

January 6, 1982

LB 618 - 645

PRESIDENT: The Legislature will stand at Ease for about five minutes. We have a few more bills to get in and we would like to get them in at this point. So the Legislature will stand at Ease for five minutes.

EASE

PRESIDENT: The Clerk will proceed with the reading of new bills.

CLERK: Mr. President, new bills. LB 618 offered by Senator DeCamp. (Read title). LB 619 offered by Senator DeCamp. (Read title). LB 620 offered by Senator DeCamp. (Read title). LB 621 offered by Senator DeCamp. (Read title). LB 622 offered by Senator DeCamp. (Read title). LB 623 offered by Senator DeCamp. (Read title). LB 624 by Senator DeCamp. (Read title). LB 625 by Senator DeCamp. (Read title). LB 626 offered by Senator DeCamp. (Read title). LB 627 offered by Senators DeCamp and Kilgarin. (Read title). LB 628 offered by Senators DeCamp, Koch and Vickers. (Read title). LB 629 offered by Senator DeCamp. (Read title). LB 630 offered by Senator Newell. (Read title). LB 631 offered by Senators Von Minden, Hefner and Goll. (Read title). LB 632 offered by Senators Wesely, Remmers and Rumery. (Read title). LB 633 offered by Senator Clark. (Read title). LB 634 offered by Senator Newell. (Read title). LB 635 offered by Senator Kahle. (Read title). LB 636 offered by Senator Warner. (Read title). Mr. President, new bills. LB 637 offered by Senator Vickers. (Read title). LB 638 offered by Senator Koch. (Read title). LB 639 offered by Senator Wiitala. (Read title). LB 640 offered by Senator Wiitala. (Read title). LB 641 offered by Senator Wiitala. (Read title). LB 642 offered by Senator Wiitala. (Read title). LB 643 offered by Senator Wiitala. (Read title). LB 644 offered by Senator Vickers. (Read title). Mr. President, LB 645 introduced by Senator Kilgarin. (Read title). (See pages 95 through 100 of the Legislative Journal).

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The Chair recognizes Senator Wesely, Chairman of the Rules Committee, to proceed with item #10. I would respectfully remind the Legislature once again that we need to keep moving in order to remove some of the roadblocks, and if we don't they are going to be there as big as life itself. The Chair recognizes Senator Wesely.

SENATOR WESLEY: I move the adoption of permanent rules for this legislative session.

January 8, 1982

LB 431, 568, 628, 730-741

that the Exec Board will hold a meeting underneath the North balcony. In just a few moments Senator Lamb will be here. Go ahead, Mr. Clerk.

CLERK: Mr. President, I have some new bills. LB 730 (Read title). LB 731 (Read title). LB 732 (Read title). LB 733 (Read title). LB 734 (Read title). LB 735 (Read title). LB 736 (Read title). LB 737 (Read title). LB 738 (Read title). LB 739 (Read title). (See pages 182-185, Legislative Journal.)

Finally, Mr. President, Senator DeCamp would like to print amendments to LB 431.

Mr. President, Senator Hoagland and Haberman ask unanimous consent to add their names as cointroducers to LB 568 and Senator Kilgarin to LB 628.

SPEAKER MARVEL: Hearing no objection, so ordered.

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

SPEAKER MARVEL: The Legislature will be at ease until the Exec Board has completed their mission of referencing bills.

SENATOR CLARK PRESIDING

SENATOR CLARK: The Legislature will come back to order.

CLERK: Mr. President, I have a Reference Report referring LBs 693 through 726. That will be inserted in the Journal.

Mr. President, I have two new bills. LB 740 (Read title). And finally, LB 741 (Read title). (See page 187, Legislative Journal.)

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Carsten, would you like to adjourn us until nine-thirty, Monday.

SENATOR CARSTEN: Mr. President, members of the Legislature, I move we adjourn until 9:30 a.m., Monday, January 11.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. Motion is carried. We are adjourned.

Edited by

L. M. Benischek  
L. M. Benischek

ing at nine o'clock underneath the North balcony.

Mr. President, Senator Fowler would like unanimous consent to add his name to LB 628 as cointroducer and Senator Stoney as cointroducer to LB 607.

SPEAKER MARVEL: If no objections, so ordered.

CLERK: And finally, Mr. President, I have a gubernatorial confirmation hearing report submitted by the Revenue Committee and that is signed by Senator Carsten. (See page 225 of the Legislative Journal.)

SPEAKER MARVEL: Okay, Mr. Clerk, do you want to proceed.

CLERK: Mr. President, Senator DeCamp asks unanimous consent to pass over LB 126.

SPEAKER MARVEL: As per our definition of passover, so ordered.

CLERK: Mr. President, Senator Fowler would like to pass over 115 and 115A.

SPEAKER MARVEL: Hearing no objection, so ordered. Senator Kilgarin, do you want 440 taken up now? Okay.

CLERK: Mr. President, LB 440 introduced by Senator Kilgarin. (Read title.) The bill was read on January 20, referred to the Education Committee. The bill was advanced to General File. There are committee amendments pending by the Education Committee, Mr. President.

SPEAKER MARVEL: Senator Vickers, as vice chairman, do you want to take up the amendments on LB 440? Senator Koch, do you want to take up the amendments to 440?

SENATOR KOCH: Mr. Speaker, members of the body, I move for the adoption of the committee amendments to LB 440.

SPEAKER MARVEL: Senator Haberman, your light is on.

SENATOR HABERMAN: Yes, I want to speak to the bill but I would like to have the amendments explained.

SPEAKER MARVEL: The Chair recognizes Senator Koch.

SENATOR KOCH: Mr. Speaker, this is a very complicated amendment that the committee offered. What it does was to make sure that it was permissive on behalf of the boards and not mandatory. I ask for the adoption of the amendment the second time.

January 13, 1982

LB 69, 628, 802-804

of the Committee on Committees report. All those in favor vote aye, opposed vote nay. Have you all voted? Have you all voted? Have you all voted? I am going to call the vote. Senator Marsh.

SENATOR MARSH: I would request a Call of the House and a roll call vote.

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

CLERK: 21 ayes, 3 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. Did you want a roll call vote? All right. All Senators will return to their desks and check in please. We have four excused. Senator Cope, will you check in please. Senator Landis. The Clerk will call the roll. I hope we can keep it quiet so the Clerk can hear the response please.

CLERK: (Roll call vote taken. See page 258, Legislative Journal.) 20 ayes, 25 nays, Mr. President.

SENATOR CLARK: Motion lost. The Committee on Committees report is not accepted. Do you have anything to read in, Pat?

CLERK: A couple of bills, Mr. President, if I may. Mr. President, new bills: (Read by title for the first time LBs 802-804 as found on page 259 of the Legislative Journal.)

And finally, Mr. President, Senator Beutler would like unanimous consent to add his name to LB 628 as coinstructor.

SENATOR CLARK: No objections, so ordered. We are ready for item #6, special order on General File, LB 69 by Senator Marsh. The Clerk will read.

CLERK: Mr. President, LB 69 was a bill introduced by Senator Marsh. (Read title.) The bill was first read on January 9 of last year. It was referred to the Public Health and Welfare Committee for public hearing. The bill was advanced to General File, Mr. President. On February a portion of the committee amendments were adopted, a portion rejected. There was also an amendment from Senator DeCamp that was adopted, an amendment from Senator Richard Maresh that was adopted, an amendment from Senator DeCamp that was adopted. The bill failed to advance on February 4, Mr. President, and again on February 17. I now have pending an amendment by Senator Marsh and that amendment, Mr. President, is found on page 253 of the Legislative Journal.



January 14, 1982

LB 449, 628, 738, 768

SENATOR CLARK: Have you all voted? Have you all voted? If you're here I wish you would please vote. Record the vote.

CLERK: 25 ayes, 9 nays, Mr. President, on adoption of committee amendments.

SENATOR CLARK: The committee amendments are adopted. We are now on the bill. Senator Warner, did you want to take the bill?

SENATOR WARNER: Mr. President, I move the bill be advanced. In summary it does the same things as the basic changes that were made in the previous bill. It reinstates the board. I would move its advancement.

SENATOR CLARK: The question is the advancement of 449. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: The Clerk will record.

CLERK: 33 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The bill is advanced. Senator Pirsch, would you like to recess us until one-thirty, please? We have one thing to read in first.

CLERK: Mr. President, I have a unanimous consent request from Senator Wiitala to add his name to LB 738; Senator Wiitala to LB 628; Senators DeCamp, Labedz, Rumery and Kremer to LB 768. (See page 292 of the Journal.)

SENATOR CLARK: No objections, so ordered.

CLERK: And I have a Speaker's announcement moving two bills from Passed Over to General File.

SENATOR CLARK: No objection, so ordered. Senator Pirsch.

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

SENATOR CLARK: You have all heard the motion. All those in favor say aye, opposed no. We are adjourned until one-thirty.

Edited by Arleen McCrory.  
Arleen McCrory

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January 25, 1982

LB 208, 274, 378, 628,  
636, 692, 731

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

CLERK: 13 ayes, 26 nays, Mr. President.

SENATOR CLARK: The motion lost. Senator Howard Peterson,  
would you like to adjourn us until tomorrow morning at  
nine o'clock? The Clerk wants to read something in first.

CLERK: Mr. President, Senator Landis would like to print  
amendments to LB 636 in the Legislative Journal. (See pages  
408 and 409 of the Journal).

Your committee on Urban Affairs reports LB 692 to General  
File with amendments. That is signed by Senator Landis.  
(See page 409 of the Journal).

Your committee on Education reports LB 628 to General File  
with amendments. (See pages 409 and 410 of the Journal).

I have a Reference Report, Mr. President, referring certain  
gubernatorial appointments to standing committees for  
confirmation hearings. (See page 411 of the Journal).

I have a hearing notice from Miscellaneous Subjects for  
February 11, February 25 and March 4. Hearing notice from  
the Education Committee for February 1 and 2.

Senator Remmers would like to print amendments to LB 208.  
Senator Remmers to print amendments to 274. (See pages  
411 through 274 of the Journal). And Senator Schmit to  
LB 731. (See pages 412 through 415 of the Journal).

SENATOR CLARK: Senator Peterson.

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

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

  
L. M. Benischek

SENATOR CLARK: 692 is advanced. 628. We are going to pass over that until Senator Koch gets back. There are committee amendments. We'll go to 630. Is Senator Newell around? It would be helpful if people would stay in if their bills are up. Senator Beutler, do you want to take the committee amendments to 628? We will go back to 628.

CLERK: Mr. President, LB 628 offered by Senators DeCamp, Kock, Vickers, Kilgarin, Fowler, Beutler and Wiitala. (Read.) The bill was read on January 6, referred to the Education Committee for public hearing. The bill was advanced to General File, Mr. President. There are committee amendments attached.

SENATOR CLARK: Senator Beutler, on the committee amendments.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I think it would probably be best to let Senator DeCamp get into what the bill is all about. Just to summarize briefly, it is an attempt to establish some rules with regard to discrimination in the school systems to replace federal law that will probably be gone in a short while, but my job is, of course, to address the committee amendments. There are probably eight or nine different amendments here but let me say this about them generally. They are by and large, technical amendments having to do with the procedures that are employed by the bill. They tend to limit the scope of the bill so that if you are interested in the philosophy of the bill you can go ahead and vote for the committee amendments and then get to the philosophy of the bill because the committee amendments generally cut down on the scope of the bill. So unless you have specific questions, I don't think I will address any particular amendment other than to repeat again that they are procedural and technical by and large, but those that are not have the effect of cutting down on the scope of the bill. Thank you.

SENATOR CLARK: Is there any discussion on the committee amendments? All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 25 ayes, 0 nays on adoption of committee amendments, Mr. President.

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

SENATOR DeCAMP: Mr. President, members of the Legislature, Senator Beutler said it correctly, he said, "The philosophy of this bill." And let me tell you kind of the origins of the legislation because they deal with philosophy. It wasn't

too many years ago, you remember, legislation and court decisions that said, little girls in school, big girls too, should be allowed to be treated equally when it comes to activities such as recreational activities, a variety of things. It had been a tradition in this country, in this state for a number of years to have boys' football, boys' basketball, boys' track and the girls of course could have a choral group and be cheerleaders and things like that. The new rulings at the federal level and some of them in the courts said, "Now that is not quite the way the game should be played, that whether girls were allowed to play football or whatever, they should be not abused from a financial standpoint or discriminated against simply because they happen to be of the female sex. They should have equal educational opportunities and equal recreational opportunities," so on and so forth. I'll be very frank with you, when those decisions first came down and that legislation first came down from the federal government, I was one of those that sat up up in the Nebraska Club with a friend of mine named Bob Devaney and we both talked about how the end of the world was coming because the university's football program would be ruined. All the money would be diverted to the girls, on and on and on. We both expressed grave concerns and I thought it would be a folly. As it was, it turned out to be something I think very necessary, very proper, very good and it has opened up whole new vistas of activity for both sexes in the schools and we have found that girls can indeed become very interested in volleyball and the various other things and we did indeed learn that there was incredible discrimination going on strictly 100% on the basis of the fact that somebody was born a girl and somebody else was born a boy. The federal legislation and Nebraska complied quite well, has complied quite well, did accomplish a great number of things in this area. We now with state legislation and with the directive of Ronald Reagan are trying to follow up at the state level by saying, "Look, there shouldn't be discrimination on the basis of sex. There should be equal treatment and nobody should be disallowed to realize their potential in a school strictly on the basis of sex." And that is the philosophy of the bill. All the rest of the bill is are the mechanics for implementing that philosophy and hopefully there will be no problems because there is pretty much compliance going on. But should there be changes at the federal level, elimination of one thing or another, this on the state level would ensure that we continued with our program in this state of nondiscrimination on the basis of sex. I would urge the support of the Legislature on this concept. I think it is tacitly accepted when we talk that we don't discriminate on the basis of sex and yet we were doing it for a couple hundred years without ever really recognizing it. When we have recognized a problem we have tried to correct it in



this country. This is one of the problems we have recognized. We have corrected it. This legislation will maintain the correction.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I believe Senator DeCamp has said everything about everything that I wanted to say. I just wanted to throw in one additional comment. In these days of the new federalism we are being called upon to pick up so many programs and in almost each and every case there is a crushing financial burden that goes along with it and that burden of course is going to cause us not to pick up a number of the federal programs that are presently in place but this is our chance. This is our chance to pick up something that has done some good and it doesn't have a big price tag attached to it. In fact, it has no price tag at all attached to it. So all I am suggesting to you is that we'd better snap this one up. There aren't going to be very many like this. Thank you.

SPEAKER MARVEL: Senator Remmers.

SENATOR REMMERS: I want to speak, Mr. Chairman and members of the Legislature, because I'm afraid you are going to wonder about my vote on this bill. I was connected with the school system for quite a long time that had girls' athletics that had mixed classes in shop and home economics long before Title IX. I will admit that Title IX was necessary. We did have a lot of male chauvinism and that type of thing and I doubt that we ever would have had equal opportunities for the girls in the various areas of activities in the schools without Title IX but I think today Title IX has done its job. I would warn any school board in the State of Nebraska of what they might run into if they tried to cut back on the activities that the girls are included in today. I guess I am opposing the bill sort of on the basis on what I have heard Senator Clark say, "If it ain't broke, why fix it?" I don't believe it is necessary to put this on the statute. I can't see in any way that we will go backwards in this area. I have been a strong supporter of girls being given the same opportunities as boys. After all, I have four daughters and no sons, so I was a little prejudiced in that respect. So if you see my red vote up there, I just don't think it is necessary to have this legislation.

SPEAKER MARVEL: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I

rise in support of LB 628, notwithstanding the fine remarks by my colleague Senator Remmers. This is and will continue to be a very necessary piece of legislation for Nebraska to have on its books simply because it is important as we move into the last twenty years of the twentieth century for us to continue the long standing struggle to assure equal opportunity in our school facilities for women. I want to make a statement which may actually result in this bill getting fewer votes than it should receive because this bill covers some things that I suspect are not even thought about by members in this body. But it covers some things that are extremely important for the total emergence in today's economic society of our women. With the committee amendments this bill specifically covers technical colleges as well as the University of Nebraska and other schools of higher education. Under the federal Title IX program a case was commenced in California against a technical college. The name of the case is De La Cruz vs. Tormey, and the basic purpose of that case was to have the board of trustees of that technical community college in California to examine the need to provide in that technical community college, child care programs for the children of female students. The statistics in that case demonstrated clearly that female students were effectively denied equal educational opportunity because they were the child rearing people in society and because they did not have available to them adequate child care facilities where they could place their children while they studied at the technical community college. The Nine Circuit Court of Appeals in that case concluded that these women had made out a claim under Title IX of the federal educational programs and that, in fact, the technical community college had an obligation under Title IX to go back and to develop or to consider the developing, they couldn't just foreclose augmentation at this point, to consider the developing of on campus child care for the children of those female students, that without such a facility those female students, in effect, were denied equal educational opportunity. Students at the University of Nebraska at Omaha very recently have requested our Board of Regents to look at an on campus child care facility for those students. At this time I don't think a decision has been reached on that subject by the Board of Regents but I can guarantee you that when we put this legislation in place, those women, our citizens, will have the opportunity to fully explore that issue with our Board of Regents because we as a state have rightfully said that we want to make certain that all of our public officials in the schooling process take whatever steps are required to assure equal educational opportunity and I truly and absolutely support that concept. Another thing this measure does is this measure requires local school districts

to begin to look at who teaches our children and who administers those who teach our children. If you took the time to look at the statistics compiled by the Department of Education concerning the ratio of female to males in the teaching occupation and the ratio of females to males in the administering occupation...

SPEAKER MARVEL: You have thirty seconds.

SENATOR V. JOHNSON: ...you would have to conclude that there was very clearly sex discrimination occurring because it is men in our society who are the school superintendents and the school principals and the school administrators and it is primarily women at the primary level who are the teachers and to some extent at the secondary level who are the teachers. What this piece of legislation does is it gives those women the opportunity to assert again and again and again to local school boards that they too are qualified to administer our public schools. Just as Catholic nuns over the years have obviously been qualified to administer the parochial schools and run the Catholic hospitals and the like, our women in the public sector can do those jobs. This is a good piece of legislation. I wholeheartedly encourage your total and complete support of it.

SPEAKER MARVEL: Senator Howard Peterson.

SENATOR H. PETERSON: Mr. Chairman, members of the Legislature, I would rise to support Senator Remmers and I would like to share with you some experiences within my own family of why I would do this. I happen to be old enough to have three sisters who are older than I. Two of those sisters played basketball when they were in high school. Some of you may not know that we played basketball back in those days as far as the girls were concerned but we did. One of those sisters was never able to have any children because of her activity in basketball. I have a daughter-in-law who played basketball in Iowa. She had four miscarriages because of her basketball participation. Fortunately, after the fourth was able to have enough surgery so that she now has two sons for which we are very fortunate but I just believe that it is awfully important for us to recognize that there is a difference between men and women and I just would say that I think this is something that can be decided on the local level. You know, talking about making local decisions and it seems to me that the school boards in this state, people in the state are able to make the decision without this Legislature mandating to them exactly what they have to do.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. President, members, I'm glad to hear that Senator Peterson doesn't want to mandate things to the school boards in this state. I hope he keeps that in mind in the future. I guess I'm going to have to tell a little personal story too since Senator Peterson did. I've got a daughter that were it not for Title IX probably wouldn't have got as good a college education as she did. She went through college up here at the University of Nebraska on a track scholarship. I happen to think that athletics for women if you want to talk about athletics is a good thing. Keeping your body in shape is good for any of us. Exercise as it relates to your heart is also good for any of us and I can attest to that since my wife has had open heart surgery and has to have a certain amount of exercise now in order to continue to build that muscle back up. But Title IX from the federal government or the legislation that we have before us is not specifically talking about athletics. It is talking about equal opportunities and I also find it rather strange that some of my colleagues are going to oppose this bill because the federal government has already done it, therefore, we don't need to do it even though they think it is a good idea, even though they don't think it is wise to discriminate. But those same people will vote for bills on this floor or in their committees that are designed to bring us in compliance with some requirements from the federal government that they don't even agree with. So I think it seems to me is that we are saying if the federal government requires us to do things that we don't agree with we will do it anyway because they are requiring us to do it. On the other hand if the federal government requires us to do things that we do agree with we're certainly not going to put it in our statutes simply because the federal government has got it and, therefore, even though we agree with it, we don't want it there. I think that is ridiculous. If anybody can explain it to me I wish they would. Equal opportunities, you know, that is a two edged sword. It could work both ways. A lot of talk has been said here about the females and the opportunities that this might allow the girls of Nebraska as far as their educational opportunities are concerned or athletic opportunities, but what about the boy that might want to be in home ec class? It works that way also and for anybody to say on this floor that it is not a good idea for that sort of thing to happen I think again, is ridiculous. I don't think there is anything in LB 628 that is going to cause anybody any problems anywhere in this state but it certainly is going to do a lot of good. Since I told you that I had a daughter that went through the University of Nebraska on a track scholarship I would like to tell you that even though



Title IX has been in operation for quite some years as Senator Remmers said, we've got the thing started, it is working good, therefore, let's don't mess with it. Every male athlete at the University of Nebraska, I don't care what team they're on, the badminton team if they've got one, can go to the training table and eat at the training table and you all heard about the training table as it relates to the football players with the steaks etc. My daughter paid for her meals. They don't have such a thing for female athletes. As a matter of fact, if they kept them late at practice and most of them did, they had to find some junk food some place or make something in their room because the dorm's cafeteria is already closed. But yet we're equal. Sure we're equal. In a pig's eye we're equal and we're just ready to say, that is fine, everything is taken care of, we don't need to keep working on it.

SPEAKER MARVEL: One minute.

SENATOR VICKERS: Well I contend that we do need...we've made great strides in this state. We've made great strides in this nation and now is not the time to start backing up.

SPEAKER MARVEL: Senator Marsh.

SENATOR MARSH: I call the previous question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? I do. All those in favor of ceasing debate vote aye, opposed vote no. Record.

CLERK: 25 ayes, 0 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate has ceased. Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature, I really want to emphasize that this is an important bill. It is important to all of you for the future. Now let me tell you why I am interested in it personally, selfishly. I've got a little girl. She is five and a half years old. I think she is bright and she is definitely athletic as anybody in the whole world, I'll guarantee you and I think she may want to become a doctor or a dentist or whatever someday just the same as Senator Newell's little boy. So what does this bill do with respect to Senator Newell's little boy and my little girl? Well let me read you exactly what it does because you are going to be reading into it a lot of misinformation and wrong things and you're going to let the emotions of Equal Rights Amendment and bra burners on one side or anti ERAers on the other, I am fearful, dominate your thinking rather than looking

at the issue. Now tell me if anything I am going to say here in the next thirty-five seconds sounds unreasonable, sounds unfair, here is what the bill will do. It will provide that an unfair practice, well here is what it will provide. It will provide that equal opportunity must be offered to members of both sexes, males and females, in areas of admission so my little girl gets to go to the university just the same as Senator Newell's little boy, areas of admission, equal opportunity. That is all. Next. Programs in the school. If Senator Newell's little boy gets to take physics, why shouldn't my little girl get to take physics? If Senator's little boy wants to take home ec, why shouldn't his little boy be allowed to just like my little girl? Equal opportunity. Local level decides who has what, what the programs are and all that. It just says, "You can't say, hey, your name is Jenny. You're a girl. We don't let girls take physics." Activities, activities of the school, equal opportunity, if boys are going to have programs that are exclusively devoted for boys such as Innocents or whatever they are called, why not have equal opportunity without the school stopping them for the girls to have something. If they want to base it on sex, let it be two separate ones then. Student services, student services, equal opportunity there that you are not discriminated against in receiving something from the school that is paid for by everybody strictly on the basis of your being a girl or strictly on the basis of your being a boy. Employment in the institution itself, we've all talked about equal opportunity in employment. Here is your chance simply to put your green light where our mouth has been. We're not passing the Equal Rights Amendment in Congress because Ronald Reagan said, "Hey, you can take care of these things at the state level." I'm now hearing the objection, "No, no, we've got no business getting in this." Well at some point you wonder who is sincere about equal opportunity and the final thing, and in athletics, and let me read you the magic words. "Where comparable opportunity, comparable opportunity must be offered rather than equal opportunity." In other words if you are going to set up special programs for boys for athletics and recreational activities, set up comparable opportunities for the girls in the school and that may not be basketball because of some of the problems that a local school board may feel are there. It is at the local level. It just says you've got to give comparable opportunity in athletics so that all the efforts and financing of the school aren't directed only toward one sex. Give them an opportunity to have some programs too. And I guess I don't think anything I've said here, that I've just read you is that unreasonable. It kind of makes a little bit of sense, doesn't it? Because if it doesn't, then you are saying, "By golly, they really are different and they

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LB 628, 259, 931

really do need to be discriminated and there really is justification for paying five dollars an hour for Senator Newell's kid to do something and two fifty an hour for my kid Jenny to do the identical thing. You are really affirming that. I would urge you to support the advancement of the bill. We send out of this State Legislature at the present time, this is going to be short, Senator Marvel, ninety-five million right now directly, plus a whole bundle of other money but ninety-five million of state aid. Do you want that to be used discriminatorily? So we do have an involvement and we are giving control at the local level, we are saying, "Hey look, you do whatever you want on programs and everything. Just make sure you treat everybody the same. When you come to athletics make sure you give everybody a comparable opportunity. Jenny DeCamp is as good as Billy Newell."

SPEAKER MARVEL: The motion is to advance the bill. All those in favor of advancing the bill vote aye, that is LB 628, opposed vote no. Have you all voted? Record the vote.

CLERK: 28 ayes, 6 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The Clerk will read some items into the record.

CLERK: Mr. President, your committee on Education whose chairman is Senator Koch instructs me to report LB 259 advance to General File with committee amendments attached. Your committee on Appropriations whose chairman is Senator Warner instructs me to report LB 931 advance to General File. That is signed by Senator Warner as Chair. Your committee on Appropriations gives notice of hearing, Mr. President, for next Wednesday, February 10. I have a report from Public Health and Welfare on gubernatorial confirmation confirmation hearing. Mr. President, Senator Newell would ask unanimous consent to add his name to LB 628 as cosponsor. (See pages 536-537 of the Journal.)

SPEAKER MARVEL: No objections, so ordered.

CLERK: Mr. President, new resolution, LR 214. (Read for the first time as found on page 538 of the Legislative Journal.) That will be laid over pursuant to our rules, Mr. President.

SPEAKER MARVEL: Senator Newell, do you want to take up 630 before we go to 728?

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PRESIDENT: The motion carried. The DeCamp amendment is adopted. Any further amendments, Mr. Clerk?

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

PRESIDENT: Senator DeCamp. Alright the motion is to advance the bill. Any further discussion? All those in favor of advancing LB 274 signify by saying aye, opposed nay. LB 274 is advanced to E & R for engrossment. The next bill is 274A, Mr. Clerk. The Clerk will read some matters into the record and then we will take up 274A.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined and reviewed LB 692 and recommend that same be placed on Select File with amendments; 628 Select File with amendments; 630 Select File with amendments; 728 Select File with amendments, all signed by Senator Kilgarin. (See pages 564-565 of the Legislative Journal.)

Mr. President, your committee on Education whose chairman is Senator Koch to whom is referred LB 650 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 652 General File with amendments and LB 817 from the Urban Affairs Committee advanced to General File; LB 727 indefinitely postponed and LB 820 indefinitely postponed. Those are signed by their respective chairmen. (See pages 567-568 of the Legislative Journal.)

Mr. President, I have on 274A an amendment offered by Senator DeCamp to the bill.

PRESIDENT: Alright, Senator DeCamp, we are ready for your amendment to LB 274A.

SENATOR DeCAMP: Mr. President, the amendment is nothing more than the compliance with the new rules brought to me by the representative from the fiscal office or whoever hauls those things out and I put it up there. So we are going to spend the money that we are going to collect, Senator Warner says. In other words you collect money from them and then you spend it.

PRESIDENT: Any discussion on the DeCamp amendment to LB 274A? If not, the question then is the adoption of the DeCamp amendment to LB 274A. All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

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



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LB 454, 408, 628, 353,  
LR 216, 217, 218

SPEAKER MARVEL: Senator Carsten has closed, we will now vote on the advancement of the bill. All those in favor of advancing the bill vote aye, opposed vote no.

CLERK: 30 ayes, 6 nays on the motion to advance the bill Mr. President.

SPEAKER MARVEL: The bill is advanced. Clerk has some items on the desk before. . .and after that we will attempt to try to move some bills.

CLERK: Mr. President, Senator DeCamp would like to print amendments to LB 408 in the Journal. (See pages 571-572).

Mr. President, Senator Howard Peterson would like to print amendments to 628, Senator Fowler to 267 and Senator Nichol to 353. (See pages 572-74).

I have a report of registered lobbyists for January 29th through February 4th. That will be inserted in the Journal. (Page 574).

Committee on Government, Military and Veterans Affairs give notice of cancellation and resetting of public hearings.

Mr. President, I have three new resolutions, LR 216 offered by Senator Cullan, (Read LR 216). That will be laid over. LR 217 by Senator Koch, (Read LR 217). LR 218 by Senator Peterson and Senator Hefner (Read LR 218). That too will be laid over Mr. President.

SPEAKER MARVEL: Okay, I would like to give you a list of bills and then we will proceed to attempt to implement. 402, 525, 255, 255A, 435, 589, 115, 115A, 440, 314, 131, 287, 649, 571, 598, 646. Senator Beutler, your light is on.

SENATOR BEUTLER: Mr. Speaker, I think I would like to make a comment on this procedure. I don't know if others operate the same way I do but, when I come in each day I normally look at the ones on the top of the list first on the assumption that we will be dealing with those and in that manner I can prepare for the day. When we skip around like this and we go down to the bottom of a list it seems like I am often caught unprepared and the result of that, I think, is that I end up occasionally on Final Reading suggesting amendments to bills and I'm sure that others are doing this. I'm not sure in the long run, Mr. Speaker, whether there is anything

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LB 628, 685, 834

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer will be given by the Reverend Emmet Haas, East Lincoln Christian Church.

REVEREND HAAS: Prayer offered.

SPEAKER MARVEL: Record your presence, please. Will you please record your presence? Record.

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

SPEAKER MARVEL: Item #3, messages, reports and announcements.

CLERK: Mr. President, very quickly, Banking, Commerce and Insurance will hold an Executive Session at 2:00 p.m. today in Senator DeCamp's office. That is Banking Committee at 2:00 p.m. in Senator DeCamp's office. And Senator Howard Peterson would like to print amendments to LB 628 in the Legislative Journal, Mr. President. (See pages 809 and 810 of the Journal.)

SPEAKER MARVEL: Okay, item #4, Select File. Senator Kilgarin, are you...these are motions with a....Select File.

CLERK: Senator, I have no E & R to LB 685.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 685.

SPEAKER MARVEL: All those in favor say aye. Opposed no. The motion is carried. The bill is advanced.

CLERK: Nothing on 834, Senator.

SENATOR KILGARIN: I move we advance LB 834.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion is carried. Okay, may I have the attention of the Legislature, please. We had a meeting of the Chairmen this morning and I intend to lean as heavily as possible on the Chairmen, depending on what the issue may be, and lean heavily on you. Now if this is not successful, then you just as well pack up and go home and try it ten years from now. We are not solving the problems that face this Legislature and usually when I sit here and preach, we get some result.

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LB 628, 692

SENATOR CLARK: Senator Kilgarin. Senator Landis, do you want to take the E & R amendments on 692? You heard the motion. All those in favor say aye. Opposed. The E & R amendments are adopted. Anything else on the bill?

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

SENATOR CLARK: The motion is to advance the bill. Senator Rumery.

SENATOR RUMERY: Mr. President, I move we advance 692.

SENATOR CLARK: You heard the motion. All those in favor say aye. Opposed. The bill is advanced. LB 628.

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ASSISTANT CLERK: There are E & R amendments on LB 628, Mr. President.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 628.

SENATOR CLARK: The motion is the E & R amendments on 628. all those in favor say aye, opposed. The E & R amendments are adopted. Anything further on the bill?

ASSISTANT CLERK: Mr. President, I now have an amendment from Senator Howard Peterson. That amendment is found on page 572 of the Journal.

SENATOR CLARK: Senator Peterson.

SENATOR H. PETERSON: Is that the first amendment?

ASSISTANT CLERK: Yes, sir.

SENATOR H. PETERSON: Mr. Chairman and members of the Legislature, it appeared to me as I read this bill that we could very well be involving ourselves in some additional costs as far as school districts are concerned. This particular amendment says that if there are additional costs that those costs will be born by the state. In reality what we are doing is to say that if this particular bill causes school districts to do something special because of the sex situation that we would provide those funds from the state funds.

SENATOR CLARK: An amendment on the desk.

ASSISTANT CLERK: Mr. President, I now have an amendment from Senator Beutler. Senator Beutler would move to amend the Peterson amendment by striking the words "the funds for which are provided under Section 12 of this act" found in lines 13 and 14 of Request #2624.

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, I would move to divide the question. Senator Peterson's proposal is really in two parts, one part as I understand it has to do with the lid, is that correct, Senator Peterson? And the second part has to do with paying out of state funds. So what I would like to do is to divide the question and to argue first the question of whether state funds should be used in relationship to any cost incurred under this bill, and then secondly, to talk about the lid provision.



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SENATOR CLARK: We will divide the question. At least I declare it divisible, Section 12 and Section 13. We will go to Section 12 first. Do you have the amendment in the book?

SENATOR BEUTLER: My amendment, Mr. Speaker, then would go to the second part, Section 13...

SENATOR CLARK: We will take the first part up first.

SENATOR BEUTLER: Okay, then I would like to leave my light on because I would like to address that proposition.

SENATOR CLARK: The question is divided. We will go to the first part. Do you want to talk on the first part, Senator Peterson?

SENATOR H. PETERSON: That specifically is the part that I addressed in the introduction. What I am really saying there is the Legislature shall appropriate any funds needed by a school district or Educational Service Unit or technical community college to comply with this act. Such appropriation shall be made for each and every year additional costs are incurred by such educational institutions. What it amounts to is that if we are going to write something into state statute, we have done this many times I think in terms of requiring additional costs as far as school districts are concerned, it seems to me if we are going to that, then we ought to pay for them.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Well, Mr. Chairman, members of the body, even though we divided the issue, I don't know that I can speak to one part or the other, the lid or the costs. I will speak to it total, generally, and then I won't speak again, that is that this piece of legislation was supported by all education institutions. I would remind you presently they are living under these kinds of conditions and all the state is trying to do is to say in case at the federal level there are some changes that this state will continue to have its own statute and will apply equal educational opportunities for all young people. And I'd just remind you that the girls basketball teams are coming down here today and I can assure you their programs will continue to be carried out in high style and somewhat equivalent to the boys. I don't foresee all these horror stories that we are trying to develop at the present time. So I don't think there is a need for Senator Peterson's amendment at all nor for Senator Beutler's reasons to divide the issue. I hope we

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defeat it all.

SENATOR CLARK: Senator Schmit. Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, Senator Peterson, as I understand your first part of your amendment says that anything that a school has to do out there that requires additional money to provide equal education for both sexes can be born by the state, is that correct? Okay. I really see a severe problem here because in my district I think they have people smart enough and I think in almost any district in the state smart enough to figure out whereby that could be a result of equal opportunity for both sexes. I really think it is a dangerous situation and I would really oppose it.

SENATOR CLARK: Senator DeCamp.

SENATOR DeCAMP: Well, just very briefly, Mr. President, members of the Legislature, I passed out some material. I think it really addresses this question pretty well. I realize there is a limited amount of time to read it but it is pretty well consolidated. A letter, for example, from Bob Devaney over at the University, a fellow that works over there; June Davis, Women's Athletic Director over there. It kind of explains the concepts we are doing are really pretty much being implemented. We just want to make sure they are in the future so to that degree it is merely a recitation in the legislation of what we hope will be the policy of the future. However, with respect to costs, theoretically there would never ever be a cost because theoretically we are all doing this anyway. And so there would be no way you could ever say, well, look, we would not have a girls bathroom except for the law. Well, that is not true but somebody could claim that and the state is going to be out financing girls' toilets and everything else in a school. It would become unworkable I think so I would urge rejection of the amendment. I sure understand what Senator Howard Peterson is concerned about but I think once he...somebody is going to have to tell Wesely about his laugh...anyway I do hope you reject the amendment and I know Howard, once he gets this information, gets a chance to read it, he will probably drop his amendment and support the bill. Well...maybe.

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, if I could just elaborate a bit on the points that have been made. Remember that this bill is designed to pick up

Title 9. Title 9 is already in effect. To my knowledge there have been no tremendous increased costs that have been forced upon the school districts by Title 9 this far. So therefore, there is no reason to believe this continuation of Title 9 in the form of this bill would have the effect of creating tremendous additional costs. Therefore, I don't think that it is necessary for an amendment which says that the state should pick up those costs if created. Secondly, I would remind you that the school district themselves always have alternatives, that is, it is not always necessary to increase total costs. It might be that they could make the decision to adjust costs, that is, to switch costs within programs, maybe lower funding for boys programs and a little more funding for girls programs so that there is no overall cost. That is a decision that I think we should leave entirely to the local school district, and if we promise them state funding, I think that what you will see is that we will have the effect of encouraging spending which is exactly what we don't want to do now at the local school district level. It will encourage spending because they will think the state funds will be there to pay for it. Secondly, let me point out to you that to my knowledge this kind of a program, this kind of a proposition where the state is going to pick up the increased cost is unprecedented in the state. We have not heretofore with regard to any school program that I know of where the local school district has controlled it proceeded to offer state funds to pay for it. And I would suggest to you that the benefits under this kind of a bill may be very unequal to different school districts, that is, some may choose to use a lot of state funds and others may choose to use very little and the state would have no means of controlling how much of the state funds are used by different schools. You should be reminded also, I don't think I really need to remind you, that the schools do have a funding mechanism. There is no...they have a property tax source. They can increase property taxes if necessary. At least as far as the state appropriation is concerned, it makes no difference. They do have a seven percent lid and I would have no objection to exempting any increased cost from the lid, if Senator Peterson chooses to do that. But finally and perhaps most importantly, the amendment is not structured in any sort of workable manner, that is, the school districts would have absolutely no way of knowing who files the claim, with what state agency the claim is filed, how that state agency processes the claim to the Appropriations Committee. There is no process for the submission of claims and, more importantly, there is no process for the review of claims. Senator Nichol pointed out to you the possibility of the submission of exaggerated or even false claims and

this amendment provides no mechanism by which any state agency or any review agency, any designated agency would go through the process of sorting out the legitimate claims from the illegitimate claims. So in summary, I don't think there are going to be great additional costs. Even if there were, the school districts can make adjustments for it, and I would be in favor of excluding it from the lid if that is necessary to ensure proper adjustments. Thirdly, you are stepping into an unprecedented area, an area that is of itself should be the subject of...

SENATOR CLARK: You have one minute.

SENATOR BEUTLER: ...great public debate in this body should we proceed in that direction, and finally the amendment I think is technically in error and unworkable. Thank you.

SENATOR CLARK: We have Senator Johnson, Senator Vard Johnson, then Senator Vickers, Senator Remmers and Senator Hefner.

SENATOR V. JOHNSON: Yes, Mr. Speaker and members of the body, just a few minutes in commenting on Senator Peterson's first amendment which is to require the State of Nebraska to pick up whatever costs result from the implementation of LB 628 by local educators including ESUs, technical community colleges and the public schools. The truth of the matter is the State of Nebraska right now puts an inordinate amount of funds into the hands of local school districts. We put it in through personal property tax relief monies. We put it in through school aid. We put it in through special benefits to the technical community colleges and we put it in through monies to the Educational Service Units and, in fact, if I had my druthers, I suppose I would say simply we won't put the money in. We won't put the money in unless you conform to what we think appropriate standards are for sex equity in society but we are not doing it that way. We are saying this is a piece of legislation which tells you that you have to continue to maintain a major social effort to ensure equality of opportunity both in employment and in education and in sports activities and extracurricular activities for women because in our society we truly have been way behind in that area. And, yes, if you have to incur any cost as a result of "our-you" case, then you can incur those costs but I guarantee you a lot of the money that you will be paying out will be money that we through the State of Nebraska have put in. It is for that reason I think that we ought to reject Senator Peterson's amendment and just give this legislation to the local school officials, tell them to continue to do their

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duty because the duty already has been set by the federal government. We are making certain that it will continue, continue to do their duty, and if in fact additional costs are generated as a result of their doing duty, they have property taxing authority, they may affect a levy if they need to. They probably will not need to, that if they really are in deep trouble they certainly can come back to us but in the meantime we will provide them plenty of dollars to be sound educators and to carry on a responsible social obligation.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. President, members, I am at a loss to understand exactly how I should feel about this particular amendment since I have been one of the advocates of more state aid to education ever since I have been in here. The fact of the matter is if we adopt Senator Peterson's amendment it would seem to me that if I was on a local school board I could figure out some way to get an unlimited source of dollars from the State of Nebraska by using the language that Senator Peterson's amendment would do. Now I don't think that is necessarily what this body wants to do. If you are really in favor of funding all of public education from the state, I would suggest that this amendment is probably the greatest thing since sliced bread but I don't think that is an appropriate thing for us to do. I think we need to be a little bit careful when we say that any funds needed to comply with this act, such appropriation shall be made for each and every year additional costs are incurred by such educational institutions. I am sure that some of those school districts could make arguments for about anything that they wanted to put in their school system, that they are putting it in because they have got both girls and boys in that school system, and you tell me a public school in the State of Nebraska that doesn't have both boys and girls in it. If you have to buy two books, one for a boy and one for a girl, I suppose that might be some additional funds they had to have. So I urge this body to reject this amendment and let's support state aid up front so we know how many dollars we are putting out, not give an open-ended appropriation to public schools through the back door. I urge the body's rejection of the Peterson's amendment.

SENATOR CLARK: Senator Remmers.

SENATOR REMMERS: Mr. Speaker, members of the Legislature, I want to just comment again on my comments the other day. I don't think anybody is more in favor of equal opportunities

for girls than I am. I guess I was of the opinion that the schools are doing a pretty good job and I hope they will continue to do it. And my objection to the bill originally was the fact that I thought it was unnecessary legislation but maybe I am a little naive, maybe there are boards that would not give the girls an equal opportunity. In regard to this amendment, I would like to just say this, that I hear a lot of comments from school boards and school men that if the state requires to do certain things that they should fund it. Well, we could carry that to quite an extreme. I believe the statutes say that the school districts are supposed to furnish education from grades five through twenty-one, so if we stretch that concept we could just say the state should take over the financing of the whole system. I don't really think this amendment is necessary. In fact I think it could create some mischief and I just hesitate to speak against Senator Peterson's amendment because I know his intentions are in the right direction but I feel this amendment would do more mischief than it could help and I believe the bill should be moved along without the amendment. Thank you.

SENATOR CLARK: Senator Hefner.

SENATOR HEFNER: Mr. President, members of the body, I would just like to speak briefly to Senator Howard Peterson's amendment. Many of you know that I have introduced several bills over the last couple of years that would do something like this. What it says is that whenever the Legislature mandates new or expanded programs to local government, then we would have to pick up the tab, and my intent of a bill like this was to slow this body down from mandating many different programs for these local governments to implement. It seemed like when I go home on weekends or during the interim, there is a lot of these governing board members come and talk to me and they say, well, how are we going to implement this program or that program, that new program or that expanded program when we are under the seven percent lid or the people want us to keep property taxes down. If you want us to implement these new programs or expanded programs, we need some more dollars to do this and I think this is what Senator Peterson is trying to do with this bill. I realize that at the present time there is no fiscal impact on this bill but there could be and I think this is what Senator Peterson is trying to accomplish. He is trying to alert this body that there could be a fiscal impact and that is why I think we need to take a real close look to it.

SENATOR CLARK: Senator Marsh.

SENATOR MARSH: Thank you, Mr. Chairman. Members of the

Legislature, I imagine each one of us has this handout on our desk which says that LB 628 keeps in front of school boards and administrators the need to continue, with continue being underlined, the progress made in opening more doors and opportunities for all students. To put a funding amendment on this bill is an insult to the hard work of the educators of Nebraska who have worked to accomplish the progress that has been made in this area within their budgets. Goodwill and good work is the funding which is necessary for the success of LB 628. The educators of Nebraska have expressed their willingness and eagerness to give it their support. You are aware, I am sure, that no one appeared against this proposal and many, many, many people were in support. I support LB 628 and I hope the thinking members of this body will not add this insulting amendment.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. President, members, I rise to support Senator Peterson. We have other opportunities besides sports I am sure that involve both male and female but our sports program in Nebraska, especially, is something else. We are not willing to fund basic education to the point that in my estimation it should be funded but we go nuts for sports, and if you don't believe it, you watch what happens in this city in the next few days. We don't have enough money to provide for the necessary number of teachers that we need. We don't have money to afford transportation that many of our schools are faced with. Senator Beutler evidently isn't aware that the seven percent lid is squeaky tight. There is absolutely nothing left for school boards to work with and I am of the opinion that Senator, I believe, Hefner mentioned that if we are going to demand things of school districts and school boards that we had better pay for them. And as far as taking the money out above the seven percent lid, that is a joke. That is not going to happen in this session with this group this year. So I think it is working pretty good the way it is. I don't think we need to force anything upon anybody. The community should have something to say about that. The parents should have something to say about it so I just think if we put half the stress...think of the deal that is happening with football alone. They think they are going to raise a hundred thousand dollars to supplement the coaching staff for our football team, our football coaches. If you would go out and try to get that kind of money to teach science or math or English, you wouldn't get ten cents. So we had better put our priorities where they belong and that is on education and not so much on whether the girls play basketball or the boys play basketball or



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they both play basketball or football or whatever it might be. It is kind of silly to think about mandating these kind of activities when we don't...the school districts and boards don't have enough money to fund the basics. Thank you.

SENATOR CLARK: Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature, I hate to speak twice but I spoke briefly. I want to make something super clear because I agree with Senator Hefner and I agree with Senator Peterson, by golly, if we are going to mandate new programs, let's be paying for them. It makes sense. I agree. This bill doesn't mandate a single new program, that is not the bill, and that is where I think we got a little confused on. What it does do is say, hey, if you have got a program or if you are going to have a program, all we are asking is that you don't discriminate on the basis of sex. It doesn't order anybody to have a single program but it just says in the areas of education, athletics is one part of it, employment is a part of it, deciding what courses you are going to have is a part of it, you don't say somebody can't be in something strictly as a result of being a male or a female. Now that doesn't mean you don't recognize differences between the sexes and have separate bathrooms and all that, it doesn't mean that at all. It just says with what you are dealing with you don't discriminate on the basis of sex in those areas. Senator Peterson has a second amendment. My initial reaction was, hey, I suppose we will oppose it, but after studying it a little, we found that not only is it a good amendment but with a minor fine tuning, it is a great amendment. So I hope we could get through this one to the good amendment he has got coming next.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, Senator Remmers is awfully strong here. I can't get this thing loose but, nevertheless, I am going to do the best that I can. I am not going to have too much to say about this bill. I am very much in favor of it and I think nothing should be done to weaken it or water down what its intent is. I believe there is far more at stake here than merely female athletics versus male athletics or even if we are talking about academic programs, one which would attempt to recruit females where they customarily are not encouraged to go. I think we are dealing with an underlying philosophy in this country, Senator Howard Peterson, which was mentioned by Republican Senator Packwood in talking about

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some problems that Ronald Reagan, the President, was causing for the GOP which is the Republican Party. He said that he is dismayed, this is Packwood, about the problems being caused by the President, and they are being caused because the President often responds on a totally different track than the issue at hand, so in a sense the words "female and male athletics" or whatever are being discussed but there is something beneath. There is a different track that is really on people's minds but it won't be brought out forthrightly. So here is what Packwood said, and this article is from the Omaha World Herald, March 2nd, 1982: He attributed the problem to what he termed an "idealized concept of America" by Reagan that is basically white, male and Protestant. That view, Packwood said, is destroying the Republican party's appeal among black, hispanics and Jews. "That will hurt us more in the long run than the economy", he said. He said he feared that Reagan's positions on abortion, the Equal Rights amendment, and the handling of tax exemptions for schools practicing racial discrimination will cost lasting damage to the party. By the way, Senator Packwood is a white male, Protestant, over 40. "The Republican Party has just about written off those women who work for wages in the marketplace", Packwood said, "We are losing them in droves. You cannot write them off and the blacks off and the hispanics off and the Jews off and assume you are going to build a party on white Anglo-Saxon males over forty. There aren't enough of us left", he said. This is what we are really talking about on this bill and a lot of other things that happen in this Legislature. There is a certain arrogance that goes with privileged and favored position, a tendency to view one's own situation as being the situation faced by everybody else but there are very few white males, whether they are Protestant or not, over forty or under forty, who would consent to occupy the position foisted on black people and women in this society. Now if the women would get smart, they are a numerical majority, they could change things by voting but they have been whipped down so much they have been made to feel totally powerless. In the case of numerical minorities such as that comprised by black people, we have to use other means because voting is not going to work. We don't have enough numbers, and in those places where we do have the numbers, they either weaken the voting rights bill so we can't vote at all or they gerrymander us in such a fashion that when we vote we are voting for nobody. These are the issues that I think are wrapped up in this bill and these types of discussions. Listen to who takes which position, consider the positions they take on other issues, and you will find it is that self-satisfied, somewhat self-righteous individual who feels I made mine through talent and ability, you make yours. It reminds me

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of a joke that I heard and I told it on Senator Ramey Whitney who used to be here.

SENATOR CLARK: You have one minute, Senator Chambers.

SENATOR CHAMBERS: There was this man boasting about how wealthy he was and how America being the land of opportunity provided that chance for anybody to be wealthy. He started by finding a nickel. He bought a pair of shoe laces and sold them for a dime. Senator Howard Peterson, he then bought two pairs of shoe laces and sold each one of those for a dime and he now had forty cents. Then he married a rich widow and was wealthy for the rest of his life.

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I tried to make a number of points with regard to the amendment earlier and I touched just briefly on the idea that the bill is technically impossible. That it sets out no procedures in my opinion for implementing the suggestion that is made that state funds be used to pay for any increased cost, and in that regard I would like to ask Senator Peterson a couple of questions if he would yield.

SENATOR CLARK: Senator Peterson, will you yield?

SENATOR H. PETERSON: Yes.

SENATOR BEUTLER: Maybe I would just ask you generally, Senator Peterson, in light of the technical problems with the amendment, would you be willing to withdraw that part of the amendment?

SENATOR H. PETERSON: Chris, just let me say this, my opinion would be, and I am sure you are wondering how it would be implemented, my opinion would be that if a school board set in a new program and were forced to under this particular bill, they would come to the Legislature and say, hey, you guys finance this program. This is what you asked us to do and we are going to have to put a new program in. If that is what we have to do, then you finance it for us.

SENATOR BEUTLER: You are envisioning that the Legislature next year would pass a new bill to process these claims?

SENATOR H. PETERSON: That is right.

SENATOR BEUTLER: And what, we have to set up a new agency to...?

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SENATOR H. PETERSON: No, we can do it right through our Claims group.

SENATOR BEUTLER: So the Claims Board would then have an additional responsibility of reviewing?

SENATOR H. PETERSON: Additional responsibility, right.

SENATOR BEUTLER: Okay, and we are going to do this after the fact. I mean the bill is going to go into effect now and at some point in time we are going to pass another bill giving them that responsibility?

SENATOR H. PETERSON: I think you are all saying we aren't going to have any, and what I am saying is I think we will and let me just give you an example, Chris. I think it is very possible in the next few years we are going to have wrestling among girls. All you have got to do is witness what is happening professionally and one of these days...we had a great wrestling meet here in Lincoln among the boys and one of these days the girls are going to want to wrestle and we are going to have a whole new program across this state, and when that happens, then I think this Legislature ought to be prepared to finance it.

SENATOR BEUTLER: Okay, thank you, Senator Peterson. I would simply suggest that the basic admission is that there is no technical provision for processing state appropriations at this time, and that out of fairness, if Senator Peterson wants to promote that idea that he should come to us at the same time with a mechanism for doing that. I suggest that it should be done all at once and that we should delete this provision from this bill, and if Senator Peterson wants to come in next year with a new bill making the statement made in the amendment and setting up the State Claims Board as the mechanism for processing those claims, that in all fairness that is the procedure that should be followed. So I would ask you again to reject the Peterson, the first part of the Peterson amendment. Thank you.

SENATOR CLARK: I would like to introduce to you the son of Senator Kremer, Robert Kremer and his family from Aurora and Ray Miller from Pennsylvania. They are in the North balcony. Welcome to the Legislature. Next is Senator Higgins.

SENATOR HIGGINS: Mr. President and Senators, I have to comment on Senator Peterson's remark about having boys and girls wrestling. Senator Peterson, I don't know how you grew up but I can't tell you the number of men I wrestled

with when I was a young woman. I always won all the way down to the altar but I do want to say this. The reason I favor this bill is because this country has had a philosophy for many years that kept women out of medicine. How many of you have got friends today that have had radium treatments and where would they be today if they did not have radium, and who discovered radium? It was a woman, Madame Curie. This is the saddest thing about discrimination in education. Many of us here today who have loved ones who have suffered or died from some form of cancer might have been cured if our universities did not keep women from studying medicine in the beginning of this country. You have to stop and think, Senators, what other dread diseases might a woman have discovered a cure for had she been given the opportunity to study along side of a man in science and medicine. It could have been argued a hundred years ago if we let women study medicine we are going to have to buy more microscopes. Who is going to fund that? So just think about it. We are only talking about equal opportunity. That is all and that equal opportunity that you give to women could one day save your life the same as Madame Curie and her struggles to become a pathologist and find a cure for radium that saves many lives today. So you are not just voting on equal opportunity. You are voting for new discoveries in this country, new horizons in medicine and in law and in all the professions. So I ask you to forget about this, who is going to fund it business if everybody has to have equal opportunity. Equal opportunity should be funded at any cost because it would be a shame for this country to say we don't believe in equal opportunity because the cost is too high. Thank you, Senators.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. Speaker and members, I suggest there might be some members of this body that haven't read LB 628 too well. I have heard several comments about what we are going to force on the public schools and what we are going to mandate to them, the fact that in some people's viewpoint that sports is being have too much emphasis placed on it by the public schools, and that this is going to force them to have more expenditures on those sports projects that we shouldn't be spending so many dollars on to start with. Well, I would suggest to you that this bill doesn't mandate one damn thing to anybody. All it does is says that if you are going to provide a service that you have to provide that service to both male and female and it doesn't say you have to have a football program, it doesn't say you have to have a basketball program, a track or wrestling. By the way, many schools out there don't have wrestling for even boys. We don't say they have to have those things.

We simply just say if you are going to have them you have got to provide it to both sides. Now I suggest to Senator Kahle when he goes back out there to his district where all those small schools are at and tell them that I don't want you to have all those basketball programs because you are spending too much dollars on them, that you will probably hang him up to that tallest cottonwood. That is pretty important to those small schools. But it is local decision, the local decisions are made locally. We don't make them here and we are not making them here now and how anybody can stand on this floor and say that it is all right for boys to do some certain things but it is not all right for girls is more than I will ever know. Or to turn it around the other way, you know I had a son that had quite a time getting into vet school. One of the reasons he was having a hard time getting into vet school was because there was a lot of girls applying and getting into vet schools. They didn't make the class size larger so they could let the girls and the boys in. They just had to cut down the number of boys that went in. The same thing happens with all of the other programs. This is not going to cost anybody any additional money unless the local people want to do it. If they want to keep their cost down where it is right now, yet provide girls wrestling if they so should desire, they can cut out football then if they want to or they can cut out basketball for both boys and girls. That is their decision locally as it should be. We are not mandating anything to them that they have to provide it. All we are saying is that if you provide something, you should provide it equally and I don't think that is too much to ask. I like to have my equal opportunities too and I think everybody else is expected to get it and should get it.

SENATOR CLARK: Senator Peterson, do you wish to close?

SENATOR H. PETERSON: Mr. Chairman, I believe I made my point in terms of costs. I think we need to recognize that there will be some costs regardless of what Senator Vickers is saying, and when those costs come, I hope the school boards remember that there was one sympathetic voice at least on this floor that would say we ought to be paying for those costs. So with that, Mr. Chairman, I would withdraw the amendment.

SENATOR CLARK: He is withdrawing the first part of the amendment. Do you want the whole amendment? He wants to withdraw the entire amendment. It is withdrawn. Do you have anything further on the bill? Next amendment.

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LB 628

ASSISTANT CLERK: Mr. President, the next amendment I have is offered by Senator Howard Peterson. That amendment is found on page 809 of the Journal.

SENATOR CLARK: Senator Peterson. Is that an amendment to the one you withdrew?

SENATOR H. PETERSON: No, Mr. Chairman. This is a new amendment. What page of the Journal is it on?

ASSISTANT CLERK: It is on page 809.

SENATOR H. PETERSON: 809 of the Journal. I believe there is on the floor an amendment to my amendment, Mr. Chairman, and I would probably ask if that amendment to the amendment be introduced at this time.

SENATOR CLARK: We will take the amendment to the amendment.

ASSISTANT CLERK: Mr. President, Senators Landis and DeCamp would move to amend the Howard Peterson amendment. (Read Landis and DeCamp amendment found on page 981 of the Journal.)

SENATOR CLARK: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, there are in the original Peterson amendment two ideas and this separates them and I am supportive of the remaining language in the Peterson amendment that we do not strike with this change. Senator Peterson's clarifies I think a provision of the bill with respect to rules that discriminate on the basis of pregnancy or parenthood. However, although if you look in the Journal on page 809 all the language talks about that provision. The first sentence that strikes line one and 2 on page 3 of the bill strikes the language that offers remedy when there has been a denial of comparable opportunity in intermural or interscholastic athletic programs. Now what my amendment does is in essence divide the question and it takes out of the Peterson amendment the language that refers to striking provisions on intermural or scholastic athletic programs. Unfortunately it is an awfully involved procedural tangle but to vote for my amendment is to protect women's opportunities in intermural sports. To vote against the propose amendment is to continue to support the Peterson amendment which seeks to limit opportunities for intermural athletic programs. In the event my amendment is successful and we retain the protection for women's equity in intermural sport programs, I will agree with and vote for and speak on behalf of the remaining section of Senator Peterson's language because I think it is preferable to the language



that appears in the bill on the same topic. With that I would move the adoption of my amendment.

SENATOR CLARK: Senator Beutler. We are speaking on the Landis amendment.

SENATOR BEUTLER: I agree with Senator Landis' analysis and would like also to speak against the first part of Senator Peterson's amendment and in favor of the second part. I wanted to back up a minute and be sure that everybody understood exactly what we are talking about on the Landis amendment, what we are trying to delete. The bill provides that it shall be unfair or discriminatory practice for any educational institution to discriminate on the basis of sex in any program or activity, and then it goes on to delineate what some of those activities are, and it says the exclusion of any persons from participation in any academic, extracurricular or other program, and then it says, except athletic programs. All right, so we have a general broad rule against discrimination in education and against exclusion of a person from any program but we make a special rule for athletic programs. For athletic programs we say that there shall be no denial of comparable opportunity in intermural and interscholastic athletic programs. So in other words we make this exception in a separate rule because we want to avoid the problem of forcing boys and girls together in the same sport in certain areas. So the alternative rule is that they should have a comparable opportunity and that is the part that Senator Peterson is seeking to strike and, basically, in my opinion what is being done is that we are setting aside sports or athletics for some reason and saying treat that differently than math or science or a Spanish club or a French club or any of the other of the activities that go on in a school system. We are singling out sports, athletics and saying you don't have to treat them equally in that area. Well, I think sports or athletics are generally recognized as being an integral part of education. Especially in Nebraska, it is conceived as an especially important part of education and I can see no reason, no logical basis, for taking sports and saying that they shall not be subject, saying that that area shall not be subject to the same rules that Senator Peterson is willing to apply apparently to all other areas. And so I would simply ask you to reject the amendment on the basis of logic and on the basis of fairness. With regard to the last part of Senator Peterson's amendment, I agree with Senator Landis. I think it was helpful in clarifying and I hope that we will adopt that part. Thank you.

SENATOR CLARK: Senator Wiitala.

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LB 628

SENATOR WIITALA: Thank you, Mr. Speaker. Mr. Speaker, members of the Legislature, I rise in support of Senator Landis' amendment to the Peterson amendment and I wish to indicate here that I support Senator Peterson's amendment with the exclusion of that portion which Senator Landis wishes to amend. If you will refer to LB 628, you will notice in the language that what Senator Peterson intends to do by striking the opportunity of women to participate in athletic programs, it does not say in the existing language that they must have an identical program to those that boys have. It just says comparable. For instance, if you have got a wrestling program going for boys, it does not necessarily mean that you have got to have a wrestling program going for girls. Being a teacher the last sixteen years and looking at the situation historically, I would just like to tell the body what a difference it has made to give girls equal access to the same educational opportunities that boys have had for decades. Now we all know the importance of sports, what it does to an individual. Every coach, every male who has participated in sports can attest to that. It gives you a sense of competitiveness, develops yourself physically. It gives you a sense of independence, confidence, honor and all of the other requisites, skills and ethics and morals that go into the game. The sad thing about it is that historically those same skills have not been inculcated into girl students and so I think it is very important that we maintain somewhat of a comparable program in the field of athletics and sports that the boys in our schools have been privileged to participate in for a great many years. I feel so strongly about it because these skills that are gained from competing in sports carry over into the classroom academically and I would be the first one to testify what this has done to female students in the school system as far as a renewed confidence about handling subject material in their classrooms, confidence of being able to speak up in a class, confidence of competing and debating over questions which was never there before those athletic programs were offered to them. So once again, members, I would hope that you would support Senator Landis in his amendment and then you can continue to support Senator Peterson with the rest of the amendment that he offered. Thank you.

SENATOR CLARK: Senator Landis, do you wish to close?

SENATOR LANDIS: Are there no other lights, Mr. Speaker?

SENATOR CLARK: No, there is no other lights.

SENATOR LANDIS: I would move the adoption of the amendment,

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LB 628, 630

and in the event it is successful, I intend to support the remaining language in the Peterson amendment which enunciates rules to be followed with respect to pregnancy and marital status and what the appropriate rules for a school to enact in that situation. That language is very satisfactory from my point of view and by passing this amendment we will make that language accessible and something that we can support.

SENATOR CLARK: The question before the House is the adoption of the Landis amendment. All those in favor vote aye, opposed vote nay. We are voting on the Landis amendment. Record the vote.

ASSISTANT CLERK: 26 ayes, 0 nays on the adoption of the Landis-DeCamp amendment.

SENATOR CLARK: The Landis-DeCamp amendment is adopted. Do you have anything further on the bill? We will go to the Peterson amendment now as amended. There is no other amendments on that. Senator Peterson.

SENATOR PETERSON: Then I would move the amendment. I believe we have had enough discussion. We can go ahead and advance the amendment and pass on (interruption).

SENATOR CLARK: The question before the house if there is no further discussion is the adoption of the Peterson amendment as amended. All those in favor vote aye, opposed vote nay. Voting aye. Record the vote.

ASSISTANT CLERK: 34 ayes, 0 nays on the Peterson amendment as amended.

SENATOR CLARK: The Peterson amendment as amended is adopted. Anything further on the bill?

ASSISTANT CLERK: I have nothing further, Mr. President.

SENATOR CLARK: The question is the advancement of 628. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 628.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The bill is advanced. LB 630.

ASSISTANT CLERK: Mr. President, there are E & R amendments to LB 630.

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LB 628, 631, 669, 669A,  
722, 782, 827, 870

SENATOR CLARK PRESIDING

SENATOR CLARK: You will check in, please. Record the presence, please.

CLERK: Quorum present, Mr. President.

SENATOR CLARK: Senator Stoney. We have another motion on the bill right now.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 628 and find the same correctly engrossed; 631, 669, 669A, 722, 782 and 827 all correctly engrossed.

Mr. President, on LB 870, Senator Chambers would move to indefinitely postpone the bill.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I feel that this is a motion that can bring the whole subject of this particular bill to a head. Now one of my major concerns, it should be clear, is the provision about mandatory sentencing, mandatory jail time. I am sending another handout around to you to show you in documentation in the newspapers about the type of overcrowding that is occurring not just around the country but in Nebraska. We have, on the second page the headline says: "Penal complex is sorely overcrowded." This is a statement from the people who run the Penitentiary here. Another statement from Judge Krivosha that there is no evidence that putting people in jail for longer periods of time prevents others from committing crimes. Jail alone is not a way to handle problems. Then for those from Lancaster County and surrounding areas, dangerous overcrowding is jail's worst. Their head of their Department of Corrections has pointed out that they are facing the worst overcrowding in the history of their twelve-year jail. Then the following page talks about a judge in Albuquerque, New Mexico who was faced with the law requiring mandatory sentences. Rather than sentence a young man in accord with the law, this judge stunned everybody in the court room by resigning on the spot from his judgeship, and he had a philosophy of sentencing, a philosophy of justice both of which were violated by the provisions of the mandatory sentencing law, so he resigned on the spot. It shows that people do have convictions, that they will follow them to what some people might consider unreasonable extremes. The next page will tell about a judge in Philadelphia who ordered the release of over a hundred prisoners because of

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LR 243  
LB 202, 267, 449, 579, 606, 628, 630,  
654, 662, 692, 702-703, 717-719,  
728-729, 778, 801, 829, 852

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by LeRoy Hofker, Treasurer of Gideons International, the bible distribution society, from Lincoln, Nebraska.

LeROY HOFKER: (Prayer offered).

PRESIDENT: Roll call. Have you all registered your presence so we can get underway? Senators Wagner and Fowler, if you would go over there to the desk and push that button, we could get underway. Senator Higgins, if you will push that button, I will show you are here. Okay, have you all registered your presence? Record the presence, Mr. Clerk.

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

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

CLERK: I have no corrections this morning, Mr. President.

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

CLERK: Mr. President, LBs 267, 702, 717, 449, 579, 662, 718, 719, 728, 729, 778, 606, 630, 801, 703, 692, 654, and 829 are ready for your signature; as is LR 243.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LB 267, 702, 449, 579, 662, 718, 719, 728, 729, 778, 606, 630, 654, 692, 703, 801, and 829.

CLERK: Mr. President, Senator Wagner would like to print amendments to LB...I am sorry, Senator Wesely, to print amendments to LB 852.

And Senator Chambers would move to reconsider the vote to indefinitely postpone LB 202. That will be laid over.

PRESIDENT: Okay, so ordered. We are ready then for Final Reading. The Sergeant at Arms will secure the Chamber, all members will return to your desks, and all other people will leave the floor of the Legislature. We are ready for Final Reading. All right, Mr. Clerk, I guess we are all in place so let's proceed with the reading of LR 628 on Final Reading.

CLERK: (Reading of LB 628 on Final Reading.)

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LB 628, 722, 782, 827

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 628 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See pages 1249 and 1250, Legislative Journal.) 43 ayes, 0 nays, 4 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 628 passes. The next bill on Final Reading is LB 722, Mr. Clerk.

CLERK: (Read LB 722 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 722 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See page 1250, Legislative Journal.) 45 ayes, 0 nays, and 2 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 722 passes. The next bill on Final Reading is LB 782.

CLERK: (Read LB 782 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 782 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read as found on page 1251, Legislative Journal.) 46 ayes, 0 nays, Mr. President, 2 excused and not voting, 1 present and not voting.

PRESIDENT: LB 782 passes with the emergency clause attached. The next bill, Mr. Clerk, is LB 827.

CLERK: (Read LB 827 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 827 pass? Those in favor vote aye, opposed vote nay. Record the vote.

CLERK: (Record vote read as found on page 1252, Legislative Journal.) 45 ayes, 1 nay, 2 excused and not voting, 1 present and not voting, Mr. President.

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LR 249  
LB 69, 359, 435, 626, 628,  
687, 722, 782, 827

ASSISTANT CLERK: (Read LB 435 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 435 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 1257 of the Legislative Journal.) 38 ayes, 9 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 435 passes. That will conclude Final Reading today. Mr. Clerk, you probably have some matters to read in which you will do at this time and then we will immediately proceed to agenda item #5 to take up the two resolutions on the agenda for today. Proceed, Mr. Clerk.

CLERK: Mr. President, explanation of votes offered by Senators Warner and Kilgarin to be inserted in the Journal.

Mr. President, your Enrolling Clerk has presented to the Governor the bills that were signed this morning. Mr. President, Senator Rumery would like to print amendments to LB 626; Senator Hoagland to 687. (See page 1258 of the Legislative Journal.)

Mr. President, LBs 628, 722, 782, 827, 69, 359 and 435 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 628, 722, 782, 827, 69, 359 and 435. Before we take up agenda item #5, the Chair takes pleasure in introducing Greg Krieser from Eagle, Nebraska who is seated under the south balcony. At the present time Greg is in Senator Warner's District and he will be in Senator Carsten's District. So, Greg, would you step forward there if you are still over there and welcome, Greg, to the Legislature. Proceed then, Mr. Clerk, with agenda item 5, resolutions, commencing with LR 249.

CLERK: Mr. President, LR 249 offered by Senators Howard Peterson, Senators Wagner, Cope and Kremer, found on page 1171 of the Journal. (Read LR 249.)

PRESIDENT: The Chair recognizes Senator Howard Peterson.

SENATOR H. PETERSON: Mr. Chairman, so we don't take a lot of time, I just want to say a special word of thanks to this legislative body and to the Governor of this state



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LB 69, 359, 435, 628,  
722, 726, 782, 827

people and if the instrumentalities that they use to control the water situation do not please them ten years down the line they can adjust it. Finally it was suggested that this is a tool for land use control. It is not land use control. It is water use control. Now we all recognize that it has an effect on land use just as limiting withdrawal of water has effects on land use but at the same time not to act, not to act at all, is equally land use control because you will simply dictate that the use of the land will be for the developer who is putting the land into grain crops. That is the land use control that you will dictate by not acting. If you act, then you don't dictate anything. You say to the people in the local community, decide the issues yourself, resolve the differences, determine where your benefits are and where your detriments are and make the best of it in your own local community. In conclusion, I was distressed to hear that many of us who would be voting on this issue have no interest whatsoever in the issue. Time and time again in this Legislature the agricultural interests have pointed out to us and rightfully so, that the cities of this state and the city folk of this state depend in the end on agriculture. To suggest to us today that we should take no interest in agriculture is a contradiction of the grossest type and I don't think anybody believes in that. As the old beer commercial goes, "We're all in this together."

PRESIDENT: The question before the House is the motion to advance LB 726 to E & R initial. All those in favor vote aye, opposed nay. Have you all voted? All right, record vote. Record the vote and a record vote is requested.

CLERK: (Read record vote as found on page 1262 of the Legislative Journal.) 27 ayes, 16 nays, 5 excused and not voting and 1 present and not voting, Mr. President.

PRESIDENT: The motion carries and LB 726 advances to E & R initial. Next, do you have some matters to read in? Go right ahead.

CLERK: Mr. President, a few items to read in. New resolution, LR 255 offered by Senator Schmit. It calls for a study committee of the Legislature to conduct an interim study of the problem of theft of electricity, gas and water. That will be referred to the Executive Board for reference, Mr. President. (See pages 1262-1263 of the Legislative Journal.)

Your Enrolling Clerk has presented to the Governor for his consideration the bills that were read this morning on Final Reading. (Re: LB 628, 722, 782, 827, 69, 359, 435. See page 1263 of the Legislative Journal.)

LB 69, 267, 359, 435, 449, 579, 606, 628,  
630, 654, 662, 692, 702, 703, 717, 718,  
719, 722, 728, 729, 778, 782, 801, 829

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PRESIDENT: The amendment is adopted. We are going to stop now and recess until 1:30 and then we will come right back onto this bill. Senator Nichol, would you like to recess us until 1:30. We have one communication to read in.

CLERK: Mr. President, engrossed LBs 267, 359, 435, 449, 579, 606, 628, 630, 654, 662, 692, 702, 703, 717, 718, 719, 722, 728, 729, 778, 782, 801, 829 and 69 were signed by the Governor on March 19 and delivered to the Secretary of State.

SENATOR NICHOL: Mr. Chairman, I move we recess until 1:30 this afternoon.

SENATOR CLARK: You have heard the motion. All those in favor say aye. Opposed. We are recessed until 1:30.

Edited by:

*Marilyn Zank*  
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