child is receiving a regular instruction, by that we mean on a daily basis, and for X number of days a year and that the instruction is from a structured curriculum or course of study, and thirdly, that the child is appropriately proficient in the basic disciplines of learning. Now this can be also interpolated to the point that if they are concerned about the achievement of the child, that they can ask for tests that come from national types of tests that we have been getting for years such as the California test and the Iowa basic skills which are very common in the public schools. Now I know we are going to get into an argument here and we had one the other day, and it is going

to be on whether or not this amendment can fit into 318. And I submit to you that this Legislature determines the subject matter and we are in Chapter 79 and I believe that that is ample, and I would remind you also that the court decision that came down not too long ago said that the only place that could resolve the question is the State Legislature. We are the ones that will make that determination. What we are trying to do here is reach a reasonable position in terms of the private and the public sector, and I don't know that I can stand here and say that I am going to say these people are not offering good education simply because the word Christian is used, because most of us always say we are Christian and we believe in the Christian Judeo system. So until....and one other thing I am asking and I'm going to be very candid with you, the Department...or the Education Committee has a resolution where we are going to work very diligently at trying to find out the facts. We are going to examine other states, see what their laws are and hopefully we can come up with a model law. That is why I am asking you to give us this time and also give these Christian schools the time to continue their programs which they believe in just as validly as you and I may believe in certain ideals and principles that we stand for. So, basically, what I just gave to you is the amendment, and I would ask you to adopt this amendment and advance LB 318 to E & R for final engrossment.

SENATOR DeCAMP: Mr. President, as I told you repeatedly, in the interest of saving time I know it is going to be ruled nongermane. I think Senator Koch and I have agreed rather than have a hassle of germaneness, germaneness is strictly a rule, you can suspend that rule. We are submitting to you we should put the burden on us to try to get 30 votes, either they are here or they aren't. If they are here, to suspend the rule and put this into the bill, then we go ahead. So I would move that...is it okay, Gerry, to do that, go ahead and say, I move we suspend the rule? First of all, I object that it is not germane. I say it myself. Is it germane, Mr. Speaker? Just say, no. He said, no. Mr. President, I move to suspend the rule on germaneness so that the issue can or cannot be taken up. No, I don't want to even overrule the Chair. That just takes 25. I think the burden is on us to get 30 votes if we are going to put this in the bill, and we know that and that is one of the risks. Then nobody can really say we weaseled around. So I move to suspend the rules and allow the amendment to be offered. Okay?

SPEAKER MARVEL: Okay, that is a debatable topic and the Chair will recognize Senator Chambers.

SENATOR CHAMBERS: (Microphone not on)....and members of the Legislature, Senator DeCamp said he is not going to weasel around the issue. Well, there is a certain alliteration between the words "weasel" and "wizard" and I think Senator DeCamp is putting on the garb of the wizard to do a little weaseling. Now he knows that because of the status of the Chair it is not likely that people would vote against the way they voted the other day, so the Chair would not be overruled, but by putting the same question in a little different form and saying that you are not really overruling the Chair you are suspending a rule, then you can in effect vote to overrule the Chair and contradict what you did the other day and have the best of both worlds for Senator DeCamp. Now, I am not going to discuss the amendment as such, but Senator Koch did make an interesting observation that simply because the word "Christian" is involved it shouldn't turn people off because a lot claim to be Christians. Well, if they claim to be Christians, Senator Koch, maybe I have to be the lion and you know the outcome of that encounter in the old days, but I am saying this a bit facetiously today because I want to concentrate on what Senator DeCamp is trying to do. We have decided on other issues that the rules ought not be suspended. The reason I think it should not be suspended in this particular case is partly because of the nature of the issue and the broad ramifications of what is being proposed at the eleventh hour and fifty-nine minutes. This amendment is going further than what they asked for in the first place. So before you suspend the rules, you ought to consider how much time will be taken in serious debate of this issue because I think if you do suspend the rules to take it up, you should at the same time agree to allow full and complete debate. If you agree to take it up, I would be opposed to shutting off debate for those who are in favor of the amendment although I am totally opposed to it. The issue is serious, but I think it ought not come before us in this fashion. But if the Legislature decides to bring it here, then if it keeps us here until twelve o'clock tonight when the legislative day must end, I think we ought to be prepared to stay here and argue it through and I certainly am one of those who will. So everything that I am saying is designed to let you know that I am opposed to Senator DeCamp's motion to suspend the rule, whichever rule it is.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, the question nonetheless is the germaneness question

May 20, 1981

LB 318

again and I hark back again to the reason for the germaneness rule which is to ensure that we treat all of us in here and all issues in here with a degree of equity and fairness, and that we don't bring into the process at the last minute issues that are not relevant to what we have been discussing all year long, and that we don't clutter up our own process or allow it to be cluttered up by numerous efforts of this nature which have the effect of circumventing our public hearings, circumventing all of our procedures that we set up, all of which are procedures, process, not interesting words but for words that have real if vague meanings, words like fairness and equity. And, frankly, in this particular instance I find it disappointing that a group of people whose primary objective in life is to teach us about fairness to our fellow man about equity, about the meaning of those words, are coming in here to our Legislature and saying, let's cheat on the process, we don't like the way you do it, we want it done now this way, our way. I don't know...what lesson are they teaching? Thank you.

SENATOR CLARK: Senator Howard Peterson.

SENATOR H. PETERSON: Mr. Chairman, I would call the question.

SENATOR CLARK: The question has been called for. Do I see five hands? I do. All those in favor of ceasing debate vote aye. All those opposed vote nay. For what purpose do you arise, Senator Haberman?

SENATOR HABERMAN: Mr. Chairman, you have only had, what, one person speak on this.

SENATOR CLARK: Let the Legislature decide it....

SENATOR HABERMAN: Wait a minute now.

SENATOR CLARK: If they don't want to do it, they don't have to. Have you all voted? Once more, have you all voted? Record the vote.

CLERK: 25 ayes, 10 nays, Mr. President.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: I sure hate to see this happen when the Chair rules with only one debate, that there hasn't been enough debate.

SENATOR CLARK: I did not rule it, the Legislature did it.

May 20, 1981

LB 318

SENATOR HABERMAN: No, you did first, you did.

SENATOR CLARK: 25 votes. Senator DeCamp, do you wish to close?

SENATOR DeCAMP: Mr. President, I guess if somebody should cry, maybe it would be me because all the speakers, I think there were at least two or three, Senator Chambers, Senator Beutler, were speaking against my suspension, that's what we are talking about is just the motion to suspend the rules, and I am not going to push it hard either way. You know what the issue is. You know you are suspending the rules to take up a special issue, and if 30 people decide that, it will put the burden on us the people that are interested in this issue, put the burden on us to muster 30. And if that occurs, it is a signal to the Legislature that a vast majority feel that this is important enough at this late date to do something so that you don't have some other problems develop in September. The issue is not that complicated. You have had a lot of discussion on it, gobs of public hearings. As I say, put the burden on us to get 30, and Rex can have two minutes of my time to argue why you shouldn't go with my motion.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: I believe the issue here is germaneness, isn't it, Mr. President?

SENATOR CLARK: It was ruled not germane.

SENATOR HABERMAN: That is right, okay. You look at the yellow pages in the book and it talks about financing school systems. It talks about setting a limit on tuition. It talks about distributing state aid. And what the 318 amendment they have has to do with this, I don't know. So I would have to say it is ridiculous that it's germane, and when Deacon John stands up there and says, see if I have 30 votes, he has probably already got his 30 votes in his pocket, that's why he is doing what he is doing or wouldn't do it. So I am going to ask this body not to support it, that it is not germane, and to support the Chair. Thank you, Mr. President.

SENATOR CLARK: The question before the House is the adoption of suspending the rules for the germaneness of the bill. All those in favor vote aye, opposed vote nay. Have you all voted? We are voting on the suspension of the rules. Once more, have you all voted? Have you all voted? For the last time, have you all voted? Record the vote. Senator DeCamp.

May 20, 1981

LB 318, 184

SENATOR DeCAMP: Mr. President, I would ask for a Call of the House since it's relatively close, I guess.

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

CLERK: 14 ayes, 4 nays, Mr. President, to go under Call.

SENATOR CLARK: The House is under Call. All legislators will take their seats. All unauthorized personnel will leave the floor, please. Everyone will check in. Senator Schmit, Senator Kremer...would everyone check in, please? Senator Burrows, Senator Wiitala. I guess Senator Koch is here, I don't know. Is Senator Beutler here? Senator Howard Peterson, are you here? Senator Newell. Is Senator Nichol gone? Everyone is here. Call the roll.

CLERK: (Read the roll call vote as found on page 2156 of the Legislative Journal.) 28 ayes, 17 nays, Mr. President.

SENATOR CLARK: The motion failed. Senator DeCamp, for what purpose do you arise?

SENATOR DeCAMP: It's just the old college try, you know, we give up.

SENATOR CLARK: Fine. The Call is raised.

CLERK: Mr. President, Senator Hoagland....you don't want it? Okay. Mr. President, I have nothing further on the bill.

SENATOR CLARK: The question is the advancement of the bill. All those in favor say aye. All opposed no. The bill is advanced. LB 184.

CLERK: Mr. President, I have E & R amendments on LB 184.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 184.

SENATOR CLARK: You heard the motion. All those in favor say aye. Opposed no. The E & R amendments are adopted.

CLERK: Mr. President....

SENATOR CLARK: Amendment on the desk. Amendment on the desk.

May 22, 1981

LB 213, 234, 243, 16, 318,
394, 472, 506, 506A

CLERK: Mr. President, Senator Maresh would move to reconsider the body's action in their failure to pass LB 394 on Final Reading. That will be laid over.

Mr. President, your Enrolling Clerk respectfully reports that she has presented to the Governor at 2:10 p.m. the bills that we read on Final Reading this morning. (Re. LB 316, 506, 506A, 472.)

Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed LB 213 and find the same correctly engrossed; 234 correctly engrossed; 318 correctly engrossed, all signed, Senator Kilgarin.

SPEAKER MARVEL: Senator Schmit, for what purpose do you arise?

SENATOR SCHMIT: Mr. President, have we had the reading of the vote yet? Have you read those who have voted?

SPEAKER MARVEL: Sorry. Say it again.

SENATOR SCHMIT: Has the Clerk read the report of those who have voted yet?

SPEAKER MARVEL: Yes.

SENATOR SCHMIT: Did you read the names? I'm sorry if I missed it.

SPEAKER MARVEL: Which names are you talking about? You mean a roll call vote? I don't understand your question.

SENATOR SCHMIT: Well the usual procedure I believe is to read those who have voted aye and those who have voted nay. As I understand, Senator Warner indicated that he had voted aye and he is not recorded as having voted and I would like to have the record read as we usually do.

SPEAKER MARVEL: Mr. Clerk, do you have the record?

CLERK: Mr. President, the vote on the advancement of 243 was as follows: (Read record vote again as found on page 2224 of the Legislative Journal.)

SPEAKER MARVEL: Senator Warner, for what purpose do you arise?

SENATOR WARNER: Mr. President, is it in order for me to move to reconsider as shown as having not voted? Pat could

May 27, 1981

LB 213, 318, 322,
LB 412, 389, 389A

afraid of what might happen if it was passed anyway, so, I will go along.

SENATOR WARNER: Thank you, Senator Newell.

SENATOR CLARK: All right, that bill will be laid over. The motion is now to suspend the rules. The motion is right now, to suspend the rules to read the following bills: 213, 318, 822, 389 and 389A. That is the only bills we can read. The motion before the House is suspension of the rules. Is there anyone who wants to talk on that? Senator DeCamp, did you want to talk on the suspension of the rules? All right. All those in favor of suspending the rules vote aye. All those opposed vote nay. Senator Goodrich, did you want to talk on it?

SENATOR GOODRICH: Mr. President, you had said when you were quoting those numbers, 822. I think you mean 322. Would you have the Clerk read ...

SENATOR CLARK: No, I said 322, I thought, pardon me. 213, 318, 322, 389 and 389A.

SENATOR GOODRICH: Okay, no problem.

SENATOR CLARK: All those in favor of suspending the rules vote aye, opposed vote nay. It takes 30 votes. Voting aye.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted on suspending the rules to read those five bills? Record the vote.

CLERK: 34 ayes, 2 nays, Mr. President, on the motion to suspend the rules and read those five bills.

SENATOR CLARK: The rules are suspended. The Clerk will now read LB 213 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 213 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall 213 pass with the emergency clause attached. All those in favor vote aye. All opposed vote nay.

ASSISTANT CLERK: Senator Clark voting no.

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

May 27, 1981

LB 213, 318, 322

ASSISTANT CLERK: (Read record vote as found on page 2345 of the Legislative Journal.) The vote is 40 ayes, 4 nays, 5 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed with the emergency clause attached. The Clerk will now read 318.

ASSISTANT CLERK: (Read LB 318 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall LB 318 pass. All those in favor vote aye. All those opposed vote nay. Have you all voted? Record the vote.

ASSISTANT CLERK: (Read record vote as found on page 2346 of the Legislative Journal.) The vote is 40 ayes, 3 nays, 5 excused and not voting, 1 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed. The Clerk will now read LB 322 with the emergency clause.

ASSISTANT CLERK: (Read LB 322 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall LB 322 pass with the emergency clause attached. All those in favor vote aye, against no.

ASSISTANT CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Once more, have you all voted? Record the vote.

CLERK: (Read record vote as found on page 2347 of the Legislative Journal.) 27 ayes, 15 nays, 5 excused and not voting, Mr. President, 1 present and not voting.

SENATOR CLARK: The bill having failed to receive the constitutional majority has failed to pass on Final Reading with the emergency clause attached. The question is now, shall the bill pass without 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? There is really no reason to hold it open. If you are all sitting at your desks, why vote. Have you all voted? Record the vote.

CLERK: (Read record vote as found on page 2348 of the Legislative Journal.) 25 ayes, 18 nays, 5 excused and not voting, 1 present and not voting, Mr. President.

May 27, 1981

LB 111, 118, 129, 129A, 213,
318, 389, 389A, 523, 556,
556A

bills we didn't have time for before.

SPEAKER MARVEL: It is my understanding we have got about an hour, Mr. Clerk, is that right...?

CLERK: Yes, sir.

SPEAKER MARVEL: ...and at the end of that time we should have the bills up here and I appreciate your cooperation. I have nothing else to say because Senator Clark can't understand English.

SENATOR CLARK: We will be "easy" until then. Senator Marvel.

SPEAKER MARVEL: Where did you go? Oh. The Legislature will be at ease until seven o'clock.

SENATOR CLARK: Or until the bills come up?

SPEAKER MARVEL: Pardon me?

SENATOR CLARK: Or until the bills come up?

SPEAKER MARVEL: I think what we need, Mr. Clerk, and you can correct me, we need a quorum.

CLERK: That would be desirable, yes, sir.

SPEAKER MARVEL: Okay.

EASE

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I am about to sign and do sign LB 111, LB 118, LB 129, LB 129A, LB 523, engrossed LB 523, engrossed LB 556, engrossed LB 556A, one of the smaller bills of the session, engrossed LB 213, engrossed LB 318, reengrossed LB 389 and reengrossed LB 389A. Okay. Senator Goll, will you adjourn us until nine o'clock tomorrow morning.

SENATOR GOLL: I move that we adjourn until nine o'clock tomorrow morning.

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

Edited by LaVera M. Benischek
LaVera M. Benischek

May 28, 1981

LR 192
LB 111, 118, 129, 129A, 213, 318, 322,
389, 389A, 472A, 523, 540, 548, 556, 556A

PRESIDENT LUEDTKE PRESIDING

DR. ROBERT PALMER: Prayer offered.

PRESIDENT: Would you all register your presence? We would like to get started. Senator Carsten, would you give us a green light and then we will start. Thank you, you got us under way. Record the presence, Mr. Clerk.

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 as published. Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined LB 540 and find the same correctly enrolled; 322 correctly enrolled.

Mr. President, your enrolling clerk has presented to the Governor for his approval the bills that were read on Final Reading yesterday. (See page 2356 of the Journal regarding LBs 111, 118, 129, 129A, 523, 556, 556A, 213, 318, 389, and 389A.)

Mr. President, I have an Attorney General's Opinion addressed to Senator Beutler regarding LB 472A. (See pages 2356 through 2358 of the Journal.)

Mr. President, I have a report from the Department of Administrative Services regarding lease approval.

Mr. President, new resolution, LR 192, offered by Senator Rumery. (Read LR 192 as found on pages 2358 and 2359 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, LB 548 and 322 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LB 548 and LB 322. Before we get started with today's activities, the Chair would like to introduce fifteen students from across the whole State of Nebraska,

May 29, 1981

LB 318, 321, 344, 389, 389A, 401

PRESIDENT: LB 321 passes without the emergency clause attached. Messages may be read in at this time.

CLERK: Mr. President, I have two veto messages from the Governor. (Read veto messages from the Governor Re. LB 389A and 389. See pages 2403-2404 of the Legislative Journal.)

Mr. President, I have a second veto message addressed to Dear Mr. President and Senators: (Read. Re. LB 318.)

Mr. President, I have explanation of vote from Senator Howard Peterson.

Mr. President, Senator Wesely asks unanimous consent to add his name to LB 404 as cointroducer.

PRESIDENT: No objections, so ordered.

CLERK: That is all that I have, Mr. President.

PRESIDENT: All right, we are ready then for the next bill on Final Reading, is LB 344, Mr. Clerk. We might ask... Speaker Marvel, there have been some questions about when we want to break for lunch. Do you wish to give some indication so that they know we are?

SPEAKER MARVEL: I think it would be a good idea if we broke at noon and then recess until one-thirty. The way we are going this morning, we are going to have trouble meeting the deadline.

PRESIDENT: All right, thank you.

SPEAKER MARVEL: The deadline when we get out of here. When you get whatever business you have I would appreciate it if you would recognize Senator Newell. He has a proposal that he wants to make.

PRESIDENT: Senator Newell, do you want to...? What is this? Senator Newell, we recognize you for whatever purpose. Okay, go ahead, Senator Newell.

SENATOR NEWELL: Mr. President, members of the Legislature, the Omaha delegation has asked me to present this plaque to Senator Fitzgerald for his tremendous sacrifice, primarily giving up his legislative district, which is important so that I could still serve in the Legislature next year and, very important as you can well understand. Senator Fitzgerald, if you would come forward the delegation would like to present you this for your hard work and your sacrifice. (Applause.)

May 29, 1981

want to take one more bill then? Okay, fine. Have you all voted? Record the vote.

CLERK: (Read record vote as found on pages 2406-2407 of the Legislative Journal.) 37 ayes, 8 nays, 2 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 352 passes with the emergency clause attached. The next bill on Final Reading before the break for lunch is LB 385.

ASSISTANT CLERK: (Read LB 385 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 385 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on pages 2407-2408 of the Legislative Journal.) 29 ayes, 14 nays, 2 excused and not voting, Mr. President, 4 present and not voting.

PRESIDENT: LB 385 passes. If you would read some matters in and then we will get ready for recess.

CLERK: Mr. President, a letter from the Governor addressed to the Clerk. (Read. Re. LB 406, 548, 389 as found on page 2409 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined LB 321 and find the same correctly enrolled.

Mr. President, I have a veto message from the Governor addressed to Dear Mr. President and Senators. (Read. Re. 129A. See page 2408 of the Legislative Journal.)

Mr. President, finally LB 95, 95A, 172, 218, 234, 234A, 235, 302, 389A, 318, 344 and 352 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and I do sign LB 95, LB 95A, LB 172, LB 218, LB 234, LB 234A, LB 285, LB 302, LB 318, LB 344 and LB 352. Well, let's let somebody... Senator Marsh, do you wish to recess us until one-thirty.

SENATOR MARCH: I move we recess until one-thirty.

PRESIDENT: The motion is to recess until one-thirty. Any... All those in favor to recess until one-thirty signify by saying aye, opposed nay. We are recessed until one-thirty.

May 29, 1981

LB 318

by Senator Koch. Senator Koch would move that LB 318 become law notwithstanding the objections of the Governor.

PRESIDENT: The Chair recognizes Senator Koch.

SENATOR KOCH: Thank you, Mr. President. You received a copy of the letter from the Governor and I have information that is from the Fiscal office, and I am not talking about Senator Warner's office, or ours, I am talking about the Fiscal office of the Governor, that this, in fact, would not affect the cash flow of the state. It's not applicable this year. And, secondly, the \$750,000 which would be earned on the interest again is a nebulous issue. And, third, is the schools would have to borrow the money. That would cost them interest. And the public schools will receive very little this year so why should I expect any more. But it's always nice for those who sit here and talk about the public schools and what a great job those boards of education do and primarily what a fine job they do otherwise. But I remind you of one thing from the budget office the Governor says this is not applicable during this coming fiscal year, and so I think one more time the Governor has vetoed the wrong dog. I ask you to override the Governor.

PRESIDENT: Senator Koch, there is no further person wishing to discuss the matter, so that is your opening and your closing. The question then is, motion that LB 318 become law notwithstanding the action of the Governor. All those in favor vote aye, opposed nay. Technically, the House is still under Call. You are supposed to all be at your desks. Sergeant at Arms will make sure all members are at their desks. The House is under Call. Senator Koch. Yes.

SENATOR KOCH: Mr. President, I remind you that the Indian schools will suffer most of all, but I would ask for a roll call vote and get it over with.

PRESIDENT: All right, fine. Thank you. Roll call vote has been requested. Proceed then with a roll call vote. All right, you want to check in first. All right, that is a fair request. Everybody....you want to clear the board? Just a moment there is....as usually happens prior to sine die. The poor old machine is just about gasping its last here. Now the board is cleared. Would everyone please register your presence so we can...because the House is still under Call. Everyone register your presence, and then we will have a roll call vote pursuant to the request of Senator Koch. Senator Vickers, would you show us...

May 29, 1981

LB 318

Senator Vard Johnson. Senator Kremer just did his. And Senator Pirsch. We are back to Senator Pirsch again. Did the Sergeant at Arms find out anything about Senator Pirsch? Senator Koch, I guess we have several....do you want us to wait for Senator Pirsch? I don't want to hurry you but I mean I'm just asking.

SENATOR KOCH: We wouldn't have to go to Boston for her, would we? I remember one year we were going to fly to pick up Senator Marsh.

PRESIDENT: I do too. I remember that too.

SENATOR KOCH: Is Senator Pirsch in the building, or....

PRESIDENT: So does the Clerk because he was asked to go.

SENATOR KOCH: So does Mr. O'Donnell because he was saddled up ready to go.

PRESIDENT: He was asked to go get airplane tickets and go, yes.

SENATOR KOCH: Senator Mills was called out of his commencement address and he said, ladies and gentlemen and students, I am happy to be here and about that time the patrolman grabbed him and brought him back. Senator Labedz was coming in from St. Louis with a bag on her hand and said she was sick but the patrolman brought her in.

PRESIDENT: That's enough reminiscing, it will make people feel sorry for us pretty soon. Senator Koch, what do you wish to do. We could sit around here waiting all day, I guess. Her office has been advised and that is about it.

SENATOR KOCH: Well, Mr. President, before mental and physical fatigue completely overwhelms us, let's proceed.

PRESIDENT: Okay, thank you, Senator Koch. We will proceed with the roll call vote on LB 318, motion to become law notwithstanding the action of the Governor. Here she is. Okay, proceed, Mr. Clerk.

CLERK: (Read the roll call vote as found on pages 2419 and 2420 of the Legislative Journal.)

PRESIDENT: (Gavel)...We are having extreme difficulty hearing up here and would you cooperate with us by holding

May 29, 1981

LB 318, 129A

it down to a dull roar for a while? Go ahead.

CLERK: (Continued reading the roll call vote.)

PRESIDENT: All right, we will verify. Everybody pay attention now, everyone, we are going to verify the vote. Go ahead, Mr. Clerk.

CLERK: (Read the roll call vote.) 33 ayes, 15 nays, 1 present and not voting, Mr. President.

PRESIDENT: The motion carries and LB 318 becomes law notwithstanding the action of the Governor. The next motion, Mr. Clerk.

CLERK: Mr. President, the next motion I have is from Senator Nichol. Senator Nichol would move that LB 129A become law notwithstanding the objections of the Governor.

PRESIDENT: 129A?

CLERK: Yes, sir.

PRESIDENT: The Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. Chairman and members of the Legislature, you will recall this bill was the beer, wine and liquor bill that we passed a few days ago for specific reasons and the specific reasons were to fulfill a commitment that we made in 1978 when we changed the way we were handling alcoholism in the State of Nebraska. At that time we said we are not going to throw them in jail, fine them, keep them there a few days because they never can pay their fine anyway, turn them out to go do the same thing again. And the program has been working in some places. I wish you could have all gone with us about two or three weeks ago when we went to the north side of Lincoln to look at one of these places where they take people who are picked up on the street. Omaha has complained. Some of the other cities have complained we don't have a place to take them. We said we will try to get you a bill that will take the money from taxation of beer, wine and liquor to provide such facilities and to continue the programs that we have. You will recall a few days ago Senator Jerry Warner put an amendment on to use a portion of this money for a specific amount. That portion of the veto was less cut than the other portion which was really what the bill was about in the first place. I think we have a commitment. I think we should override this veto and use the money for which it was intended rather than to continue with the taxation

May 29, 1981

LB 129A, 318,

the certificates that need your signature regarding the overrides of LB 129A and LB 318. (See page 2426 of the Journal.)

PRESIDENT: All right, while the Legislature is in session and capable of transacting business, I propose to sign and I do sign the certificates certifying passage of LB 129A notwithstanding the objections of the Governor, as well as to certify the passage of LB 318 notwithstanding the objections of the Governor. All right, Mr. Clerk, do you have....(interruption).