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Floor Debate
March 31, 2017

[LB34 LB35 LB75 LB88 LB122 LB123 LB133 LB148 LB151 LB161 LB166 LB175 LB222
LB225 LB235 LB263 LB267 LB285 LB289 LB317 LB398 LB409 LB415 LB432 LB441
LB444 LB457 LB506 LB512 LB600 LB625 LB639 LB641A LB641 LR6 LR75 LR88 LR89]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifty-seventh day of the One Hundred Fifth Legislature, First Session. Our chaplain for today is Father Ryan Lewis, chaplain of the Gross Catholic High School in Omaha, Nebraska, and he's a guest today of Senator McDonnell and Senator Krist, and a friend of the presiding officer. Please rise.

FATHER LEWIS: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Father Lewis. I call to order the fifty-seventh day of the One Hundred Fifth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

CLERK: I have a quorum present, Mr. President.

PRESIDENT FOLEY: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections.

PRESIDENT FOLEY: Thank you, sir. Any messages, reports, or announcements?

CLERK: Enrollment and Review reports LB166, LB35, LB151, LB639, LB506, LB641, LB161, LB122, LB222 and LB600 to Select File, some having Enrollment and Review amendments attached. Senator Crawford would like to print an amendment to LB225, the lobby report as required by state law, and acknowledgement of reports received on the legislative Web site from various state agencies. That's all that I have, Mr. President. (Legislative Journal pages 861-865.)
[LB166 LB35 LB151 LB639 LB506 LB641 LB161 LB122 LB222 LB600 LB225]

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PRESIDENT FOLEY: Thank you, Mr. Clerk. (Gavel) (Visitors introduced.) We will now proceed to the first item on the agenda, General File, 2017, senator priority bills. Mr. Clerk.

CLERK: LB75 by Senator Wayne. (Read title.) Introduced on January 5 of this year, referred to the Government, Military and Veterans Affairs Committee. The bill was advanced to General File. I have no amendments pending to the bill, Mr. President. [LB75]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Wayne, you are recognized to open on LB75. [LB75]

SENATOR WAYNE: Good morning, colleagues. The pages are passing out a map and a constitutional amendment because there is going to be some history that I think we need to talk about a little bit. But more importantly, this is a bill that I think will move us forward as a body. Right now I think it's important that we stop disenfranchising people who are no longer under the supervision of the state reentry and make them full citizens in our society. And I will talk a little bit more in detail about the history later on if we get into that, about how this section of our constitution was first put in there and how statutes got around to changing the ability of felons to vote. I think this is one of the most important things that we can do, because this restriction of a two-year period is not only unnecessary and unjust, but it is counterproductive to what this body has said is very important, which is rehabilitation and reducing our recidivism rate. So I want to take a brief minute to talk to you about our committee hearing and what was happening in the committee hearing. Can I have a gavel, Mr. President? [LB75]

PRESIDENT FOLEY: (Gavel) Members, please come to order.

SENATOR WAYNE: Thank you, Mr. President. The theories and themes, I mean, the themes of reentry, civic engagement, and reduction in recidivism was heard over and over throughout the committee hearing. Tom Venzor, from the Nebraska Catholic Conference, went into great detail about how important it is as a society we rehabilitate, heal, and restore individual rights in our society. And he thinks, and they think as a Catholic Conference, that LB75 is a way to restore and integrate individuals in society through voting and making sure that they are part of the community. This is a theme that happened over and over in this committee. Jasmine Harris, of

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Omaha, testified that her father just participated in a caucus last election and he was super excited. He finally felt like he was part of the community and he felt that everybody should be able to participate in the right to vote. But one of the most telling stories that we heard on that committee hearing was from Darlene Mason of York, 35-year-old mother who in 2000, November 7 of 2000, traveled through multiple counties during a blizzard, if you guys remember November of 2000, and she voted for George Bush. She got involved in a very abusive relationship, and through no fault of her own when she decided to defend herself, she was charged with a crime. The judge and everybody understood the nature of the abusive relationship and she never served a day in jail. In fact, she was placed on probation. But last election she could not vote and she said maybe my vote didn't matter. I chose at a time to fight for life and in essence had my life taken away. Maybe my vote wouldn't have changed much, but how many others like me are waiting for a two-year period to be up? How many are waiting for their opportunity for their voices to be heard? Haven't I been punished enough? The essence of LB75 does pretty much three things. It helps citizens with criminal convictions in their past to fully integrate back into society. This is important. Because when people are engaged in their community, when people feel a sense that their voice is being heard by their elected officials, they are less likely to do criminal things. And there is actually stats to prove that. The second thing it does is it eliminates a two-year period which the reality is, there is no public safety or public policy why this two-year period exists. Denying somebody's vote to right (sic) for two years does not deter future crimes. And in fact, Florida, the parole commission, a report done by them in 2011, suggests that people who vote and have their rights restored, ex-felons who have their rights restored, are three times less likely to return to prison or supervised probation and reoffend. Three times less likely. And lastly, you will see from the map being passed around, this law brings us in closer relationship to the surrounding states. South Dakota, Kansas, Missouri, all have no waiting periods at the end of their sentences. Colleagues, this is not a Republican or Democrat issue. The fact of the matter is, in 1997, yes, I was a junior in high school. In 1997, George W. Bush passed into law a bill that eliminated Texas' two-year waiting period. Rand Paul is against disenfranchising ex-felons. The fact of the matter is, this disenfranchisement law is at best profoundly outdated. At worst, this is a law that still discriminates against minorities in a disproportionate way, but I think more importantly, has its roots deeply, deeply rooted in racism in which we can find no more by looking in our statehood. And I will get into more of that, but we have to think about when this constitutional amendment was first passed and when it was first

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tried. And that's why I handed out the constitutional amendment before you guys. In 1866, you notice it says that only white men could vote and later it says that only white men could be elected to office and run for office. But if you recall, as Senator...as Governor Ricketts talked on statehood day, we actually were vetoed. And the reason we were vetoed to become a state was Congress, and actually it was Republicans in the Congress at the time, said Nebraska could not become a state because of that provision in our constitution in 1866. They said we have to change it. And that's important because the Thirteenth Amendment was passed in 1865. The Fourteenth Amendment was passed in 1866. We were admitted right after that and this was on the conscience of all the people in Nebraska. So much that the Omaha World-Herald, at a time when this bill, when Congress said that this has to happen, the Omaha World-Herald simply said, and I will actually quote it so I don't get misquoted: The fundamental condition, the one I just spoke of, attached to the statehood, drew harsh criticisms. Let state legislators assemble and accept the condition imposed by Congress if they dare to, warned the Omaha World-Herald. But remember that, before the people of Nebraska, every member must answer to having to declare that Congress, not the people of Nebraska, has a supreme power in determining the qualifications of its electors, not the state. I mean, of their state. Why is that important? Because they had to go in and amend the constitution, and at the time, across the country they were using these disenfranchise laws to handle and complete what they wanted to do, make sure that only a certain person could vote. Again, that is important to why we are here today. Nebraska's felony disenfranchisement law is still on the books. And the current scope of this policy is not only too significant to ignore, but it is too unjust to tolerate. So today I'm asking all my colleagues to stand with me, to make sure that we get rid of this disenfranchisement law, that we allow that everybody, once they can pay their debt to society, finish their time, finish their sentence... [LB75]

PRESIDENT FOLEY: One minute. [LB75]

SENATOR WAYNE: ...to participate in one of our most basic fundamental rights, the right to vote, the right to elect those who are in front of us to govern us. I'm glad to have bipartisan support on this because we all across party lines must work together to accomplish this. And with that, Mr. President, I will submit and I will be here to answer any questions on the floor. Thank you. [LB75]

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PRESIDENT FOLEY: Thank you, Senator Wayne. Debate is now open on LB75. Senator Murante, you are recognized. [LB75]

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. I do rise in opposition to LB75, as did I in committee, and let me first say that I found the public hearing on LB75 to be one of the most informative public hearings that I have had the opportunity to witness as a member of the Government, Military and Veterans Affairs Committee. I very much appreciate what Senator Wayne has brought forward. He brings it with passion and a genuine concern for the people that this bill will impact. I think that I have grown to appreciate, and he brings really a perspective to the Government, Military and Veterans Affairs Committee which allows our work product to be improved. And I appreciate him for that. I do rise with two primary concerns. The first, and you may have heard this before, is a concern about the constitutionality. Now, to be clear, I have reviewed this with both Senator Wayne and the committee's legal counsel, and I am not prepared here today to say definitively that LB75 is unconstitutional. I will say that there is a question regarding its constitutionality and that regards the constitutional provision which states that felons...there is a provision in the constitution which states that felons lose their voting rights unless their civil rights have been restored. The question on a constitutional basis is who has the constitutional authority to restore those civil rights? That is an open question which, where we have Attorney General's Opinions which state that it is the exclusive authority of the Parole Board to restore civil rights pursuant to that section of the constitution. With that said, it is...there are very good arguments on both sides and like I said previously, I can't say definitively that LB75 is unconstitutional. I can say it will probably be litigated and I have no idea how a court would rule on it. But the facts, the arguments to state that LB75 is unconstitutional hinge and center around the argument that it is the Parole Board that has the sole constitutional authority to restore civil rights pursuant to that section of the constitution. And I'm sure Senator Wayne is an attorney and very intelligent and I'm sure that he will articulate why the Legislature has the authority to restore civil rights as well. But that is the argument that has been made. I am also concerned, I do believe that there are certain types of felonies, namely fraud, and specifically the felony of voter fraud, that concerns me to open these folks up to having the ability to come into election offices, to be near or around ballots when they have already demonstrated a criminal conviction for having committed voter fraud. We have a case right now in Dawson County where we have two individuals who are being charged with

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voter fraud. It is difficult for me to say that it is in the best interests of the people of Nebraska to have these folks in polling places and in election offices where they are around the citizens of Nebraska's ballots and they have the ability to commit voter fraud again. To me, it is putting fire near gasoline and it is just to me it is bad public policy. So I do rise in opposition to LB75, but I do very much respect Senator Wayne's passion for the issue. But I did want to present those arguments to this body today. Thank you, Mr. President. [LB75]

PRESIDENT FOLEY: Thank you, Senator Murante. Senator Smith. He waives the opportunity. At this point there are no members in the queue. Senator Wayne, you are recognized to close on LB75. [LB75]

SENATOR WAYNE: Thank you. We have looked at this at great length and I do acknowledge that legal counsel came up with the opinion of it is an open question. My legal research has come to a slightly different conclusion along with a couple other attorneys that I know. Primarily hinges around one Supreme Court case that came out not too long ago that says that a pardon is a specifically narrowed thing where it is...let me how I say the exact language. Where it gives all civil liberties or civil rights back to the individual and because, such as a set aside conviction, which was a case that was argued before the Supreme Court, only gives certain rights, not all, it is not considered a pardon. And that was held to be constitutional. And along those lines of thinking, because this only deals with civil rights of voting, it does not deal with whether an individual can serve on a jury, it does not deal with an individual who can run for office, it does not deal with the individual's right to own a weapon or have a weapon, I believe this is very much constitutional. So my entire point of all of this is it is time for to us move out of somewhat the dark ages of when this was actually done. And when a person has paid their debts to society and all their fines and issues have been dealt with, they should be involved in the democratic process. If we don't allow them to be involved in the democratic process, we are falling short on our ability to reengage, reintegrate, and make those people a productive citizen in our society. The fact of the matter is 95 percent of the individuals who are in prison will reenter back in our society. And we have to make sure that all of those individuals have all the tools that are necessary. I know Senator Lowe has a bill coming up trying to help people make sure that they can get...be able to sell cars and do some other things. We have to make sure all individuals who are reentering into our society have the tools that they need to be a productive citizen. With that,

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I will ask you to vote green and I look forward to moving this bill forward and having a lot more conversations around the importance of making sure that we remove ourselves from this negative history and allow people to vote when they return to society. Thank you, Mr. President. [LB75]

PRESIDENT FOLEY: Thank you, Senator Wayne. Members, you have heard the discussion on LB75. The question before the body is the advance of the bill to E&R Initial. All those in favor vote aye; those opposed vote nay. Roll call vote has been requested. There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB75]

CLERK: 22 ayes, 5 nays to place the call under call. [LB75]

PRESIDENT FOLEY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber to record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Groene, if you could check in. Senator Bolz and Senator Harr, if you could please return to the floor. The house is under call. Waiting for Senator Bolz. All unexcused members are now present. The question before the body is the advance of LB75 to E&R Initial. Mr. Clerk, please call the roll. [LB75]

CLERK: (Roll call vote taken, Legislative Journal pages 865-866.) 28 ayes, 8 nays, Mr. President, on the advancement. [LB75]

PRESIDENT FOLEY: LB75 advances. I raise the call. (Doctor of the day introduced.) We will now proceed on the agenda, General File, 2017, committee priority bills, Mr. Clerk. [LB75]

CLERK: Mr. President, LB512 is offered by the Education Committee, signed by the members. (Read title.) Introduced on January 18, referred to the Education Committee, advanced to General File. There are committee amendments pending. [LB512]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Groene, you are recognized to open on LB512. [LB512]

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SENATOR GROENE: Thank you, Mr. President. Mr. President and members of the Legislature, LB512 is an Education Committee omnibus bill that has been designated as one of the two committee priority bills. Since committee amendment, AM724, becomes the bill, I will speak to the amendment during my opening on LB512, and will finish any remaining description and amendment during my opening on the committee amendment. AM724 was advanced from the Education Committee by an 8-0 vote and would make the following changes to the Nebraska Revised Statutes. LB512 originally what came from the Department of Education as their basic cleanup bill and recommended changes. First, from that original bill we struck Section 5, 14, 15, and 16, which basically took away the responsibility of the secretary of the elected school board from being the one that wrote all disbursements of checks and made it available for an employee of the school district to take that responsibility. It was the decision of the committee that we did not want to do that, so we struck those sections from the original LB512, amended into LB512 with AM724. And after I give a brief description, the senators who sponsored these bills will probably stand up and give you more detail, if they wish. Section 1-3 amends LB175 by Senator Morfeld, which adopts the Student Online Personal Protection Act and would prohibit technology companies who are invited into our, or enter into a contract with schools, from using student data for targeted advertising or creating a student profile. Section 4 amends LB398, Senator Wayne's bill as amended by AM569, which would create the new requirement that every swimming pool owned, rented, leased, or otherwise used by a school district for practice, competition, or any other school function must have at least one person present who is a certified and nationally recognized lifeguard. Section 5 from the original LB512 amends Section 9-812, distributing lottery dollars for education and eliminate the one-year limitation for the use of lottery funds for the Nebraska Department of Education payment of the act to be taken by 11th graders. We changed that last year and it was money that was appropriated from lottery so they could enact that. We just changed some dates. Section 6, 11, and 14 amends LB457, Senator Briese's bill, which would remove the exemption from the budget and levy limitations that are currently provided for voluntary termination agreements under Nebraska Revised Statute. The statutes are in there. Agreements entered into before the passage of this act will continue to receive the budget and levy exceptions, but voluntary agreements entered into after the passage of this act must fit under a district's budget and levy limitations. They can still do it, it now has to be within their \$1.05 budget limitation, instead of outside of it. Unless you are consolidating two schools, then you can do it outside the limitation, which remains in law. Section 7 from the

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original bill, LB512 amends Section 79-237 to permit current year applications for the enrollment option program. This change is intended to provide a student and their families more choice when it comes to the option enrollment into a public school outside the student's home district. We're back on LB512. These were brought by the Education Committee...I mean the Education Department, excuse me. Section 8 amends Section 79-2,144 to extend the date for completion of the assessment of every public school building by the NDA state school security director for two years. Department cites an overly ambitious initial schedule and current budget reductions as to the rationale for this request. Section 9 from the original LB512 provides general authority to administer state and federal career and technical education laws and funding to the State Board of Education. The changes made under this section makes the requirement under certain sections obsolete and outdated, as these sections were enacted beginning in 1917. Section 10 from the original LB512 amends Sections 79-746 to strike the word "vocational" under this section, as pertaining to a duty of the State Board of Education. The term that is used under this Section is now in recognition of the actions taken under Section 9 of this amendment. Section 11, 13 and 15 from the original LB512 strikes the "best practices allowance" definition from sections 79-1003, eliminates the duties and requirements under the best practice allowance which is to be implemented, and strikes references to "best practices" throughout the statute. This action is offered as a cost savings for NDE and they state that they have other ways to share best practices. Section 16-19 from the original LB512, respectively to permit the Nebraska Department of Education to utilize state funds for special education for specific school districts to repay the U.S. Department of Education for that school district's failure to meet federal maintenance of effort requirement for IDEA, instead of the school district having to send state funds to the Nebraska Department of Education. They can do it directly. Section 17, which bill amends Section 79-10,141, Summer Food Service Program by Senator Walz. To clarify that a sponsor that receives a grant under this program no longer has to prorate the grant amount over the number of months that the program would operate. Grant recipients would be able to utilize the full amount of the grant received towards the Summer Food Program. Grants provided under this section are limited to a maximum of \$15,000. LB235 was amended in committee by AM685 to reduce the total amount of appropriated amount from \$140,000 to \$100,000. Section 18, originally in LB512, strikes the reference to Section 9-812 lottery funds as being the source for high-ability aid funds as high-ability aid funds come from the General Fund. Section 20-21 amends the LB123, Senator Pansing Brooks, as amended by AM34, would establish the

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Guaranty Recovery Cash Fund, which allows students who suffer financial harm due to the closure of or termination of a for-profit, postsecondary education institution to make a claim against the fund for a refund of lost tuition and fees. The fund will be funded by the for-profit colleges with a small fee on tuition. LB123 was amended in committee by AM34 to clarify that for-profit postsecondary institutions that go out of business under this act shall turn over its records and its transcripts to the central depository at the University of Nebraska-Lincoln. Section 22, 24-26 amends sections of the statute to strike outdated references to vocational education statutes that were previously mentioned in Section 9 of this amendment and are repealed under Section 40 of this act. Section 23 implements changes proposed by AM375, which was presented by the Nebraska Department of Education at the LB512 hearing. The changes in this section are to Section 85-502.01, which changes ensure that Nebraskans remain compliant with federal rules and regulations for the use and receipt of post 9-11 GI bills. [LB512 LB175 LB398 LB457 LB235 LB123]

PRESIDENT FOLEY: One minute. [LB512]

SENATOR GROENE: That sums it up. If...I'm sure you will hear from some of the senators whose bills have been amended into LB512. [LB512]

PRESIDENT FOLEY: Thank you, Senator Groene. As the Clerk indicated, there is an amendment from the Education Committee. I believe you have already opened on that amendment. If you would like additional time, you may have it. Otherwise, we will proceed to the debate. [LB512]

SENATOR GROENE: As I said, the amendment is now the bill. [LB512]

PRESIDENT FOLEY: Very good, Senator Groene. Debate is now open on LB512 and the committee amendment. Senator Morfeld. [LB512]

SENATOR MORFELD: Thank you, Mr. President. I just wanted to talk about my amendment to the committee amendments. So essentially this is AM724, which is up there right now, to LB512, and this is LB175. Section 1 to 3 of AM724 to LB512 contains my bill, LB175. LB175

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adopts a Nebraska version of the Student Online Personal information Protection Act, which prohibits technology companies who are invited into schools from using student data for targeted advertising or creating student profiles for noneducational purposes, such as providing for credit or insurance. LB175 recognizes that technology is a key and critical tool for use in the classroom and should be used for educational purposes that further support student learning and success only, not for targeted advertising or creating student profiles for profit. It important to note that the burden for following this law is on the third party for-profit vendors that the schools contract with, not the schools. So this is not an unfunded mandate. The burden is on the private company who is profiting off providing services to the school. Students today are very tech savvy, but they are also very vulnerable to targeted advertising. Student privacy is critical. And it is imperative that adequate safeguards are in place to protect that privacy. The intent of LB175 is to avoid inhibiting innovative educational technologies, while ensuring the privacy of student information is protected. I want to note that this is an industry standard that is being adopted in many of the other states. It's already been adopted over a majority of the states. And it just simply ensures that when we contract with a company to provide innovative technological services that they can only use that student data specifically for that educational purpose. So they can't go out and sell that student data, for instance, for insurance purposes or some kind of other targeted advertising. And this is, again, an industry standard that has been adopted by the industry, it's best practices, and Nebraska would join many other states in adopting it. And the burden, again, is on the for-profit entity, so it does not put an unfunded mandate on the educational institution. Thank you, Mr. President. [LB512 LB175]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Briese. [LB512]

SENATOR BRIESE: Thank you, Mr. President. And good morning, colleagues. I come before you today to present to you Sections 6, 11, and 14 of AM724. These sections incorporate my LB457. Nebraskans from one end of the state to the other are demanding that we deliver on property tax relief and it is obvious why they deserve property tax relief. According to U.S. Census Bureau data, we are forty-ninth in the country in the percentage of K-12 education funded at the state level, second in the country in the percentage of K-12 education funded by property taxes. The average state derives 29 percent of K-12 funding from property taxes, we derive 49 percent of K-12 funding from property taxes. So it is no wonder we pay nearly 50

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percent more in property taxes than individual and corporate taxes combined and nearly 70 percent more in property taxes than state, local, and motor vehicle sales taxes combined. And it's no wonder Nebraskans are demanding property tax relief. I believe that property tax relief must be a two-pronged effort. We must change the way we pay for things by creating more balance in our tax structure. And I've got a bill that we may be discussing later in the session on that very issue. But we also have to do what we can to control costs and expenditures at the local level. I introduced LB457 as a common-sense effort intended to provide more control and accountability in the expenditure of property tax dollars. Under Nebraska Revised Statute 77-3442, school districts are limited to a maximum levy of \$1.05 per \$100 of valuation. This limitation is in place to provide some element of protection for our state's property taxpayers. However, Section (2)(d) of the statute takes amounts levied to pay certificated employees for a voluntary termination outside of that limit, thereby erasing these protections for the taxpayers. LB457 puts those amounts back within the total that is subject to the levy lid, just like almost all other district expenditures. Statutes also place limitations on a school's budget authority. However, in its current form, Nebraska Revised Statute 79-1028.01 provides an exception to this limit for expenditures paid for voluntary termination, thereby taking such expenditures outside the limits of a school's budget authority. LB457 puts those expenditures back within the budget limits. And I would note that voluntary termination agreements currently in effect are not going to be impacted by the language here. Why were these items placed outside of the levy lids and budget constraints in the first place? First, because of the perception that these outlays are necessary to encourage voluntary terminations and the savings that might occur because of them. Second, because of the perception that these expenditures actually do encourage and incentivize terminations. My reasons for attempting to place these levies and expenditures back within the limits are several-fold. First, I served on our school board. We used these agreements to provide compensation for voluntary terminations. Did they actually incentivize employees to retire sooner? I often suspected they did not. I often suspected they were not effective in actually encouraging an employee to retire, but were instead simply extra compensation. But that decision is ultimately for districts, administration, and boards to make. Second, if a board makes a determination that these are a justifiable use of taxpayer dollars, then I believe that they should be subject to the levy and budget growth restrictions to the extent these restrictions are a factor, then districts will have to prioritize their spending and look for alternative ways to fund such

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expenditures. And finally, we need to be clear here, we are not taking away a district's ability to use this tool. [LB512 LB457]

PRESIDENT FOLEY: One minute. [LB512]

SENATOR BRIESE: It simply has to be used within the levy and budget limitations in the statute. In this environment of concern over property taxes, this bill simply asks that the taxing and spending utilized here are subject to the same restraints as most other items. Thank you, Mr. President. [LB512]

PRESIDENT FOLEY: Thank you, Senator Briese. Senator Pansing Brooks, you are recognized. [LB512]

SENATOR PANSING BROOKS: Thank you, Mr. Speaker. I am rising to say just a few brief words about AM724, which includes provisions of LB123, a bill that I introduced to protect postsecondary college students who suffer financial harm due to the closure or termination of a for-profit school. AM724 will give the Coordinating Commission for Postsecondary Education the same regulatory power that the Department of Education has to regulate postsecondary schools that are under its purview. The changes will provide important protections for students and for the state when postsecondary schools close their doors. This happened as recently as last year with Wright College, which had a campus in Omaha, and closed operations with little to no warning. It also happened last year with ITT Tech, which again closed with little to no warning. And I know there were about 340 students at Nebraska's ITT campus when it closed. So to provide protections, AM724 establishes the Guaranty Recovery Cash Fund, which allows students who suffer financial harm to make a claim in the fund for a refund of lost tuition and fees. The Coordinating Commission on Postsecondary Education will assess each for-profit postsecondary institution one-tenth of 1 percent of the prior school year's gross tuition revenue, until the Guaranty Recovery Cash Fund reaches the minimum fund level of \$250,000. The Coordinating Commission will also require a surety bond to provide protection until the fund reaches its maximum level...or minimum level, sorry. Additionally, AM724 requires closing for-profit institutions to provide student records to the University of Nebraska-Lincoln so students may access their records. And in the past, we had an institution that closed in January and

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students were unable to get their transcripts to be able to transfer or to be able to enroll in another institution and show the classes they had taken. So it was a really onerous burden on the students. Finally, LB123 requires closing institutions to reimburse the Nebraska Opportunity Grant Fund for academic terms not completed by students receiving awards under the fund when the institution terminates operations. So this will also provide important financial protections for our state. And with that, I close. Thank you, Mr. Speaker...or Mr. President. [LB512 LB123]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Harr. [LB512]

SENATOR HARR: Thank you, Mr. President. Members of the body, I rise in general, but not categorical support of AM724. I was listening to debate this morning and I was listening to Senator Briese's amendment from LB457 into AM724, and I had a nice conversation with Senator Briese and I appreciate his opening. But I'm not sure if what we are doing is penny wise, pound foolish. If you think about it, what we currently have is teachers who, for whatever reason, qualify for their retirement. It is the years of service, plus their age, gets them what they need to retire. But they aren't quite there maybe mentally or financially, or maybe both. And they need a little push, a little incentive and a little coaching to say, hey, maybe we need to make room for the young people. Our pages in two, three years to come into teaching. You have to keep a steady flow of coming in and coming out so that you have a certain number of older teachers, middle teachers, and younger teachers. What you don't want is a situation where you have, I don't know, hypothetically 70 percent of the teachers who have three years or less experience. That wouldn't be a good way to do things, would it? It happens in some institutions, funny enough. But we want to create continuity and you want to manage your work force. And you want to be able to know, hey, I have a teacher who is making \$75,000 a year and gosh, if he or she went on retirement, I could replace that with someone who makes \$35,000 a year. Who are we fooling, we don't pay teachers that much to start out, \$30,000 a year. A savings of \$45,000. You want to talk about property tax relief, there it is right there. Because that teacher then goes from being a liability of the school district to being a liability, and I use the term liability loosely, meaning a financial, not that they are bad, not that they are disgraceful, but as in terms of financial terms. Because they more than earn their keep. I have yet to meet a teacher who is overpaid. But they go from a financial liability of \$75,000 to the school district to a financial liability to Senator Kolterman and the retirement program. But they paid into it. They

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are fully vested and they paid the minimum of what we expect them to do. They have done everything expected of them, but for whatever reason they aren't quite ready. Well, we give them a little nudge. Now, do some school districts abuse it? Maybe. But that's the purpose of a school board, to hold your administrators accountable. As a matter of fact, at the end of the day that's really all a school board can do, is hold the administrators accountable; and if they don't like what an administrator, specifically a superintendent, is doing, they have the ability to hire and fire that individual. And that is how you apply your pressure. And that is how you have some control. But...and I have some data and I unfortunately only have one school district, Millard public schools, that shows they actually real numbers, have budget savings by the voluntary separation program. Real dollars, folks. Real property tax dollars. We are looking for something, I wish I had a fiscal note that I could show you this. But I don't. But I do have a sheet that shows it and I will have copies made and I will pass it around. Now does it save money every year? No. But it does the vast majority, it looks like out of 20, there are 1, 2, 3, 4, 5 years that don't. It costs, but it is a cumulative savings to those school districts. So, again, while this may seem like a good idea, it is penny wise, pound foolish. The actual application, and this is something we have to be careful about what we are doing, folks, is something that may save us short-term, but it's actually costing us money. And we got to be very careful when we cut, how we do that, and what we do. And we need to be... [LB512 LB457]

PRESIDENT FOLEY: Time, Senator. [LB512]

SENATOR HARR: Thank you. [LB512]

PRESIDENT FOLEY: Thank you, Senator Harr. Items for the record, Mr. Clerk. [LB512]

CLERK: Thank you, Mr. President. Enrollment and Review reports the following bills to Select File: LB263, LB625, LB289, LB34, LB432, LB444, some having Enrollment and Review amendments. Senator Schumacher would like to print an amendment to LB148, Senator Halloran to LR6. That's all that I have. Thank you. (Legislative Journal pages 866-868.) [LB263 LB625 LB289 LB34 LB432 LB444 LB148 LR6]

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PRESIDENT FOLEY: Thank you, Mr. Clerk. Continuing debate on LB512 and the amendment, Senator Walz. [LB512]

SENATOR WALZ: Thank you, Mr. President. I stand to speak about LB235, which is the Summer Food Program and now Section 17 of AM724. This amendment would clarify grant requirements for the Summer Food Program. This program was originally passed in 2012. The goal of the legislation was to create a start-up fund where communities interested in participating in summer food programs could apply for one-time funds and start programs for purchases such as refrigerators, outreach, and training for staff. Priority is given to sponsors who either operate in school districts with rates of poverty of 50 percent or more, have existing summer foods programs, or emphasize education and health activities as part of a curriculum. This program not only feeds students who may not have access to a hot meal, but also provides educational opportunities and activities in a safe place where administrators can make sure the child is healthy. The purpose of this bill is to clarify grant requirements. Currently, sponsors must prorate their expenses using this program, because it is just a summer foods program. For example, if a site needs a new refrigerator for milk, they would only be able to pay 25 percent of the costs because they only use it 25 percent of the year. This bill would allow them to expend the full amount when starting or expanding a child nutrition program under this act. Thank you for your consideration on AM724. [LB512 LB235]

PRESIDENT FOLEY: Thank you, Senator Walz. Senator Kolterman to be followed by Senators Clements, Kolowski, Groene, Briese, and Morfeld. Senator Kolterman. [LB512]

SENATOR KOLTERMAN: Thank you, Mr. President. Good morning, colleagues. I rise in support of LB512 and AM724. I would like to speak a little bit today about Senator Briese's amendment...or bill that came into this as part of the amendment. When we are talking about early retirement programs that the school districts put on, that we have allowed them to do in the past, it has always been outside of the lids. All this does is it moves that program inside the lid. And it doesn't change the ability of a school district to buyout a teacher early. But it does make them more accountability, because they have got to now budget that money inside of their levy limits. So we are not taking anything away. I served on a school board for two terms and we had an early incentive buyout. And I will tell you that it was presented to us as a school board more

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from the perspective of, hey, we can hire two teachers for the price of one if we get rid of this teacher. So we would buy them out and it was outside of the levy limit, so we in essence hired two more teachers, but we still had to pay an additional amount of money outside the lid to take care of the teachers that we were buying out. And I can tell you in some instances we had teachers, husbands and wives that were retiring, each getting \$100,000 in addition to their state teacher retirement, to get out of the system. And quite frankly, it kind of rubbed me wrong, because these were excellent teachers. If you're in the work force today, this is a challenge that I see with the way we have it. Why would you want to get rid of some of your brightest and best teachers to save money? That doesn't make sense to me. We have got teachers that need to nourish and mentor the early teachers coming in. The other thing is, most of these incentives are after age 55, and so we're encouraging them to retire at age 55, get their retirement, and then take a buyout. That hurts our retirement system. If you look at the private sector, you can't start drawing on an IRA or a regular pension plan until you're 59.5. So you're going to see legislation coming in the form of LB415 later on this session that will require a teacher to stay until age 60 if they want to get their full retirement. It has been 55. Again, it's not trying to take anything away from anybody, but what we want to do is encourage the brightest and the best to stay with us and to mentor. I can tell you that there's two retired administrators in this body that did an excellent job in their jobs and they both waited until they were well over 60, mostly 65, I think. I think Senator Kolowski told me he followed the rule of 101. And so why do we want to do the rule of 85, you know? So my point is this helps build teams, really good quality teaching teams. We need to have this type of a program. It's okay if a district wants to spend the money, but let's bring it inside the lid. Then finally, the last thing we need to do is encourage teachers to retire early and then go look for another job in a different school district. So we're going to be bringing a bill that calls for one and done. You can retire early but you're not going to be able to apply for a second pension plan. You can't go and just say, hey, six months later I'm going to take a new job and get the full pay and get my full pension. So those are things we have to do in tight budget years in order to protect our pension plans. [LB512 LB415]

PRESIDENT FOLEY: One minute. [LB512]

SENATOR KOLTERMAN: So I'm 100 percent supportive of what Senator Briese is trying to do here, and the Education Committee, and applaud them for bringing this legislation. I think we

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have a good omnibus package here. And I'm going to support it and I would encourage all of you to do so as well. Thank you. [LB512]

PRESIDENT FOLEY: Thank you, Senator Kolterman. Senator Clements. [LB512]

SENATOR CLEMENTS: Thank you, Mr. President. I'm rising to speak about Section 6, the LB123 Guaranty Fund for the postsecondary schools. And I'm familiar a little bit with this process as an insurance agent. Insurance companies pay into a guaranty fund, and if one fails, their surviving companies pay in to restore it. Right now, we had CoOpportunity Health was a plan that came in with the Affordable Care Act. And they failed and they...I can't remember. In our committee, we had testimony of something, at least \$25 million was lost and the fund is trying to recover and it's going to be paid by future assessments. But I think the state is having to pay that right now is what I heard from the committee. I had a question. Would Senator Pansing Brooks yield to a question? [LB512 LB123]

PRESIDENT FOLEY: Senator Pansing Brooks, will you yield, please? [LB512]

SENATOR PANSING BROOKS: Sure, I would be happy to. [LB512]

SENATOR CLEMENTS: Are the for-profit postsecondary schools licensed by the state? [LB512]

SENATOR PANSING BROOKS: Yes, they are licensed by the state. [LB512]

SENATOR CLEMENTS: Do they file financial reports yearly with the state? [LB512]

SENATOR PANSING BROOKS: Yes, I believe so. [LB512]

SENATOR CLEMENTS: I was wondering if the state audits these schools. [LB512]

SENATOR PANSING BROOKS: I do not know if the state audits the schools or not. [LB512]

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SENATOR CLEMENTS: I don't know either. As a banker, I pay into a guarantee fund called an FDIC and I get audited by them and I was just wondering why these schools are failing, if it's because of a failure to audit. I would hope that we do that. [LB512]

SENATOR PANSING BROOKS: That's a good question. [LB512]

SENATOR CLEMENTS: And do you know if the school fails exceeding this guarantee fund balance, does the state pay out the student losses and then collect back later or do the students wait until there is money? [LB512]

SENATOR PANSING BROOKS: No. The students are out of luck. So what happened is when the institutions went under, most of them, because it was January, they had already paid their fees for the upcoming semester. So they were just out of luck while the whole thing was in bankruptcy and everybody was trying to decide if there was any money left. And their transcripts were held up as well. And under the Nebraska Department of Education, which handle all the other schools, the publics and privates, they are already protected. So we're just trying to cover this gap in protections for those covered by the Coordinating Commission. [LB512]

SENATOR CLEMENTS: Yes. Thank you. I do support this, although I had some questions about it. I was not sure how it is going to work but I am glad that we are putting some kind of a fund in and I'll support that section. Thank you. [LB512]

PRESIDENT FOLEY: Thank you, Senator Clements. Senator Kolowski. [LB512]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. I want to speak just in general from a high school principal's background of the importance of the voluntary early separation agreements that districts have been dealing with, and try to get some accurate figures and touch on the basis more of what happens within a building as far as the ability to mix and build your staff in a positive way to get the young blood into your departments as well as honoring the length of service that many of our older teachers have as they have the choice of an early retirement situation. Districts use this tool, voluntary separation agreements, to their benefit and to the benefit of their public in various ways. And I want to make sure that we're not overexaggerating

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what the dollars are, because there's a number of years that someone would sign up for the voluntary separation and you get x number of dollars over x number of years and that varies depending on the contract with the various districts by each one of those individual districts. It's not exorbitant funds, it's not out of line, and it saves the districts money. By making it more difficult for schools to use the voluntary separation agreements, the Legislature would be eliminating a vital budgetary tool at schools used to reduce these costs. From a building perspective, it's extremely important to remember that every hire is an important hire. So as we build our staffs and get a mixture of people, male, female, as far as gender, the race background, mixture with the students that we have in our schools, getting staff to match that, all of those things are important decisions that we make as we go upon the hiring situation that faces every one of us as we have early retirements or people moving on to maybe a different district or another job with family moves that take place. Every opportunity we had in the Millard schools, the 38 years I was there, I was at the table as a department head all the way through being a principal, having a voice in the choice of the person we were going to hire and bring into our departments. Now, a district the size of Millard, and the building that I was in at Millard West, had over 150 staff members, teachers. In that size of a district and that size of building with another 60 adults, secretarial staff, custodial staff and other help in the building, so we had over 200 adults alone mixing with our 2,300, 2,400 students while I was there. That's a large operation. You want to get the very best people to join you in those ventures and to hire the very best to mix into a department with our processes that we use in the building to bring them along to greater maturity. And with that maturation in the classroom, their skills and abilities would flourish under the right direction and tutelage of other teachers that were around them. So it's extremely important to hire properly, hire correctly, place them into a situation where they have a chance to grow and become vital staff members for your departments and your entire building as your labor in those particular fields. This, these voluntary separation agreements... [LB512]

PRESIDENT FOLEY: One minute. [LB512]

SENATOR KOLOWSKI: ...have been very, very beneficial to a number of districts. And I know the numbers in the Millard district in particular, and that has assisted the district to meet its budgets and to have the budgetary wherewithal to do the things they are doing. Anything that we would do to hinder that would be just in the opposite direction. Not helping us to do the things

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we need to do and taking us in the wrong direction when the local decision makers, their board of education, with their districts and their decisions to make certain kinds of programs available to staff who are in their 50s or early 60s, they have a choice of voluntary separation that gives them some opportunities to leave a little earlier than they might have thought they would and gives us a chance to hire new, younger teachers that would be a vital part of our building operation. Thank you very much for this time. [LB512]

PRESIDENT FOLEY: Thank you, Senator Kolowski. Senator Groene. [LB512]

SENATOR GROENE: Thank you, Mr. President. The original purpose of the voluntary retirement is when we, in 1990s, the Legislature decided that it would be good to encourage consolidation of small districts. So you had two districts, rural districts, that had 50 employees each. They consolidated, became more efficient and they needed 75. So you could offer 25 seasoned teachers a bonus to retire to reduce staff outside the levy. Very good purpose. That policy still remains in law. What happened then is for the moment, budget crisis like we have now, somebody came up with the bright idea you could do voluntary retirement for any purpose when you thought you could save money. It's being abused. It is being abused. I will be frank about that. The real purpose is if it saves you money, and you can offer a teacher, a seasoned teacher that's making \$64,000, early retirement, give them \$10,000, maybe \$20,000 over the next five years and replace them or what you hear is we RIF, we have to RIF the young teachers because seniority rules. That's fine. But if you could offer a seasoned teacher \$20,000 and pay them over the five years, \$4,000, and eliminate \$64,000 from your budget, you could keep a \$32,000 teacher. That makes sense. You just saved about \$20,000 because the difference. Why if that is a savings cannot you do that within your \$1.05? If you are saving money, you are saving money under your \$1.05 limit. You do not need to go outside the limit. What has happened here and I will pass out one district's history if the amendment is dropped about what they've done. You received a handout from I don't know who, a purple sheet that says: collective bargaining. Some school districts have used voluntary in their collective bargaining agreements. Folks, that is why we need to eliminate this. The early retirement was meant as a management tool in an emergency. That the management decided they needed to do it to save some money. It was never, ever intended to be incorporated into an employment benefit. Never. If you put it into the union contract, who do you give it to? Do you decide it's one? Ten? Or if 100 teachers come in and say

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they want to retire, you have to give it to all of them because it's in the union contract? If that is happening, everybody should be upset. This was never intended as an employee benefit. Somebody retires at 55, been there 30 years, they get 60 percent of their pay, their top pay. You give them another \$100,000 which is not uncommon and they go down the road 10 miles and take a job at another school. Triple dipping. I do not ever blame the employee for doing it. If elected officials give it to them, take it. Our duty is to not allow that to happen. I ran for Education Chair for one reason, the classroom. If I'm going to tax somebody, that money is going to be spent in that classroom. It is not going to be given to somebody that they could trip around the world at the age of 55. We left the tool in place. They can still use it as a management tool. If they save money with it, it works inside their levy. [LB512]

PRESIDENT FOLEY: One minute. [LB512]

SENATOR GROENE: They do not need to be outside their levy. One school district is 3.5 cents nearly outside the levy for this program. Folks, on \$200,000 house, that is \$70. Everybody in that community is paying \$70 for this program. Is that what we want? Is that how we want education dollars spent? Senator Briese has a very good bill. Education Committees have been trying to rein it back over the last 10 or 12 years. We are going to do it. Thank you. [LB512]

PRESIDENT FOLEY: Thank you, Senator Groene. (Visitors introduced.) Senator Briese. [LB512]

SENATOR BRIESE: Thank you, Mr. President. Folks are arguing here that these agreements save money. And on paper, they do look good. But the assumption is being made that these agreements actually incentivize early retirement. As I said earlier, I'm skeptical of that assumption. But to the extent that they do incentivize voluntary termination, go ahead and use it, go ahead and do it. If the district and the board superintendents determine that it's a wise use of taxpayer dollars, go ahead and do it. But just because we say, hey, it's going to save money so it should be outside of the lid, my response is, if it's good for the taxpayers, go ahead and plan for it responsibly but do it within the limit and the lid. Going outside of the levy limit and the budget restraints circumvents the intents and purposes of the lid and budget restraints and is a disservice to our taxpayers. Thank you. [LB512]

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PRESIDENT FOLEY: Thank you, Senator Briese. Senator Morfeld. [LB512]

SENATOR MORFELD: Thank you, Mr. President. Colleagues, I rise in support of LB512 and in regard to Senator Briese's bill and amendment, I voted against it in the Education Committee. I still stand against it on the floor. I know that there's an amendment that Senator Harr will be bringing to change this and I'll likely vote for his amendment. I need to see it first before I make that decision. And in the end if that amendment fails, I'll still vote for LB512, as I voted for it out of committee. That being said, I do have concerns about this. I understand what Senator Briese is trying to do, I understand his concerns. However, I believe that the districts that have used this have used it responsibly; and I think in particular, it's an important tool for districts that are at their levy limit, districts like Lincoln Public Schools. And while I know Lincoln Public Schools doesn't use it right now, there are bills that are in the Revenue Committee and even the TEEOSA bill that's proposed, LB409, that's in the Education Committee is going to have a negative impact on my district, which is above, or excuse me, at the levy limit. Now, I will say with LB409, it raises K-12 spending by about 2 percent, which doesn't meet the TEEOSA needs, but that's pretty good. I'll admit that in the budget situation that we're in right now. So I won't criticize it for that. That being said, a lot of people are going to feel the pain, including the district that I represent, even with that 2 percent because there's a lot of growing needs in Lincoln Public Schools. Lincoln Public Schools is growing by 1,000 students per year. I'll repeat that, that's 1,000 students per year. That's bigger than 80 percent of the districts across the state. Just that growth, 1,000 students, bigger than 80 percent of the districts across the state. So there's growing needs and as we go through these budgets cuts, the needs are only going to grow more. And the schools and the tools available to the schools will only become that much more important and I think this is one of them. Now, I keep hearing that this is abused. I would like to see evidence of that. I would like to see specific evidence of that, not just hearsay, but actual evidence of this being abused. Bring the stories. Are there some documented stories? Please, bring the stories. Show me how it is specifically being abused. I think that this is a tool that is proven to save money. I know we have spreadsheets. In Millard alone, it looked like it saved \$2 million over of the last few years. And again, for schools at their levy limit, this is an important tool. And for schools that aren't at their levy limit, and they are at their budget limit, it's also an important tool in many cases. Colleagues, I think that we need to preserve the system that we have. I'm interested in seeing Senator Harr's amendment. Until I see the amendment, obviously, I'm not

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going to say I'm going to support it one way or the other, but it sounds like it's along the lines of the way that I voted in committee on this bill, which was to vote against attaching this bill to LB512. I will say, however, that if that amendment fails, I'll likely still vote for LB512. Not just because I have one of my bills in it, but because I think overall, it's a good cleanup bill and it does have some good substantive bills in it as well. Thank you, Mr. President. [LB512 LB409]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Vargas. [LB512]

SENATOR VARGAS: Thank you very much, Lieutenant Governor. I wanted to take a second, so just a point of personal privilege. I wanted to speak today on LR75 that I introduced. I introduced this because there's a very important person in history that we don't often get to talk about, Cesar Chavez. And today marks Cesar Chavez Day and I wanted to just take a second to recognize why today is important and read this resolution. So I want to read it really quickly and then just speak to it a little bit. Cesar Chavez was born on March 31, 1927, on a family farm near Yuma, Arizona. Whereas after losing the farm during the Great Depression, Cesar Chavez became a migrant farm worker at age 10 in California and was forced to leave school to help support his family. And whereas Cesar Chavez served our nation in the United States Navy before returning to California where he married Helen Fabela and raised eight children. And whereas in 1949, Cesar Chavez began advocating for civil rights and labor rights for farm workers in Delano, California, campaigning for fair wages, better working and living conditions, and fighting against the use of child labor. Whereas in 1952, he joined the Community Service Organization, becoming the national director in 1958, where he began his campaign for workers' rights by encouraging the Latino, the Latinx community to register and exercise their right to vote. And whereas in 1962, Cesar Chavez co-founded the National Farm Workers Association with Dolores Huerta, which later expanded nationally to become the United Farm Workers of America. And whereas Cesar Chavez was a leader of nonviolent protests, boycotts, and strikes that rallied millions to La Causa, including a five-year grape picker strike that in 1970 was successful in gaining fair wages for thousands of workers. And whereas the work of Cesar Chavez' national and international campaigns led to the abolishment of the Bracero Program, which resulted in higher wages and improved safety, health, and other working conditions for farm workers, brought attention to discrimination faced by farm workers, and established collective bargaining agreements that covered an estimated 80,000 farm workers across the

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nation. And whereas Cesar Chavez held fast his peaceful tactics to continue to bring attention to the plight of farm workers in the United States. And whereas Cesar Chavez passed away on April 23, 1993, at the age of 66 in Arizona, and more than 50,000 people attended his funeral at the United Farm Workers of America headquarters in Keene, California. And whereas on August 8, 1994, Cesar Chavez was post-awarded the Presidential Medal of Freedom by President Bill Clinton and portraits of artwork depicting Chavez now hang in the National Portrait Gallery in Washington, D.C. And whereas the legacy of Cesar Chavez lives on in the mission of the United Farm Workers of America, the continued work and advocacy of his descendants and the millions of people around the world who continue his peaceful calls for a more just and equal society and are inspired by his leadership to work for improvements in workers' rights, human rights, and civil rights worldwide. Now therefore be it resolved by the members of the One Hundred Fifth Legislature that the Nebraska Legislature joins numerous states and communities by designating today, March 31, 2017, as Cesar Chavez Day in Nebraska. That the Nebraska Legislature recognizes the accomplishments and service of farm workers in Nebraska and across this country, that the Nebraska Legislature encourages Nebraskans to participate in community service projects and events to celebrate Cesar Chavez' life and work. I figured this was a good moment, not only because today is Cesar Chavez Day through this resolution, but we also passed LB75, which also provides and makes sure we're advocating for the civil rights of individuals to make sure to have the right to vote once they serve their time. And I wanted to make sure to recognize this because I think we oftentimes we don't get to reflect on some of these legislative resolutions and the importance of them. This does lead me to move into this conversation a little bit. I did not have a chance to talk with Senator Briese, but I did want to talk a little bit about the use of this early leave or early retirement incentive to be able to make sure that there's a tool in the toolbox for local school districts to be able to do right, both save money and make sure we are being creative and incentivizing and getting the right talent in our school districts while also honoring those that have served a tremendous amount of time and service to our local school districts. I'm very much interested in seeing the resolution that's going to come from Senator Harr and listening to the continuing dialogue. [LB512 LR75 LB75]

PRESIDENT FOLEY: Time, Senator. [LB512]

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SENATOR VARGAS: But this is something very important to me. Thank you very much.
[LB512]

PRESIDENT FOLEY: Thank you, Senator Vargas. Senator Kolowski. [LB512]

SENATOR KOLOWSKI: Thank you, Mr. President. I want to thank Senator Vargas for his comments and I'd also like to take a point of personal privilege this morning in remembrance of an American educator that has had great impact upon our lives in the last couple of decades. And that's Dr. Richard DuFour. He passed away this last month, a month ago, and is well known for his work in professional learning communities across the country and around the world. Pardon me. His work and the work with his wife, Becky DuFour, is well known across the world and across the country, as they have had tremendous impact upon the work of classroom teachers and students at schools all across our country. Rick DuFour was principal and then superintendent of Stevenson High School in North Shore, Chicago, for many years and during that tenure had received...the school had received a number of National Blue Ribbon Schools of Excellence awards with the large student population and diverse population that they have in that school. High-achieving students doing great work. And under his tutelage and leadership during that time has left a great vacancy in our pantheon of American educators who have made a tremendous difference in our country. So I hope we will remember Dr. Rick DuFour, Richard DuFour, and what he was able to do that has impacted schools throughout our state as many of us have worked through his workshops. And the work that he has done has impacted all that we do. Professional learning communities are extremely important for the success of our schools and how they operate. Bringing the operational level of issues down to the teacher level in their departments, in their classrooms is of major importance and empowering them to make decisions that enhance the work within their departments and with their students to have improved student performance as the main target of everything that we're doing has had tremendous impact and effect upon our districts and our schools within Nebraska. I would also then switch gears to where we are in this discussion on this particular bill and the issue of early retirement packages. I find it very curious that we are vacillating back and forth between control and not controlling issues that are outside of our realm and how we are responding to either school boards or NRD boards or anyone else. We seem to be vacillating back and forth depending on the topic and depending on the issue. Let's let the local people who have been elected by their populations

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have the first call and the first say in what is going on with their districts. We keep intervening and having false information as to what was being decided or amounts of money being utilized by either school districts or other entities driving our discussions and our decision making. Staying away from dipping into other's areas and concentrate on what we should be concentrating on... [LB512]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: One minute. [LB512]

SENATOR KOLOWSKI: ...which is statewide policy. I hope we can remember that as we're looking at each of these issues, be it NRDs of yesterday or school board members and their decision making at a local district, which is making a difference in their budgets and in their success. Thank you very much. [LB512]

SPEAKER SCHEER: Thank you, Senator Kolowski. Senator Harr, you're recognized. [LB512]

SENATOR HARR: Thank you, Mr. President, members of the body. And I think we're just about there to drop that amendment, or I am to dropping that amendment. But let me just say quickly I heard what Senator Groene said, and you know what? The guy, a stop clock is right twice a day. And he spoke some truth, so thank you. There are concerns about including it in the package, in the contract agreement. I'm not sure I like that either. I don't like that a large sum of it goes to administrators, because they make more money. Those are valid concerns and I can see why Senator Briese brought this bill. But let's go back to our basic philosophy of why we wanted to run for office and what do we think? This body is a conservative body. We believe in our heart that government closest to the people is most receptive to the people. So the question is do we want our school boards, who are closer to the people in most districts, I think in my district my school board member represents more people than I do, but in the vast majority school board members are closer to the people than your State Senator. They represent fewer people. Do we want to give them local control or do we want to pass it on to Lincoln, let them make the policy? Remember, no one is forcing a school district to do this. A school board must first approve a policy. Once that policy is approved, then the superintendent and administrators can apply that

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policy, whatever it is. And then again, it has to be approved by the school board at the end. Are there people who abuse it? You bet. Do we need to work on that? That's what my amendment is going to do. Do we need to hold our local elected officials accountable? Yes. So often, I've sat on Revenue now for five years, so often we introduce a tax deduction, a tax break, a tax credit and it was intended for one purpose and we see it used for another. That is just the nature of the beast. We see that in all types of laws, that it may be passed for one reason and it's used for another. And for that reason, we need to maybe amend it, narrow the focus of the bill, and really address what are we trying to do. I hear you, Senator Briese, about what your concerns are. I'm not sure if I've heard any proof other than a base assumption that this is being abused, but I do see some numbers of disproportionality that a larger portion of this is going to a smaller number of administrators. And I think we need to do something about that, so I'll be dropping a amendment here pretty quickly to address that. And hopefully this compromise amendment between keeping it where we are today or where it is today and totally eliminating the program, we can find some middle ground, somewhere where we can all kumbaya around and realize that we do need to improve it. So thank you, Mr. President, I appreciate it. [LB512]

SPEAKER SCHEER: Thank you, Senator Harr. Senator Erdman, you're recognized. [LB512]

SENATOR ERDMAN: Thank you, Mr. Speaker. Good morning, Nebraska. I want to rise in support of Senator Briese's bill and LB512 as it is. I'd like to speak to some of the issues that Senator Harr has mentioned. First of all, I think he is misunderstanding the intent of Senator Briese's bill. Senator Briese's bill does not, I repeat, it does not eliminate the opportunity for the school districts to use early retirement. What Senator Briese's bill does it eliminates the district from overriding, exceeding their mill levy to offer early retirement. So it's totally different. It is still available to those if they can use it inside their mill levy, whatever that is, \$1.05, or whatever it's going to be. As I was speaking to Senator Harr about this, he said, well, you remove a \$75,000 teacher and replace two of them at \$32,000, you get more teachers. While I understand that, I don't believe that does happen. But one of the things that does happen, if a district is at \$1.05 and take, for example, this district I have here in front of me, Millard, retirement, they spend about \$6.8 million, they're obligated about \$6.8 million for early retirement buyouts, which is above their \$1.05 mill levy. So their mill levy, if you include the retirements, is \$108.2. So if you didn't have those early retirements and those people were still teaching, their mill levy

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would be \$1.05. And so consequently, they supersede the mill levy by doing this outside the lid. So what we're attempting to do with this bill is we're saying you can still do this, early retirement, but you can't charge extra above your restricted mill levy. That's what we're trying to do. On the Education Committee, we had several discussions about what we were going to do and the bills we were going to attach, and that committee has robust discussion and we have difference of opinions and we talk about those and we come to a conclusion what we think is best. So after many days of discussing what we were going to do and try to help education become more efficient, this is what we came up with. One of the things that Senator Harr talked about is restricting local people to make decisions. While we as a state give over \$1 billion to education, over \$1 billion a year. And I was on the school board for 16 years and I understand local control and I appreciate that. But by the same token, when the state contributes \$1 billion, we ought to be able to give some instruction and some direction as to what they should do. And so consequently, we made this decision in the Education Committee to put this on the bill and I stand by it and I would ask your support to vote for AM724 as amended into LB512. Thank you. [LB512]

SPEAKER SCHEER: Thank you, Senator Erdman. Mr. Clerk. [LB512]

ASSISTANT CLERK: Mr. President, Senator Burke Harr would move to amend the Education Committee amendment with AM845. (Legislative Journal page 868.) [LB512]

SPEAKER SCHEER: Senator Harr, you're welcome to open on your amendment. [LB512]

SENATOR HARR: Thank you, Mr. Speaker. Members of the body, this is the amendment, the compromise that I had promised. Currently today it's outside the levy limit and Senator Groene passed out a sheet that had how much every person at Millard gets in early retirement with their names on it. I'm passing out a sheet without their names on it, or at least cleansing their names. But it does show is the total from each year and how much that school districts has saved. This compromise...you'll see on Senator Groene's, he's right, there are some big payouts on there: in one in particular, \$150,000 a year. What this does is it says let's limit that to \$45,000. Let's get it at the person we really want to help which is the teacher, the working person. Maybe it was being abused in some places. I don't know. But this \$45,000 while a substantial sum, I think it

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helps the school boards to focus on what they need to do and who should be the recipient of it. I listened to Senator Erdman and, you know, it's nice. I wish I lived in an area that had a cap...I wasn't paying the \$1.05. My school district, we pay more than \$1.05 in the levy. I wish would could pay less. So what we're saying is, you school districts who are at your levy limit, you have less options to control your spending than those who are below their levy limit. I'm not sure that's fair. We say we want people to control spending but then we take away tools to control spending. This amendment allows that. Limits it to \$45,000. It's going to save schools even more money and maybe they'll lower the levy, but that's up to the school districts. Nothing we do today can control what a school district and a school board does or does not do as far as setting levy limits. That's not in this bill. But this gives them an ability to lower it by lowering their cost. You want property tax reform? You want property tax cuts? Sometimes you've got to spend a little to save a little. That's what this does. If you think it's being abused in the way that Senator Groene is, well gosh darn it, you have a responsibility to go to that school board and say hey, this policy is bad. You need to change it. But that's where it needs to be: on the local level, not on us on the state level saying well, there are a couple of bad apples so we're just going to throw the baby out with the bath water--mixing analogies there a little bit, but I think you understand what I'm saying. This amendment, AM845, addresses the concerns of Senator Briese, addresses the concerns of Senator Groene, and, right, some of the people would be worse off. You look at the list sent around by Senator Groene, a lot of these people would be worse off than they are if this passes. But this is a compromise. It keeps a good program, a program that's been efficient, that helps school districts manage their employees, helps manage their work flow as far as agewise...excuse me, their work force as far as agewise. I think it's a good program. I haven't heard too much why it's bad other than maybe there is an abuse. Maybe it's being handed out too leniently by board members, but hold the board members accountable. So I hope this amendment gets everyone on board. I am here, I am more than willing to entertain any questions you may have, and I would ask for your support on AM845. Thank you, Mr. President. [LB512]

SPEAKER SCHEER: Thank you, Senator Harr. Waiting in the queue: Senator Groene Pansing Brooks, and Schumacher. Senator Groene, you're recognized. [LB512]

SENATOR GROENE: Thank you, Mr. President. Yes, I did pass that out. And, yes, it has names on it but that's fine. Nobody should be embarrassed because what I hear, if you work really hard

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and you did a good job and your employer offered you a bonus, you should be proud of that, especially if it came from tax dollars. Curious, Senator Harr's handout of the same school district left out four administrators that got \$150,000. I'm curious, Senator Harr, would you answer a question? [LB512]

SPEAKER SCHEER: Senator Harr, would you please yield? [LB512]

SENATOR GROENE: Do you know why those administrators... [LB512]

SENATOR HARR: Yes, I would yield to Senator Groene, Chairman Groene. [LB512]

SENATOR GROENE: Do you know why on your handout those administrators getting \$150,000 was left off your list? [LB512]

SENATOR HARR: Do I know why? No, I do not. The board approved it though. I do know that. [LB512]

SENATOR GROENE: Thank you, sir. One hundred fifty thousand dollars to administrator who's 63 or 64 years old who will receive 80 percent probably because they've been in the system 40 years of a defined benefit retirement; that's \$120,000. More than likely, if they were good, they will go down the road and fill in as the interim superintendent or principal or take another job and probably make another \$130,000 or \$140,000. I took the wrong occupation. But then I have morals and I would not do that. I would not burden the taxpayer with that kind of a burden. I'm going to use the word cronyism. It happens everywhere. You have give your buddy \$150,000 when he leaves. That is abuse because let me tell you, you do not replace \$150,000 administrator with half the cost of \$75,000. You replace him at \$150,000. There is no savings, none. We are not taking the program away from...let me explain to you also, I have six school districts in my district. They all said get rid of it. OPS told me get rid of it. Westside said get rid of it. They have good public servants running those schools now and they don't want the pressure from their peers to say give me a bonus because I'm leaving. There are 41 school districts that use it. Only 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 of them do it outside their levy. The rest do it correctly, inside their levy as cost saving. So I wanted to make sure that everybody knew that I am not castigating,

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or Senator Briese or Senator Erdman is not castigating the majority of good management, good school boards that use this program correctly. It was never meant to be an employee benefit. It was always meant to be an emergency management tool. Once you put this in the union contracts, we have a raise. Every school districts will have to do it to match the array. That is where we are headed if we allow this to be used in that manner. I want tax dollars used in the classroom. I want good teachers to stay employed. I will pay extra if you have that kind of experience and you will stay and teach. If you love your job, you're not looking to retire at 55. Maybe that is a benefit, that we do get people who have lost a love of their employment, of their job. [LB512]

SPEAKER SCHEER: One minute. [LB512]

SENATOR GROENE: Maybe that is a benefit that we remove them from the system. But we need to put an end to this. Only 14 out of 41 that are doing it are doing it outside their levy. You want to talk about abuse? OPS, prior to all the administrators and the business managers there, they had an administrator who had stuck into his contract a \$1 million buyout, retirement. You know where they put that \$1 million? In the...outside the levy. They were spending...you talk about savings, they were spending 38 as of 2016, 2017...it was worse prior to this. They were saving -- they were spending \$38,000...\$3,800,000 and they were saving...no, excuse me. They were saving \$3,800,000 and they were spending \$4,115,000. That's a savings. [LB512]

SPEAKER SCHEER: Time, Senator. [LB512]

SENATOR GROENE: Thank you. This thing...(microphone malfunction). [LB512]

SPEAKER SCHEER: Thank you, Senator Groene. Senator Pansing Brooks, you're recognized. [LB512]

SENATOR PANSING BROOKS: Thank you, Mr. Speaker. I rise in support of AM845. I also am in support of the underlying bill, LB512 and AM724. I did vote Senator Briese's bill out of committee and on to this bill. I had talked to the city of Lincoln and my...our district does not use it. They don't use the voluntary termination agreement. So I decided to go ahead vote it out of

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committee. Since then, I have learned that other districts have found that they're very worried that the elimination of the exemption reduces the flexibility of school boards and budget officials to deal with reductions in state aid and other revenue which then can result in forced or precipitous termination of teachers. Senator Groene mentioned that this is a way that this...that Senator Briese's bill gets rid of cronyism and I'm right with you on that. I don't think that should be happening. But it does seem that Senator Harr's amendment, by limiting it and not exceeding \$45,000, eliminates that "good old boy, pad you on the way out" system. Clearly this provision to make it legal was allowed, as Senator Groene said, for emergency budget issues. And the goal was to help teachers. And I think that Senator Harr's amendment, by limiting it to not exceeding \$45,000, would help school boards in tough budget times, especially when we're looking at cuts to education. It helps them to be able to still use this device in an emergency as long they aren't exceeding \$45,000. I did see some of the major payments to some of the administrators and I don't know if it was appropriate or not because I didn't see the circumstance exactly and I don't know what the whole process was for that administrator. But by limiting it to \$45,000, that certainly seems reasonable to be able to allow different schools to use it as a budgeting tool during emergency situations. I think this helps so that we aren't leading to lower morale for teachers and possibly significant legal issues when you have a budgetary crisis and you have to start firing teachers because you can't make the budget. The tool is important. In that same respect, I think that this is a really good compromise to limit the tool and not allow the cronyism that Senator Groene spoke of. So I stand in favor of AM845 and I will vote for the underlying bill, LB512. Thank you, Mr. President. [LB512]

SPEAKER SCHEER: Thank you, Senator Pansing Brooks. Senator Schumacher, you're recognized. [LB512]

SENATOR SCHUMACHER: Thank you, Mr. Speaker, members of the body. Would Senator Harr yield to a question? [LB512]

SPEAKER SCHEER: Senator Harr, are you available? [LB512]

SENATOR HARR: Anything for the "Professor." [LB512]

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SENATOR SCHUMACHER: Thank you, Senator Harr. Looking at line 14 of the amendment, is this \$45,000 per year or is that a typo? [LB512]

SENATOR HARR: It is a mistake. It should be \$45,000...I just sent it up to...gave it to my LA to correct. [LB512]

SENATOR SCHUMACHER: Thank you, Senator Harr. I was going to go be a teacher if this was a per-year thing. The reason I rise today is to try to tie things together because this is all part of a much bigger and much more painful picture. And it's too bad that so many of the people who are freshmen have vacated the floor at this point because those of you that haven't and there's some good souls like Senator Lowe and Senator Wishart who have been here pretty much all the time that they can be. But if you look at the handout that Senator Harr handed out and you look at those ages of the people who are getting these benefits, they're all baby boomers. And the numbers on both the sheets that Senator Harr handed out and Senator Groene handed out are big numbers. And one has got to scratch one's head saying if this is just the leading edge of a big iceberg that is out there, how are we going to pay for it? And you lucky guys and gals who just came in, it's going to be a bigger and bicker problem. We already have push property taxes pretty much to the limit, some would say well over the limit. We've got income taxes about as high as they can go without beginning to be a truly high-tax state instead of a high average state. Sales taxes are pretty much as high as they can go when we get up to 7 percent and if we expand the base to roof fixing or hair cuts, we're just going to tax the folks in the \$20,000-120,000 range more. And we have ideas that we're going to fix it all somehow by forcing tax cuts in the future or ratcheting down valuations using one formula or another, all of which would end up in having less revenue. How is this going to work? Increasing burdens that we know are there, needs we know are neglecting and being pushed off into the future just to try to make this year's budget cycle work, how is this going to work? The idea that government spending is going to go down in the face of the problem that we see the leading edge of here, the baby boomers coming off-line, wanting to get tired of pulling the wagon, want to start riding the wagon, is tremendous. And take this as a bit of a lesson for future discussions that we're going to have here. We've to come out of fantasy land and face the harsh reality of the expenses that we're going to face, the idea that dogma and edicts won't work... [LB512]

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SPEAKER SCHEER: One minute. [LB512]

SENATOR SCHUMACHER: ...because that reality will govern the next 30 to 40 years. And you're going to have acute responsibilities in making those budgets balance. Don't lock yourself into a mess where you don't have the flexibility or a future Legislature has the flexibility to deal with this nightmare which lies ahead. Thank you. [LB512]

SPEAKER SCHEER: Thank you, Senator Schumacher. (Visitors introduced.) Going back to floor discussion, Senator Briese, you're recognized. [LB512]

SENATOR BRIESE: Thank you, Mr. President. And I rise in opposition to AM845. AM845 would simply gut the intent of my bill and the intent of AM724 here. A couple of comments about things I heard earlier in discussion. Someone suggested, well, we need to let the local people decide. Well, this doesn't take away from local control. Boards and superintendents can still use this tool. They just have to use it responsibly and plan ahead for it. And to the extent they need to go outside of the budget restrictions of the levy lid, they can take it to the vote of the people if need be. The comment was also made the government closest to the people is the most receptive and the most responsible. You know, that begs the question should we eliminate all levy lids and budget restraints and turn them loose? If we truly believe that locals can manage this responsibly and sensibly, maybe that would be the route we would take and I certainly wouldn't vote for that. And I had a question for Senator Harr earlier about the \$45,000, but I think Senator Schumacher's question cleared that up. I about had a heart attack when I saw \$45,000 per year. But with that said, \$45,000 is still a lot of money to me and I think it's incumbent on us to defeat this amendment and get this bill passed in its present form. I think we owe it to the taxpayers and it's our responsibility to see to it that the intent of our levy lids and our budget restraints are kept intact. Thank you. [LB512]

SPEAKER SCHEER: Thank you, Senator Briese. Senator Hansen, you're recognized. [LB512]

SENATOR HANSEN: Thank you, Mr. President. Good morning, colleagues. I've been trying to follow along this debate as best I can, as kind of school funding finance mechanisms are obviously something, not serving on the Education Committee and not having previous

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experience with that, one of the more complicated aspects of a newer and younger legislator to learn and dive into. So that must be said. I must say what inspired me to click on my microphone or comments on the floor went beyond what was necessary in this debate. We were talking about school teachers. The implication was that school teachers, people who work at our public schools are immoral for accepting salary was more or less what I got out of that debate. And if that's the position we're taking, if that's the position were taking is that moral people wouldn't work for the government because it's robbing taxpayers, it makes me question the entire intent and goal and scope of bills and amendments such as this. So that really caught my attention and is really going to catch my focus. I'm interested to see and will ask more questions off the microphone and look to see how AM845 interacts with AM724 and LB512. I mean that's the difficulty we get into with Christmas tree bills like this: sometimes you hang one too many ornaments on. So I'm going to be looking forward to that and having some more discussions with my colleagues on that. But I just have to say if that's the approach we're taking, if that's how supporters of some of these measures view teachers, it just makes me question their whole underlying motive for some of these amendments. And I would hope my colleagues pay close attention to that. Thank you, Mr. President. [LB512]

SPEAKER SCHEER: Thank you, Senator Hansen. Senator Harr, you're recognized. [LB512]

SENATOR HARR: Thank you, Mr. President, and thank you, Senator Schumacher, for clarifying the record. I apologize. In trying to get this amendment to the floor as quickly as possible, I didn't probably proofread it...well, I didn't proofread it as well as I should have. So I want to address that concern. Another concern that has been brought to me is people are wondering, what's on your tie? So for those out there wondering (laughter) it's pineapples. I have pineapples, which are welcoming, right? So it's a nice spring day, I thought I'd dress a little springy today. But back to the business of this bill. There are 14 districts that use this. And I don't have what those 14 districts are. But I'd be willing to bet Senator Groene a pineapple bow tie, that all 14 of those districts are school districts that are at \$1.05, their levy limit already. Would Senator Groene yield to a question? [LB512]

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SENATOR KRIST: Senator Groene, will you yield? [LB512]

SENATOR GROENE: Yes. [LB512]

SENATOR HARR: Will you take that bet about the 14 school districts? [LB512]

SENATOR GROENE: I'm not a lawyer, but I'd never answer a question like that unless I already know the answer. [LB512]

SENATOR HARR: And do you know the answer? [LB512]

SENATOR GROENE: I don't know the answer. [LB512]

SENATOR HARR: Okay. Well, then we can't bet that bow tie. But that's the question, right? Who would use this and why. It's awfully easy to smile when your ship comes in. And you're at a dollar levy limit. But it's a lot more difficult to do it when you're at your limit and you have no other way of lowering your work force, the cost. TEEOSA, none of our schools that are at the \$1.05 are relying upon TEEOSA. As a matter of fact, all of them are. And I'm going to let you in on a dirty secret: We change TEEOSA formula every single year. I think there are two years since we...the inception of TEEOSA that we haven't. Schools need some latitude. Schools need a way to control their work force. If we turn around and say hey, guess what, you need...we're not giving you as much money. What do you do? What can you do inside your levy limit, because you can't fire the older because of the contracts. You can get rid of some of the lower teachers and now you've got classroom sizes that exceeds the federal dollars...federal amount so you lose your federal dollars. And you spiral and you spiral and you spiral. And then those schools get worse. And then we come back and say, well, what's wrong with our public schools? Well, this is what happens. This is why we have to be very careful when we start changing programs. Do I think Senator Groene's comment that there's a superintendent that took \$1 million outside of the levy limit was wrong? Yes, without a doubt, I agree with him. This amendment would correct that problem. Poor Dr. Mackiel would only have \$45,000. This is a good amendment. This is a compromise amendment. Sometimes you can't get what you want, but you get what you need if I can throw another cliché out there. This is moving the ball forward, helping our school districts,

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but also to have--and I'll throw another cliché--a tool in the tool box. But it helps limit that abuse, if it is occurring at all. So I'd ask for your support. As soon as it comes down from Bill Drafters, I'm going to drop AM845. I'm going to... [LB512]

SENATOR KRIST: One minute. [LB512]

SENATOR HARR: Thank you. And I'll replace it with the next amendment which eliminates that per year. It limits it to \$45,000. It's a good compromise. This is otherwise a good bill and I would hate to see this bill be weighed down because we put in AM457. Thank you, Mr. President. [LB512]

SENATOR KRIST: Thank you, Senator Harr and Senator Groene. And just for the record, the pineapple is the international sign of friendship, Senator Harr. (Visitors introduced.) Returning to debate, those still in the queue: Senators Erdman, Groene, Baker, Pansing Brooks, and others. Senator Erdman, you are recognized. [LB512]

SENATOR ERDMAN: Thank you, Mr. President. Good morning again. Had an interesting conversation with Senator Harr. I didn't understand that Democratic math and Republican math were two different maths, but I guess that's the way it is. I'm disappointed in Senator Harr's bill that he wants to take away the opportunity for local control. He had spoken all morning about how that is so important to have local control. And his amendment says they can no longer offer whatever they can negotiate with someone for retirement, but it's restricted to \$45,000. So I'm not sure why we'd want to make a restriction on someone when we want them to have local control. The way this bill is written now, AM724 would allow the school district to negotiate or do whatever they want to do or however they decide to offer early retirement and it doesn't place any restrictions on how much they can offer or how little. But it does say they have to operate within their mill levy. So I'm quite surprised that Senator Harr would come with something that's quite restrictive and taking away local control because I thought that's what he said he was in favor of. So consequently as we move forward, we need to keep in mind also that while these retired teachers are getting this retirement severance package or pay, that they are eligible for their retirement in its entirety. So they're getting retirement and they're getting also the severance package that was offered to them and that they accepted for early retirement. So we need to

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understand that we're not just throwing people out to the wolves. I mean they're being taken care of. And I've never seen one document that showed me that it was actually a savings to any district that ever did this. And so when we tried to say it was a cost savings, I don't understand how that is when a district's mill levy is \$1.05 and they implement early retirement and their mill levy is now \$1.082. I'm not sure how that's a savings. Maybe it's similar to what we used to do here in the Legislature. We'd say we're going to ask for an 8 percent increase in budget but we're going to cut it back to 5 percent so we took a cut. But it was still a 5 percent increase. And so maybe what I'm saying is figures don't lie but liars figure. But anyway, I may have to speak again, but I thought Senator Harr should be aware of the fact that he's trying to take away local control. And I'm sure he wouldn't want to do it. So I'm against AM845 and I am for AM724 and the underlying bill, LB512. Thank you. [LB512]

SENATOR KRIST: Thank you, Senator Erdman. Senator Groene, you're recognized. [LB512]

SENATOR GROENE: Thank you, Mr President. I do have a partial answer to Senator Harr's question. In this list after studying spreadsheets since I've been Education Chair, I know these two school districts are up against their lid and actually over their lid with QCPUF and stuff. Hastings Public Schools, number one on the list, expended \$142,660 for...they did not take it outside of their lid. They did it inside their lid. And here I'm very proud of this too. I didn't even know this. North Platte Public Schools, good solid management, \$95,657. I know they're up against their lid. They did not do it outside of the levy. That's how good managers work. They use tools to save money inside the lid. Senator Harr is right: There's 14 districts that have done this out of 245 outside of the lid. They're starting to put it into their contract negotiations. And as to Senator Hansen, please listen to all testimony before you make judgments on people's reasoning. Those who were here heard me say I do not blame any teacher for taking early retirement. If it's offered, take it. I blame the school board. I also said on the administrator that if I was an administrator, I wouldn't do it; my morals wouldn't let me do it. The teachers are being given it at least with the exception...perception that if they save \$70,000, they can replace them with a \$35,000 employee. My comment was on an administration doing it. So let's be clear, Senator Hansen. I praised the teachers earlier. Also, another comment on Senator Harr's amendment, he's giving this to any employee: \$45,000 per year for any employee. Existing law said certified staff. So now they're going to give it...I don't blame the cooks. They can give it to

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the cooks, the janitor, the para, the bus driver, some coach that's been just coaching as a citizen and not being actually in the classroom, they can give him a bonus maybe if he sticks around and coaches for a few more years. Any employee, we can give it to the superintendent I guess now if he's...they can give it to the bookkeeper. I mean they can really start using this in union contracts now. And I don't blame the union. Get what you can get. That's why unions exist and I like unions because alone...standing alone sometimes you can't get done to protect your job. But I also expect management to be firm and to have a conflict with labor. That's the way it's supposed to work, not to pass out the early retirement, instead of \$100,000, \$150,000, because management is now a friend, not a boss. Remember, this is 14 districts that do it; 24 do it right, 245 don't do it at all. There are...taxpayers being charged 3.5 cents darn near outside the levy to fund this in one district... [LB512]

SENATOR KRIST: One minute. [LB512]

SENATOR GROENE: ...which is \$70 on a \$200,000 house. And I'll tell you the district, those houses are worth more than that even, on average, the district I speak of. This needs to go way. This needs to be pulled back. A message needs be sent that this is a management tool, not a union negotiation tool, not a bonus. This is a management tool, do it inside the levy. Thank you. [LB512]

SENATOR KRIST: Thank you, Senator Groene. Mr. Clerk. [LB512]

CLERK: Mr. President, Senator Harr, I understand you wish to withdraw AM845. Mr. President, Senator Harr would move to amend with AM857. (Legislative Journal page 868.) [LB512]

SENATOR KRIST: Senator Harr, you're recognized to open on AM857. [LB512]

SENATOR HARR: I think this is when I say this is a simple amendment. It just clarifies the language and it deletes the per year so that all you get is per year. I'm going to use this opening as a chance to also clarify this bill...this amendment does and does not do. If you look at the amendment and you read the paragraph above within 79-819, this has do with the contract for employment of a teacher or an administrator. So this would not apply to the janitor, the baker, the

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candlestick maker. This is limited to the teacher and administrator--that simple. You know, I constantly hear we need to find way to save money. I constantly hear we got to find a way to keep our young people here in this state. We spent a heck of a lot of money educating them, sending them to K-12 public education, possibly to a public university, and then they disappear. They go to another state. Well, one of the reasons they leave is because there aren't jobs here. This bill helps open the way so that there are jobs for our young people--good, solid, middle-class jobs that pay benefits, that pay health insurance, and probably most importantly to us, that pay income taxes so we can have some money. I understand Senator Groene's concerns; \$1 million was an abuse. This amendment corrects that problem. It limits it to a payment of \$45,000. Yes, it saves money. Maybe not in the way Senator Erdman would like it to save money, but when you're at the \$1.05 and the state comes in and says hey, we're changing TEEOSA on you. I don't know how you're going to be able to afford all those teachers. This saves money. It's required. It's a requirement to show that it saves money. It goes to the board. If the board doesn't like and doesn't think it saves money then it's incumbent upon the board to say, what are we doing? Why are we helping Paul on the way out the door? Maybe you shouldn't do that. I want to lower the levy. I'm going to be up for reelection in a couple of years. I want to be able to say I lowered that levy because thanks to the hard work of Senator Groene, Senator Erdman, Senator Briese, and others, I am now paying closer attention to my property tax dollars and my constituents are paying closer attention to those property tax dollars and they want it lowered from \$1.05. Now if you can't afford to do it, it would be irresponsible and some school districts can't. It's just a fiscal reality. I'm going to ask for your support on AM857. I probably won't get up to speak on it again because I think we've said just about everything we can on it. It's good amendment. It's a good compromise. It's not everything everyone wants. If it were my...if I could get it the way I want it, I'd say \$45,000 and health insurance until you're 65 or 67 because that's probably what prevents a lot of people from retiring. Maybe that's what it should be, but it's not because we can't afford that and we don't want to necessarily make schools do that. This is \$45,000. It's a good compromise and so I'd ask for your support. Thank you. [LB512]

SENATOR KRIST: You've heard the opening on AM857. Those in the queue: Senator Baker, Hilkemann, Morfeld, and others. Senator Baker, you're recognized. [LB512]

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SENATOR BAKER: Thank you, Mr. President, fellow senators. I did not receive any voluntary separation agreement, no payments when I retired because I chose to work to 65. Had I chosen to retire a few years earlier, I could have. But that was my choice. I watched this whole business of early retirement incentive programs come in. It kind of became popular in the 1990s and maybe even some were doing it in the late 1980s. I can't really remember. But a lot of those early programs had ages in there that were later found to be not constitutional because of discrimination...the same if you were age 59 to 60, you would get this amount; if you were 60 to 61, this amount; and that type of thing. So then people had to look at other configuration of how they were going to package up something and it became based on the years of experience, distance that we...they were away from qualifying for (inaudible) benefits from NPERS and the like. So I'm supporting AM857 because there are some districts who are needing to do this. In my districts, we were never in that situation. We were never that close to the levy limits. And, in fact, we even eventually did away with it all together and that we found out we weren't saving any money and that we did not go out and try to hire the cheapest teachers. In some cases, the people we hired cost more than people retiring. If you hire a person with a master's degree and 10 or 15 years' experience, they might have been making more than the others. But anyway, that was a local school board decision. And I understand that other districts are not in the same financial situation as Norris was. I did come out of retirement to serve a year as interim at Beatrice. And there we found we were several hundred thousand dollars short of balancing the budget. So we did put on a temporary retirement, voluntary separation agreement to attract about ten people to go out that year and it worked. So I'm seeing that happening more and more where it's something that you take on or you put on and then take off based on the situation. So just a few rambling thoughts, but basically, I do support Senator Harr's last amendment, AM857 and will vote for it. Thank you. [LB512]

SENATOR KRIST: Thank you, Senator Baker. Senator Hilkemann, you are recognized. [LB512]

SENATOR HILKEMANN: Thank you, Mr. President. I rise to speak...I was really incensed when I got this military...Millard--military--Millard voluntary retirement sheet passed out by the Chairman of the Education Department (sic) with the individual names of each teacher and administrator that received this. I think that this is exploiting individuals and I challenge the ethics of doing this. It certainly is in poor taste. As a physician, we can't even use the first names

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of a person coming into our office because we protect privacy. And while this might be public information available through the public information, I think it was in extremely poor taste. I apologize to those people, many of...some of whom are friends of mine, some of those...many of those who live in my district who now have what they received upon their retirement now available to the public. And so, Senator Groene, I am very disappointed. This was a...basically from an Excel spreadsheet. This information could have been distributed to this entire body without the individual names of people on here. And I'm sorry that...I know, Senator Groene, you have mentioned that ethically you could never take the early retirement. That's fine. Ethically, I could never pass out the names of people that are...have given their lives to teaching. I just think it's in very bad taste. Those are my comments. Thank you, Mr. President. [LB512]

SENATOR KRIST: Thank you, Senator Hilkemann. (Visitors introduced.) Senator Morfeld, you're recognized. [LB512]

SENATOR MORFELD: Thank you, Mr. President. First, I want to rise in support of Senator Harr's amendment as amended. And also I want to rise in regard to what Senator Hansen brought up. Even some of the administrators who have worked hard all their lives and were often teachers when they first started out, I think that they deserve the respect as well and I didn't really appreciate Senator Groene's comments about them either. Now I will say that as Senator Harr has stated, the million dollar retirement package that was noted earlier, yeah, I do think that's a little bit...probably not the best practice, I would say, and I probably have stronger words for that. But Senator Harr's amendment take cares of that type of issue. The other thing that I want to talk about today and I'm going to talk about each day until we're adjourned sine die is what I'm calling is what I'm calling a story a day and those are Nebraskans who cannot afford health care because this Legislature has failed them for the last four years. I sent out around with the pages the story of Bob Amey. He's from Legislative District 1, which is I think Senator Watermeier's district. And I want to tell you Bob's story and I'm going to tell stories from each and every one of our legislative districts until the Ninetieth Day. And I think we have 33 days, maybe 32 days after today, so I might have to double up. But Bob Amey and his wife Mary went through chemotherapy together for a few years ago when they both had cancer. Quote, there we were hanging on, hanging on to each other, Bob explains. And I'll note that Bob has allowed us to use his first and last name as well. So I want to make sure that I note that for the record. Bob is a

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United States Army Veteran who owned a local repair shop for many years. He got cancer right after starting a new job. To fight the cancer, Bob had a lung removed but unfortunately the surgery led to an infection, a long hospital stay, and a big pile of medical bills. Without expanding Medicaid, Bob cannot afford his necessary medications and manage constant pain. Like all Nebraskans in a similar situation, Bob isn't looking for a handout. He just wants to be able to get the medication that will allow him to live his life. Bob said, quote, I've got grandkids, great grandkids, Bob says. Quote, it kills me that I can't throw a football with my 16-year-old grandson. It kills me that I can't do those things with him. It kills me that I can't take him hunting with me. I love the outdoor, fishing. That's all over for me now. Bob is a real Nebraskan. Bob lives in Senator Watermeier's district. And Bob deserves to have the dignity of affordable healthcare. He's served his country. He's worked hard. He would still be working hard, perhaps, if he had affordable healthcare and yet this body continually fails to take action. I've got a bill, LB441, in Senator Riepe's committee. It could come out of that committee and we could attach it to a priority bill on this floor. And we could do what is necessary and what is right for the citizens of Nebraska, for Bob and his family, for his grandkids that he wants to play with. And while I didn't give Senator Watermeier a heads up so I won't ask him to yield to a question, I will ask every member of his body whose constituents that I read their stories that I've received from their districts, what they are going to do to make affordable healthcare really affordable for working Nebraskans until Day Ninety. Thank you, Mr. President. [LB512 LB441]

SENATOR KRIST: Thank you, Senator Morfeld, Senator Crawford, you're recognized. [LB512]

SENATOR CRAWFORD: Thank you, Mr. President. Colleagues, I rise in strong support of AM857, Senator Harr. And I thank Senator Harr for his hard work on this issue. I want to emphasize a point that I don't think I've heard in the debate so far and that is, colleagues, that in order for schools to use this program, in order for districts to use this program, they must apply for this exemption in spending and demonstrate the cost savings. So, colleagues, schools are only using this program if they can demonstrate that there will be cost savings from using this program. And other people have talked some about those cost savings are. I wanted to emphasize that again. It's just not that, oh, coincidentally we've seen cost savings from this program. This is an important tool for our schools to use. We talked some about local control. We grant school districts local control. But we have imposed on that a levy lid. And so we have already imposed

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that as a state in terms of a restriction on local control. This tool provides an opportunity for those schools that hit that levy lid who can apply and who can demonstrate savings to be able to levy to spend the money that it takes to provide these opportunities to negotiate and provide these opportunities to their...to the people...to the teachers and administrators so they can retool and make sure they have savings moving forward. And Senator Harr's restriction on that then to say it's only \$45,000 total is I think a very limited...a very tight restriction on that to make sure that it's being use in a very frugal way. And so I appreciate his work on that compromise and I appreciate this tool. And I will yield the rest of my time to Senator Briese. [LB512]

SENATOR KRIST: Senator Briese, 3:00. [LB512]

SENATOR BRIESE: Thank you, Mr. President, and thank you, Senator Crawford, for yielding your time. Briefly, I rise in opposition to AM857. Essentially, I have the same objections I did previously. It guts the intent of LB457. And folks talk about the cost savings associated with these programs. And again, those cost savings are assuming that these incentives actually incentivize early retirement. But to the extent there are cost savings there, simply because they are there doesn't mean that these expenditures should be outside of the limits. I believe AM857 as contained in AM724 is a commonsense effort to add additional protections for the taxpayers of Nebraska. Districts using these programs must ask themselves, are they sound use of taxpayer dollars by actually incentivizing voluntary termination? And if so, we owe it to our taxpayers to require that such payments are within the limitations. I would ask you to vote no on AM857. Thank you, Mr. President. Thank you, Senator Crawford. [LB457 LB512]

SENATOR KRIST: Thank you, Senator Crawford and Senator Briese. Senator Pansing Brooks, you're recognized. [LB512]

SENATOR PANSING BROOKS: Question. [LB512]

SENATOR KRIST: The question has been called. Do I see five hands? I do see five hands. The question is, shall debate cease? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB512]

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CLERK: 26 ayes, 0 nays to cease debate, Mr. President. [LB512]

SENATOR KRIST: Debate does cease. There's been a request for a call of the house. The question is, shall the house go under call? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB512]

CLERK: 26 ayes, 3 nays, Mr. President, to place the house under call. [LB512]

SENATOR KRIST: The house is under call. Senators, please record your presence. Those senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Harr, time is running on this. So if you would like do your closing, you can start. [LB512]

SENATOR HARR: Thank you, Mr. President, members of the body. AM857 is a simple amendment. Senator Briese, Senator Groene, identified a problem. There are certain school districts that may have abused the separation and may have given large payouts. I agree with that. What this bill does--and you saw them up there earlier, our young educators; they've left now, hopefully not the state but just the balcony--it allows our young educators to enter into the field of education. It frees up space. It looks as those teachers on the...we'll call it in the winter of their career who qualify for retirement but for one reason or another can't afford to take it right now. This provides incentive, a little bump, maybe to pay for health insurance, maybe to pay for whatever they...to pay off their car, pay off their home, maybe to pay their property taxes. But it provides that extra incentive to get them out, to encourage them to leave. The policy must be approved by the board, whatever that policy that school approves or puts forward. Superintendent then puts forward, here are the teachers and administrators we would like to see apply for this program or to receive this funding. And then it comes back to the board and that board must approve it. As Senator Groene said, there are few districts that use it. But those that do, it is a very valuable tool. It is a way of controlling their work force. It's a way of cutting some of the more expensive teachers and allowing for younger. It's easy for those school districts and those senators from school districts that aren't at their levy limit to say, well, just do it within the levy limit. What's the big deal? It's not your money. Well, that's easy to say. In reality, that's difficult because you're already at your levy limit, you have no money. Chances are we, the

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Legislature, have cut your funding this year, which is causing some of your problems. And by the way, we will cut some of their funding this year. So what are they left to do? They have no money. They have no way to get rid of their high-end work...high-end teachers and administrators. And by the way, it does only go to teachers and administrators. It does not go to the janitors. It does not go to the bus drivers unless, of course, they are also teachers and administrators and in some of our smaller school districts, they do do both those jobs. But this is a program that's being used. If it's being abused, for goodness sake, go to the root of the problem. Go to your school board. Attend your school board meetings. And say I don't like this policy. I think it needs to be changed. Call your school board member and say what are you doing? But before you vote on this or after you do, think about it because I don't think you'll have time before. But talk to your school board member. Ask them, do they like this? And the schools that use it, they do. And they are accountable to the people. The hope is that you eliminate some of those more expensive teachers. You can replace them with two less expensive teachers. Maybe you'll now have enough teachers in the classroom to qualify for some federal programming, for Title I money. Maybe you have enough money to free up so you have EAs so that you can better educate your kids. They can have more one-on-one time. [LB512]

SENATOR KRIST: One minute. [LB512]

SENATOR HARR: Thank you. Maybe you might be able to afford to have some extracurriculars. That doesn't show up on your NeSA scores but it goes to educating a full education for those children, an arts program, maybe it's football, maybe it's baseball, maybe it's softball, maybe it's field hockey. I don't know. But ultimately, your school board is responsible for that and go to your school board. I encourage everyone, go to your school board. Go to your school board meetings. I watched one. I watched more than one. I watch them. I think it's important. But don't take this away from them, especially in those areas that need it the most who are already at their \$1.05 and we're cutting their funding this year. With that, I would ask for your support on AM857. Thank you, Mr. President. [LB512]

SENATOR KRIST: You've heard the closing on AM857. And I apologize, Mr. Clerk, for the call. We are complete and everyone is present. Thank you. And now you've heard the closing on AM857. The question is adoption of AM857. All those in favor, aye; opposed, nay. Have all

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those voted that wish to? Senator Harr, for what reason do you rise? I understand you want a roll call vote. Regular order? [LB512]

SENATOR HARR: Let's do reverse. It's Friday. [LB512]

SENATOR KRIST: Okay. In honor of Friday, roll call vote in reverse order. Mr. Clerk. [LB512]

CLERK: (Roll call vote taken, Legislative Journal pages 869-870.) 23 ayes, 17 nays, Mr. President, on the amendment. [LB512]

SENATOR KRIST: The amendment fails. Raise the call. Returning to debate. Senator Groene, you're recognized. [LB512]

SENATOR GROENE: Thank you, Mr. President. When someone attacks me I've got to reply and defames my good name. Senator Hilkemann probably doesn't understand that by actions of this body in the past, every single public employee's wages, benefit, retirement is on the Internet. You can call your school district, your county and you can get their wages. It is something that they all know when they take employment with the government. Every farmer knows when he takes a government payment. You can go on the Internet and find out what he makes. I passed out a form given to me by the Millard School District and I want to praise the Millard School District business manager. He's a good public servant. He did not waiver. He sent it because he knows that it's public information. And when I passed it out, I never mentioned that there were names on there. Senator Hilkemann brought that to the attention to everybody across the state. He did it, not I. You can look up anybody's pay. Not a single individual on there did I disparage as a teacher. I said take what you can take when you can get it; it's America. I was concerned and did not like and did not admire the administrators who took it. I sat in the room with two or three administrators that were retired and when I showed them that, they were embarrassed for their profession. They did not like the idea that anybody would do that. I will still disparage that kind of behavior. It's not what you expect of government servants; 99.9 percent of them are good people who work hard and earn their pay and they are not embarrassed that I know what their wage is or any other citizens because they've earned it. If Senator Hilkemann thinks they were paid too much and it would embarrass them to know...people to know what they got, that's his

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personal opinion. It's public knowledge what I passed out. I would encourage folks to just pass AM724. It is a good amendment. It is fiscally responsible. It stops a misuse of a good program. I would like...one part of it does, Senator Briese's section. It encourages other good programs that Senator Pansing Brooks and Morfeld allowed us to put their bills into the omnibus bill. Senator Walz was fiscally responsible and agreed to cut the total amount of money from 140 to 100,000...appropriations in tough times while making sure those small groups that can't afford to buy equipment for a summer food program can be reimbursed for the total amount. That was negotiated in our committee. It was good government. Senator Briese's bill is good government. We allow, this body does, local entities programs to use. And when we see that as a generation comes and goes and a new generation looks at it for a different purpose than what this body encouraged it to do, to save money for voluntary retirement, it is our duty to correct that. So I would encourage all to vote green on AM724 when we get there. I don't know how many are in the queue, but I think it's time. We've had full debate. Thank you. [LB512]

SENATOR KRIST: Thank you, Senator Groene. Seeing no one else in the queue, Senator Groene, you're recognized to close on your committee amendment. [LB512]

SENATOR GROENE: Thank you, Mr. President. I think I just did. It's a good bill. A lot of work was put into it. A lot of compromise went into it. You guys...everybody knows the makeup of our committee. Anybody said we couldn't work together, we did. Split down the middle with philosophies, we work together and put together a good bill and a good amendment. So I would encourage you to vote green on AM724. [LB512]

SENATOR KRIST: Thank you, Senator Groene. You've heard the closing on AM724. The question is the adoption of the amendment. All those in favor vote aye... [LB512]

SENATOR GROENE: Call of the house. [LB512]

SENATOR KRIST: There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed, nay. Please record, Mr. Clerk. [LB512]

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CLERK: 27 ayes, 2 nays, Mr. President, to place the house under call. [LB512]

SENATOR KRIST: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Watermeier, Pansing Brooks, Williams, Bolz, please return to the Chamber. The house is under call. Senators Williams and Senator Pansing Brooks, please return to the Chamber. The house is under call. Senators Williams and Pansing Brooks...sorry...please return to Chamber. The house is under call. Senator Groene, still waiting for Senator Williams and Senator Pansing Brooks. Would you like to proceed or would you like to wait? [LB512]

SENATOR GROENE: Proceed. [LB512]

SENATOR KRIST: Did you want a roll call? [LB512]

SENATOR GROENE: Yes, from the beginning. Yeah, regular order. [LB512]

SENATOR KRIST: Roll call vote, regular order, Mr. Clerk. [LB512]

CLERK: (Roll call vote taken, Legislative Journal pages 870.) 33 ayes, 4 nays, Mr. President, on the adoption of committee amendments. [LB512]

SENATOR KRIST: Committee amendments are adopted. Seeing no one else in the queue...I'm going to raise the call. Seeing no one else in the queue, Senator Groene, you're recognized to close on your bill. Senator Groene waives closing. The question before you is the advancement to E&R Initial for LB512. All those in favor, aye; opposed, nay. Please record, Mr. Clerk. [LB512]

CLERK: 32 ayes, 2 nays, Mr. President, on the advancement of LB512. [LB512]

SENATOR KRIST: LB512 advances. Next item. [LB512]

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CLERK: Mr. President, the next bill, LB317, is a bill by Senator Hughes. (Read title.) Introduced on January 12, referred to Urban Affairs, advanced to General File. There are committee amendments pending from the Urban Affairs committee, Mr. President. (AM19, Legislative Journal page 348.) [LB317]

SENATOR KRIST: Senator Hughes, you're recognized to open on your bill. [LB317]

SENATOR HUGHES: Thank you, Mr. President, members of the Legislature. I will be brief. I introduced LB317 on behalf of the city of Imperial which is in my district. They adopted assessments after the creation of a street improvement district for \$1.4 million project. Some of the assessments were challenged in court. The court determined that the assessments were void in part because of lack of a special meeting and some issues with minutes. After the court ruling, Imperial considered the possibility of the city reassessing the property by going through the assessment process again and correcting the errors identified by the court. In reviewing the statutes, Imperial discovered that a city of the second class or a village does not have the same authority as a first-class city, primary-class city, or metropolitan-class city to levy or reassess a special assessment. In other words, all other classes of cities have the authority to levy or reassess a special assessment except for cities of the second class and villages. This bill gives everyone the same authority and levels the playing field. There is a committee amendment for this bill which makes technical changes. I am in support of the amendment. Thank you, Mr. President. [LB317]

SENATOR KRIST: Thank you, Senator Hughes. Senator Wayne...as the Clerk stated, there are committee amendments. Senator Wayne, as the Chair of Urban Affairs, you're recognized to open on the amendment. [LB317]

SENATOR WAYNE: Thank you, Mr. President and members of the Legislature. After a great committee hearing on this bill that Senator Hughes was very impressed with the committee, we did have an amendment, AM19, which makes technical changes to the bill to correlate with the changes that were made in LB133, the Urban Affairs Committee omnibus cleanup bill for statutes in Chapter 17 governing cities of the second class and villages that passed earlier this session. Because both bills amend the same sections of the statute, the amendment ensures that

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the language in LB317 does not conflict with the language that was already adopted in LB133. I would ask you to vote green on and adopt AM19. Thank you, Mr. President. [LB317 LB133]

SENATOR KRIST: Thank you, Senator Wayne. You've heard the opening on AM19 and LB317. The floor is now open for debate or discussion. Seeing no one in the queue, Senator Wayne, you're recognized to close on your committee amendment. Senator Wayne waives closing. The question before you is the adoption of AM19 to LB317. All those in favor, aye; opposed, nay. Have all those voted that wished to? Please record, Mr. Clerk. [LB317]

CLERK: 35 ayes, 0 nays on adoption of committee amendments. [LB317]

SENATOR KRIST: Committee amendments are adopted. Seeing no one else in the queue, Senator Hughes, you're recognized to close on LB317. Senator Hughes waives closing. The question before you is the advancement of LB317 to E&R Initial. All those in favor, aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB317]

CLERK: 34 ayes, 0 nays on the advancement of LB317. [LB317]

SENATOR KRIST: LB317 advances. Items? [LB317]

CLERK: Amendments to be printed: Senator Bolz to LB263; Lindstrom to LR6; Senator Blood, LB88 and LB222; Morfeld to LB641. New A bill: LB641A by Senator Morfeld. (Read LB641A by title for the first time.) Senator Vargas offers LR88; Senator Watermeier, LR89. Those will be laid over. Name adds: Senator Pansing Brooks to LB267 and LB285. (Legislative Journal pages 871-881.) [LB263 LR6 LB88 LB222 LB641 LB641A LR88 LR89 LB267 LB285]

Senator Halloran would move to adjourn until Monday, April 3 at 9:00 a.m.

SENATOR KRIST: You've heard the motion to adjourn. All those in favor, aye. Opposed, nay. Oh, that was close. Okay, all those in favor vote aye; opposed, nay. The ayes have it. We...could you record, please?

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CLERK: 25 ayes, 10 nays to adjourn.

SENATOR KRIST: Okay, we are adjourned. Have a good weekend.