

January 7, 1982

LB 180, 180A, 198, 359,  
387, 687, 688, 689

Senator Fowler would like to print amendments to LB 387.  
(See page 142 of the Journal.)

Senator Warner would like to print amendments to LB 198.  
Senator Landis to 180 and 180A. (See page 143 of the Journal).

Mr. President, two new bills. LB 687 offered by Senators Haberman, Nichol, Kahle and VonMinden. (Read title). LB 688 offered by Senators Fowler, Landis and Wesely. (Read title). LB 689 offered by the Miscellaneous Subjects Committee and signed by its members. (Read title). (See page 144 of the Legislative Journal).

SPEAKER MARVEL: Next take up LB 359.

CLERK: Mr. President, LB 359 was a bill introduced by Senator Newell. (Read title). The bill was introduced on January 19 of last year. At that time it was referred to the Urban Affairs Committee for public hearing. The bill was advanced to General File. There are committee amendments pending by the Urban Affairs Committee, Mr. President.

SPEAKER MARVEL: The Chair recognizes Senator Landis.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, I am not sure how to proceed procedurally and would ask the opinion of the Chair. There is before the Clerk a substitute amendment which would, in effect, gut all of 359, at least as it is written, and rewrites much of the same provisions placing all responsibility for elections rather than with the SID as it is now currently with the Election Commissioner. Much of what was to be accomplished by the committee amendments and the terms of LB 359 would be accomplished under this substitute amendment but ultimate responsibility would be shifted, and I think since that is what the introducers want to approach now, I would ask that we not handle the committee amendments at this time but proceed to the substitute amendment and since that is in effect the LB 259 incarnation that the introducers want to talk about perhaps we should pass over the committee amendments at this time.

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

SENATOR NICHOL: Mr. Chairman, I was going to suggest to Senator Landis that perhaps since they have changed the bill considerably they might wish to take it back for another hearing. I notice it changes it substantially, whatever that means and I wonder if you would consider that,

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LB 215, 304, 353, 408, 431,  
608, 641, 653, 688, 702,  
852, 873, 896, 938, 953, 969

if it readvances we will be done with the issue for the day. To reacquaint the members, this is where we allow... the District Court does not appeal the issue of whether or not it is the appropriate forum on child termination cases as described earlier in today's session.

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

CLERK: 39 ayes, 0 nays on the motion to adopt the amendment.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. Okay, the motion is to readvance the bill to E & R for Engrossment. All in favor of that motion say aye. Opposed no. The motion is carried. The bill is readvanced. Senator Nichol has a meeting underneath the south balcony, and the Clerk has several items to read in- to the record.

CLERK: Mr. President, Senator Newell would like to print amendments to 702 in the Journal. (See pages 879 and 880 of the Journal.) Senator Beutler to print amendments to LB 852. (See pages 878 and 879 of the Journal.) Notice of hearing from Public Works for LB 969 set for Thursday, March 4. Your committee on Education whose Chairman is Senator Koch reports 653 advanced to General File with committee amendments attached; 688 General File with committee amendments attached; 896 General File with committee amendments attached; 938 General File with committee amendments attached, and 641 indefinitely postponed. (See pages 873. (See pages 873 and 874 of the Legislative Journal.) Your Enrolling Clerk has presented the bills passed on Final Reading this morning to the Governor. LB 608 offered by the Public Works Committee has been advanced to General File. Senator Chambers would like to print amendments to LB 408. (See pages 875 and 876 of the Journal.) The Ag and Environment Committee reports LB 953 advanced to General File with committee amendments attached. (See page 876 and 877 of the Journal.)

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign engrossed LB 304, re-engrossed LB 353, re-engrossed LB 431. This announcement from the Nebraska Livestock Feeders Luncheon at the Airport Inn. Transportation for those who have made reservations will be at the west entrance. Senator Marsh, do you want to adjourn us to

SENATOR CLARK: The bill is advanced. We'll take up LB 688.

CLERK: Mr. President, LB 688 offered by Senators Fowler, Landis and Wesely. (Read.) The bill was read on January 7. It was referred to the Education Committee, advanced to General File, Mr. President. There are Education Committee amendments pending.

SENATOR CLARK: Senator Koch, on the amendments, committee.

SENATOR KOCH: Mr. Chairman and members of the body, this issue deals with the election of school board members in Lincoln and the amendment we have is agreeable to the Lincoln delegation and I ask for the adoption of the committee amendment.

SENATOR CLARK: Is there any discussion on the committee amendments? If not, all those in favor vote aye, opposed nay. Have you all voted? 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 Fowler. Senator Wesely.

SENATOR WESELY: Mr. President, members of the Legislature, as a cosponsor to this bill with Senator Fowler and Senator Landis we agree to the amendment that we just adopted with some additional amendments that we think are important to maintain the fact that we do want to see this on the ballot in November. What we have essentially called for is local control and the question of whether or not school districts will change in the City of Lincoln in terms of how they are elected and what we are trying to accomplish is a change that has already taken place in Omaha where they are elected by district, trying to recognize that there are benefits to having a district election plan for election of the school board in Lincoln. This bill was introduced two years ago and because of time was not able to be passed which would have mandated a change. We've realized since that time and I think at that time we felt that it should be important that the people of the City of Lincoln have a chance to vote on this matter just as they did on the city council issue and so we are very much in agreement with the concept that a vote of the people of Lincoln should determine whether or not this takes place, this change occurs. So this would allow a petition drive to place on the ballot a change in the method in which a school board is elected in Lincoln, Nebraska, and I think the people in this city will probably support that because I was involved with the effort in the petition drive in 1978 which established a district election

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to city council and that effort was overwhelmingly supported by the city residents and was voted in at that time and I think there is very much support for that proposal that now has been in effect for four years I believe. So in my estimation there is support for this concept that we ought to allow voters in the City of Lincoln to determine that for themselves and that is what this proposal would now do. I ask for your strong support for LB 688.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, may I ask Senator Wesely a question, please?

SENATOR CLARK: Senator Wesely.

SENATOR NICHOL: Senator Wesely, as you know I don't like to have the Legislature telling various people anywhere how they shall conduct their election. I like it so they can do it for themselves. But you say this requires a petition and this bill is necessary to allow them to have a petition drive? I thought they were allowed to have a petition drive any time they wanted one. Is this not correct?

SENATOR WESELY: Well the language that we found in the statutes that apply to the class of district that Lincoln has for their school board was unclear as to whether or not a petition was allowed so that the citizens felt that the only recourse they had was to come to the Legislature to change that system. This would say that it is clear that you can use the petition option to change our method of election to the school board.

SENATOR NICHOL: Okay, then this would just clear up the situation so that they could have a petition drive to have any kind of election they wanted.

SENATOR WESELY: Right.

SENATOR NICHOL: In other words, by district or at large or whatever they want?

SENATOR WESELY: Right. It leaves it up to the people.

SENATOR NICHOL: With that, I support your bill. Thank you.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Chairman, how much time do we have on this bill? I'm prepared to use it all up. How much time?

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SENATOR CLARK: We've got seven minutes. Pardon me, eleven minutes. I don't think you could use it all up.

SENATOR KOCH: Knowing how fragile time is, Mr. Chairman, on these kinds of issues, I'll pass up this opportunity but hope Senator Wesely sometime will stop talking too much.

SENATOR CLARK: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the body, I represent a section of Lincoln in the north area of town that has consistently supported district elections in the hopes that it will bring a more responsive city and school board to cast their attention and their interest in our area of town. I also have concluded that district elections are the superior public policy but in this case, LB 688, we are asking for the right to take to our voters the question of whether or not straight districts are superior to the hybrid system we have now. By creating the hybrid system in law we effectively have precluded our people from using the petition process because statutory interpretation says, last in time, rules, most specific in time, rules, and the provisions for petition are general and they are older than the language that authorizes the hybrid system. Under the normal statutory rules the petition method is not available to the City of Lincoln. For that reason LB 688 is an important piece of legislation for the self-determination of Lincoln voters in the choice of the method of electing the members of the Board of Education in our class of school district.

SENATOR CLARK: Senator Wesely, do you wish to close? No closing. The question before the House is the advancement of the bill. All those in favor vote aye, opposed vote nay. Have you all voted on the advancement of the bill? Once more, have you all voted? Senator Wesely, I'm going to call the vote.

SENATOR WESELY: How many are absent, Mr. President?

SENATOR CLARK: Six.

SENATOR WESELY: Well, how about if we had a Call of the House?

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

CLERK: 9 ayes, 0 nays to go under Call, Mr. President.

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LB 688, 408, 835, 896

SENATOR CLARK: The House is under Call. All senators will return to their seats. All unauthorized personnel will leave the floor. All senators will be in their seats, please. Sergeant at Arms, will you get all senators into their seats, please. Everyone record in. Senator DeCamp, Senator Peterson, Senator Johnson, all record in, please. We're looking for Senator Schmit. Is Senator Kremer excused? Do you want to go some place, Senator Newell? Not yet, we're going to get everyone in their seats first. Senator Hoagland. Senator Wesely, did you want to take call in votes?

SENATOR WESELY: Yes, please.

SENATOR CLARK: Alright, call in votes will be accepted now.

CLERK: Senator Dworak voting yes. Senator Goodrich voting yes. Senator Duda voting yes. Senator Lowell Johnson voting yes. Senator Newell voting yes. Senator Marsh voting yes. Senator VonMinden voting yes. Senator Hoagland voting yes.

SENATOR CLARK: Record the vote.

CLERK: 26 ayes, 9 nays, Mr. President, on motion to advance the bill.

SENATOR CLARK: The bill is advanced. We will now go to 896.

CLERK: Mr. President, right before that if I may, Senator Chambers would like to print amendments to LB 408 in the Journal; Senator Schmit to print amendments to LB 835. (See pages 1193-1196 of the Legislative Journal.)

Mr. President, LB 896 is a bill introduced by Senator Koch. (Read.) The bill was read on January 19, referred to the Education Committee. The bill was advanced to General File, Mr. President. There are Education Committee amendments pending.

SENATOR CLARK: On the committee amendment, Senator Koch.

SENATOR KOCH: Mr. Chairman, I move the adoption of the committee amendments.

SENATOR CLARK: Did you want to explain them?

SENATOR KOCH: I'll explain them when they are adopted.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Is there any reason why we can't have the committee amendments explained now?

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LR 249, 250, 256  
LB 480, 571, 602, 609A, 688,  
787, 799, 835, 854, 854A, 868, 909

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend John Ross, Pastor of Faith Lutheran Church in Seward, Nebraska.

REVEREND JOHN ROSS: Prayer offered.

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

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

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

CLERK: I have no corrections, Mr. President.

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

CLERK: Mr. President, LR 249 and 250 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LR 249 and LR 250.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 854 and recommend that same be placed on Select File with E & R amendments; 854A Select File with E & R amendments; 909; 480; 835; 688; 799; 868; 602 and 787, all placed on Select File, Mr. President. (Pages 1227-1280.)

Mr. President, I have a new resolution, LR 256 offered by Senator Nichol and many of the members. (Read LR 256 as found on pages 1280 through 1283 of the Journal.) That will be laid over, Mr. President.

Mr. President, new A bill, LB 609A offered by Senator Marsh. (Read title for the first time.)

Mr. President, I have a report from the Buildings and Grounds Commission on proposed lease renewal for the Department of Correctional Services, and the Nebraska State Highway Commission files their quarterly report.

PRESIDENT: We are ready then to immediately go to Final Reading, agenda item #4 commencing with LB 571. Would the Sergeant at Arms secure the Chamber and make sure that all members are at their desks, and all other unauthorized

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LB 522, 568, 688, 652, 480,  
428, 626, 571, 573,

CLERK: (Roll call vote.) 27 ayes, 18 nays, and 4 excused and not voting. (Vote appears on pages 1311-12 of the Legislative Journal.)

PRESIDENT: Motion carries and LB 522 is advanced to E & R for Engrossment. Next bill is LB 568. Senator Nichol, are you ready? Not ready, so there are some amendments being worked on, as I understand. Do you want it just passed over until you get those amendments?

CLERK: Mr. President, Senator Beutler would like to print amendments to LB 688 in the Journal. Senator Fowler amendments to LB 652. Senator's Hoagland, Beyer and Sieck to LB 480. Senator Hoagland to 687.

Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed LB 428 and find the same correctly engrossed. 571, 626 all correctly engrossed.

PRESIDENT: Before we get started on the next bill, one announcement from Senator Lamb that we will work up till 4:00 p.m., just so you know about what time we are planning on adjourning. Secondly, Senator Wiitala would like us to greet some friends of his from Senator Dworak's district, Darrel and Judy Nelson and their son's John and Darren. They are located under the north balcony. Would the Nelson's stand up and be recognized. Welcome to your Legislature. Welcome, Nelson's. We are ready now, Mr. Clerk, for the next bill on Select File. Are there any E & R amendments?

CLERK: There are E & R amendments to LB 573, Mr. President.

PRESIDENT: Chair recognizes Senator Kilgarin.

SENATOR KILGARIN: I move we adopt the E & R amendments to LB 573.

PRESIDENT: Motion to adopt the E & R amendments to 573. Any discussion? All those in favor of adopting the E & R amendments on LB 573 signify by saying aye, opposed nay. The E & R amendments are adopted. Are there other amendments, Mr. Clerk?

CLERK: Senator's Wesely and Kremer would move to amend the bill, Mr. President. The amendment is on page 1099 of the Journal.



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LB 688, 835

LB 835. All those in favor say aye. Opposed. The bill is advanced. LB 688.

CLERK: Mr. President....

SENATOR CLARK: Do they want to take that up tonight?

CLERK: Senator Fowler or Wesely, do you want to take this up? Okay. Mr. President, I have no E & R amendments. I do have an amendment, however, from....the first amendment - I have is from Senators Beutler, Landis, Fowler and Wesely. It is on page 1246 of the Journal.

SENATOR CLARK: Who wants to take the amendment? Senator Fowler.

SENATOR FOWLER: Mr. President, this is an amendment that... the bill deals with school district election in Lincoln. This is an amendment that puts in language that had been given to Senator Beutler to be introduced in the Education Committee but the amendment was not properly drawn then. When the bill got to General File we only had a 15 minute debate time so we decided not to run the amendment then. Now that we are on Select File we had the amendment correctly drafted. I think we have time. We would like to move for adoption of the amendment.

SENATOR CLARK: Is there any question on the Fowler amendment? Senator Goodrich.

SENATOR GOODRICH: Senator Fowler, would you yield to a question, please?

SENATOR CLARK: Senator Fowler.

SENATOR FOWLER: Yes.

SENATOR GOODRICH: Senator Fowler, you told us a beautiful job of telling us the history of the amendment but you didn't even mention what the amendment does.

SENATOR FOWLER: Okay. Well, the amendment has been discussed in the media and so I thought maybe people were aware of it. The amendment deals with....okay, the bill says that in the City of Lincoln if you wish to switch from a large district election, there will be a petition process to make that possible. What the amendment does, it says that in order to try and resolve this question there will be an election mandated for November of this coming year to address this question as well as the option of the petition

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process. So it would say that the City of Lincoln, the residents of Lincoln would have the opportunity in this upcoming general election to vote on the question of whether they want district or at large elections. I am sorry I didn't explain that. I thought people were aware of what this amendment did.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. President and members, as a member of the Education Committee who doesn't happen to live in Lincoln, I have wrestled with this idea before. This is not new before that committee. The committee decided that the best way to address this situation was to give the people of Lincoln...to make certain because there was some question as to whether or not a Class IV school district, the school district in the City of Lincoln, had the ability to go the petition route by the patrons of that school district to petition for an election as to whether or not their school board members were elected by district or at large or by some combination thereof which is what they have right now. Now it was the committee's belief and it was my belief that the people of Lincoln should be the ones making that decision and not those of us on the Education Committee. Therefore, it seemed logical to me and it still does that we clarify and make certain and that is what LB 688 has in it right now, the committee amendment as it came out of committee, that they do have that right of petition, that we give the patrons of the Lincoln school district the authority to petition for an election to decide how their school board members are elected. Now what Senator Fowler is proposing is that this body circumvent that petition process and instead mandate an election to be held this fall. Now I have been told by a number of the supporters of this idea that they have a huge number of people in this school district that want district elections, and if that is the case then I submit to you that they shouldn't have any problem getting a petition circulated and getting it on the ballot. But they want this body to relieve them of that job of going out and circulating a petition. And I object to that. I don't think that we should be in a position to mandate an election to the Lincoln school district. If their own patrons are too doggone lazy to go out and carry a petition to get that on the ballot, then they should live with the system they have got now. They certainly were not lazy about coming in and lobbying those of us that are members of the Education Committee, I can assure you that. And if they

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have that much interest in it and that much energy when this bill was introduced and when they had the hearing on it, then if they would expend part of that energy and part of that enthusiasm even yet to get out there and carry a petition, then they shouldn't have any problem. But it is just fundamentally wrong and as a matter of fact it infuriates me that they come to us and say, here, you guys do it for us, we don't want to have to go out there in the streets and carry a petition. We want you to just simply say, you have to have an election, period, and be done with it. Well I can tell you quite honestly and I will tell the people that might be out back of the glass doors and anybody in here that might be in favor of this if I would have known....if I would have known that you were going to be trying this, I would have never let this bill out of committee, and quite frankly when that group comes in my office next year and wants something.....

SENATOR CLARK: You have one minute.

SENATOR VICKERS: .....they are going to have to be pretty doggone sure what their reasoning is for getting it because I don't like these kind of tactics. I wouldn't like these kind of tactics if it was a farm school district where I live. I think we should make our decisions locally. I don't want this body making the decisions for us, and I don't think that we should be making that decision for those local people here either. So I obviously oppose the Fowler amendment.

SENATOR CLARK: Senator Wesely.

SENATOR WESELY: Mr. President and members of the Legislature, I am sorry that Senator Vickers feels so vehement about the situation but I for one speaking for some of the other Lincoln Senators as well don't feel that we have circumvented the intent of our efforts all along. We were introducing this bill to mandate that we go to district elections and it was felt that the people of Lincoln ought to have a chance to vote on that, and so we agreed with those Lincoln representatives that were opposed to the idea of district elections that at least the people should have a chance to vote on it. So we struck upon a compromise that I thought was going to be carried to the Education Committee and proposed. Evidently there was a mix-up in communication at that time and Senator Vickers wasn't clarified on it and I apologize for that, but that was the intent all along from the Lincoln representatives. At the time the bill came up on General File I did mention the fact that we were expecting amendments that would place this on

the November ballot but they weren't ready at the time because we didn't discover until that day that the committee hadn't, in fact, put the amendment on the bill when it advanced it. We had assumed all along that was the case. So that communication mix-up obviously has irritated Senator Vickers and some other individuals such as it has the editorial writer for the Lincoln Journal, but that doesn't mean that our intent wasn't clear in our own minds. We just had trouble communicating that to other people and for that I guess we should apologize. Nevertheless it is a fair and reasonable route to take at this time. What we are saying is the voters of Lincoln should have the choice on whether or not they want to go to district elections. That choice should be placed on the November ballot and if they decide to go with district elections, then that will be the system that we will follow. If they decide otherwise, then that is the choice that they make. There is also the option down the road whichever way they decide in November to change the system that is in effect. We think that is reasonable as well. The concept is no different than what we are talking about in other areas. The Omaha city sales tax we put on the ballot the question before the voters in Omaha. They voted to keep and have a city sales tax increase for Omaha. Similarly in Lincoln we will place on the November ballot or hopefully we will that there will be 591 and other questions to the voters. Do they or do they not want to increase the city sales tax here in Lincoln? We are asking the same opportunity on district elections to put the question to the vote of the people. Whether that is unreasonable or whether that is unfair, I don't know. And Senator Vickers' outrage that he has expressed to us here doesn't make any sense in light of that. If his concern is to let the voters of Lincoln decide what sort of school board election system they have then that is what this bill would accomplish and that is what this amendment would accomplish. We merely ask that that question be placed on the November ballot. The problem is this, the bill is so late in the session and it is at this time going to be very difficult at this late date if it does pass in its present form without the amendment that we are now considering for these people to undertake a petition drive. It is already into April and I am not sure what the deadline would be on filing the petitions, but this was not an opportunity that was made clear to those individuals supporting district elections and they would like to see a change if possible before next year. So they are asking for a chance to put it to a vote of the people on the November ballot and at that time the citizens of Lincoln will have a chance to express themselves. Again, I feel that is reasonable. Again, I feel that is fair, and

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I think that people can support the concept of letting the Lincoln citizens decide for themselves what school board election system is going to be in effect for our city. That is what the amendment would do, place it on the November ballot and we are asking for your support.

SENATOR CLARK: Senator Howard Peterson.

SENATOR H. PETERSON: Mr. Chairman, it isn't often on this floor that I agree with Senator Vickers, but I certainly agree with him in this particular matter. It seems to me that it is really almost absurd for the Lincoln Senators to think that they can come in and circumvent one area of what is normal practice and that is if you want something on the ballot, you do it by petition and in this case it would seem to me I wouldn't object to our giving them the right of petition to vote on district elections, but I don't see why we should eliminate that one step for them. There is no rhyme nor reason for that to happen in this Legislature. I just think it is wrong. I think it is a lack of a Democratic process and I would certainly encourage the body to vote against the amendment.

SENATOR CLARK: Senator Beutler, and then Senator Goodrich.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, I just wanted to make a few things clear on the process that this bill followed. When this bill was introduced into the Legislature and it came to the Education Committee, the bill changed the Lincoln system to a complete by-district system. It didn't have anything to do with elections, it simply changed the system and Senator Warner and myself opposed the bill and went through a series of possible compromises and finally five of the six Lincoln Senators, Senator Marsh excepted, agreed that the amendment that is being presented to you right now is something that we can all accept representing different viewpoints in the community. There are very strong feelings both ways on this particular issue and there are very substantial elements of the community on both sides of the issue. So this was a compromise solution that we felt that we could all accept that none of us particularly liked. Now the only thing I regret about Senator Vickers' remarks is the indication that he was not aware of this at the point in time that it came out of the Education Committee. I don't know, it may well be that Senator Vickers was missing the day that we discussed this in Executive Session, but I did inform the Education Committee that this was the compromise that was envisioned, that the amendment would be put on the floor, and that is exactly what has come about. So I just wanted

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you to be aware that we are not trying to circumvent any particular procedure. This is a compromise solution. It is certainly not anti-democratic because that is....we are appealing to democracy. We are throwing the issue to the people and they will vote. There can't be anything more democratic than that. And I just wanted to be sure that the circumstances of the original introduction of the bill, of the compromise in committee and of the present status of this particular amendment with regard to how the different Lincoln senators view it is understood by the body. Thank you.

SENATOR CLARK: I think the introducer wants to withdraw the amendment. Is that right, Senator Fowler?

SENATOR FOWLER: Yes. Mr. President, it is no big thing one way or another. There will be probably an election in November in the City of Lincoln on this issue, I have no doubt. If Senator Vickers feels that somehow that Senator Beutler and I and Senator Wesely and Senator Landis and the citizens of Lincoln have misled, betrayed him in any way, I apologize for that impression. It certainly was not the intent. It is no big thing. The important thing is that once and for all the City of Lincoln resolve the question of how its school board is elected, and I don't think that we need to spend a lot of time debating whether the election is mandated in November or not. This was a convenience. People somehow feel it is a violation of some principle. Fine. Hold the amendment.

SENATOR CLARK: The amendment is withdrawn. Senator Goodrich, did you want to talk on something else? We have nothing before us now.

SENATOR GOODRICH: Other than the fact to say I didn't really see anything wrong with the amendment itself. As long as the people of Lincoln are going to vote on it, what is wrong with it? It's local control.

SENATOR CLARK: The amendment is withdrawn. Do you have another amendment on the bill?

CLERK: Mr. President, Senator Beutler would move to amend the bill and that amendment is on page 1312 of the Journal.

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, this is a relatively minor amendment which picks up, I think, an oversight in a statute that we were dealing with



in this bill. The statute involved is the one that requires or that allows school districts of all types, this includes the rural school districts, to petition for an election to change from by-large to district elections or vice versa. The statute gives you the right to petition and if you meet certain standards you can have an election. The statute doesn't say anything about how often you can do this, and so what I wanted to do is pick up and include in the statute how often you can actually use this so that the community is not bludgeoned year in and year out with the same petition to do the same thing. And so the amendment says that you can use the statute once every three years and that just seemed to me and to others I talked to to be a reasonable period of time that you should not be allowed to use it more than once every three years. I think if I am correct, Senator Landis, that that time period relates to initiative and referendum in what we do in those areas also. So I would ask for your adoption of the amendment.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Chairman and members of the body, I would quote to you presently in law that any Class III school district others can by resolution of that board if they feel that the interest is great enough place themselves into a district type of situation. That is presently in the law now, and I don't care how you do it, this is mainly a Lincoln issue and only in Lincoln. You should not drag in other systems besides that because in Omaha presently you have a subdistrict election totally. In Lincoln you have a hybrid system and now we are going to try to bring in other school systems. We do have some Class III schools right now by resolution that do elect members from various districts for a representative purpose. So why do you want to mandate it when by resolution of the board they can put themselves in those same conditions. I object to this Beutler amendment.

SENATOR CLARK: Is there any further discussion on the Beutler amendment? Senator Beutler, do you want to close?

SENATOR BEUTLER: Mr. Speaker, I want to make it clear that this has nothing to do with the school board itself calling an election. Of course, they can call an election at any time. This has to do with members of the community petitioning and the statute says they have the right to petition, and all my amendment does is say that in using this petitioning process instead of allowing them to use it every year, it says you can use it once every three years to

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give some bit of stability to government. I don't think we can allow processes whether it is this one or any other kind of petition process to take place year in and year out. We need some continuity and some stability and I think once every three years is a reasonable compromise in that regard. I hope you will adopt the amendment.

SENATOR CLARK: Senator Koch, for what reason did you rise? He was closing.

SENATOR KOCH: He was closing?

SENATOR CLARK: Yes. The question before the House is the adoption of the Beutler amendment. All those in favor vote aye, opposed vote no.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? We are voting on the Beutler amendment. Once more, have you all voted? I am going to call the vote. Record the vote. Senator Beutler.

SENATOR BEUTLER: Okay, let it go.

SENATOR CLARK: All right, the motion lost. Any more amendments?

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

SENATOR CLARK: Senator Fowler, on the bill.

SENATOR FOWLER: Okay, the bill now is in the form that it came out of the Education Committee, and what it says simply is that if there is a petition drive as it is now it is the way Senator Vickers and others wanted it, if there is a petition drive to put the question on the ballot, the residents of the Lincoln school district can decide the method by which they choose to elect their school board. Again, I had no real strong feelings as to whether the election was mandated or not because, in fact, I have no doubt that that election in the City of Lincoln will happen. Hopefully, advancement, passage of this bill an election in the City of Lincoln may resolve what has been a long standing tension in our community with regard to the governance of education. So I would move to advance LB 688 as it was advanced out of the Education Committee.

SENATOR CLARK: You heard the motion. All those in favor say aye. Opposed. Record vote has been asked for. All



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LB 688

those vote aye, or opposed vote no. Have you all voted? Once more, have you all voted, please. Record the vote. Senator Fowler.

SENATOR FOWLER: I would ask for a Call of the House and a roll call vote.

SENATOR CLARK: A Call of the House has been requested. All those in favor of a Call of the House will vote aye, opposed vote no. Record the vote.

CLERK: 9 ayes, 0 nays to go under Call, Mr. President.

SENATOR CLARK: Now we have got a problem. The House is under Call and we don't know who is here. Will everyone check in, please. I think we have 14 or 15 excused. Have you all checked in? I don't even know who to call on because there are so many of them absent. Did you want call in votes? He will accept call in votes.

CLERK: Senator Beyer changing from no to yes. Senator Nichol voting yes. Senator Pirsch voting yes.

SENATOR CLARK: I think Senator Newell wanted to vote too.

CLERK: He had already. Senator Apking changing from no to yes.

SENATOR CLARK: Are there any further votes? We can't wait all evening. Do you want a roll call vote?

SENATOR FOWLER: I guess we need a roll call vote.

SENATOR CLARK: Call the roll.

CLERK: (Read the roll call vote as found on page 1750 of the Legislative Journal.)

SENATOR CLARK: He can't hear up here at all. Please. Yes, we are under Call. It doesn't seem to mean much but we are under Call. Everyone will get back into their seats, please. Senator Landis. Will everyone get into their seats, please. We have to have some semblance of order if we are going to do anything. Continue the roll call.

CLERK: (Continued reading the roll call vote.) 26 ayes, 5 nays, Mr. President, on the motion to advance the bill.

RECESS

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LB 688, 708, 753, 757,  
835, 854, 854A, 933, 568

SENATOR LAMB PRESIDING

SENATOR LAMB: Record your presence. Have you all recorded your presence? Record.

CLERK: Mr. President, we have a quorum. Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 568 and find the same correctly engrossed; 688; 708; 753; 757; 835; 854; 854A and 933, all correctly engrossed.

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LB 568, 688

SENATOR CLARK: Senator Warner.

SENATOR WARNER: Is the motion subject to amendment?

SENATOR CLARK: Yes.

SENATOR WARNER: Then I would move that it would follow 909E which is the bills that were regularly scheduled today. If we start, I would agree with the Chair, if we just anybody that had a motion filed and they weren't here, it just was we went over it because that could be very conveniently used inappropriately and that is the next argument we would have somewhere down the line. But if the body wants to hold it for an hour, I don't suppose that is any big problem so I move to amend it to follow 909E which is the list of bills regularly scheduled for today.

SENATOR CLARK: The amendment is that we put the bill down below 909E. Does anyone wish to discuss that? Senator Dworak.

SENATOR DWORAK: Mr. Chairman, I have no objection to that amendment. I think it is a good solution and precludes deliberate holding up of a bill and still preserves our integrity as far as courtesy to our fellow Senators is concerned. I think it is a good motion, good amendment.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: I move the question.

SENATOR CLARK: You were the last one to talk. The question before the House is the amendment by Senator Warner to put 568 down below 909E. All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 25 ayes, 7 nays on adoption of Senator Warner's amendment.

SENATOR CLARK: The amendment is adopted. Now the motion as amended, all those in favor of that vote aye, opposed vote nay. Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Dworak's motion.

SENATOR CLARK: The motion carried so 568 will be below 909E. The Clerk will now read 688.

CLERK: Mr. President, Senator Haberman would move to

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lay over 688 below 568, to put 688 below 568.

SENATOR CLARK: You heard the motion. Is there any debate on that? Senator Vickers.

SENATOR VICKERS: Mr. Chairman, I don't see him but I wonder if Senator Haberman would respond to a question please.

SENATOR CLARK: Is Senator Haberman here please? Did you have a question of Senator Haberman?

SENATOR VICKERS: Well, I guess it really doesn't make that much difference. I think we are playing games. It is pretty obvious what is going on. It seems to me that this body as was pointed out and decided by 27 some members just a little bit ago wants to preserve a little bit of integrity and wants to show a little bit of courtesy to those people that are not here as we have always done in the past but obviously some people want to use that as an excuse to play around with other people's bills and keep moving them on down the line and I think that is rather ridiculous. I suggest that we reject Senator Haberman's motion and get on with Final Reading as we should be doing.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: I think it is perhaps that Senator Haberman is making the point that if you put a motion up and then fade away that nothing happens.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Chairman, Senator Haberman just is blatantly out of order. Those motions were filed before. Those weren't filed this morning as some kind of delaying tactic, stalling tactic. We understand what that type of activity is. Some of us have been around here a day or two. We are not rookies any longer. Those motions were filed. I think we should take them up in good faith, and if those people don't arrive in time and Senator Warner's amendment becomes in effect, we will read the bill. In that case I will put a kill motion on it and I will hold it for good.

SENATOR CLARK: His motion is not out of order. He put the motion up. You may vote it out of order. Senator Haberman, for what?

SENATOR HABERMAN: Mr. President, members of the Legislature,

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LB 688, 708

I stood on this floor, Senator Koch, Senator Dworak, and we had said Senator So-And-So is not here, they are late in coming, and we have gone right ahead. We haven't extended that courtesy on every issue so don't you stand there and say we have. Now this is an important bill. We are running out of time. These have both been tried before so there is nothing wrong with me doing exactly what they have done, and if you want to show courtesy, show courtesy. I just moved that we move the bill down. That is all. I will withdraw the motion.

SENATOR CLARK: All right, the motion is withdrawn. The Clerk will read 688. If we are going to play games, let's find out who is on second, and what is on third. You are advanced, Senator Koch.

CLERK: (Commenced reading LB 688 on Final Reading.)

SENATOR CLARK: One moment, Senator Vickers. Go ahead, Pat.

CLERK: (Continued reading LB 688 on Final Reading.)

SENATOR CLARK: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting no.

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

CLERK: (Record vote read. See pages 1910 and 1911, Legislative Journal.) 27 ayes, 15 nays, 4 excused and not voting, 2 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed. The Clerk will now read LB 708.

CLERK: (Read LB 708 on Final Reading.)

SENATOR CLARK: All provisions of law relative to procedure having been complied with, the question is shall the bill pass? All those in favor vote aye, opposed vote nay. Voting aye.

CLERK: Senator Clark voting yes.

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

CLERK: (Record vote read. See page 1911, Legislative Journal.) 40 ayes, 2 nays, 3 excused and not voting, 5 present and not voting, Mr. President.

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I mean a roll call vote.

SENATOR CLARK: (Interruption) a record vote and a roll call vote.

SENATOR NEWELL: You know, I have changed my mind. I would like to have people vote for this resolution. The more I think about it, Senator Chambers has a good point.

SENATOR CLARK: Well, we are talking about a roll call vote. The Clerk will call the roll if he don't want anyone else in here.

CLERK: (Roll call vote taken. See page 1937, Legislative Journal.)

SENATOR CLARK: We can't hear anything up here at all, gentlemen, please. I just say gentlemen because the ladies are not talking. When you quiet down, then we will go ahead and call the roll. (Gavel) That helped some. Go ahead and call the roll.

CLERK: (Roll call vote continued.) 16 ayes, 12 nays, Mr. President.

SENATOR CLARK: The motion lost.

CLERK: Mr. President, the bills read on Final Reading this morning are now ready for your signature.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 89, 714, 714A, 669, 669A, 609, 609A, 604, 604A, 278, 629, 629A, 480, 568, 909, 854, 854A, 835, 757, 753, 708, 688, and 966.

LR 212, 266, 268, 269, 272, 274, 277,  
278, 287, 292, 293, 295, 298, 304,  
313, 316, 331, 359, 380, 388, 389  
LB 278, 378, 378A, 480, 568, 602A,  
604, 629, 629A, 669A, 688, 693, 708, 760,  
835, 909, 967, 522, 212, 212A, 255, 255A

April 16, 1982

RECESS

PRESIDENT LUEDTKI PRESIDING

PRESIDENT: Has everybody recorded your presence?  
Record the presence, Mr. Clerk.

CLERK: Quorum present, Mr. President. Mr. President, I have a reference report from the Executive Board referring a gubernatorial appointment. (Page 1971 of the Legislative Journal.)

Mr. President, new resolutions. LR 388 offered by Senators Cullan and Newell. (Read LR 388 as found on pages 1973 and 1974 of the Legislative Journal.) Mr. President, 389 offered by Senator Wesely. (Read LR 389 as found on page 1974 of the Legislative Journal.)

Mr. President, I have an Attorney General's Opinion addressed to Senator Koch. That will be inserted in the Journal. (See pages 1974 through 1976 of the Legislative Journal regarding LB 602A.) That is on LB....Bingo, that is right, senator.

Mr. President, I have a message from the Governor addressed to the Legislature. (Read message. Pages 1976-77 of the Journal regarding LB 669A.)

Mr. President, two other communications from the Governor addressed to the Clerk. (Read communications regarding LBs 278, 378, 378A, 480, 568, 604, 629, 629A, 688, 693, 708, 760, 835, 909, 967. Page 1977 of the Journal.) A second letter to the Clerk, Mr. President. (Read letter regarding LBs 609, 609A, 669, 714, 714A, 854, 854A. Page 177 of the Journal.)

Mr. President, I have a gubernatorial appointment of Mr. Robert Borgmann to the Motor Vehicle Industry Licensing Board. (See page 1978 of the Journal.)

Mr. President, the bills that we have read on Final Reading this morning are now ready for your signature as well as the resolutions that were passed Wednesday of this week by the Legislature.

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and I do sign LR 212, LR 266 and LR 268, 269, 272, 274, 277, 278, 287, 292, 293, 295, 298, 304, 313, 316, 331, 359, and 380. And the LBs are engrossed legislative bills 522, 212, 212A, 255, and 255A. Okay, as I understand it we