

January 6, 1982

title). LB 585 offered by Senator Warner. (Read title). LB 586 offered by Senator Wagner. (Read title). LB 587 offered by Senators Kremer, DeCamp, Wagner, Cope and Lamb. (Read title). LB 588 offered by Senator Wagner. (Read title). LB 589 offered by the Banking Committee and signed by its members. (Read title). LB 590 offered by Senators Kilgarin and Beutler. (Read title). LB 591 offered by Senator Landis. (Read title). LB 592 offered by Senator Lamb. (Read title). LB 593 offered by Senators Remmers and Richard Peterson. (Read title). LB 594 offered by Senator Landis. (Read title). LB 595 offered by Senator Fowler. (Read title). LB 596 offered by Senator Nichol. (Read title). LB 597 offered by Senator Nichol. (Read title). LB 598 offered by Senator Nichol. (Read title). LB 599 by Senator Nichol. (Read title). LB 600 by Senator Nichol. (Read title). LB 601 offered by Senator Nichol. (Read title). LB 602 offered by Senator Cullan. (Read title). LB 603 by Senator Cullan. (Read title). LB 604 offered by Senators Cope, Rumery and Fowler. (Read title). LB 605 offered by Senator Koch. (Read title). LB 606 offered by Senator Kremer. (Read title). LB 607 offered by Senator Howard Peterson. (Read title). LB 608 offered by Senator Howard Peterson. (Read title). LB 609 by Senator Marsh. (Read title). LB 610 introduced by Senator Howard Peterson and Senator Heffner. (Read title). LB 611 offered by Senator Kahle. (Read title). LB 612 offered by Senator Pirsch. (Read title). LB 613 offered by Senator Pirsch. (Read title). LB 614 offered by Senator Fowler. (Read title). LB 615 offered by Senator Burrows. (Read title). LB 616 offered by Senator Fenger. (Read title). LB 617 offered by Senator Stoney. (Read title). (See pages 77-88 of the Journal).

Mr. President, I have two new A bills, LB 404A offered by Senator Fowler. (Read title). And LB 604A offered by Senators Cope, Rumery and Fowler. (Read title). (See page 88 of the Journal).

Mr. President, I have a series of items to read into the record. Senator Koch would like to be excused January 7 and 8.

Mr. President, Senator Fowler would like to print amendments to....I am sorry, Senator Pirsch would like to print amendments to LB 465. (See pages 89 through 91 of the Legislative Journal). Senator Fowler to print amendments to LB 458. (See pages 91 through 93 of the Journal). Senator Rumery would like to print amendments to LB 287. (See pages 93 through 94 of the Journal). Senator Newell would like to print amendments to LB 131. (See page 95 of the Journal).

January 25, 1982

LB 69, 560, 589, 598,  
646, 654, 865

by Senator Kilgarin as Chair.

Mr. President, your committee on Banking, Commerce and Insurance whose chairman is Senator DeCamp to whom is referred LB 589 instructs me to report the same back to the Legislature with the recommendation that it be advanced to General File, 598 to General File, 646 to General File and 654 to General File...I'm sorry, 646, and Education reports LB 654 to General File. Those are signed by their respective chairmen, Mr. President.

Mr. President, Judiciary gives notice of cancellation of hearing for Wednesday, February 3 and I have received two reports, one from the University of Nebraska pursuant to LB 560 passed last session, a report from the Upper Big Blue Natural Resources District regarding payment of attorneys fees and, Mr. President, Senator Marsh would like to print amendments to LB 69 in the Legislative Journal. (See pages 395-397 of the Legislative Journal.)

Mr. President, I have a unanimous consent request from Senator DeCamp asking that the Banking, Commerce and Insurance Committee hold their hearings in Room 1113 tomorrow and Judiciary Committee would hold their public hearings in Room 2230, just switching hearing rooms.

PRESIDENT: Any objection? Hearing none, so ordered. We are ready then for agenda item #4, Motions. The first motion on gubernatorial appointments from the Agriculture Committee. Senator Wagner, will you handle the motion. The Chair recognizes Senator Wagner.

SENATOR WAGNER: Mr. Speaker and members, the Agriculture Committee held their confirmation hearings on Friday, the 15th and the three people we confirmed were Homer Loutzenheiser for the Environmental Control Council, All Wood for the Environmental Control Council and Donald Larson for the Nebraska Gasohol Committee. The committee acted favorable on these nominations. It is our recommendation that the Legislature approve of them.

PRESIDENT: Any discussion as to the motion of the Agriculture Committee? Hearing none, the question is the approval of the gubernatorial appointments for the Agriculture and Environment Committee. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 28 ayes, 0 nays, Mr. President, on approval of the report. (See vote on page 397 of the Legislative Journal.)

PRESIDENT: Motion carries. The report is approved. The next motion concerns LB 865, a motion to withdraw. Is Senator Goodrich here? Would someone make the motion for

February 3, 1982

LB 598, 646

and referred to the Banking, Commerce and Insurance Committee for public hearing. The bill was advanced to General File. Mr. President, I have no amendments at this time.

SENATOR CLARK: Go ahead. Explain the bill.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, better luck to Bill this time. LB 598 simply allows the technical community colleges to participate in the emergency efficiency grant program administered by the State Energy Office. The bill provides for no additional funding. All it does is provide that the technical community colleges may participate with the school districts in applying for matching grants to increase the energy efficiency of their buildings. I move for the advancement of the bill.

SENATOR CLARK: Senator Fowler, did you want to speak on this?

SENATOR FOWLER: Yes. I think this is a good idea. I think Senator Nichol has an excellent bill here, something to involve the community colleges in this program. I think they certainly deserve to be included and I think this is a much better idea than the last one. I certainly support it. Maybe I will make up for opposing the last one, I don't know.

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

CLERK: Senator Clark voting yes.

SENATOR CLARK: While we are waiting for the vote, I would like to announce that Mr. Gary Goldberg from Kearney, Nebraska, guest of Ron Cope, is under the North balcony. Will you stand and be recognized please? Welcome to the Legislature. Have you all voted? Record the vote.

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

SENATOR CLARK: The bill is advanced. LB 646.

CLERK: Mr. President, LB 646, introduced by Senator Goodrich. (Read title.) The bill was read on January 6 of this year. It was referred to the Banking, Commerce and Insurance Committee. The bill was advanced to General File. Mr. President, at this time I have no amendments pending.

February 4, 1982

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

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

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

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

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

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

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

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

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

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

February 9, 1982

LB 237, 255, 274, 402, 525,  
589, 598, 646, 649, 802,  
828, 832

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Prayer by the Reverend Donald Nunnally, Pastor of Calvary United Methodist Church of Lincoln.

REVEREND NUNNALLY: Prayer offered.

SENATOR CLARK PRESIDING

SENATOR CLARK: Have you all recorded your presence? Have you all recorded your presence? The Clerk will record.

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

SENATOR CLARK: Are there any messages, reports or announcements?

CLERK: Mr. President, I have an Attorney General's Opinion addressed to Senator DeCamp regarding a proposed rule and regulation by the Political Accountability and Disclosure Commission. That will be inserted in the Journal. (See pages 597-600 of the Journal).

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 255 and find the same correctly engrossed; 274, 402, 525, 589, 598, 646 and 649 all correctly engrossed. That is signed by Senator Kilgarin as Chairman. (See pages 600 and 601 of the Journal).

Mr. President, I have a request from Senator Lamb to print resolutions from Chadron State College in the Legislative Journal for ultimate legislative approval. (See pages 601 and 602 of the Journal).

Mr. President, your committee on Public Health and Welfare whose Chairman is Senator Cullan instructs me to report LB 832 advanced to General File with committee amendments attached; 802 indefinitely postponed; and 828 advanced to General File. All signed by Senator Cullan as Chair. (See page 603 of the Legislative Journal).

SENATOR CLARK: We are ready for #4, motions, LB 237 by Senator Wesely to withdraw a bill. Senator Wesely.

SENATOR WESELY: Mr. President and members of the Legislature, the question before the House is the life and death of LB 237, a bill which has served the state well in its brief life. This bill attempts to deal with a very

February 19, 1982

LB 589, 598, 614, 693, 741, 753,  
757, 760, 821, 899, 908, 939

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

CLERK: Mr. President, if I may, I have a report from the Banking Committee on a gubernatorial appointment confirmation hearing.

Mr. President, I have explanation of votes from Senator Marvel and Senator Carsten.

Mr. President, your committee on Revenue whose Chairman is Senator Carsten instructs me to report LB 757 advanced to General File; 693 General File with committee amendments attached; 753 General File with committee amendments attached; 760 General File with committee amendments attached; 614 indefinitely postponed; 741 indefinitely postponed, all signed by Senator Carsten as Chairman.

Your committee on Urban Affairs whose Chairman is Senator Landis instructs me to report LB 899 indefinitely postponed; 939 indefinitely postponed; 821 indefinitely postponed; and 908 indefinitely postponed, all signed by Senator Landis as Chair.

SPEAKER MARVEL: Underneath the South balcony it is my privilege to introduce the daughter and son-in-law of Harry Chronister, Senator Chronister and the two people are Mike and Janet Casuscelli. Would you please indicate where you are so we can wish you "Good morning". And underneath the South balcony is a guest of Senator Barrett, Mr. Dale Kugler of Lexington representing the Northeast Stockgrowers Association. The next bill on Final Reading is LB 598.

CLERK: Mr. President, Senator Koch would move to return LB 598 to Select File for specific amendment, that amendment being to strike the enacting clause.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Thank you, Mr. Speaker, members of the body, occasionally there are certain kinds of bills that move across the Board with considerable ease and fortunately there was enough debate this morning I had a chance to look at what LB 598 intends to do. It appears to be rather innocent but I want to give you the history. Last year you will recall Senator DeCamp, Senator Wesely had a bill in here on weatherization and increasing the severance tax on oil and gas and that bill would have made everyone eligible for weatherization and grants including

anybody in the public sector. After considerable debate I offered an amendment which said it would only be to the school, public schools in the State of Nebraska, and it would done for two years only. At that time the Legislature would review and audit to see whether or not it should continue based upon the needs, and if it didn't need it any more, it would revert to the school foundation equalization section of state aid. Historically that severance tax from oil and gas has always gone to the public schools. Now we are about to enlarge it and put the tech colleges in it and I will submit to you that is not appropriate. We last year under 257 dealt with this issue considerably on this floor and we said it is going to go to public schools because it is for weatherization and energizing relief. That is where it should remain. There is no reason for us to change it in only one year of time. Let me give you an example. In one year there have been \$4 million collected in severance taxes under the present conditions, \$983,000 the first cycle, the second cycle which is now coming up \$1,400,000, and a third cycle which will be some time later this year. In the first cycle there were 88 eligible applications and 26 schools were funded for a total amount of \$983,000 plus their own 25% match. The second cycle the Office of Energy is to advise me, we have 150 applications and only of \$1,400,000 to try to fill those applications. Now let me tell you where those first applications went in this state and it is distributed pretty well around this state. Lincoln got some. Omaha got some. Scottsbluff got three grants, Senator Nichol's district. I am surprised he wants to take away the hand that feeds him. Papillion got one. McCook got one. K-8 rural school districts, Tryon, Nebraska got one. Hastings Public School got one. Ord Public School got one. Leigh Community Schools got one. North Bend got one. Doniphan got one. Johnson-Brock got one. Sandhills Public School got one. Beaver City got one. Ainsworth City School sytem got one. Banner County School District in Harrisburg got one. Broken Bow got one. And all the other applicants were denied. Now here we are about to spread the money around to the point where it will not be reasonable. Not only that, but I think historically we are making a terrible mistake when we start taking that tax which has always been dedicated to the public schools of this state in a trust fund. It was difficult for me last year to take away from that historical tradition to allow weatherization and energization relief to be caused. I just can't understand now we are going to take the technical community colleges and put them in there. It would be just like us also now even to allow to take in

the University system and any other public or state office. So I would ask you to return this bill and I just can't believe it has gone this far. I would say some of the school interests are more concerned about youth on school boards and they have been sent all these letters here advising the battle should be fought and I am a little bit discouraged with those lobbyists as well. They ought to be bird-dogging these kinds of things. When I looked at the bill when it was read, only tech colleges were there. No one of the other people were there and I think that is a disgrace but I am here to put you on warning. Right now there is not enough money to take care of the needs of the public schools of the State of Nebraska as they perceive them as they are entitled under the law. Why enlarge it? Because I have been to the Sidney campus out there and if we'd spend \$6 million, they still would have a bad facility because that is an old army barracks that doesn't deserve any treatment, and not only that, but the community colleges they can take care of their business as they see fit and I would hope that you will strike this enacting clause. It is a dangerous precedent we are about to establish.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I always like surprises like this. We had a committee hearing, nobody shows. It goes through General File and nobody shows. Select File, nobody says anything. But Senator Koch usually comes to your defense immediately when we get onto Final Reading. That part is all all right. His right to do so, he should act whenever he sees it appropriate. It was our understanding when we passed this bill in the first place that community technical colleges should have been in it in the first place. If they weren't in it, it was deliberate then on somebody's part. I am not saying whose part it was. It certainly wasn't mine and I will admit that I overlooked it when we passed the bill in the first place and that is my fault and maybe it is your fault. Maybe it is somebody's deliberate fault, I am not saying. Thirdly, where does the severance tax come from in the first place, Senator Koch? You know darn well it comes from the western end, darn near all of it, with a little bit of exception down in the First District which is in the extreme southeast corner. I will make no bones about it. Yes, we are interested in part of that money in the Panhandle, Senator Koch. Let's get it on the record and say what we are after. We are after some of that money, the severance money, so let's not be beating around the bush. I see nothing wrong with it. If we get it, okay, if we don't, but we should have this in place so



that if we are able and qualify for it we should get it. All right. So much for that. Everybody is eligible for this money. I don't see any reason to be discriminate against community and technical colleges. If the one in Omaha gets it, that is fine. If one in Lincoln gets it, that is fine. Anywhere they qualify it is all right with me as long as they qualify for it. I move that you reject the kill motion.

SPEAKER MARVEL: Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, I wonder if Senator Nichol might yield to a question. Senator Nichol, I guess the question I have is under the current system, does the University of Nebraska, Lincoln and Omaha, have the opportunity to utilize these grants?

SENATOR NICHOL: Yes.

SENATOR CULLAN: I had understood from Senator Nichol or from Senator Koch that was not the case.

SENATOR NICHOL: Then ask him the question.

SENATOR CULLAN: Okay. I was just trying to find out what was the system in postsecondary education because I do see a difference between postsecondary education as far as funding is concerned and local education and it's secondary and that is what I am concerned about...post-secondary.

SENATOR NICHOL: Is the University of Nebraska postsecondary education?

SENATOR CULLAN: Yes, it is. Does the University of Nebraska and the state college systems, do you know whether or not they are eligible for these funds in this program?

SENATOR NICHOL: If they are postsecondary education, they would be.

SENATOR CULLAN: So you are expanding it not only to the technical community colleges but to the University and the state colleges as well?

SENATOR NICHOL: No.

SENATOR CULLAN: Just to the tech schools?

SENATOR NICHOL: What does it apply to now, Senator Cullan?

SENATOR CULLAN: I am not sure. That is what I was trying to find out. Senator Koch, could you answer that question please?

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: I would be happy to, Senator Cullan. The bill, last year's 257, applies only to the public schools in the State of Nebraska. But originally the bill was going to apply to every state organization and so we made it specific it went only to public schools and historically the money had always gone to public schools. Senator Nichol says he puts in new language that says "or/and technical community colleges" but he didn't say state colleges, he didn't say university system. He only puts them in and tech colleges are considered to be postsecondary institutions.

SENATOR CULLAN: Okay. Senator Koch, do you know approximately how much money we are talking about total?

SENATOR KOCH: Under this first cycle, Senator Cullan, we have \$4 million worth of severance tax to be made available to those who are eligible under the grant system. And we had the first time, and I want to make this clear, on the first application, the applications were almost four million dollars themselves for weatherization grants but we are only going to give less than a million.

SENATOR CULLAN: Okay, thank you, Senator Koch. Mr. President, members of the Legislature, it appears that, number one, we are granting the technical community colleges an advantage which the rest of postsecondary education would not have by making them eligible for these funds. I think if we are going to allow the technical community colleges to come in, then we ought to let the University and the state college system as well. Number two, it appears to me from the information Senator Koch has provided us that the demand for these funds is already considerably exceeds the availability of these funds and that there is no particular reason for us to then expand the pool of those people who apply. Number three, I think the real reason for this bill is that the Western Technical Community College wants to participate in a geothermal program and that this will somehow impact on them. I don't know whether that is an advantageous program or not but I think that that is something they could do with their own revenues, that is something that we don't need and that we don't need to do that with this particular bill. Now if they want...I guess

what I am saying is that I could not support this bill at this time until there are considerably additional funds and at the very least I see no reason to prefer the technical community colleges as a postsecondary educational system versus the state colleges and the University. The last point I would like to make as Senator Nichol and I were talking at breakfast how the Scottsbluff Star-Herald was treating me well. I am sure that will evaporate after this morning.

SPEAKER MARVEL: Senator Vickers. I would urge all of you to be as brief as possible because a lot of these bills are going down the drain before noon. Senator Vickers.

SENATOR VICKERS: Thank you, Mr. President. That might not be all bad either. Mr. President, members of the Legislature, I rise to support the Koch amendment, and for a slightly different reason than has been brought out so far. I happen to represent an area of the State of Nebraska where a lot of these monies come from, the severance tax on oil wells, and it seems to me that if we spread out the people that are trying to get a piece of the pie that it is pretty obvious to me that the next thing that is going to happen is they want a bigger pie and the severance rates right now with the various proposals we have in this Legislature are certainly going to close down some of those small stripper oil wells out there which is not the direction that this nation should be going at this time and it certainly is not the direction this state should be taking. So I have a little bit of concern in getting an increasing amount of people that are trying to get a piece of these dollars, not only as to how it might affect our local schools, and I certainly understand Senator Nichol's concern with the tech schools, particularly in western Nebraska, and his concern about the property tax payers, but as I indicate, I have a real problem with creating more hands eating out of this pie and then increasing the size of the pie, and I am just positive that is exactly what will happen in the future. So I am going to support the Koch amendment.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I want to correct one thing I said that was wrong. The University of Nebraska and the four state colleges are not eligible for this money. The secondary education institutions are. Let me tell you a little difference between the community technical colleges and the four state colleges and the University. The University and

four state colleges get one hundred percent of their money from us, from the Legislature, but the technical and community colleges do not. They get part of their money from real estate tax. I am not here to say that we should increase the real estate tax. I am opposed to that, but since the community and technical colleges do get part of their money from real estate, they are entirely different than the University of Nebraska and the four state colleges, and as you all know, we have treated them very well in the past. I see nothing wrong with adding the community and technical colleges to this bill. Senator Clark's District needs this money as much as anybody needs it. Senator Clark's District provides darn near all of the money for it. I don't know if that is a reason to be able to spend a little bit of it, a little bit, say an eighth in one year. Maybe that is too much to ask, I don't know. I am not going to say, you know, just because we are the Panhandle you should spend it out there. That is not a reason but you might think about it. I would ask you to reject the Koch amendment.

SPEAKER MARVEL: Senator Warner, your light was still on. Do you wish to speak?

SENATOR WARNER: Mr. President, I would rise to support the motion of Senator Koch and again to keep it brief, it certainly was my understanding when the diversion of the severance tax was to be used for energy purposes it was very clear that the money would still be going to the public schools just as the severance tax had always done over the years for energy purposes which was in the long run to save them some money, save some pressure on the property tax. I think it would be ill-advised for us to depart from what a great many of us understood would be the effect of the use of that money, only for the public school system. I would hope the body would support Senator Koch.

SPEAKER MARVEL: Senator Nichol, do you wish to close on the motion? Senator Koch, okay, I recognize you.

SENATOR KOCH: Thank you, Mr. Speaker. I will be very brief but I remember this bill very vividly last year and the bill was stalled until I placed the amendment on there that let the bill go because historically that severance tax from gas and oil has always gone to the public schools in a trust. Realizing the value of helping those schools in weatherizing and making more energy efficient was the only reason I supported that bill with the understanding the money would revert back to the schools when and if weatherization and energy efficiencies are accomplished. For us but in a span of about nine months to start expanding this is sheer

folly. To answer Senator Nichol as to where tech colleges get their money, over forty-one percent of it they get from the state general fund. Public schools get somewhere around seventeen to twenty percent. So I don't think that we are getting our fair share out of the general fund, not at all, but I found out the other day at a hearing of the Education Committee that tech colleges are giving hours free, what they call a "tuition free zone". They ought to be taking advantage of all the dollars they could get through their tuition. Wouldn't it be nice if all of our schools gave tuition free, when you took so many hours, like take twelve, then you would get the next six if you want to free? This could recoup for them \$750,000 if they wanted to charge for every hour. Now then, the whole issue is I believe this body made a commitment last year that we would do this for public schools and help them weatherize their buildings, and after that was accomplished, it would revert back to the support of public schools. And we always get the argument of where the tax comes from. I have never argued that thirty-eight or forty percent of the tax comes out of Douglas County and we only get back a certain percentage of that, that is not fair. We are talking about state issues and that is the way we ought to deal with it regardless of where the tax might originate and to make certain that it is kept and dedicated to certain kinds of programs, and for us to take this departure, what is to prevent us next year then from saying, all right, the University is eligible, all state colleges are eligible and several other kinds of state institutions. Then you have completely destroyed the traditional historical use of the severance tax of gas and oil which originally was dedicated to the public schools as a trust fund. I submit to you that is guilty of being less than honorable. I ask you to adopt the Koch amendment to return it to Select File, strike the enacting clause. Thank you.

SPEAKER MARVEL: Okay, you have heard the motion. All those in favor of returning the bill to Select File for a specific amendment vote aye, opposed vote no. Have you all voted? Have you all voted? Record the vote.

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

SPEAKER MARVEL: Okay, the bill is returned. We now vote to...

CLERK: Mr. President, the Koch amendment is to strike the enacting clause.

SPEAKER MARVEL: Senator Nichol, your light is on.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, this bill makes community and technical colleges eligible, it doesn't say any money goes anywhere. They should be eligible for this. They should be. Some of those buildings need it. I think we are being derelict if we don't do it. So I guess it boils down to whether you really are for community and technical colleges or not. Most of you live in areas where there is one of these kind of schools. I would think you would be interested in it for your type of school. Maybe you are not, I don't know. Maybe we should have them go down the drain. Just because they are the most rapidly growing type of school in the state, perhaps they are not the thing to have. I think they are. I think they deserve our support. I think they deserve this support and I urge you to support the bill. Thank you.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. President, members, I just wanted to point out that I have been a long-time supporter of the tech schools and will continue to remain so and I would object a little bit to Senator Nichol indicating that a vote against this or a vote for this is a vote against the tech schools. I don't think that is true. What we are talking about is an amount of funds that is only so deep, and as I pointed out earlier, I don't think the industry in Senator Clark's District and my district can afford that to be made any deeper, any larger increases in that severance tax. But I suggest to you again that if we spread those out, there are going to be attempts to get more dollars in there. I also suggest to you that we all have public schools in our districts. This is not taking something away from our districts. Those public schools in our districts have access to these funds now and there is not enough funds to go around with all them so perhaps, perhaps a vote to keep this bill alive might be a vote against your public schools. So you might also consider that.

SPEAKER MARVEL: The Chair recognizes Senator Koch.

SENATOR KOCH: Thank you, Mr. Speaker. When Mr. Noren appeared in behalf of this bill, he was there for one purpose, to allow energy monies that they use for buildings to be outside the seven percent lid. There wasn't anything in that bill originally to put the tech colleges in as being eligible for this money we are talking about today. I think that ought to be put for the record. Now of what

I have seen of some of the tech college buildings, you are eligible and it is based upon the greatest need and I can think of a few of them that there would hardly be any way the Energy Office could turn them down for the greatest need because they are absolutely in a great state of disrepair and probably there ought to be lightning hit them and burn them down and collect insurance. I was going to say something else but I don't want to get into ethic kinds of remarks but I just can't believe, I have supported community colleges ever since I have been on this floor until the blood flows in the center aisle. Now for a tech college to come in the back door, they may lose my support. Maybe it is time they go under state control and so they are trying to invade the privilege of the public schools who are fighting for their lives trying to survive. So I think it is appropriate that possibly this body keep the commitment we made a year ago and the commitment we have kept historically where these severance funds go and they should remain in the public schools until such time as the weatherization modifications have been made and met all demands. And I have got a list, if you want to see it, of all the schools who have applied and it covers the whole state and the numbers that were turned down and the number of applications they have right now that far exceed what the annual income is determined to be and those are public schools that should have first chance at it and no one else should get a shot. And then when that has been satisfied, then the monies should revert like the Legislature said they would revert to the school foundation and equalization section as general aid to the public schools. I submit that is a good reason for striking the enacting clause. Thank you.

SPEAKER MARVEL: Before we proceed, it is my privilege to introduce under the South balcony Kevin Wagner, son of Senator Wagner, and three friends who are attending the wrestling tournament, Randy Psota, Craig Vancura and Brad Spilinek. From Senator Sieck's District 4 students from Cordova, Nebraska, third and fifth grade. Ruby Fisher is the sponsor. Are you still in the room? Okay, their name will be in the Journal. And from Richard Peterson's District, 30 seventh and eighth graders from Sacred Heart, Norfolk, Doug Zoucha is the teacher. Senator Fowler, do you wish to be recognized?

SENATOR FOWLER: Mr. President, there seems to be a certain amount of intense debate on this issue and it is one of those things, again, as Senator Nichol pointed out, that pops up on Final Reading and we are all kind of hit with the arguments a little abruptly and I am not sure all of us can remember the record or history on this and it

might be valuable to simply lay this issue over so that there is an opportunity for some discussion between Senator Nichol and Senator Koch. Senator Koch says "no way". I guess it is Senator Nichol's bill, and I wonder if as a courtesy to him I would ask him if he minds having this bill and this issue laid over. Senator Nichol, would you be willing to have the bill laid over and visit with Senator Koch about this issue?

SENATOR NICHOL: That is fine with me.

SENATOR FOWLER: Senator Koch, would you be willing to let Senator Nichol have this bill laid over so you could visit about the issue?

SENATOR KOCH: Senator Fowler, the record is very vivid. It is just like the history book of Nebraska history. Why should we have to review history again when we know it has always been dedicated to the public schools and we are just about now to break that bubble. There is no reason to discuss it any further. I also want a record vote when we vote on this.

SENATOR FOWLER: Well, the history may be etched in your mind better than mine and I appreciate that. I guess that was a "no", right? Okay. I guess we can't get Senator Koch's consent to lay it over but I think it is appropriate, that it is last year some severance tax money was made available to other than the public schools, \$200,000 I think was for the University of Nebraska and \$200,000 for the Energy Office. So at least, and my memory of history is not as long as Senator Koch's in this but severance tax has been provided to other than just elementary and secondary education. So I don't think Senator Nichol is coming in with such a precedent setting proposal as Senator Koch is indicating. This Legislature last year did allow a small amount of the severance tax to be set aside for other institutions of education and the technical colleges did not get consideration in the final bill last year and that is what they are asking for. I guess it is not possible to move to lay the bill over since we have a motion pending but I think if Senator Koch's motion is not adopted that may be the best route to follow.

SPEAKER MARVEL: Senator Fowler, were you through discussing? Okay, Senator Nichol.

SENATOR NICHOL: Well, Mr. Chairman, it is becoming more apparent. This is a little anti western Nebraska apparently. I didn't think it was to start with but since Senator Fowler has brought this about that we have allocated monies to the



eastern part of Nebraska, maybe that is what it is and maybe that is what we ought to take it as being worth, I don't know. I hate to say that but maybe it is true. So I would just urge you not to vote for the kill motion.

SPEAKER MARVEL: Senator Koch, your light is on.

SENATOR KOCH: Are we closing on the motion, Mr. Speaker?

SPEAKER MARVEL: No. No, there is nobody recognized to close, Senator Koch, at the moment. Okay, only yours is on so you can close.

SENATOR KOCH: Thank you. Senator Nichol, I am sorry that you bring in this greater Nebraska versus some other part of Nebraska. That is unusual for you. Certainly there were a couple of hundred thousand dollars that were allocated to the University last year and to the Energy Office to maintain that office. That is exactly what they are for, the University is for research purposes, and that is what that was for. But I realize there is some interest in here on a couple of other things that relate to energy and we wouldn't want to break up a little coalition, but if this is going to break up a coalition, it is not very sound anyway. And Senator Nichol, for your information I've been in the forefront trying to help Western Tech for the last several years in terms of financial problems. If you call that anti western, then I guess I have got another definition to look after. The issue here is public schools, Senator Nichol. You used to be a teacher once, vocational-agriculture as I remember, and you should have a deep interest and an abiding interest in the public schools and their future and their destiny. They've been under the seven percent and they squeeze and they squeeze and they squeeze and they are cutting out programs vertically, horizontally, and denying children certain opportunities, and if you won't educate those children very well at those levels, you might as well do away with postsecondary education as well because there aren't going to be many clients. So I don't think it is unreasonable to put 598 to death right now, and if somebody next year wants to reconsider, then let them reconsider it but I think we ought to keep our votes committed at least for one year or two years before we make a sudden departure. And as I said, I will criticize the members of the professional, the lobbyists who represent the various interests, for not bird-dogging this bill but I was informed originally tech colleges came in to be exempted on energizing costs from the seven percent lid. Is that correct, Senator Nichol?

SPEAKER MARVEL: Senator Nichol, do you yield?

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LB 598, 69, 603, 656

SENATOR NICHOL: I am sorry, Senator Koch, I wasn't listening. Would you repeat the question?

SENATOR KOCH: When the bill was introduced by you originally, was it to take them from under the seven percent lid for the monies they spend for renovation and energy saving devices?

SENATOR NICHOL: I am sorry. You was talking so fast I couldn't understand you. Would you repeat it slowly please.

SENATOR KOCH: When you introduced this bill in its original form, it was to allow community colleges to be exempt from the seven percent lid on dollars they spent to renovate buildings to make them energy efficient?

SENATOR NICHOL: This particular bill? No. This was to allow community technical colleges to be eligible.

SENATOR KOCH: For just exactly what it is?

SENATOR NICHOL: Sure.

SENATOR KOCH: Well, obviously, someone misinterpreted Senator Noren's, not Senator Noren, Mr. Noren's dialogue with the committee but the point is I think our commitment is to maintain this fund as we put it there last year and maintain it that way. Historically it is correct and I think for the future it is also correct. I am asking you to strike the enacting clause. Thank you. And, Mr. Chairman, I would like a record vote.

SPEAKER MARVEL: The amendment is to strike the enacting clause and that is the issue. All those in favor vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: (Record vote read. See pages 779 and 780, Legislative Journal.) 26 ayes, 15 nays, Mr. President, on the motion to strike the enacting clause.

SPEAKER MARVEL: Motion is carried. Do you have anything to read in?

CLERK: Mr. President, I have amendments from Senator Marsh to be printed to LB 69 in the Legislative Journal.

Mr. President, your committee on Judiciary reports LB 603 advanced to General File with committee amendments attached; LB 656 from the Revenue Committee is reported to General File with committee amendments attached, Mr. President, and that is signed by Senator Carsten.

February 24, 1982

LB 383, 547, 590, 598, 702,  
736, 863, 892, 895

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Prayer by Reverend Bruce Currier of the Second Baptist Church, Lincoln.

REVEREND CURRIER: Prayer offered.

SPEAKER MARVEL: Roll call. Record your presence, please. Will you please check in so we can proceed with the business at hand? Okay, record.

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

SPEAKER MARVEL: Items in number 3.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 547 and recommend that same be placed on Select File with amendments, 383 Select File with amendments, 590 Select File with amendments, 598 Select File and 702 Select File with amendments, all signed by Senator Kilgarin. (See pages 825-826 of the Legislative Journal.)

Your committee on Education whose Chairman is Senator Koch reports LB 892 advanced to General File, 895 General File with committee amendments attached and LB 736 as indefinitely postponed. All signed by Senator Koch. (See pages 826-827 of the Legislative Journal.)

Your committee on Judiciary offers a report on a gubernatorial confirmation hearing, signed by Senator Nichol. (See pages 827-828 of the Legislative Journal.)

Senator Kremer and the Public Works Committee offers a gubernatorial appointment confirmation report. (See page 828 of the Legislative Journal.)

Your committee on Public Works gives notice of hearing for March 10, Mr. President.

I have a reference report from the Reference Committee referring LB 967 to the Public Works Committee.

I have an Attorney General's Opinion addressed to Senator Cullan regarding 863. (See pages 828-829 of the Legislative Journal.)

Senator Koch would like to be excused Thursday, February 25 and Monday, March 1.