

January 4, 1990

LB 939-968
LR 234

And that is not a valid, logical position. I don't think it is a reasonable legislative position and in order not to drag out the discussion on this resolution, that will be all I have to say except to reemphasize that I intend to vote against this resolution and I'll vote against others of similar stripe.

PRESIDENT: Senator Hannibal, would you like to close...Senator Lynch, your light came on. Senator Hannibal, would you like to close, please.

SENATOR HANNIBAL: Thank you, Mr. President. Senator Chambers, I also have many thoughts running through my head, but I will exercise some constraint as well. I appreciate you pointing up some facts about the issue of what days are Nebraska citizens days and which days are days for all the people that we are elected to serve, and I agree with you wholeheartedly. Senator Smith, I'm not sure I really needed that much support saying that this resolution wasn't near as bad as some of them that we have, but I guess I'll take a vote whenever I can get it. Yes, it is true that each day that we meet in session, as a matter of fact, each day that we serve in the Legislature, is for all the citizens in Nebraska. That is my philosophy as well. However, I would suggest that we have many days that are proclaimed to be special for certain kinds of occasions and, in fact, certain individuals and that to say that because this all day should be for Nebraska citizens and not have a day that we proclaim as a special recognition would be tantamount in my estimation to saying that we shouldn't have a veterans' day because that implies that every other day is not a day that should be recognized for veterans and their service to us or any number of things that we do have. I believe that this is a gesture of recognition that we are here because of the citizens and we are here to serve the citizens and it's not near as bad a resolution as some of them we've passed and I would urge its adoption.

PRESIDENT: The question is the adoption of the resolution. All in favor vote aye, opposed nay. Record, please.

CLERK: 15 ayes, 4 nays, Mr. President, on adoption of LR 234.

PRESIDENT: The resolution is adopted. We'll go on to number six, introduction of new bills.

CLERK: Mr. President, new bills. (Read by title for the first time, LBs 939-968. See pages 138-45 of the Legislative

January 8, 1990

LB 409, 958-1013, 1031, 1032
LR 235

SPEAKER BARRETT: Let's stand at ease until eleven-fifteen, Mr. President.

PRESIDENT: Okay, thank you.

EASE

CLERK: Three quick announcements. Reference will meet underneath the south balcony now. Referencing Committee, underneath the south balcony right now.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: (Microphone not activated immediately.) ...return to the Legislative Chamber. The Legislature will reconvene and continue our discussion on the adoption of our permanent rules. Please return to the Legislative Chamber. Mr. Clerk, would you read in new bills, please.

CLERK: (Read LB 1031 and LB 1032 by title for the first time. See pages 198-99 of the Legislative Journal.)

Mr. President, in addition to those items, I have a new resolution. (Read brief summary of LR 235. See page 199 of the Journal.) That will be laid over.

I have amendments from Speaker Barrett to be printed to LE 409. Mr. President, I also have a Reference Report referring LBs 958-1013, as well as certain gubernatorial appointments received. That's all that I have, Mr. President. (See pages 199-201 of the Legislative Journal.)

SPEAKER BARRETT: Thank you, Mr. Clerk. Have you a motion, Mr. Clerk, to reconsider action taken last week?

CLERK: Mr. President, Senator Chambers would move to reconsider the vote on the Wesely amendment to the rules, which I believe the Legislature discussed on Thursday afternoon.

SPEAKER BARRETT: Thank you. The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this motion is designed to reconsider the vote that was taken on

January 9, 1990

LB 534, 747, 840, 843, 845, 895, 911
913, 935, 960, 1014, 1060

SPEAKER BARRETT: Senator Haberman.

SENATOR HABERMAN: Mr. President, I request a call of the house.

SPEAKER BARRETT: A call of the house has been requested. Those in favor of the house going under call please vote aye, opposed nay. Record, please.

CLERK: 26 ayes, 1 nay to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, please return to your seats and record your presence. Those outside the Legislative Chamber, please return. Senators Ashford and Lindsay, Senators Chambers and Scofield, the house is under call. Senators Chambers and Scofield, the house is under call. Senator Chambers, please check in. All present and accounted for. Request for a roll call vote and the question again before the house is the adoption of the bracketing motion. Mr. Clerk, proceed with the roll call.

CLERK: (Roll call vote taken. See pages 235-36 of the Legislative Journal.) 25 ayes, 16 nays, Mr. President, on the adoption of the bracket motion.

SPEAKER BARRETT: The ayes have it. LB 747 is bracketed to a day certain. The call is raised. Any bills to read in, Mr. Clerk.

CLERK: Yes, sir, I do. Mr. President, new bills. (Read for the first time by title: LB 1060. See page 237 of the Legislative Journal.)

Mr. President, I have notice of the Education Committee for the week of January 16, and again for January 22 and 23. That is offered by Senator Withem. (Re: LB 845, LB 935, LB 1014, LB 843, LB 895, LB 960, LB 913, LB 840, LB 911.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Proceeding then to item seven on the agenda, 1989 Speaker priority bills beginning with LB 534, Mr. Clerk.

CLERK: Mr. President, LB 534 was a bill introduced by Senator Withem and Senator Barrett. (Read title.) The bill was introduced on January 18 of last year, at that time referred to

January 23, 1990

LB 160, 337, 393, 590, 740, 769, 863
935, 960, 1001

Mr. President, your Committee on General Affairs, whose Chair is Senator Smith instructs me to report LB 1001 to General File with committee amendments attached, and LB 863 to General File, those signed by Senator Smith as Chair of the Committee. (See page 472 of the Legislative Journal.)

Mr. President, Education Committee, whose Chair is Senator Withem to was referred LB 960 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File, LB 160 as indefinitely postponed, LB 337 as indefinitely postponed, LB 393 as indefinitely postponed, LB 590 as indefinitely postponed, LB 740 as indefinitely postponed, LB 935 as indefinitely postponed. (See page 472 of the Legislative Journal.)

And the last item, Mr. President, is a hearing notice from the General Affairs Committee. That is signed by Senator Smith as Chair of the Committee.

PRESIDENT: Mr. Clerk, do you have a priority motion up there?

CLERK: Mr. President, I do. Senator Bernard-Stevens moves to adjourn until nine o'clock, January 24, 1990.

PRESIDENT: And a machine vote has been requested on that. The question is, shall we adjourn? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 3 ayes, 23 nays, Mr. President, on the motion to adjourn.

PRESIDENT: We are not adjourned. I understand you have another priority motion.

CLERK: Mr. President, I do have a priority motion. That motion is to recommit LB 769 to committee. That's offered by Senator Scofield, Mr. President.

PRESIDENT: Senator Scofield, please.

SENATOR SCOFIELD: Mr. President and members, I've been sitting here this morning listening to this debate. And I guess one of the things that Senator Smith said caught my attention and it relates to conversations I had in my district prior to coming

February 14, 1990 LB 42, 159, 313, 642, 851, 856, 857
874, 893, 901A, 957, 960, 964-966, 984
997, 1044, 1064, 1080, 1090, 1161, 1184
1193, 1232
LR 11

SPEAKER BARRETT: Thank you. Mr. Clerk, you have a motion?

CLERK: Mr. President, I have a priority motion by Senator Langford, that's to adjourn the body until February 15, 1990. I assume that's nine o'clock, Senator. I do have some items.

SPEAKER BARRETT: Anything for the record, Mr. Clerk?

CLERK: Yes, I do, Mr. President. I have amendments to be printed to LB 42 by Senator Baack. (See pages 793-94 of the Legislative Journal.)

Mr. President, Enrollment and Review reports LB 1064 to Select File with Enrollment and Review amendments. LB 851, LB 856, LB 857, LB 874, LB 893, LB 957, LB 964, LB 966, LB 984, and LB 997 are all reported correctly engrossed. Those are signed by Senator Lindsay as E & R Chair. Banking Committee reports LB 1161 to General File with amendments, and LB 1193 as indefinitely postponed, those signed by Senator Landis as Chair of the Banking Committee. (See pages 794-96 of the Legislative Journal.)

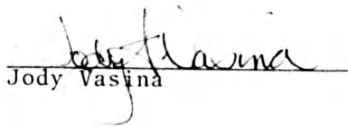
I have a new A bill, Mr. President. (Read LB 901A by title for the first time. See page 796 of the Legislative Journal.)

Mr. President, I have a confirmation report from the Health and Human Services Committee, that is signed by Senator Wesely as Chair. I have a series of priority bill designations. Senator Schellpeper selects LB 1080; Senator Crosby, LB 965; Senator Scofield, LB 1184; Senator Richard Peterson, LR 11CA; and Senator Withem, Education Committee priorities are LB 960 and LB 1090.

Mr. President, Senator Abboud would like to add his name to LB 1044, Senator Crosby and Chambers to LB 642, Senator Elmer and Peterson to LB 159 and AM2372, and Senator Morrissey to LB 1232. I believe that's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The motion before the house is one to adjourn until tomorrow morning at nine o'clock. All in favor say aye. Opposed no. Ayes have it, carried, we are adjourned. (Gavel.)

Proofed by:


Jody Vasina

Mr. President, in addition to that, I have a new A bill. (Read LB 1019A by title for the first time. See page 898 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: We will move on to LB 960, please.

CLERK: Mr. President, LB 960 was introduced by Senator Withem. (Read title.) The bill was introduced on January 4 of this year, referred to the Education Committee. The bill was advanced to General File. I have no amendments to the bill, Mr. President.

PRESIDENT: Senator Withem, please.

SENATOR WITHEM: Members of the body, LB 960 is a bill that the Legislature dealt with last year. It was one of the many pieces of legislation that was passed in the final days. There was kind of a massacre over in the Governor's office and where legislation was that was passed that had A bills that was not included within the budget, was, in fact, was, in fact, vetoed. This bill was one of those. It's been reintroduced. It deals with the question of school improvement passed in the form of LB 336 last year. It had widespread support from the schools, from a lot of parent groups, even some businesses who privately had not said a whole lot in support of legislation, of education legislation, were supportive of this legislation. Some folks from Columbus who run businesses up there came down and supported it. We have a letter here from Jack McCallister, the Chairman of the Board, and Chief Executive Officer of US West located in Denver, Colorado. The thrust behind school restructuring, first of all, whenever you see the word "re"...the prefix "re" in front of any school type of legislation you have the assumption that it deals with reorganization. It has absolutely nothing whatsoever to do with reorganization of schools. It has to do with improving schools. And the thrust of improving schools that's promoted here in restructuring is not a top-down, State Department of Education, and the Legislature passed a whole bunch of mandates that the local schools are forced to comply with. What the restructuring movement does is it gets...sets the policy of the state to urge schools to bring about improvement in the way in which they educate kids and ask them all to reevaluate their abilities to educate kids, and it funds a minimum of four model programs in our state. Actually, it's more than four, excuse me, it funds at a \$40,000 level those school districts that put together

plans to provide school restructuring, to improve the way in which they educate their young people. It's a bill we debated last year quite extensively. There were never any dissenting votes in the Legislature as the bill made its way through the Legislature last year. Very quickly, what it does is it adopts restructuring improvement of education as a statewide goal. It creates a program to be administered by the Department of Education, creates a commission that does the actual overseeing of the school restructuring program, creates this commission. The members will be appointed by the Governor, I believe it is, yeah, by the Governor. They will set up rules and regulations. They will set up the program and then those school districts out there in our state that have a willingness to improve their programs and change the way they educate young people will be submitting plans and we will be funding at a \$40,000 level those school districts in the state that have exemplary programs. I would like to point out to you that even without the Legislature acting in this regard or without the Governor's signing this particular piece of legislation, there is an organization in the State of Nebraska, Nebraska Center For Excellence in Education, that consists of a number of school districts in the state. I know Doug Christensen out in North Platte, the Superintendent out there, is the current President. It includes the Columbus school districts, Fremont school districts, North Platte, Grand Island. Other school districts in our state that have an interest in restructuring are in the process of promoting a program they call A Decade of Change. These schools are voluntarily modeling programs, exchanging information on how better kids can be educated. I have this information here and I would have had it ready for duplication for everybody had I thought this bill was coming up as quickly as it did. If you have any questions about the bill, I would be happy to try to respond to them. I would just appreciate your support.

SENATOR HANNIBAL PRESIDING

SENATOR HANNIBAL: Thank you, Senator Withem. There are several lights on. Some may have been left on from the last discussion. I will go through them. Senator McFarland, your light is on, did you wish to discuss this bill? Don't see him. Senator Korshoj, on this bill. Senator Ashford, on this bill. Senator Hefner. Senator Schmit, on this bill. You are next in line to speak. Senator Schmit, please.

SENATOR SCHMIT: Mr. President and members, I have not had a

chance to familiarize myself with the bill but I guess a question relative to grants. Senator Withem, can you tell me what the grant system will do? As I recall, we discussed it just a little bit last year and why the grant system and the amount of the grants and why they will be able to do with the grants what we cannot do with the existing system?

SENATOR WITHEM: Number one, they're not doing it with the existing system, Senator Schmit, that the...most of the schools in the state, I think, are relatively comfortable in what it is they are doing and they aren't really examining what it is that they do to educate kids, and I think they need to do that. That's...the main reason for the grants is to provide an incentive for school districts to do some of the things that probably you and I might agree they should be doing anyway but probably isn't happening.

SENATOR SCHMIT: Thank you, Senator. I guess that I have no real particular problem with the goal of the bill. One of my concerns is that business and industry in agriculture, all private enterprise operations, learn to adjust and adapt or else you go out of business. You lose your market and...or else you become inefficient and your competitor takes over. It would seem to me that looking back over the years that many of our schools have recognized that there is a need to adapt and change and the schools themselves, the educational institutions themselves ought to be in the forefront recognizing the need for change and the need for reform and the need for new curriculum and new programs. And, of course, one of the concerns that I have is a concern that has been expressed, I believe, by the commission that studied the educational system in Texas where they found that a large portion of the problem that faced the schools was the fact that the children didn't know how to read and write and spell and, until they learned that, they weren't able to use the very modern mechanisms that today are available to them. And as I look at the young folks in the front row here, I don't know, I'm sure they are all excellent spellers and excellent in math and all the rest of those skills but I really am concerned because in recent weeks I have had occasion to hire some new people and I am not at all pleased with the ordinary writing ability, the ordinary spelling ability of those individuals. When an individual fills out just a very modest kind of an application and you find numerous misspelled words, and I don't mean words like "ecclesiastical", I mean ordinary, every day words in that kind of an application, I guess, I have

to commend you, Senator Withem, for your attempt to bring them up-to-date, but I hope in the process that they don't forget the basic skills. I'm going to have to go back and reexamine my notes on this bill last year. And it just seems to me that schools ought to be in the forefront of knowing what is going on, how to reform, restructure, and adapt to the modern problems we face today. Thank you very much.

SENATOR HANNIBAL: Thank you, Senator Schmit. Senator Pirsch, please, on this bill.

SENATOR PIRSCH: Thank you, Mr. Chairman. I would have some questions for Senator Withem, if he will yield.

SENATOR HANNIBAL: Senator Withem, would you respond?

SENATOR WITHEM: Be happy to.

SENATOR PIRSCH: Senator Withem, the first thing that I noted when I looked at this bill and at the committee statement is that in the committee statement it says 200,000 and in the bill in Section 6 it talks about appropriating 300,000. Could you explain to me the difference?

SENATOR WITHEM: Yeah, the committee statement is wrong. The bill is...and there would be a conflict between the two. What's written in the bill would...what I planned on doing once we...we wrote in the appropriation into the bill. What I plan on doing because we ran into a confusion problem last year is striking the language out of the bill here and introducing an A bill and we can let the Legislature decide whether it ought to be 100,000, a million dollars, whatever it should be. At this point, this is the intent of the Legislature to later on appropriate the \$300,000 and that would be the more accurate figure to discuss.

SENATOR PIRSCH: Okay, thank you. And the summary of purpose talks about these grant recipients must represent a balance in school size, geographic location and philosophy. I don't see that in the bill either. What do you mean by philosophy? How are these grant programs going to choose school systems that vary in philosophy.

SENATOR WITHEM: Well, in the bill the language you are referring to is on page 6, I guess the word "philosophy", I

don't, frankly, see the word "philosophy" there in the bill itself. I think what that refers to is, Senator Pirsch, among the...in the educational community now there are a lot of varying philosophical approaches on how best to teach children and I think what...most people come to the conclusion that no single philosophy works best for each and every child. Richmond school...

SENATOR PIRSCH: Could you give me some examples?

SENATOR WITHEM: Sure. Richmond school district in California, as a matter of fact, has done this, that for some children a Montessori approach where there is a lot of student activity and student initiated discovery is the best method of education. For others a repetition, sitting in a...sitting in a row in a very structured classroom, reciting lessons, learning to diagram sentences, all of those things is the best method of education. For some people, learning through self-directed via technology works well; for others it's a disaster. So we're looking at examining all of these different philosophical approaches.

SENATOR PIRSCH: Well...

SENATOR WITHEM: Let me push my light, Senator Pirsch, I'm talking too long on your time and we can continue this on my own, if we need to.

SENATOR PIRSCH: Yeah, okay, because I do have a couple of others that you might address. This commission that is going to be formed, another commission, a School Restructuring Commission will review these grants for five years, I understand, or the grant will last for the whole five years or are we going to do this every year?

SENATOR WITHEM: A one-time grant of \$40,000.

SENATOR PIRSCH: Okay, \$40,000, and that includes the 300...up to the \$300,000 limit that the Legislature will do for this one five-year period. You started out talking about global economic competition. Are these going to be dwelling on economics? Then later you talk about technological economy. Is that going to be the thrust of these grant programs? I'm...

SENATOR WITHEM: No.

SENATOR PIRSCH: ...very hazy from...

SENATOR WITHEM: No. No, well, the bill, Senator Pirsch, creates legislative findings, finds and declares. Section 2 of the bill talks about why we need to improve our education system. I think Senator...we maybe should take this part of the bill out and insert Senator Schmit's remarks because they're probably a little more easy to understand than maybe some bill drafting language.

SENATOR HANNIBAL: One minute.

SENATOR WITHEM: The point we are talking about with the global economic competition is a reality that we currently, as a nation, are suffering economically because nations like Japan, western Europe, soon to be eastern Europe...

SENATOR PIRSCH: I think we all understand that, but what I am saying is that why is that put into this bill if these are for programs that will look at mastery of learning and knowledge, active student involvement, team teacher involvement, development of higher order thinking, the active involvement of community parents and administrators, it seems to fuzzy up what supposedly the committee statement is aimed at. And, with that, I guess I will listen to debate with interest to see exactly what we are going to achieve with this bill except establishing another commission, another bureaucracy.

SENATOR HANNIBAL: Thank you, Senator Pirsch. Senator Coordsen, please, followed by Senators Peterson and Hartnett.

SENATOR COORDSEN: Would Senator Withem respond to a question, please.

SENATOR HANNIBAL: Would you respond?

SENATOR WITHEM: Be happy to.

SENATOR COORDSEN: Not very complicated, Senator. On page 7, Section 5, speaks of a board of education waiving any rule or regulation. I guess I'm more curious than anything since we have a rather well defined system of putting in place rules and regulations, can we, in fact, simply authorize them to waive any of the rules?

SENATOR WITHEM: Yeah.

SENATOR COORDSEN: The school board, certainly I understand that, my question was on waiving the State Board of Education rules and regs.

SENATOR WITHEM: Yeah, we certainly...we allow them to establish rules and regs and we also indicate that they may have the power to waive in these particular cases, yeah. The question is a simple can we do it legally? Yeah, sure we can.

SENATOR COORDSEN: Thank you.

SENATOR HANNIBAL: Thank you, Senator Coordsen. Senator Peterson, please.

SENATOR PETERSON: Mr. President, Senator Withem, I've got a couple of questions. Senator Withem, on page 4, lines 11 and through 13, what does this mean? The purpose of the program shall be to provide state incentives for local schools and school districts to undertake school restructuring projects. What do you...what...explain that. What...?

SENATOR WITHEM: Well, that's kind of what I have been talking about here is that the concept of a restructuring project or restructuring of schools is based on the philosophy that the traditional way of educating children may not be as effective as we like to think it is. It doesn't have anything to do with reorganizing schools. It has to do with what happens when a teacher walks into the classroom and has 30 students in front of them, when the students walk in the door of a building, whether it be a large school building or a small school building, and how can we do a better job of getting those students that Senator Schmit's concerned about that can't fill out their job applications, can't spell words, how can we do a better job of educating them. We know a lot about how kids learn well but a lot of what goes on in the classroom of a given school, whether it be one in Madison County or one in Papillion, Nebraska, or any place, isn't taking its full advantage of that information as we need. If the concern again is whether...you know, I don't know what I'm reading into your question but maybe we'll just go ahead. If there is another question, I'll try to respond to it.

SENATOR PETERSON: Okay. On page 5, number 4, the commission, as I read that, just serves as an advisory capacity, the

Department of Education makes recommendations, they can ignore them or accept them. Right? Is that...is this commission the 12-member of...

SENATOR WITHEM: Yes.

SENATOR PETERSON: So they really don't have much authority, as I read it, the advisory commission.

SENATOR WITHEM: No, and if that's a problem with the bill, it might be a good improvement is to give them the authority. I don't know if legally we can give them the authority to distribute dollars or not but it might be a good improvement to the bill to give them more authority.

SENATOR PETERSON: Well, I had a bill before public health a week ago and taking away the advisory and make them a subcommittee or something like that where they had some authority because I'm seeing more and more that these advisory committees are formed and not doing...they...well, this Department of Education and Department of Public Institutions, or what, doesn't seem to mean anything to them, whatever they say, they ignore it. And so I have a problem with structuring this with 12 people and funding them to come in for meetings and the Department of Education, in essence, ignore everything they do or say.

SENATOR WITHEM: Yeah. Let's work on an amendment to change it. I think you make a good point.

SENATOR PETERSON: Okay. And is...I thought I read in there and I had a note from a couple days ago and I thought it was coming up, is there anything in this that's the commission being dissolved in one year? I was trying to look for it, but I had a note down here. Why is the commission being dissolved in one year? Can you...I don't see it but I was wondering. I had...

SENATOR WITHEM: June...page 6, line 10 and 11, the commission shall terminate and be dissolved effective June 30, 1992.

SENATOR PETERSON: Oh, okay. Why terminate the commission? Every...their work's going to be done in that...

SENATOR WITHEM: Yeah. Yeah, this is a one...what this is designed to be is a one-time emphasis by the schools to look at

the way in which they educate kids, to fund model projects. We don't want this to be something that ties into the budget year in and year out. We want this program to work and terminate. We don't want to continue...this is not an ongoing built-in \$300,000 appropriation every year.

SENATOR PETERSON: Okay. I had a question but Senator Coordsen asked on Section 5 too, so we won't take any more time on that. Thank you.

SENATOR HANNIBAL: Thank you, Senator Peterson. Senator Hartnett, please, followed by Senators Langford, Withem, Korshoj and Bernard-Stevens.

SENATOR HARTNETT: Senator Withem, if I may ask you some questions. You're doing a good job answering the questions. On this handout, on the fact sheet, down, it's how will the grants application process be structured? A special School Restructuring Commission appointed by the Governor will establish guidelines for the distribution of grants. I guess my question or my concern, I guess, is that, you know, I can...I can structure a committee or a group of people to say that all the money stays in western Nebraska, from North Platte west, that...does the Legislature or does someone have an oversight over this commission that's appointed by the Governor?

SENATOR WITHEM: No, they don't. I know Senator Haberman, on a previous bill here, put an amendment on to provide for. The direction says there shall be geographic balance in the bill.

SENATOR HARTNETT: Oh, does it? Okay.

SENATOR WITHEM: It doesn't have specifically so many per congressional district or any of that kind of stuff. We chose not to do that. I hope the language that says there shall be geographic balance is an appropriate one.

SENATOR HARTNETT: I guess that was my concern is that, you know, you could...the way you structure something, you know, grants could all end up in someplace, you know.

SENATOR WITHEM: Yeah, I don't think a Governor who appoints a statewide commission is going to allow all the members to come from one part of the state. I assume that that will be taken care of.

SENATOR HARTNETT: Yeah, thank you.

SENATOR HANNIBAL: Thank you, Senator Hartnett. Senator Langford, please.

SENATOR LANGFORD: Mr. President, there are several things about this bill that make me nervous. For one thing, the 12 commissioners, eight of them are from education, that it seems to me that one of the problems we're having today is the philosophy of the education system. And if we could get some other representatives, other than...there would be four that are not from education with the possibility of two that are recommended by the Legislature's Committee on Education, I would assume they would probably end up from education also. Then the A bill, there is 300,000 in the bill and then the costs of administrating are another 157,000, so this makes us up to 457,000 for the first year. Is that correct, Senator Withem?

SENATOR WITHEM: For the first and only year.

SENATOR LANGFORD: Well, there is also funding of 155,000 the second year.

SENATOR WITHEM: Okay, then that will be...that will be the appropriation the second year and then there will be no more funding.

SENATOR LANGFORD: So the whole, the whole cost then is about \$700,000?

SENATOR WITHEM: Over two years, yes.

SENATOR LANGFORD: I see, and then what...how do we implement any of these good ideas that these people come up with that spend our 300,000? I mean, if it sunsets, what is the possibility for utilization?

SENATOR WITHEM: Is that a question directed to me?

SENATOR LANGFORD: I'm sorry, sir, yes.

SENATOR WITHEM: Process for utilization is through the network that exists among the educators in our state. There is two options, I guess. You either set up a statewide curriculum

where all the decisions are made in Lincoln and they're enforced. And if you would like to consider that, that would be an option I would not support. The other is to maintain our system of local control where local teachers, local school boards, local administrators, local parents make decisions about education, that what this process will do is allow them to have access to things that have actually worked well in the State of Nebraska.

SENATOR LANGFORD: Thank you. Thank you. I must say, the idea is probably a very good one but for the cost I think that the results will be very minimal. Thank you.

SENATOR HANNIBAL: Thank you, Senator Langford. Senator Withem, you are next, but before you speak, do we have matters for the record, Mr. Clerk?

CLERK: Mr. President, Senator Haberman would like to have an Exec Session of the Retirement Committee in the senate lounge now. Retirement Committee, senate lounge now. That's all that I have, Mr. President.

SENATOR HANNIBAL: Thank you. Senator Withem, please, followed by Senators Korshoj and Bernard-Stevens.

SENATOR WITHEM: Yes, Mr. President and members of the body, my light was pushed initially when Senator Pirsch and I were engaged in a dialogue there and I was talking too long on her time. Senator Pirsch, did you have anything else that we needed to...? I pushed my button primarily because I was using a lot of your time in answering your questions. Did we finish with...I think you had ended with a question on what's this language about global economic competition doing in the bill? And I plan on addressing that. Was there anything else that I needed to deal with?

SENATOR PIRSCH: Well, no. I would appreciate hearing that, but also I did have a question on Section 5 also which was mentioned. And I guess I would like to see some instances or examples of when would you want to waive a rule and would you waive it for an individual or for a group in a school board (interruption)?

SENATOR WITHEM: Okay, the way...yeah, let me address those two things then in the time that I have here and then save anything

else for the closing. The waiver of rules and regulations is an important part of this bill. I might indicate that this is not something that we thought of here in Nebraska. This is a form of school improvement that has taken place all across the country. As a matter of fact, Secretary of Education, Lauro Cavazos, is a strong, strong advocate of restructuring schools. This is what was talked about at the President's Summit last year when all of the governors came in to meet with President Bush to talk about what it is we need to improve education, these types of programs of really looking at the nitty gritty of how children are educated. One of the things we found, you know, the traditional way of improving education is that we brilliant people down here in Lincoln pass bills that set up mandates and make local school boards offer more of this program or more of this program or more of other sorts of programs, but they're finding that hasn't worked particularly well. But what we need to do as state policymakers is provide incentives, provide encouragement, provide the leadership to let those people that are educating kids make their decisions. One of the things that's emerged in education over the last several years is a series of fairly rigorous types of rules and regulations that must be followed. One that comes to my mind is you might have a brilliant individual up there in the City of Omaha, you know, Jim Suttle, one of your constituents who you and I both know, I think, who is a brilliant individual in terms of engineering. He wouldn't be able to go into a classroom currently because of all of our rules and regulations about who can teach and who can't. Maybe we ought to be looking at those sort of people that we can bring in. Maybe the best way to teach math and science to a given group of students is not to have a structured math program that they study math for an hour and then they go on into science for another hour, but maybe put those kids together for half a day working on math and science and problems together and they'll do a better job of learning math and science that way. Under some state department rules and regulations we can't do that. The global educ...you know, the word, I know the word "globalism" and looking at one world and all of that kind of stuff comes up whenever you use the word "global", and we had some individuals that testified, an individual testified at the hearing concerned about that language and I think I clarified at the hearing, want to clarify here today that President Bush, Lauro Cavazos, others that are saying that we need to improve our education system, say we need to do it for very selfish reasons as a country, because the people that we're sending into Senator Schmit's office to fill

out applications don't know how to spell, don't how to read. The people that Senator Chambers spoke with up in some of the schools that he and I were talking with the other day don't do as good a job of communicating their thoughts and writing as they should, that we have a very real danger as a nation if we don't start doing a better job of educating young people of being in a situation where we're going to lose what competitive edge we have left with the rest of the world. And if we don't take seriously our responsibility as state policymakers to set in place some things to improve educational quality in our country,...

SENATOR HANNIBAL: Thirty seconds.

SENATOR WITHEM: ...we are then not going to maintain the standard of living that we have now and our young people coming on after us aren't going to have then. That's what this bill is about and that's why that language is in there. It has nothing to do with the other connotations that people have when they see the word "global" that somehow sends them into a frenzy of some kind or other. I think it's a good bill. I think you ought to support the bill. I appreciate the comments and the questions. It's one we probably ought to spend more time discussing and debating on what we can do as a Legislature to improve education, because since I have been here we haven't really done a very effective job as a Legislature of impacting on quality education issues as far as our kindergarten through high school students are concerned. And I think this bill will move us in that direction and I would urge your support for it.

SENATOR HANNIBAL: Thank you, Senator Withem. Senator Korshoj, please.

SENATOR KORSHOJ: Senator Hannibal and lesser members, I guess it is, I will give...I'll give Senator Withem and Pirsch some time. I've just got a couple of comments. It looks like the program would be a pilot program of probably eight school districts participating in and whoever writes the best request is going to get the grants, I'm sure. But when this is all over with, said and done, there is a possibility nothing will come out of it. It's...we don't know what, it could be the end of the program and the end of the line.

SENATOR WITHEM: Yeah, it could be.

SENATOR KORSHOJ: I mean, there is no guarantees that anything is going to come on out of it.

SENATOR WITHEM: No guarantees, you're right.

SENATOR KORSHOJ: You two take over. I just wanted to point out that we've got eight districts that will handle this out of the 900.

SENATOR WITHEM: Now do you want us to talk simultaneously or shall we take turns or...

SENATOR KORSHOJ: Together, one, two, three. If you want the time, it's yours.

SENATOR HANNIBAL: Senator Pirsch, excuse me a second. Senator Pirsch, are you going to speak? Go ahead.

SENATOR PIRSCH: Yes. The global economic competition, you know, I don't find any danger in, but what I do see is that sometimes it's thrown out as, hey, we ought to do it because we're in global economic competition, which I don't think is the password for anything that we want to do.

SENATOR HANNIBAL: Senator Pirsch, would you mind speaking a little more into the microphone, please. We can't hear you very well.

SENATOR PIRSCH: Yes.

SENATOR HANNIBAL: Thank you.

SENATOR PIRSCH: I shall do that. Quite frankly, I would rather see your summary of purpose and change in the bill than the words you have in the bill. Nowhere in the bill do I see that the certain components of restructuring will include mastery of learning and knowledge essentials, active student involvement in the teaching and learning process, team teacher involvement in planning curriculum and pedagogy, development of higher order thinking skills and the active involvement of community parents administrators in the school board. Now I think if you use those words in the bill, I would feel much more comfortable with LB 960, instead of the long not definite wording that you have used. And maybe you wanted to make it that way to make it wide open. But I guess maybe I and probably those who are looking

for grants would rather see what kind of things that they would have the opportunity to do some of these innovative programs. Thank you.

SENATOR HANNIBAL: Senator Korshoj, I believe you were giving the rest of your time to Senator Withem and Pirsch. There is some time left, Senator Withem. You have approximately two minutes.

SENATOR WITHEM: Yes. One of the criticism of the school restructuring movement, Senator Pirsch, is that there is not a good definition, if you and I would like to get together and put that definition in. I think what committee counsel did, when they made the summary they put in a definition of the types of things that go into school restructuring. If you feel comfortable having those in the bill, let's get an amendment drafted and put them in. I think it's a good idea.

SENATOR HANNIBAL: Thank you, Senator Withem. Senator Bernard-Stevens, you are next to speak, but before you do I would like to take this opportunity to introduce the guests in the south balcony. From Senator Kristensen's district we have 20 eighth graders from the Blue Hill Public Schools and their teacher. Would you all please rise and be welcomed to the Legislature. Thank you for joining us today. Senator Bernard-Stevens, please.

SENATOR BERNARD-STEVENS: Thank you, Senator Hannibal. Members of the body, it's been, I think, a very good discussion this morning. There have been a lot of good points brought out and good questions asked for clarifications. I think Senator Pirsch and Senator Peterson and others have offered some good ideas to the bill that came out of the Education Committee, LB 960. I do want to kind of refocus, if we can, because sometimes we get off on this idea and another idea and then before we get to vote maybe we kind of lose the focus of what we're trying to actually accomplish. In the Education Committee, one of the things that was a concern of the committee and I think to the Nebraska Legislature is that we can't continue with the status quo the way it is now. When you start comparing our students with other students, and I'm not even talking about a global economy, but when we start comparing our students with others we're beginning to see some warning...some warning bells out there. There are some warning signs out there that some changes may be made...may have to be made. One of the problems we have in this particular

state is because of our tremendous reliance on property tax there is a tremendous need, I think, in school systems right simply to fight to maintain what they already have. And I know, for example, in the North Platte school systems though things have gone up in certain areas they have had to reduce many, many programs simply because they can't afford to keep those things going. So to ask school systems then to come in and say, you know, there are some warning bells out there, we need to look and see if there is a better way we can do so, the first question, of course, we're going to come back is, that's fine, what programs do we cut to do so or where are we going to get the money, because it's very difficult right now with the property tax situation we're in, particularly if, you know, if you lose money on a pipeline case and years ago we lost money on a railroad case. We don't know what the courts later on are going to be saying, and the special session, and what have you, so there's a big indefinite there. One of the things the Education Committee wanted to do is to say, listen, if you're willing to bring in parents, if you're willing to bring in the students and community leaders and really look at your school from the ground floor up, and if you are willing to do that and you come up with a proposal that you think will really help better educate our children in which manner you deem necessary, we're willing to put some money in there. We're willing to help you get that done. And we're also willing to say, some of the rules and regulations that are keeping you from making some of the changes, we're going to waive those if it's reasonable and we're going to waive those to give you an opportunity to perform. And I think Senator Langford made a very good point when we talk about the money that's being spent versus the gains. But I also want to say that when we put \$4 million of research money to the University of Nebraska, we should have asked...and we did ask the same questions, what will we gain out of that? And the answer was, we don't know, we have no idea what the research...if it will be successful or not. In fact, most good research fails miserably a long period of time until finally they reach...they study from their failures and they finally get to something that works. So it very well may be, as Senator Withem says and Senator Korshoj says, that we could spend \$300,000 and absolutely nothing comes from that. But I think what the Education Committee was trying to say is we think that when you allow community leaders and the parents and the children and the educators and those that are noneducators to get together to look at, that the chances of success of finding a better way to do so is much, much more probable than the

chances of failure. And I think if we can find some better ways to educate our children, using better techniques and we give them the emphasis to do that, I am convinced that the other school districts will want to follow. And I'm convinced that we can do something here. And I'm also convinced if we're willing to spend \$4 million in technology research and experimental research, we also can spend 300,000 for the future of our children because we might come up with something better. And I think we can because I have a lot of faith in the people down at that area that they can do...that they can do that. I have a lot of faith in those people. So I would hope...

SENATOR HANNIBAL: One minute.

SENATOR BERNARD-STEVENS: ...that we would simply go back, look at the focus of the issue and say, are we doing things correctly now? And if the answer is we're not sure, we're willing to make some changes, then I think the Legislature needs to take that first step. And I think we'll be surprised of what we come up with. But I think we'll all lose if we fail to give people even a chance to try. Thank you, Mr. President.

SENATOR HANNIBAL: Thank you, Senator Bernard-Stevens. Senator Pirsch, please, your light is on again. I don't see her here. Then we will go to Senator Dierks, please.

SENATOR DIERKS: Mr. President and members of the body, I just wanted to offer a few words about this legislation. In the four years that I have served on the Education Committee, I think it's very clear that that committee has been issuing challenges to people who come before it and sometimes who haven't been there. We are all concerned about education in Nebraska, not only elementary and secondary but postsecondary. I think the challenge has been issued to the Commission On Postsecondary Education and it's been issued to educators across the state that we want the best in education for our children and we have to do whatever we can to try to find this. We are all concerned about the lack of reading comprehension and the lack of spelling abilities and the lack of knowledge of geography and we all are aware of that and we all are disappointed with that. So I think that whenever we can come up with some sort of a plan that will improve the situation that it's necessary for us to support that. This particular bill, I believe, is a bill that will do that and I don't have any problems with it myself. I think that it's a fairly

straightforward bill and provides us with the means to obtain some information that I think is necessary for us to have. Frequently, before the Commission On Postsecondary Education, I have asked them when they come and give their report to us, who is teaching our teachers how to teach? You know, I think this is something that they should be addressing because they have to do with the education policies of our state, especially in postsecondary education. And the problem that I have always had and the Education Committee members have heard me speak about it before, is the fact that we have a functional literacy rate in Nebraska that I think is unacceptable. And I don't know how we address this if we don't take advantage of these sort of studies and try to find out where the problems are, where they're starting, where they're coming from and what we can do to stop that. So I would ask that you support this legislation and I don't ever want to stand up here and say, trust me, because I don't like that particular phrase, but I think this is legislation that will be of benefit to education and to the youth of our state. Thank you.

SENATOR HANNIBAL: Thank you, Senator Dierks. Senator Baack, please.

SENATOR BAACK: Yes, Mr. Chairman and colleagues, I think we're having a very good discussion about what this bill is all about. And I think that just to add another perspective to it, I think we did, you know, we took what I consider the best first step towards restructuring schools last year and that's when we passed choice. And that was the first step in the process. I know that educators will argue with me and say that the first step in the process is you give them the restructuring and then we'll talk about choice. I think you do it the other way around and you give parents the ability that if a school district is talking some restructuring, maybe doing some programs that they're not in agreement with, you give those parents an opportunity to go to a different school. So I think that, you know, one of the reasons that I felt that choice was necessary was to provide for innovation and creativity of ideas and for schools to...and to promote those kind of ideas so that schools could promote creativeness, promote innovation in their school so that they could make their school better and make their school more attractive for students so that they could bring in choice students to their school district. We now have choice in place in Nebraska. I think this is the next logical step is that we allow those school districts some flexibility in

promoting some creative ideas. I have a bill before the Education Committee that is trying to get schools to be innovative in ways of providing coordination between postsecondary and secondary education in the state. That bill is in the Education Committee, probably is not a bill that I'm going to push hard this year but I think it's something that we need to be looking at for the future. But I think that one of the main problems that we have with education in this state is accessibility and accessibility for all of the citizens of this state. And I think when we do the things like restructuring and we come up with new and creative ideas of getting the information out to the students all across the state, that's what we need to promote. We need to promote those kind of creative ideas so that all of the students in this state can have an equal opportunity for education. With that, I would simply urge the body to advance this bill because I think it's an important concept that we need to have in this state. Thank you.

PRESIDENT NICHOL PRESIDING

PRESIDENT: Thank you. Senator Withem, would you like to close on the advancement of the bill?

SENATOR WITHEM: Yes, Mr. Speaker and members of the body, we have had a good discussion on the bill and I appreciate that fact that we spend a lot of time in the Education Committee and on the floor of the Legislature on education issues dealing with noneducation issues, issues of structure, issues of governance, issue of financing. This is a bill that deals with the real nitty gritty of whether our kids are getting the type of education that they deserve. I very much appreciate the way Senator Dierks characterized a lot of our work on the committee and what this bill does, because it does, in fact, issue a challenge to the school community to begin improving. We have a tremendous problem, I think, in this state in that we in some ways are spoiled by our successes in education. We're treated every few months to headlines about Nebraska students doing well on standardized tests, that our dropout rates are low. We've got to remember that's compared to an overall system that the very conservative Republican administration in Washington of President Bush and former Secretary of Education Bennett and current Secretary of Education Cavazos are convinced is a failing system, a system that needs some improvement, definitely needs some changes. In comparison with that system, yeah, we do

well, but in comparison to what we really need to be doing for our kids it's not...it's not there. We need to rethink a lot of things we do in education. Senator Korshoj asked me here privately if...are there some things going on in the schools that maybe shouldn't be? Should we be eliminating some programs? I would say absolutely, absolutely. What we have tended to do with our education system is every time something new comes along we add on, we add on a new program in lots of areas. And I've probably stood on the floor and supported a number of those that I may have second thoughts about later on. We tend to add on, add on and add on. Pretty soon there is no more room to add on. We need to rethink a lot of the things that are being taught in our schools and whether they are, in fact, involved with the mastery learning and the other approaches that we need in the areas of improving education. We passed a bill in this Legislature when I first got here, LB 994, and didn't fund it. Last year we passed choice legislation and, hopefully, we're going to fund that this year with Senator Baack's bill that he has in. Aside from that, in terms of looking at overall school quality and whether our kids are getting good experiences in our schools or not, we haven't done much as a Legislature and we really need to do more, I think. And for that reason I would urge you to support LB 960. This is a bill that was caught up with all of the other bills that were vetoed last year when the money wasn't available but this body unanimously did send this bill out of this Chamber on Final Reading, unanimous support last year. We had some of the same questions that came up last year in General File debate and I think we had a good discussion like this last year. People felt comfortable with the bill last year. If there are people like, you know, Senator Peterson, I think, had a good suggestion, that we look over some Select File amendments in that area. Senator Pirsch might have had some good suggestions, things that we needed to add to the bill. So I would be happy to work with those individuals between now and Select. I would urge you to support the legislation.

PRESIDENT: Thank you. The question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: 26 ayes, 3 nays on the advancement of the bill, Mr. President.

PRESIDENT: The bill is advanced. Let's take up LB 960A,

February 23, 1990

LB 844, 853, 855, 855A, 903, 919, 960
960A, 1022, 1086, 1167, 1183, 1216

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning as our Chaplain of the day, Pastor Duane Doremus of the Faith Lutheran Church in Hebron, Nebraska. Would you please rise for the invocation.

PASTOR DUANE DOREMUS: (Prayer offered.)

PRESIDENT: Thank you, Pastor Doremus, for your prayer this morning. We appreciate it. Roll call, please.

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

PRESIDENT: Thank you. Any corrections to the Journal today?

CLERK: No corrections, Mr. President.

PRESIDENT: Any messages, reports, or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 853 and recommend same be placed on Select File, LB 1086, LB 1216, LB 1167, LB 903, LB 844, LB 919, LB 1183, LB 960, LB 960A, LB 855, LB 855A. Those were reported to Select File, some of which have E & R amendments attached. (See pages 942-44 of the Legislative Journal.)

Mr. President, a series of Attorney General's Opinions, one to Senator Wesely on LB 1022; and Senator Haberman has an opinion regarding Judicial Nominating Commission procedures; Senator Wesely has an opinion on Federal Fair Housing Amendments being proposed; and Speaker Barrett an opinion regarding gubernatorial confirmation procedures. (See pages 944-56 of the Legislative Journal.)

Finally, Mr. President, I have a report of registered lobbyists for the week of February 17 through February 23. That is filed pursuant to statute, and that is all that I have, Mr. President.

PRESIDENT: We will move on, please, to the confirmation reports.

CLERK: Mr. President, the Banking, Commerce and Insurance Committee, chaired by Senator Landis, reports on the

March 7, 1990

LB 960, 1094

adoption of the Conway amendment, have you all voted? Senator Haberman.

SENATOR HABERMAN: Mr. President, due to the circumstances, I would like to ask for a call of the house and I will take call in votes.

SPEAKER BARRETT: Thank you. The question before the house is, shall the house go under call? All in favor vote aye, opposed nay. Record.

CLERK: 13 ayes, 0 nays to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, please return to your desks and record your presence. Members outside the Legislative Chamber, please return and check in. The house is under call. Senator Moore, please. Call in votes have been authorized.

CLERK: Senator Baack voting yes. Senator Robak voting yes. Senator Pirsch voting yes. Senator Hartnett voting yes. Senator Labedz...

SPEAKER BARRETT: Record.

CLERK: ...voting yes. 26 ayes, 1 nay, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: The Conway amendment is adopted and the call is raised.

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

SPEAKER BARRETT: Back to the question of its advancement, Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1094, as amended, be advanced to E & R for engrossment.

SPEAKER BARRETT: Thank you, sir. Any discussion? If not, the question is the advancement of LB 1094. Those in favor say aye. Opposed no. The ayes have it. Motion carried. The bill is advanced. LB 960, Mr. Clerk.

CLERK: Mr. President, LB 960, I have E & R amendments, first of

all.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 960 be adopted.

SPEAKER BARRETT: Is there discussion? If not, shall the E & R amendments to the bill be adopted? All in favor say aye. Opposed no. The ayes have it. Motion carried. They are adopted.

CLERK: Mr. President, Senator Withem would move to amend the bill. (See Withem amendment, AM2881, on page 1242 of the Legislative Journal.)

SPEAKER BARRETT: The Chair recognizes Senator Withem.

SENATOR WITHEM: Yes, Mr. Speaker, and members of the body, LB 960 is a bill we debated on General File a week or so ago. It deals with the concept of restructuring of education. I had the privilege of attending a conference back in Virginia over the weekend where I was able to meet with six legislators from around the country, seven school board members from around the country, and some of the brighter minds on this whole area of how we go about improving education to make it a better experience for children. It was a remarkable experience and I came back committed even more than I was before to the idea of improving schools and needing to improve schools not in the traditional way that we do, imposing state down mandates, throwing money at problems, but really looking at the way in which schools are organized, and how curriculum decisions are made, and how teachers interact with students, and how students actually learn, and making the schools better; committed, as I said, even stronger to the ideas behind 960. Also to be very honest with you, I am not as committed to the idea of the grant program that we have in 960 as I was before. Part of that is that I think the situation of improving schools is so massive a process that we probably won't do a lot of good by appropriating the grant money. Secondly, it is getting to be that time of the year when we, as legislators, are getting ready to cannibalize legislation and proposals that are out there on the floor. We have revenue projections that have come out since we last discussed this bill. We don't have the money that we thought at that time that we did have, so I am proposing with this

amendment, as kind of a preemptive strike, I will admit, that probably would be coming either from Final Reading amendments or vetoes or something like that that this money wouldn't be here anyway, so I am proposing in this amendment that we do take the portion out of the bill that provided for the grants. I think that was about \$400,000 appropriation that we are suggesting...that I am suggesting be removed from this bill as somewhat of a preemptive strike. Also the other thing I am doing with the amendment, Senator Pirsch had pointed out to me in the dialogue we were having on the bill on General File that there is some nice language in the committee statement defining what restructuring is, that it is mastery of learning of knowledge and knowledge essentials. It involves active student involvement in the teaching and learning process. It involves teacher collaboration and planning curriculum schedules, and learning goals and objectives, and that it develops student higher-order learning skills. She pointed out to me that that was not in the bill anyplace and I think I agreed with her at that time it would be a good idea to include that language within the bill. So this bill, what it will do, if this amendment is adopted, we will strike out the grants that were mentioned in the bill, that portion of the bill that talks about the Legislature appropriating \$300,000 for purposes of grants will be gone. We will add a definition of restructuring including the things I just read off. We will then have a Legislature that is committed to the idea of restructuring schools. We will have the situation in place where schools are encouraged to restructure. We will have a commission that will be moving forward with this idea of restructuring. We will have the situation where State Board of Education may waive rules and regulations that get in the way of restructuring projects, but we won't have the money appropriated. With that, I will respond to any questions that anybody may have. If there are no questions, I would urge you to support the amendment.

SPEAKER BARRETT: Thank you, Senator Withem. Is there discussion? Senator Pirsch.

SENATOR PIRSCH: Thank you. I just wanted to commend Senator Withem for putting in some specific language in this bill and giving some direction to it, and I do support the amendment, and I will be able to support LB 960.

SPEAKER BARRETT: Thank you. Senator Bernard-Stevens, please.

SENATOR BERNARD-STEVENS: Just briefly, Mr. Speaker, members of the body, I, too, will be supporting the amendment. However, I do have a little bit of a concern where we take the funding out, and I certainly understand why we need to do that, and the political ramifications and realities, but I also want to also suggest to the body that what will probably happen in my estimation is that those districts that are very progressive, those districts that have the financing that can afford to do the planning, to do the getting the people together, that have the finances to be able to cover some of those things, what you will find, I think, is that only those districts will be the ones taking advantage of it, and restructuring, if it is going to work, is something that needs to be statewide in a variety of circumstances, in a variety of districts in different size, different class, and different economic needs, and so I suggest to the Legislature that if LB 960 does, in fact, pass this year and signed by the Governor into law, that we look and see what has happened in the area of restructuring in the upcoming years and that we go back and see if we can make something work on a statewide basis that would be more helpful to some of those districts that may not be able to take advantage of the situation as it will be presented to them after this bill. Thank you.

SPEAKER BARRETT: Thank you. Anything further? Senator Withem, any closing? Thank you. The question is the adoption of the Withem amendment to LB 960. All in favor vote aye, opposed nay. Record, please.

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

SPEAKER BARRETT: The amendment is adopted.

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

SPEAKER BARRETT: The Chair recognizes Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 960, as amended, be advanced to E & R for engrossment.

SPEAKER BARRETT: Thank you. Is there discussion? Seeing none, those in favor of the motion to advance the bill say aye. Opposed no. Carried. LB 960 is advanced. To the A bill, Mr. Clerk.

March 8, 1990

LB 571, 960, 960A

PRESIDENT: Thank you. Any further discussion? If not, the question is shall the bill be returned to Select File? All those in favor vote aye, opposed nay. We are voting to return the bill for the Withem amendment. Where are your friends, Senator Withem? Surprised. Record, Mr. Clerk, please.

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

PRESIDENT: Thank you. Now, Senator Withem, it is back.

SENATOR WITHEM: Yeah, a couple of people have asked questions. I will explain this again. Yesterday when we had LB 960 in front of us, because of a couple of reasons, one is the new projections that came out indicating that we aren't really going to have a lot of money available this session to start new programs, and, secondly, because I am rethinking my personal strategies on restructuring after having attended a conference last week and I question whether spending this \$300,000 in this way would get us the best net results out of the idea. I'd suggested yesterday that we delete the grant program out of LB 960. What this amendment does is it then follows up on that deletion by cutting \$300,000 out of the two year appropriations that would have been available for this bill. That is what the amendment does and I would appreciate your adopting it.

PRESIDENT: Thank you. The question is the adoption of the Withem amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

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

PRESIDENT: The Withem amendment is adopted. Senator Lindsay, would you like to move to advance it?

SENATOR LINDSAY: Mr. President, I move that LB 960A as amended be advanced to E & R for engrossment.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. I understand we are going to skip 1090 and go to LB 571.

CLERK: Mr. President, 571, the first order of business are

March 12, 1990

LB 571, 656, 688, 880, 923, 960, 960A
1031, 1080, 1080A, 1094, 1184, 1184A

Warner and the Appropriations Committee, because of a variety of circumstances, the right people were not there at any given time, doesn't really mean that it might not have passed out of the appropriations process. You can do what you want. I have not went around and counted noses on this issue. I have an abiding faith in the members of this body to do what's right. It's up to you. I would move the advancement of the amendment.

SPEAKER BARRETT: Thank you. And the question before the body is the adoption of the Coordsen amendment to the committee amendments to LB 1031. Those in favor of that motion vote aye, opposed nay. Senator Coordsen.

SENATOR COORDSEN: Yes, since most of us are here, a quick call of the house and roll call vote.

SPEAKER BARRETT: Thank you. Shall the house go under call? All in favor vote aye, opposed nay. Record, please.

CLERK: 24 ayes, 1 nay, Mr. President, to go under call.

SPEAKER BARRETT: The house is under call. Members, please return to your seats and record your presence. Senator Warner, please check in. Senator Chambers, the house is under call. Senator Schmit, please. Senators Hall, Rod Johnson, Schmit and Chambers, the house is under call. Senator Coordsen, you are ready to proceed with a roll call? The question is the Coordsen amendment, the adoption of the Coordsen amendment. Members, please take your seats for roll call vote. Mr. Clerk, proceed with the roll call.

CLERK: (Roll call vote read. See pages 1308-09 of the Legislative Journal.) 22 ayes, 16 nays, Mr. President, on the adoption of the amendment.

SPEAKER BARRETT: The motion fails and the call is raised. Anything for the record, Mr. Clerk?

CLERK: Yes, Mr. President, I do. Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 571 and find the same correctly engrossed; LB 656, LB 688, LB 880, LB 923, LB 960 and LB 960A, LB 1080, LB 1080A, LB 1094, LB 1184, LB 1184A. (See pages 1309-1312 of the Legislative Journal.)

March 30, 1990

LB 688, 960, 980A, 1055

SPEAKER BARRETT: Time.

SENATOR CHAMBERS: Mr. Speaker, while I'm out here speaking in behalf of the women, you have women up there who have to tell you to shut me up, but I understand. (laugh)

SPEAKER BARRETT: Thank you. Senator Landis.

SENATOR LANDIS: I'd move to adjourn until nine o'clock on Monday morning.

SPEAKER BARRETT: We have a motion to adjourn until nine o'clock Monday morning. Mr. Clerk, have you anything for the record?

CLERK: Mr. President, I do, very quickly, amendments to be printed to LB 980A by Senator Schmit; Senator Hall to LB 1055; Senator Lamb to LB 960, Senator Lamb to 960. That's all that I have, Mr. President. (See pages 1762-64 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. The question is, shall the Legislature adjourn until nine o'clock, Monday morning. All in favor vote aye, opposed nay. Have you all voted?

SENATOR LANDIS: Mr. Speaker, I'd like a roll call vote.

SPEAKER BARRETT: Thank you. A roll call vote has been requested. Members, please return to your seats for a roll call vote. Senator Landis, would you desire to have people check in or not? Thank you. Members, please record your presence. Any members outside the Legislative Chamber, please return and record your presence. Senator Langford, please check in. Senator Beck, would you please check in. Senators Abboud and Baack. Senators Lamb, Lindsay, Lynch. Senators Nelson and Rogers, the house is under call. Senators Abboud, Goodrich, Haberman, Labedz, the house is under call. Members, return to your seats for a roll call vote. The Clerk will call the roll on the motion to adjourn until nine o'clock Monday morning. Mr. Clerk.

CLERK: (Read roll call vote. See pages 1764-65 of the Legislative Journal.) 10 ayes, 27 nays, Mr. President.

SPEAKER BARRETT: The motion fails, and we are back to a discussion of returning the bill to Select File. Speaking

April 5, 1990

LB 896A, 923, 960

CLERK: (Read record vote. See page 1935 of the Legislative Journal.) 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 896A passes. LB 923E.

CLERK: (Read LB 923 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 923 with the emergency clause attached pass? All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See page 1936 of the Legislative Journal.) 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 923E passes. LB 960E.

CLERK: Mr. President, I have a motion from Senator Lamb to return the bill for specific amendment.

SPEAKER BARRETT: The Chair recognizes Senator Lamb.

SENATOR LAMB: I had an amendment on this bill. We didn't get to it because of some unforeseen circumstances yesterday, but I would like to...I wanted to change the structure of the members of this committee that would study restructuring education because I thought there was too many educators on it and not enough regular people, and got into that situation...got into that situation with the School Finance Review Commission which as time developed I found that most of the members on there were education oriented and particularly those that took the most interest in it were education oriented. And so with that experience behind me, I have the problem with this committee because I saw it also being overloaded in that direction and I wanted to change that. You know I have no problems with the studying restructuring education, although I am quite sure that the final bill would be a bill I might not like. It probably would be some sort of a consolidation bill but at this point that was...that is my concern about this commission or this committee, that it is not properly structured as far as the backgrounds of the people that would be appointed to that. And so I guess my only alternative at this point is to vote red. I

withdraw the amendment.

SPEAKER BARRETT: Thank you. It is withdrawn.

CLERK: The second amendment as well, Senator?

SENATOR LAMB: Yeah, the second, too.

SPEAKER BARRETT: It is withdrawn.

CLERK: Mr. President, Senator Withem would move to return the bill.

SPEAKER BARRETT: The Chair recognizes Senator Withem.

SENATOR WITHEM: Yes, Mr. Speaker, and members of the body, I filed the motion just...wasn't planning to do so. I would have supported, happily supported Senator Lamb's first amendment that he filed yesterday had we got to it. I think maybe he makes a good point in needing to include people, some additional people, and I would have been happy to have done that. Unfortunately, we didn't. We have the bill before us. The reason I did file the motion was just...I said that every time that we have talked about school restructuring, I made it very clear on the floor that it has absolutely nothing to do with consolidation of schools. That is not what restructuring is about. Restructuring is the concept of looking at the way kids learn and the way in which we teach kids, and trying to find better ways of educating young people. Way, way, way, too much of what we do in this body including, including LB 1059 deals with the external issues of where does the money come from, and how big should schools be, and all of those other kind of issues. And as a Legislature, we very rarely get into the issues of what constitutes good teaching, what constitutes good learning. The 15-minute time blocks in which we place most of the school day the best way to educate kids or can we do a better job of spending a day on the science project and another day on another project? We aren't doing a very good job in this country of actually educating kids and most of our public policy debates really don't center on how can children be better educated, and that is what this bill deals with. Frankly, I don't anticipate a bill coming out of this. I don't see us coming back to the Legislature saying this is how we are going to change education. Restructuring really is a bottom-up approach, putting the emphasis back on local schools, and getting those people, the

experts in the local schools, including the parents and including the community and including the business people, to make plans on how they can better educate their schools and we, at the state level, may be getting less prescriptive in telling them what it is they need to do. I wasn't going to speak on this bill. I wasn't really prepared particularly well to do it, but with Senator Lamb's remarks of raising the specter of this may be another veiled let's close small schools sort of approach, has absolutely nothing to do with that, and I just wanted to make that clear for the record. Withdraw the amendment unless somebody else would like to speak on it.

SPEAKER BARRETT: Thank you. Anyone else care to speak to the motion to return? Senator Pirsch, your light is on.

SENATOR PIRSCH: I guess I just would like to express my support for 960. I asked questions on General File, if you will recall, and Senator Withem did change some of the wording, but I like the fact, and I agree with Senator Withem, I don't think it will essentially wind up in legislation, but it does call for teacher cooperation, for the public-private sector to work together, and it also sunsets in '92, and I think we ought to give them a chance to be able to look at some creative and innovative ways for education in our schools.

SPEAKER BARRETT: Thank you. The motion to return the bill is withdrawn. Anything further on the bill, Mr. Clerk?

CLERK: Nothing further, Mr. President.

SPEAKER BARRETT: Members, return to your seats to read the bill. Proceed.

CLERK: (Read LB 960 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 960 with the emergency clause attached pass? Those in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Read record vote. See pages 1937-38 of the Legislative Journal.) 36 ayes, 2 nays, 7 present and not voting, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 960E passes, and in order to minimize the

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LB 720, 720A, 834, 851, 855, 855A, 896
896A, 923, 960, 960A, 980A, 1183

business, I propose to sign and I do sign engrossed LB 720, LB 720A, LB 834, LB 851, LB 855, LB 855A, LB 896, LB 896A, LB 923, LB 960, and LB 960A. Mr. Clerk, LB 980A.

ASSISTANT CLERK: Mr. President, I have a motion on the desk. Senator Schmit would move to return the bill to Select File for specific amendment.

SPEAKER BARRETT: Senator Schmit, please.

SENATOR SCHMIT: Mr. President and members, I had hoped very earnestly that this bill would come up yesterday. I believe that this is one example of why perhaps we ought to seriously consider abolishing consent calendar. I was not on the floor at any time during the period of time that LB 1183 was discussed, either on General File or on Select File. I came on the floor during the reading of LB 1183 and was somewhat shocked to follow the reading and discover that this Legislature was in the process of making it a felony, a Class IV felony if any corporation or company failed to pay its taxes on time, and I discussed it just briefly with some of my fellow legislators, and they said, well, this is just personal taxes. But upon a very close reading of the bill, it did not appear to me to be that it only applied to personal taxes, and even then, I would have been opposed to it. My deep concern is that we have by the passage of this bill made it a felony, punishable by a \$10,000 fine and each day is a new offense, ladies and gentlemen, punishable by a similar type of fine, if you do not pay your taxes when due. Now there may be some of us in here who believe that it is easy to pay taxes, either personal or real, but that is not true. It is frequently true that we are not able to pay our taxes on time, and for that reason, we have required that a 14 percent interest charge be assessed against delinquent taxes. That, in itself, is a serious enough penalty in my estimation. What is even more concern to me is that we would indicate by this bill that there is a decision process left up to the local county attorney, I would...I suppose, if the situation is to be prosecuted or not because it says that if such officer willfully fails to pay the tax due to the county treasurer when so notified, he or she shall be guilty of a Class IV...felony, changed from a misdemeanor. It also says that he may be prosecuted. Now, ladies and gentlemen, we have seen enough of the preferential treatment that can happen to certain individuals in the commission of crimes without extending it to this kind of an act. I would suggest that if anyone of us in

April 9, 1990

LB 220, 220A, 315, 369, 369A, 551, 551A
571, 56, 720, 720A, 799, 851, 896
923, 953, 958, 960, 960A, 980, 980A
994, 994A, 1018, 1063, 1063A, 1064, 1064A
1080, 1090, 1136, 1146, 1184, 1184A, 1244

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber for the last day of the Second Session of the 91st Legislature. We're especially happy to have with us this morning our own Harland Johnson for our prayer of the morning. Would you please rise?

HARLAND JOHNSON: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Harland, and may I say, on behalf of all the members of the Legislature, we have truly appreciated your prayers during the session. They have been very meaningful because you understand us so well, so thank you again. Roll call, please.

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

PRESIDENT: Thank you. Any corrections to the Journal?

CLERK: No corrections this morning, Mr. President.

PRESIDENT: Any messages, reports, or announcements today?

CLERK: Mr. President, a series of messages. First, communications from the Governor. Engrossed...well, before that, Mr. President, bills read on Final Reading as of late last Thursday were presented to the Governor on Thursday evening as of 8:15 p.m. Communications from the Governor, Mr. President, and I might indicate to the members that copies of messages I have received have been distributed and you should have a copy on your desk. Communications to the Clerk: Engrossed LB 1080, LB 1184, LB 1184A, LB 656, LB 1146, LB 799, and LB 1136 were received in my office on April 3 and signed by me on April 6 and delivered to the Secretary of State. Sincerely, Kay Orr, Governor. (See Message from the Governor as found on page 1985 of the Legislative Journal.) A second communication: Engrossed LB 220, LB 220A, LB 315, LB 369, LB 369A, LB 551, LB 551A, LB 571, LB 720, LB 720A, LB 851, LB 896, LB 923, LB 953, LB 958, LB 960, LB 960A, LB 980, LB 980A, LB 994, LB 994A, LB 1018, LB 1063, LB 1063A, LB 1064, LB 1064A, LB 1090, and LB 1244 were received in my office on April 3 and signed by me on April 7, delivered to the Secretary of the State. Sincerely, Kay Orr, Governor. (See Message from the Governor as found on page 1985 of the Legislative Journal.) In addition to those items,