

January 9, 1990

LB 259, 1049, 1050

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning chaplain of the day, Pastor Robert Kunz of the First Christian Church in Lincoln, Nebraska. Would you please rise for the invocation.

PASTOR KUNZ: (Prayer offered.)

PRESIDENT: Thank you, Pastor Kunz, we appreciate your being here this morning. Come back and see us again some time. Roll call, please.

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

PRESIDENT: Thank you. Do you have any messages, reports or announcements?

CLERK: Mr. President, I have no messages, reports or announcements this morning.

PRESIDENT: Do you have any bills to introduce?

CLERK: Mr. President, two new bills. (Read LB 1049 and LB 1050 by title for the first time. See page 222 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: We'll move onto General File then, LB 720. Since we moved 720 and 720A yesterday, we'll move on to LB 259.

CLERK: Mr. President, 259 was a bill introduced by Senator Withem. (Read title.) The bill was introduced on January 9 of last year, Mr. President. At that time it was referred to the Education Committee. The bill was reported to General File. I do have committee amendments pending by the Education Committee.

PRESIDENT: Senator Withem, please. Did you wish to talk about the bill, or about the amendments first?

SENATOR WITHEM: I have ten minutes to introduce it. I think I can get through an explanation of the bill and also into the committee amendments.

PRESIDENT: Okay.

Mr. President, I have a hearing notice from the Government, Military and Veterans Affairs Committee, for the Business and Labor Committee and for the Retirement Systems Committee, all signed by their respective Chairs.

Mr. President, Enrollment and Review reports LB 678 to Select File, E & R amendments; LB 678A, Select File with E & R; LB 720, Select File with E & R and LB 720A, Select File with E & R also, all signed by Senator Lindsay. (See pages 265-66 of the Legislative Journal.)

And I have a reference report, Mr. President, referring LBs 1049-1079. (Also LB 1034. See page 265 of the Legislative Journal.) That is all that I have.

SPEAKER BARRETT: Thank you, Mr. Clerk. Those in favor of the motion to recess until one-thirty please say aye. Opposed no. Ayes have it, motion carried, we are recessed.

RECESS

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Thank you, sir. With a quorum present, we will proceed back to our discussion of LB 742 at which time we were discussing the committee amendments to LB 742. We will return to the speaking order. Correction, we're on a motion to advance the bill. The speaking order beginning with Senator Dierks, if you would care to discuss the motion to advance the bill to E & R, Senator Dierks, followed by Senators Landis, Moore, Smith, Schmit and Bernard-Stevens. Senator Dierks.

SENATOR DIERKS: Thank you, Mr. Speaker and members of the body, I just rise to support Senator Robak's LB 742. I think that... I think these people have a track record that is good and I think we need to honor that. I believe that we do allow people on our roads sometime that maybe shouldn't be there. I don't know how we can stop some of that, but this is some legislation that will allow people to drive again that their track record is proven, they can handle this situation. And they have been kept from this right by the bureaucracy and I think it's time for the bureaucracy to give the right back to them. So I would support 742 and I would urge other people here to do the same thing.

January 11, 1990

LB 346, 1050
LR 8, 231

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: (Recorder not activated) ...the George W. Norris Legislative Chamber. The opening prayer this morning by the Reverend Richard Scheerer, Pastor of Vine Congregational United Church of Christ, here in Lincoln. Reverend Scheerer.

REVEREND SCHEERER: (Prayer offered.)

SPEAKER BARRETT: Thank you so much, Reverend Scheerer. We hope you can come back again for another day. Roll call.

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

SPEAKER BARRETT: Thank you, sir. Any reports, announcements, or messages?

ASSISTANT CLERK: Yes, Mr. President, a couple of items. Senator Weihsing has designated LB 1050 as his priority bill for this session; Senator Hall, LB 346; and LR 231 is ready for your signature.

SPEAKER BARRETT: Thank you, sir. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LR 231. Further announcement that the Clerk is still receiving new bills, introduction of new bills will continue today. Mr. Clerk, let's proceed to General File, Speaker priority bills from 1989 beginning with LR 8CA.

ASSISTANT CLERK: Mr. President, LR 8 was introduced by the Judiciary Committee. (Read.) The bill was read on January 18 of last year for the first time. It was referred to the Judiciary Committee. That committee reports LR 8 to General File with committee amendments, Mr. President.

SPEAKER BARRETT: Thank you. To handle the committee amendments, the Chair recognizes Senator Kristensen.

SENATOR KRISTENSEN: Thank you, Mr. Speaker, and members. This is the constitutional amendment, if you will remember last year, and I would like to give you a little bit of a background and review of what we did last year with the Supreme Court, and the problem that we had with the backlog in the Supreme Court of appeals in this state. Presently our Constitution gives us the absolute right of appeal to the Nebraska Supreme Court of any

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LB 422, 520, 1012, 1050, 1124, 1125

five minutes and we've cleaned it up a little bit and we moved it on. We didn't have to go to Select File and wait, and we can do these things. It's possible to be done and I appreciate the members. Thank you.

SENATOR LABEDZ: Senator Abboud, there are no further lights on, would you like to close on the advancement of LB 422?

SENATOR ABOUDD: I think we've had a good discussion and I would just move the bill.

SENATOR LABEDZ: Thank you. We're voting on the advancement of LB 422 as amended. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Madam President, on the advancement of 422.

SENATOR LABEDZ: LB 422 is advanced to E & R Initial. Do you have anything to read in, Mr. Clerk?

CLERK: Madam President, I do. New bills. (Read LB 1124 and LB 1125 by title for the first time. (See pages 305-06 of the Legislative Journal.)

Madam President, I have amendments to be printed to LB 520. That is offered by Senators Dierks and Schellpeper. (See pages 306-09 of the Legislative Journal.)

Madam President, a motion from Senator Wesely to withdraw LB 1012. That will be laid over pursuant to Legislature's rules. (See page 309 of the Legislative Journal.)

I have a report of registered lobbyists for the week of January 9 through January 11.

And, Mr. President, hearing notice from the Government, Military and Veterans Affairs Committee. It is signed by Senator Baack as Chair of the committee.

And finally, Senator Bernard-Stevens would like to add his name to LB 1050 as co-introducer.

SENATOR LANDIS PRESIDING

January 19, 1990

LB 87, 159, 163, 163A, 220, 240, 257
313, 315, 397, 399, 486, 488, 488A
756, 856, 911, 963, 1002, 1026, 1033
1037, 1050, 1051, 1090, 1108, 1109, 1141
1168, 1181, 1190
LR 239, 240

PRESIDENT: Okay. Thank you. Senator Ashford, you are next, but may I introduce some guests under the south balcony, please. We have from District 22, which is Senator Robak's district, Dianne Foltz of Platte Center and Betty Grant of Columbus, Nebraska. With them are three AFS students, Jean/David Miquel of Paris, France, and Patty Cervantes from Bolivia, and Shane Walker from Australia. Would you folks please stand and be recognized. Mr. Clerk, you have something for the record?

CLERK: I do, Mr. President, very quickly. Enrollment and Review reports LB 163 to Select File, LB 163A to Select File, those signed by Senator Lindsay as Chair. Agriculture Committee, whose Chair is Senator Rod Johnson, reports LB 856 to General File. (See page 429 of the Legislative Journal.)

Mr. President, Senator Coordsen, as Chair of the Business and Labor Committee, has selected LB 313 and LB 315 as the committee priority bills for the year. And Enrollment and Review reports LB 87, LB 220, LB 240, LB 257, LB 397, LB 399, LB 486, LB 488, LB 488A, LB 756 all correctly engrossed. Those signed by Senator Lindsay as Chair. (See pages 430-33 of the Legislative Journal.)

Mr. President, notice of hearings from the Education Committee and from the Natural Resources Committee, signed by the respective chairs. (Re: LB 1190, LB 1181, LB 1168, LB 911, LB 1050, LB 1090, LB 1033, LB 1037, LB 963, LB 1026, LB 1108, LB 1109, LB 1141, LB 1002, LB 1051, LR 239 and LR 240.) And Senator Haberman has amendments to be printed to LB 163. That's all that I have, Mr. President. (See pages 433-34 of the Legislative Journal.)

PRESIDENT: Senator Ashford, did you wish to speak on the first set of Kristensen amendments?

SENATOR ASHFORD: I call the question.

PRESIDENT: Oh, you call the question. The question is, shall debate cease? All those in favor...Do I see five hands, first? I do. The question is, shall debate cease? All those in favor vote aye, opposed nay. What do you think, Senator Ashford? Record, Mr. Clerk.

CLERK: 16 ayes, 0 nays to cease debate, Mr. President.

January 30, 1990

LB 269, 520, 520A, 567, 567A, 888, 917
946, 954, 1046, 1050, 1085
LR 248

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Good morning, ladies and gentlemen. Welcome to this, the 18th day in the Second Session of the Ninety-first Legislature. The Chaplain of the day, Pastor Chris Anderson, from Glad Tidings Assembly of God, here in Lincoln. Pastor Anderson.

PASTOR ANDERSON: (Prayer offered.)

SPEAKER BARRETT: Thank you, Pastor Anderson. Roll call.

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

SPEAKER BARRETT: Thank you. With a quorum present, are there corrections to the Journal?

CLERK: I have no corrections, Mr. President.

SPEAKER BARRETT: Any messages, announcements, or reports?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 520 and recommend that same be placed on Select File, LB 520A Select File, LB 567, and LB 567A all on Select File, some having E & R amendments attached. (See pages 560-62 of the Legislative Journal.)

Health and Human Services Committee, whose Chair is Senator Wesely, reports LB 888 to General File, LB 917 to General File, LB 946 General File, LB 954 General File, LB 269 General File with amendments, LB 1046 General File with amendments, LB 1085 General File with amendments, those all signed by Senator Wesely as Chair. Mr. President, Education Committee reports LB 1050 to General File. That is offered by Senator Withem as Chair of the Education Committee. (See pages 562-63 of the Legislative Journal.)

I have appointment letters from the Governor that will be referred to Reference Committee for referral to Standing Committee for public hearing. An Attorney General's Opinion addressed to Senator Hartnett. (See pages 563-65 of the Legislative Journal.)

And, finally, Mr. President, LR 248 is ready for your signature,

average three-year tax levy that they have had. They would also submit information that shows what their costs per pupil were for a three-year average. They would send all of these in to DAS. From that DAS would calculate a systemwide average levy and also a systemwide average cost per pupil, and then they set up some deviation factors, and depending on how many deviation factors you have from this levy when you have the final from the systemwide average, if your levy is higher than that levy, depending upon how much it deviates, that will determine how much equalization aid that you will get. The fund is also capped at two and a half million...or the fund is capped at \$1 million, so that means that if...and it is set up on the basis that 40 percent of any new dollars that would go in would go into the equalization fund. The other 60 percent would go into the regular funding that we have for technical community colleges now. It is capped at \$1 million, so that means that if we put in two and a half million dollars more next year into the community college system, \$1 million of that would go into the equalization fund. The other dollars would go into the regular fund. Under that system, I will be very frank with you, Western Nebraska Community College would come up with about 80 percent of those funds, would be funneled into Western Nebraska Community College. That is under the first million dollars. I think there is some efficiency factors built into it, because depending on what your cost is per pupil, all of these things are figured into the formula so that you are encouraged to reduce your per pupil cost, because as you reduce your per pupil cost, you will actually fit more under the deviation factor, you will actually get more equalization aid. So there I think they have got a good system here. I don't know if this is the absolute best system that could be designed, and if there is some other way of putting it on...of determining that average and making sure that we can direct the money to the areas that it's needed, I would be willing to look at that. But right now, that is the best one that we could come up with at the present time. I think that one of the other factors that enters into this, of course, is the fact that WNCC right now is in a lawsuit over the fact that they have been levying a tax two and a half cents or more more higher than some of the other districts, and they have a lawsuit over that. LB 1050 yesterday was introduced into the Education Committee. I think that Senator Weihing has designated that bill as his priority bill. That would say that we would allow the all the community colleges to go to that upper levy and that would possibly preclude some further lawsuits. But this doesn't really deal with the lawsuit. I

SENATOR MOORE: Okay, and is there anyone else close to qualifying?

SENATOR BAACK: I don't believe so, no.

SENATOR MOORE: Okay, well, I just raise these concerns because I am concerned about putting an equalization formula in statute, which I think is kind of nonsensical, but as I understand the target and the reason is to get money to an area of the state that is indeed poor, and I guess now that I've voiced my concerns, I guess I will just...that is all I have to say on the matter.

SPEAKER BARRETT: Thank you. Senator Nelson, please.

SENATOR NELSON: Mr. Speaker, and members of the body, I am in support of Senator Baack and also on LB 845. I think I can also answer Senator Moore. I don't think that that necessarily, hopefully will involve my area or maybe in eastern Nebraska, but I look at this as somewhat the statement that Senator Scofield made on the floor in regards to the Commonwealth bill. Sometimes there are things that we need to do and keep in mind the whole State of Nebraska. I certainly know when we heard yesterday in I think LB 1050, Senator Weihing's bill that he is going to carry, Western College is just in dire straits for funding and to me those people out there need the support of a community college as much as any of the rest of us, or even more so, because of sometimes the lack of their opportunities. I also am in support of the one million dollar cap so that we are not open-ended, and I know that there is a lot of support and as the LB 247 study may show for funding the community colleges in some other manner. But even though the rest of us may not see any advantage and, in fact, actually giving up some of the funding, I do hope that you do support the bill because I truly feel that Western College because, one thing, because of the pending Banner County, the lawsuit, and also there are just not that many people out there, and yet they also need the services of the college. Thank you.

SPEAKER BARRETT: Thank you. The Chair is pleased to take a moment to recognize some guests of Senators Moore and Johnson under the south balcony. We have visiting this morning Mr. Bob Ehlers from York and Mr. Ed Ediger from Hampton. Would you gentlemen please stand and be recognized. Thank you. We are glad to have you with us. Further discussion on the Baack

to this problem. So I put the vehicle out there last year so that we would have something to carry this through because I think we need something in place this year, because if we don't, then we are going to have Western back in here another year in a crisis situation. They are okay now for next year. Everything is okay for next year, but then the next year after that, we are going to have another crisis in Western. So with that, I would simply urge your adoption of the amendment. Thank you.

SPEAKER BARRETT: Thank you. On the motion to amend, those in favor vote aye, opposed nay. Please record.

CLERK: 33 ayes, 0 nays, Mr. President, on the adoption of Senator Baack's amendment.

SPEAKER BARRETT: The amendment is adopted.

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

SPEAKER BARRETT: Thank you. Senator Baack, would you care to discuss it further, please?

SENATOR BAACK: Yes, Mr. Speaker, and colleagues, just very briefly, I think we pretty much have the bill in place now because the amendment becomes the bill. There was a little bit of clean-up language that was in the bill, also, but that was basically technical kind of clean-up language. So now the bill is now LB 845, and unless someone has some questions, I would simply urge the advancement of LB 143. Thank you.

SPEAKER BARRETT: Thank you. Senator Moore, would you care to discuss it?

SENATOR MOORE: Yeah, just briefly, one more question for Senator Baack, and you mentioned LB 1050, Senator Weihsing's priority bill, is another bill out there. Obviously, these proposals are twin proposals and you need both of them, so you don't fix Western's problems totally with this bill now, correct?

SENATOR BAACK: Well,...

SENATOR MOORE: You assist them, get some more money to them, but will they still be bumping their levy limit?

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LB 39A, 143, 855A, 860, 1050

SENATOR BAACK: Yes, they are close to their levy limit and the lawsuit is not necessarily based on them reaching their limit, it is just based on the fact that their...of their ability to levy more. So to clear up the situation as far as further litigation goes, we need to pass LB 1050 and that would put in place that all of them could levy up to that limit. They are not required to but they could levy up to that limit.

SENATOR MOORE: But even with the bill as written, Western still needs to levy more than the rest of the districts, correct? I mean, the other way you could solve the levy problem is to pump more money in from the state, correct?

SENATOR BAACK: That is correct.

SENATOR MOORE: And this does not go to that extent to solve that problem?

SENATOR BAACK: No, it does not. It does not..another way of solving the problem would be to lower the levy that everybody can charge, and then just pump more money into Western. Yes, that would be a possibility.

SENATOR MOORE: But this does not solve the problem to that extent?

SENATOR BAACK: It certainly does not.

SENATOR MOORE: Okay, thank you.

SPEAKER BARRETT: Any other discussion? Senator Baack, would you care to make any closing statement? Thank you. The question is the advancement of the bill to E & R engrossing. Those in favor say aye. Opposed no. The ayes have it. Motion carried. The bill is advanced. Mr. Clerk, have you anything for the record?

CLERK: Mr. President, I do. Two new A bills, LB 39A. (Read for the first time by title.) LB 855A by Senator Rod Johnson. (Read for the first time by title. See pages 566-67 of the Legislative journal.)

Mr. President, your Committee on Transportation, whose Chair is Senator Lamb, to whom was referred LB 860 instructs me to report the same back to the Legislature with the recommendation it be

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LB 1050
LR 249

be a stronger state if we all join together and become a part of a whole state, and when we need to refer to some specific area of the state, let's not lump everybody together. Let's try to be as precise as we can. There will be times when it is necessary to refer to those areas outside of Lincoln and Omaha. I think you can say it that way. Perhaps there will be more debate on this issue. Perhaps we will continue to seek more precise terminology. That is fine. But for now, I think we should ban the use of outstate, and greater, and lesser Nebraska. Thank you very much. I'd ask you to adopt the amendment and not be too difficult on Senator Wesely. We will correct his ways quickly. Perhaps we will give him a free pass the first couple of times he says it but I hope we get him past that. Thank you.

SPEAKER BARRETT: Thank you. You have heard the closing and the question is the adoption of LR 249. Those in favor please vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 14 ayes, 4 nays on adoption of the resolution, Mr. President.

SPEAKER BARRETT: LR 249 is adopted. Anything for the record, Mr. Clerk?

CLERK: Not at this time, Mr. President.

SPEAKER BARRETT: Proceeding then to LB 1050 on General File.

SENATOR HANNIBAL PRESIDING

CLERK: Mr. President, 1050 was a bill that was introduced by Senator John Weihing, Senator Elmer, Senator Baack and Senator Bernard-Stevens. (Read title.) The bill was introduced on January 9 of this year, Mr. President, referred to Education Committee for public hearing. The bill was advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR HANNIBAL: Senator Weihing, on the introduction.

SENATOR WEIHING: Thank you, Mr. President, and members of the Legislature. LB 1050 would remove the population clause in the technical community college property tax levy statutes and raise the vote necessary to exceed the base limit, levy limit from two-thirds to 75 percent of an area board of governors. At this

time, I will mention that there is a pass-out...there is a leaflet which discusses this subject. The community colleges have been...were created only about 25 years ago and there have been a number of changes regarding the financing of the community colleges. Fundamentally, they rely on property taxes and the community colleges set the amount of revenue within a lid that has been established by the Legislature. In times there were problems in various areas and in 19...early 1980s the western areas, the low population areas did not have sufficient property evaluation to really sustain their own college needs, their teaching needs, their physical plant needs. And the Legislature, in 1984, permitted those community college areas with a population of 150,000 or less to be able to have a two and a half cent increase in taxing authority. Now, at that time, at that time, the lid was nine cents for all community colleges. This permitted those with 150,000 or less to be able to tax up to 11 1/2 cents per 100 property tax evaluation. Now since then, there have been some increases in those lesser populated areas, not necessarily up to the...clear up to the limit, but there has been a lawsuit. Now this brings about, why is this legislation necessary? Now the western area is now being sued under the contention that the current statute is class legislation, and this is true. In addition, the suit was expanded to challenge the entire funding system as violating the current community college statutes prohibiting excessive taxation. We have already dealt with the second half of that lawsuit by advancing LB 143. That was Senator Baack's bill. I believe it was last week that we advanced that. It was originally LB 845 and then it was amended into 143. LB 143 was gutted. Now that establishes a community college equalization fund, if you recall. So we have started this course and really my bill, LB 1050, is a companion to that bill. LB 1050 will take care of the second part of the lawsuit. Now if this suit is successful, which it probably will be, and, as you know, these class action suits have been highly successful, the western area would lose 460,000 and the Mid-Plains area, that would be North Platte, 106,000; and if this were retroactive, I don't know how much money that would be. It would get into the millions. Now since the Legislature permitted this, they become responsible part of this lawsuit and you could expect those community college areas which have a problem such as that, if the suit is lost and are obligated to pay, they would simply be coming to the Legislature and seeking the amount of funds necessary to cover this. Now since this bill would give all of the community colleges the top limit of, that is we had nine

cents per \$100 valuation, up to 11 1/2 cents. That would...this bill would permit that, but I want to point out that the board could not go up above nine cents, it could not go above nine cents without three-quarters majority, 75 percent majority. This would really, I want...the boards have been judicious. They have not been up to their upper limits. They have not been bouncing against that. And what we are really working towards here is getting the law legitimate...in a legitimate form so that it counteracts a class action lawsuit. It would make all community colleges equal in their taxing authority. That is what it's getting at. And, with that, I don't believe I have any further comments, but it is certainly dealing with a lawsuit that is presently in existence, very likely to be one and will bring about a financial problem that not only will certain community college areas have to deal with, but the Legislature would have to deal with also. Thank you.

SENATOR HANNIBAL: Thank you, Senator Weihing. Senator Moore, please.

SENATOR MOORE: Yes, Mr. President, and members, LB 1050, as we discussed LB 143 last week, you know, addresses a problem in the western two community college areas. The problem I have with LB 1050 is if you remember in years past, whenever we deal with levy limits, and a most recent example was in the 1987 session when we talked about raising the levy limits for the natural resources districts. There was a hue and cry in the Legislature on whether or not we should do that. I think, yes, there is a lawsuit there that facilitates a reason, at least, for LB 1050 but I certainly hope the Legislature will scrutinize this type of changing of what...how high that levy can go, it will scrutinize it as much today as they did back there when we dealt with the NRDs and other times this body has dealt with levy limits, because the fact of the matter is like I have no problem granting additional authority. I guess maybe sometimes I don't appreciate being the fact told that because of a lawsuit I have to. And there still is a degree of uncertainty in this lawsuit. We don't know necessarily that we have to do it. Yes, I mean, if you want to remove all doubt, if you pass LB 1050, you take care of the problem, we don't know what the result of that is going to be. And also if you remember with the amendment we passed that we added to LB 143 last week, and I think the equalization formula was driven by levy limits and those higher than average, and when you take off that \$9 dollar cap presently in statute and raise it up to 11, you increase the possibility,

in my mind at least, of levies changing and affecting that equalization formula. And so it's one of those things where I, obviously, look at the other four tech colleges. They are well below nine already, but I have a particular problem with LB 1050 and I think we should make this decision absent of a lawsuit. If it's good policy, then we should come back and discuss it and do that. But I don't think that lawsuit necessarily is the hammer that makes us do this automatically and I certainly feel the Legislature should scrutinize this type of move a great deal, because, obviously, you're raising the authority for property taxes...we all know the property taxes are a problem. We also know the technical community colleges take merely a sliver of that property tax pie, but you're granting additional authority. I guess that concerns me and with the action that we took last week on changing an equalization formula that will eventually get more money to Mid-Plains and Western, I think we have addressed the problem partially, at least. And I guess my decision on 1050, I'm going to be voting no this morning because the lawsuit doesn't convince me. The threat of a lawsuit doesn't convince me that I need to deviate from my normal policy of being tightfisted when it comes to spending property tax dollars and granting additional authority to levy property tax dollars. So I would urge a red vote on LB 1050.

SENATOR HANNIBAL: Thank you, Senator Moore. Senator Crosby, please, followed by Senators Dierks, Nelson and Wehling.

SENATOR CROSBY: Thank you, Mr. President, and members, it is a pleasure and a privilege to support this bill, LB 1050. I voted to have it come out of committee and I listened very carefully to all the testimony having to do with LB 845 and LB 143 too, because one of the things that impressed me about this whole question and discussion is that all of the community colleges across the state agreed that this needed to be done. And, as far as the hammer that Senator Moore mentions, I don't feel the hammer is the lawsuit nor anything else involved in trying to figure out how to equalize the levy. What I think the hammer is, what we talk about all the time, I hear everyone of you say something about this at least once a week, and especially in the education hearings, is the accessibility of education in every nook and cranny of Nebraska. I have been in every corner of this state. I didn't enter in the earlier discussion over semantics or what we're going to call it, but here is what we're talking about is accessibility to education for every student, no matter what age that student might be, in every area of our

state. And this particular bill, companioned with the other legislation, will help Western Community College and the other ones who need the levy equalized. I won't talk to the technical side of it because Senator Weihing explained that so ably. So I urge you to vote for this bill and move it along and help those people in areas of the state that maybe it isn't so easy to get to the educational centers and help them to help us to continue and strengthen the accessibility to that education. Community colleges, to me, are one of the really strong parts of our educational system in this State of Nebraska and we need to continue to help them to continue to do what they do to strengthen their programs and to strengthen the accessibility. I'm going to use that word again because I think this is what this whole discussion on these three pieces of legislation is, is accessibility to that education. So I urge you to vote green on LB 1050. Thank you.

SENATOR HANNIBAL: Thank you. Senator Dierks, please.

SENATOR DIERKS: Mr. President and members of the Legislature, I had the good fortune of being...of serving as a Chair of the Education Committee at the time this legislation was heard. And, in the absence of Senator Withem, why we did hear some, I think, excellent testimony from people all across the State of Nebraska but especially from people in western Nebraska. And the evidence was very overwhelming, as far as I'm concerned, the testimony was overwhelming concerning the necessity of this legislation. There is a very real probability that if we do not pass this legislation and that lawsuit is successful, we would find ourselves in a special session to deal with the problem out there. If that lawsuit is successful, the people in western Nebraska will be digging up millions of dollars to pay back as a result of that lawsuit. I think it is extremely necessary that we look favorably on this legislation. We felt strongly enough about it in committee that we put it out of committee the very day that we heard it. We knew that it was Senator Weihing's priority and we felt that it would be an opportunity to get this up before us and have a good discussion on it. I would urge that you support this legislation. Thank you.

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

SENATOR NELSON: Mr. Speaker and members of the body, I am going to be one of those voting green for this and that's for sure. I

appreciate Senator Moore's always concern for the property tax dollar but I, too, am like Senator Crosby, I know that this gives the board an opportunity to increase taxes maybe. I don't like to be whipped around by the thought of a lawsuit but it is very...it is sincere in this case and if this would help alleviate the problem and, of course, the classifying of property, I think that we don't have any other alternative. Also, my area, I don't believe, is particularly affected by this, but we do live in all Nebraska and those people out there are willing maybe to dig a little bit deeper in their pockets to have the same education opportunities that we have. And so I think that we actually have no other alternative than to help them out and also the Mid-Plains area. They cannot help that the population may or may not be there, but, again, I think that they deserve any opportunity we have and I might also tell you that they are very, very...they really scrutinize their budget and their programs, so in no way can I say that they are extravagant or that they are spending taxpayers' dollars that aren't necessary. So, with that, I do hope that you support this bill.

SENATOR HANNIBAL: Thank you, Senator Nelson. Senator Weihing, please, followed by Senator Elmer and Hefner.

SENATOR WEIHING: Would Senator Moore rise to a question?

SENATOR HANNIBAL: Senator Moore, would you respond?

SENATOR MOORE: Yes.

SENATOR WEIHING: Would you tell me what the Constitution says about property tax, that is taxing in property taxes with regards to amount among the various segments? In other words, what is equal? Does it speak to equality on taxes?

SENATOR MOORE: Well, to my knowledge it does, and I'm certainly not a constitutional scholar and I wouldn't exactly...there is some clause in there on equality, that's a problem with our personal property tax.

SENATOR WEIHING: Yes, that's right, and everyone is to pay equal. Isn't that right?

SENATOR MOORE: Well, if it was quite that simple, I don't think we would ever pass the bill to get us into this problem.

SENATOR WEIHING: No, no, I...you don't think it would have been?

SENATOR MOORE: I don't know, I wasn't here when we did that either.

SENATOR WEIHING: Haven't we had a little bit of a problem with our property tax evaluation the past year?

SENATOR MOORE: Very much so, yes.

SENATOR WEIHING: Thank you. Thank you, Senator Moore. This is a differential. What was passed by this body stated that an area that was created by this body having a population of less than 150,000 would be able to tax more than those who have a greater population than 150,000. We have an inequality clause that comes in. The western Nebraska people, inclusive of North Platte when I'm speaking of this, the institutions at North Platte, in order to have what they feel as a minimum education in their community colleges have been willing and did and do pay more per property tax, on property tax, than the other areas, but the Constitution rules that as wrong and that is what this suit is about. And, with that, I cease my comments. There is this inequality that exists. It's not going to go away. It is there, it is real. The people of western Nebraska have been willing to pay not only their fair share but beyond to be certain that the people of their areas do have that education available.

SENATOR HANNIBAL: Thank you, Senator Weihing. Senator Elmer, please.

SENATOR ELMER: Thank you, Mr. President. I'm proud to be a co-sponsor of this particular piece of legislation. It's something that's absolutely necessary if we're going to avoid what has commonly been referred to as the rebate back to taxpayers from this lawsuit. I know that Mid-Plains and I'm sure that western cannot afford to continue their program, to continue their services to the communities if this particular lawsuit is successful. It's much like the problem we faced in the special session. Uniformity needs to be established across the state and this would do that. Thank you.

SENATOR HANNIBAL: Thank you, Senator Elmer. Senator Hefner,

please.

SENATOR HEFNER: Mr. President and members of the body, I rise to support this proposal. I think we need it and so, therefore, I'm going to support it, and I want to tell you just a few reasons why. I know this is a little increase in property tax to those community tech colleges but I think it only affects two of them. And, as I understand it, and I'm not a member of the committee, but, as I understand it that all the community tech colleges supported this proposal. But let me go a little further, and I hope that Senator Moore is listening. Tech colleges have done a tremendous job in training our young people, not only training our young people but some of our older ones too, training those that are not able to go to like our universities or our state colleges. And I just want to refer...and I will tell you about what happened in northeast Nebraska. Years ago we only had one tech college and I believe that was at Milford, but anyway there wasn't too many from northeast Nebraska that went way down to Milford to get their training. But after we developed a community tech college in Norfolk, more of them went and this really helped us in our rural communities because now we could train the plumbers and the electricians and the radio technicians and the TV technicians and many others. In fact, the power companies even have their linemen train at Northeast Nebraska Tech College. In this day and age of economic development, and I'm certainly a booster of that, we can get our tech colleges to train these people, these employees that these companies want to hire. And so they really serve as a valuable training institution. And so I think that we ought to support this bill and hope that you can support it. Thank you.

SENATOR HANNIBAL: Thank you, Senator Hefner. Senator Moore, please.

SENATOR MOORE: Mr. President and members, after listening to all the speakers, I thought maybe a little bit more needs to be said. I mean, the fact of the matter is this bill isn't a referendum on whether or not you support technical community colleges. I mean, if that was simply what it was, I would be in wild favor of that. It's something I think they do a very fine job and in the past I have worked for and tried to get them additional state funds to help them do their job, so I agree with everything Senator Hefner has said and everybody is giving great kudos to the tech colleges, I will join in on that. What

we're looking at, now think about it, now if LB...if there wasn't a lawsuit out there and the tech colleges came in here and asked for a, you know, an increase from nine to 11, we would have a battle royal in here, we'd fight about it and say, should we give additional...should we give...should we spend additional property tax property dollars? We'd sit here and fight. We'd have probably, you know, a close vote up there. For whatever reason, because a few years back we passed a bill specifically to deal with Western and Mid-Plains, gave them some authority and now it just so happens there's a constitutional problem and the only way...one of the ways, not the only way to solve it, one of the ways to solve it that's been brought to us, at least, is to, well, we have a problem now, let's raise the other four. Well, I'm certainly not accusing anyone of backdooring and I know this was brought to us in good faith but you couldn't have planned a better way to get around some fierce debate. Now, all of a sudden, you have to do it. Everybody, at least today, seems to be saying, let's just do this. My problem is simply this, and I don't think you just casually hand out additional taxing authority to people. We don't normally do that. I don't think because of the lawsuit is a reason to just roll over and play dead and do this. I think we need to very much scrutinize whether or not we need to give these additional authority to the technical community colleges and there is another way you could solve the problem. The other way you could solve the problem is take away the special permission we gave Mid-Plains and Western, you take...bring them back down to nine and give additional money through an equalization formula that we passed last year to get more money out there. You could solve the problem that way. Now Senator Crosby and Senator Hefner and Senator Elmer have stated what a grand deal it was that all the tech colleges agreed on this. Well, why wouldn't they? They get additional taxing authority, yes, they agree on it. The feat of accomplishment was the fact that they agreed on the distribution formula of LB 143. Now that was a little different. There they were giving up some money. But, obviously, they agree on this, they get more additional taxing authority this way, and so that's really not a grand deal and a great feat the tech colleges agreed on something because they're all agreeing on something that will give them some additional taxing authority. I mean, as I said, I'm voting no. The world doesn't stop if this bill passes. You solve the problem. But I just simply think the Legislature should shift down a few gears, look at this as a policy. Do we want to give additional taxing authority to the tech colleges or do we want to pump additional

state dollars into the tech colleges to solve their problem? And I think it's just one of those issues that I think the Legislature is being a little lax on. I know it's still early in the session but I think it's something we should look very closely at. I encourage the body to do that. For that reason, once again, I will be voting no.

SENATOR HANNIBAL: Thank you, Senator Moore. There are no other lights on. Senator Weihing would you care to close on the issue.

SENATOR WEIHING: Thank you, Mr. Speaker, and members of the Legislature, we have heard the various arguments with regards to LB 1050. We are being faced with a lawsuit, that we do need to get the equalization so that we can move forward and once the implementation of LB 143 is there, then the equalization, true equalization, is going to be carried out within the community colleges. The community colleges have worked hard to bring about an equalization formula within their own structure and this is all a part of it. This is a companion bill with LB 143 that was put...that was on the floor here last week by Senator Dennis Baack. I urge that you vote yes for this and move it forward expediently.

SENATOR HANNIBAL: You have heard the closing on LB 1050. The issue before you now is, shall LB 1050 advanced? All those in favor vote aye, opposed nay. Please vote if you care to. Record, Mr. Clerk.

CLERK: 25 ayes, 1 nay, Mr. President, on the advancement of 1050.

SENATOR HANNIBAL: LB 1050 is advanced. Anything for the record, Mr. Clerk?

CLERK: Not at this time, Mr. President.

SENATOR HANNIBAL: Moving on to LB 1004.

CLERK: Mr. President, 1004 was a bill introduced by Senator Rogers, Wehrbein, Dierks and Coordsen. (Read title.) The bill was introduced on January 4 of this year, Mr. President. At that time, it was referred to the Agriculture Committee. The bill was advanced to General File. There are committee amendments pending.

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LB 313, 663A, 863, 901, 986, 991, 1004
1032, 1050, 1117, 1178

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Good morning, ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. Our Chaplain of the day is Pastor William Yeager of Westminster Presbyterian Church here in Lincoln. Will you please rise for the prayer.

PASTOR YEAGER: (Prayer offered.)

SPEAKER BARRETT: Thank you very much, Reverend Yeager. We hope you can come back again. Roll call.

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

SPEAKER BARRETT: Thank you. Any corrections to the Journal?

CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Any messages, reports or announcements?

CLERK: Mr. President, Enrollment and Review reports LB 1050, LB 1004 and LB 863 to Select File, those signed by Senator Lindsay as Chair. (See pages 686-87 of the Legislative Journal.)

Government Committee reports LB 1032 to General File with amendments. That's signed by Senator Baack. Business and Labor reports LB 901 to General File, LB 1178 General File, LB 313 General File with amendments, LB 986 indefinitely postponed, LB 991 indefinitely postponed, LB 1117 indefinitely postponed, those signed by Senator Coordsen. (See pages 688-90 of the Legislative Journal.)

Mr. President, notice of hearing from the Revenue Committee. That is signed by Senator Hall and new A bill, Mr. President, LB 663A. It's a bill by Senator Scofield. (Read brief description. See page 690 of the Legislative Journal.)

Mr. President, I have received a request from the Nebraska State College System regarding approval required by the Legislature for a bond issue with respect to student housing at Kearney State College. That will be referred to Reference Committee.

Mr. President, finally, a report from the Department of Social Services filed pursuant to statute. That will be on file in my

the bill, or speak about it? Okay. Senator Korshoj moves that the bill be advanced. The question is, shall the bill be advanced? All those in favor vote aye, opposed nay.

CLERK: Say aye.

PRESIDENT: Say aye. All those in favor say aye. Opposed nay. It is advanced. Move on to LB 1050.

CLERK: Mr. President, 1050, I have no E & R amendments. I do have a motion, however. Senator Moore would move to indefinitely postpone the bill. Senator Weihsing, I believe, as principal introducer, would have the option to lay the bill over, Mr. President.

PRESIDENT: Senator Weihsing, do you want to take it up today or...?

SENATOR WEIHSING: Take it up.

PRESIDENT: Okay. Senator Moore, do you want to talk about it?

SENATOR MOORE: Yes. I simply filed this kill motion. I don't intend to totally follow through with it because I know I don't have the votes so I don't want to waste my time. But I do want to use this opportunity to remind the body just what exactly LB 1050 does. It raises the maximum authority for the remaining four community college areas, it raises them up to a similar maximum levy authority that it has in the two western regions. The only reason I have a problem with this bill, I guess the problem stems from the fact that how easily and nonchalantly the body is treating it. I only base my own personal experience going back remembering the 1987 session, some ferocious debate on LB 148 at the time that raised not two cents, like this bill, but one cent, the maximum authority NRDs are allowed. That...LB 148 was bantered about a variety of times, passed on a narrow margin, vetoed by the Governor and then came back, it happened to rain four inches in DeWitt that weekend, we had a phone call from everybody in DeWitt, it was a major issue. And at that time there was a great string of rhetoric on how you should not support a bill like that because you were raising property taxes. And I guess my concern with 1050 is, I understand the analogy that Senator Weihsing and the community colleges have. Obviously, this is the second part of a two-part package, the other part already having been passed which

contains an equalization formula. But the fact of the matter is that simply what we're doing by this, we're recognizing there's a problem in our community college areas and we're simply saying our way of dealing with the problem is simply to expand the authority in the four remaining community college areas and balancing the solution of the problem on the back of the property taxpayers. And I guess I just feel the body should step back, take a second hard look at LB 1050 and before they raise the taxing authority in the community college areas, before they further add to the possibility of further burdening the property taxpayers, the body should take a good hard look at it. But, having said that, knowing this will move on a voice vote and maybe there will be some red votes, at least when it comes to Final Reading, I will withdraw my motion.

PRESIDENT: The motion is withdrawn. We're back on the advancement of the bill. Senator Weihing, did you wish to speak about that?

SENATOR WEIHING? Mr. President and members of the Legislature, I appreciate Senator Moore's comments. He brings up a point with regards to the financing of the community colleges. It...perhaps the body should be looking at that more closely and redesigning how that...how the community colleges should actually be funded. He does bring out a very true point that this does have that potential but the potential is quite rare, we feel. And this, as he also mentioned, this is a companion bill, a companion to LB 143 that was put in by Senator Baack, that was addressing the issue on equalization among the technical community colleges. LB 1050 is a bill that would remove the population clause that we presently have which states that those community college areas that have a population of 150,000 or less would have the...could have a 2-1/2 cent higher levy limit that is over the base levy limit in taxing authority. What we are proposing here that that be removed, that all of them would be equal and that it would be raised so that all of them would be at...could go over the present nine cent limit. But that could only be done, could only be done if 75 percent of the area board voted it that way. Now the purpose of this legislation and the reason that it was brought on is that we are in class...we have a class suit going on because of the differential that was permitted. In 1984, the Legislature voted to allow higher taxation or taxing authority because the tax base really wasn't enough to fulfill what was felt to be necessary for the community colleges, in this particular case in

the west at Scottsbluff and North Platte. This...addressing this and passing this bill would do much to put a barrier with regards to the class action suit. You must realize that if that suit is won, and it likely will be, that it is possible for those community colleges which we're taxing above the nine percent...nine cent level, would perhaps have to refund to the citizens of those areas which would be a very costly...that could go up into, actually into the millions, and they would be back to the Legislature. So it is...this is a bill to bring about the equalization so that the class...to nullify the class suit action. And I ask that the body move the bill. Thank you.

PRESIDENT: Thank you. Senator Scofield, did you wish to speak?

SENATOR SCOFIELD: Thank you, Mr. President. Only very briefly to...Senator Weihing has adequately, more than adequately covered the problem facing the community colleges here. This is an essential piece of legislation brought about by that lawsuit that Senator Weihing alluded to. It seems to me that to oppose this right now simply ensures that we create a crisis and probably would be more costly to the taxpayer down the road. It is appropriate. I think that Senator Moore has essentially waved a warning flag, saying we probably ought to look at the entire financing of our community college system. It is far from a strong...far from being as strong as I would like it or I think anybody would like it. And that is certainly something that we should all have on the top of our agenda out there. We're probably not going to get to it this year but we're going to have some major discussions about higher education and I would urge that we not forget about the technical community college system in those discussions. It's critical that we keep in mind where we are on this whole financing picture. But I would urge you to join Senator Weihing in advancing this bill. Thank you.

PRESIDENT: Thank you. Senator Weihing, did you wish to close?

SENATOR WEIHING: I just ask that we go ahead and vote on the issue.

PRESIDENT: The question is the advancement of the bill. All in favor say aye. Opposed nay. It is advanced. LB 1004, please.

CLERK: Mr. President, 1004, I have E & R amendments, first of

February 26, 1990 LB 81, 315, 799, 956, 1050
LR 257

SPEAKER BARRETT: Thank you. Senator Weihing, as the birthday boy, would you care to recess this body until 1:30 p.m.

SENATOR WEIHING: Mr. President and members of the Legislature, I move that we recess until 1:30 p.m. today.

SPEAKER BARRETT: Thank you. You have heard the motion to recess until one-thirty. All in favor say aye. Opposed no. Ayes have it. Carried. We're recessed.

RECESS

SPEAKER BARRETT PRESIDING

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

SPEAKER BARRETT: Thank you. Have you anything for the record?

CLERK: Mr. President, Enrollment and Review reports LB 81 correctly engrossed, LB 956 correctly engrossed, and LB 1050 correctly engrossed. Mr. President, Senators Lindsay and Morrissey have amendments to LB 315 to be printed. (See pages 985-87 of the Legislative Journal.)

And, finally, LR 257 is ready for your signature, Mr. President.

SPEAKER BARRETT: And while the Legislature is in session and capable of transacting business, I propose to sign and I do sign LR 257. Returning to General File, Mr. Clerk, LB 799.

CLERK: LB 799, Mr. President, introduced by Senator Beyer. (Read title.) The bill was introduced on January 19 last year, at that time referred to Transportation. The bill was advanced to General File, Mr. President. I do have committee amendments pending by Senator Lamb's Transportation Committee. (See page 1078 of the Legislative Journal, First Session.)

SPEAKER BARRETT: The Chair recognizes Senator Beyer for the purpose of introducing the amendments.

SENATOR BEYER: Mr. Speaker, and colleagues, after the hearing on LB 799 in committee, the committee discussed and then come up

March 7, 1990

LB 81, 956, 1050

Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Record vote read. See page 1202 of the Legislative Journal.) 42 ayes, 0 nays, 7 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 81 passes. LB 956E.

CLERK: (Read LB 956E on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 956 with the emergency clause attached become law? Those in favor vote aye, opposed nay. Please record.

CLERK: (Record vote read. See page 1203 of the Legislative Journal.) 42 ayes, 0 nays, 7 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 956E passes. LB 1050.

CLERK: Mr. President, I have a motion on the desk. Senator Moore would move to return the bill for a specific amendment, the amendment being to strike the enacting clause.

SPEAKER BARRETT: The Chair recognizes Senator Moore.

SENATOR MOORE: Yes, Mr. Speaker and members, LB 1050, I just want to have a few seconds to make sure on this rainy morning we know what this bill does. I know some other senators want to say a few things too. Remember, this is the bill that simply recognizes the problem that we created a few years ago when we allowed two of our technical community college areas in the western part of the state to tax...to have a maximum limit, limit more than nine, up to 11. And this bill simply says we recognize the problem so to solve the problem we'll raise everybody up to 11. And I guess the problem I have always had on this floor is that past skirmishes on these maximum levies have been massive blood lettings that take a long time. This one, for a variety of reasons, has moved along here with probably less than 50 minutes debate all the way along. I think it's one of those things, what you're doing is you're raising the maximum levy limit for the technical community colleges across the state. And it's one of those things that I don't

think should be taken lightly. I think if you asked the introducers of this bill, you know, if they would have told you back in December this bill was going to be...they would never have...they never would have believed you if you would have said this bill was going to be this easy. And I guess, in my opinion, there is more than one way to skin a cat on this problem. And if you look at LB 845, Senator Baack's bill that we advanced earlier, that recognized the problem that the two western community colleges areas are indeed poor districts and, for that reason, there is an equalization formula contained in that bill. Well, it's one of those things that the other four community colleges, well, we can...we'll give a little bit of money away if it's new money, to begin with, as long as we get LB 1050 which raises our maximum levy limit. And, I mean, that's a great deal for everybody but the property taxpayer in the state. For that reason, that's the problem I have and that's why I want to just simply bring it to the body's attention and maybe there is some other ways that we can solve this problem. I know Senator Weihing is going to say, well, there's a court case pending, if you don't act on it, you're going to lose it. Well, I guess I'm not...I have, you know, yet to be convinced that we are undoubtedly going to lose that case. Maybe we should wait and see what's going to happen. That's all I have to say. I want to make sure the body knows what's going on. I will give the balance of my opening to Senator Lamb and if Senator Weihing wants to respond, that's fine, and then we can vote on the bill.

SPEAKER BARRETT: Senator Lamb, please.

SENATOR LAMB: Yes, Mr. President and members, I agree with what Senator Moore is saying here. In the last couple of years the buzz word here has been property tax relief, then we come in with a bill like this which goes in the opposite direction and we have to delve back into the history of it, you know. Well, there was a plea, there was a plea here a few years ago to help out those two western technical community colleges. Let them...let them collect some more money from property tax. So we did that. Now we're leap-frogging along, saying now the next logical step is, well, let everybody else catch up. And, of course, the court case is the excuse. I'm not sure it's a good reason but that's the excuse that's used. And this is a situation that should not be allowed to happen that, as Senator Moore mentioned, there are other ways to handle this problem and this bill does not need not to be and I would just urge people

to vote against it.

SPEAKER BARRETT: Senator Schmit, please. Senator Nelson. Thank you. Senator Weihing.

SENATOR WEIHING: Mr. President and members of the Legislature, yes, there are other ways to handle this and the Legislature should be looking at it. In reality, this bill is a red flag in that there have been problems in that of the support or how the community colleges are to be funded. If you recall, those areas, those community college areas having a 150,000 people or less were permitted in 1984 to go 2.5 percent higher than the other community college areas. Now, why was that? That was because their property base was not sufficient to have...to create the funds for those particular colleges. They asked for help. That was given by allowing those areas to go higher on property tax, taxation; not that they wanted to. It sounds as though they simply wanted to. The desire was to be able to have the education there and they were willing to pay the extra. They were willing to pay that extra in order to have the education that is necessary for the economic and social benefits of the society to be able to do what is being done in the other areas. Now there is a formula, an equalization formula in a bill that Senator Baack carried and it has passed through. But also, in the meantime, a class action suit has been filed. It is progressing and I would say, in all likelihood, will be ruled in favor so that there will be an asking of the funds, the differential funds of the past year and the years past. What that simply means is those areas will be back to the Legislature and say, we are going to have to pay back and if we have to, it simply becomes disastrous. This is simply a check that allows...it rules out class action. This class action was created by the permission of this very body and what this does is take away the class action or the class differential. Now, it is very...I agree with Senator Moore that we should take a look at how we fund or how the funding of the technical community colleges is at this time and should there not be a change. There very well may be far better ways of the funding, efficiently and with equalization in the tax of everyone. There have been several changes since the community colleges were created back in 1970 or '71, whenever that was, and apparently in this 25-year period we have never really, never really settled with maybe the appropriate...and I urge the body to look at the funding. But, at this moment...

SPEAKER BARRETT: One minute.

SENATOR WEIHING: ...we do need to have this bill passed because if we do not, I say that, in all likelihood, you will be dealing with a rather massive sum to be paying back for the differential that has been in existence the last several years. I suggest that you vote this so...and look at, and now look at how our community colleges are presently funded. Thank you.

SPEAKER BARRETT: Thank you. Senator Moore, there are no other lights, would you care to close?

SENATOR MOORE: Well, I would just like to mention, you know, even if you do buy the court case argument, which is indeed debatable, as I said, there is other ways you could accomplish the same goal. One thing would be to lower those two community college districts down to a nine cent levy and better equalize among them. That's another way you could solve the same problem. But I guess I only point that out that there are some other options available than contained in the intent of LB 845 and LB 1050. We've already passed LB 845 that basically says, yes, those two western Nebraska areas need some additional help, we're going to give that to them if it's new money. And now they say, if you pass LB 1050, everybody's happy. And I guess what I'm saying is that there are other alternatives. One way we could have done, we could have used 1050 to solve the court case by simply lowering everybody to nine, then using LB 845 or the appropriations process to better equalize the state dollars. That may or may not happen, but I guess at this time I just simply want to say once again that I am voting no because I am not satisfied. We have looked at all of our alternatives and when you use LB 1050 it would simply add additional authority upon the property tax burden in the State of Nebraska and that's what I'm opposed to. So I will remove my amendment and simply ask for a vote on the bill.

SPEAKER BARRETT: Thank you. It is withdrawn. Mr. Clerk, would you read the bill?

CLERK: (Read LB 1050 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1050 pass? Those in favor vote aye, opposed nay. Have you all voted? Please record.

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LB 863, 922, 1050, 1199

CLERK: (Record vote read. See page 1204 of the Legislative Journal.) 30 ayes, 11 nays, 1 present and not voting, 7 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1050 passes. LB 863E.

CLERK: (Read LB 863E on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 863 with the emergency clause attached pass? All in favor vote aye, opposed nay. Please record.

CLERK: (Record vote read. See page 1205 of the Legislative Journal.) 42 ayes, 0 nays, 7 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 863E passes. LB 922.

ASSISTANT CLERK: (Read LB 922 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 922 become law? Those in favor vote aye, opposed nay. Have you all voted? Record.

ASSISTANT CLERK: (Record vote read. See pages 1205-06 of the Legislative Journal.) The vote is 42 ayes, 0 nays, 7 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 922 passes. LB 1199.

ASSISTANT CLERK: (Read LB 1199 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1199 pass? All in favor vote aye, opposed nay. Have you all voted? Record.

ASSISTANT CLERK: (Record vote read. See pages 1206-07 of the Legislative Journal.) The vote is 43 ayes, 0 nays, 6 excused and not voting.

SPEAKER BARRETT: LB 1199 passes. While the Legislature is in

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LB 81, 830, 831, 863, 888, 956, 1022
1050

discussion, I guess the Legislature is alerted to this change. It's a significant change and whatever happens, happens, but at least we know what we're doing. Thank you. And I will withdraw that motion.

SPEAKER BARRETT: Thank you. It is withdrawn. If members will return to their seats, the Clerk can read the bill. While we're waiting, while the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 1022, LB 81, LB 956, LB 1050, and LB 863. Mr. Clerk, will you read 830, please.

CLERK: (Read LB 830 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 830 pass? Those in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See page 1209 of the Legislative Journal.) 41 ayes, 1 nay, 2 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 830 passes. LB 831.

CLERK: (Read LB 831 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 831 pass? All in favor vote aye, opposed nay. Please record.

CLERK: (Record vote read. See page 1210 of the Legislative Journal.) 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 831 passes. LB 888.

CLERK: (Read LB 888 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 888 pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Record vote read. See pages 1210-11 of the Legislative

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LB 42A, 81, 220A, 369A, 579, 830, 831
863, 880A, 888, 917, 922, 923A, 932
938, 954, 956, 978, 987, 987A, 1013
1022, 1037, 1050, 1067, 1077, 1090A, 1102
1136, 1178, 1199, 1222

SPEAKER BARRETT: Thank you. You have heard the motion by Senator Wesely to recess until one-thirty. All in favor say aye. Opposed no. Carried. We are recessed. (Gavel.)

RECESS

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Roll call. Record, Mr. Clerk.

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

SPEAKER BARRETT: Thank you. Anything for the record?

CLERK: Mr. President, I do. Bills read on Final Reading, this morning, have been presented to the Governor as of 12:15 p.m. (Re. LB 1022, LB 81, LB 956, LB 1050, LB 863, LB 938, LB 932, LB 917, LB 888, LB 831, LB 830, LB 579, LB 1199, LB 922, LB 954, LB 978, LB 987, LB 987A, LB 1037, LB 1067, LB 1178, LB 1102, and LB 1077.)

Your Committee on Enrollment and Review reports LB 1018, LB 1136, LB 1222, LB 42A, LB 220A, LB 369A, LB 880A, LB 923A, LB 1090A to Select file, some of which have Enrollment and Review amendments attached, Mr. President. (See pages 1233-36 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Perhaps a very brief announcement from the Chair regarding our deliberations tomorrow. It is my hope that we can work through the lunch hour tomorrow, with the thought in mind that we can adjourn a little early tomorrow for the long weekend. It's my intent, at the present time, to work through the noon hour tomorrow, and look toward an early adjournment tomorrow afternoon. Contrary to previous statements made by the Chair, it will not be my intent to schedule appropriations bills tomorrow, budget bills tomorrow. We will be looking at them, probably, Monday or Tuesday of next week. We will continue with the agenda tomorrow with some Final Reading, probably some Select File, and perhaps senator priorities on General File. Any questions? Mr. Clerk, would you bring us up-to-date.

March 12, 1990

LB 81, 579, 830, 831, 863, 888, 905A
917, 922, 932, 938, 954, 956, 978
987, 987A, 1022, 1031, 1037, 1050, 1067
1077, 1102, 1178, 1199
LR 279

communication regarding signing of LB 1022, LB 81, LB 956, LB 1050, LB 863, LB 922, LB 1199, LB 579, LB 830, LB 831, LB 888, LB 917, LB 932, LB 938, LB 954, LB 978, LB 987, LB 987A, LB 1037, LB 1067, LB 1077, LB 1102, and LB 1178. See page 1306 of the Legislative Journal.)

Mr. President, new A bill, LB 905A by Senators Johnson, Dennis Byars and Scofield. (Read by title for the first time. See page 1307 of the Legislative Journal.)

Notice of cancellation of hearing by the Government Committee.

New resolution by Senator Robak. That will be laid over. (LR 279 appears on page 1307 of the Legislative Journal.) That's all that I have, Mr. President.

Mr. President, I now have a series of amendments to both the committee amendments and the bill. The first amendment to the committee amendments that I have is by Senator Smith. Senator Smith's amendment is found on page 1195 of the Journal, Mr. President.

PRESIDENT: Senator Smith, please.

SENATOR SMITH: Thank you, Mr. President, members of the body, you have a very simple amendment before you, AM2659, in the Journal. It's simply asking, and I do want to, I guess, begin by thanking the Appropriations Committee for the recommendation that they have made for a \$212,000 increase to programs, which are being provided under the Community Aging Services Act, commonly known as CASA. This amount though is about a seventh of the amount of money that was originally requested and we can go back in history a little bit, and you have been handed a fact sheet on CASA which is...you will see it appears to be a little thing with a little State of Nebraska and the breakdown of the eight area agencies in the state, which was handed out by the Nebraska Association of Area Agencies on Aging, telling you all about what CASA is, the historic information about CASA, what the problem is, and so on. And you will recall that the Community Aging Services Act was enacted by the Legislature in 1982. It was intended to provide comprehensive aging service programs throughout Nebraska by 1984. At that time, the cost to the state was supposed to be a little over \$2.5 million. Well, we all know that, as many times as I have talked about this, the money was not funded, it was partially funded, and what even