

January 5, 1989

LB 81-160
LR 1-2

being here and thank you for your services. We also have guests of Senator Rod Johnson under the north balcony. We have Omer Troester of Hampton, Nebraska. With him is an exchange student, Alberto Porras of Costa Rica. Would you gentlemen please stand up and be recognized. Thank you for being here. We also have, over under the south balcony, a former member of this Legislature, Senator Tom Fitzgerald, would you please stand up and wave your hand. Thank you. Please welcome Senator Fitzgerald back. Thank you, Tommy. Mr. Clerk, back to the reading.

CLERK: (Read LB 81-98 by title of the first time. See pages 61-67 of the Legislative Journal.)

PRESIDENT: We'll stand at ease for some 15 minutes or half an hour while we get some of the work caught up up here in front. So be at ease, please, for a while. Thank you.

EASE

CLERK: Meeting of the Health Committee, under the north balcony, right now. Health Committee, north balcony right now.

SPEAKER BARRETT PRESIDING

SPEAKER BAPRETT: Additional bill introductions, Mr. Clerk.

ASSISTANT CLERK: (Read LB 99-150 by title for the first time. See pages 67-76 of the Legislative Journal.) That's all I have at this time, Mr. President.

SPEAKER BARRETT: More bill introductions, Mr. Clerk.

CLERK: (Read LB 151-160 by title for the first time. See pages 76-79 of the Legislative Journal.) Mr. President, in addition to those new bills I have new resolutions. (Read LR 1-2 for the first time. See pages 79-81 of the Legislative Journal.)

Mr. President, in addition to those items I have a series of announcements. Mr. President, there will be a meeting of the Executive Board today at three-fifteen for purposes of referencing. Executive Board, three-fifteen for referencing.

Mr. President, Senator Rod Johnson would like to have a meeting

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LB 107, 174, 192, 259, 274, 281, 370
486, 487, 488, 575, 738, 741
LR 27

PRESIDENT NICHOL PRESIDING

PRESIDENT: ...Legislative Chamber. We have with us today, as our chaplain of the day, Reverend Gordon Patterson of the Calvery United Methodist Church in Lincoln. Would you please stand for the invocation.

REVEREND PATTERSON: (Prayer offered.)

PRESIDENT: Thank you, Reverend Patterson. We appreciate your message this morning. Please come back and visit us again. Roll call, please.

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

PRESIDENT: Thank you. Do we have any corrections to the Journal today?

CLERK: I have no corrections, Mr. President.

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

CLERK: Mr. President, your Committee on Education, whose Chair is Senator Withem, reports LB 107 to General File; LB 486, General File; LB 487, General File; LB 488, General File; LB 741, General File; LB 259, General File with amendments; LB 575, General File with amendments; LB 174, indefinitely postponed; LB 192, indefinitely postponed; LB 274, indefinitely postponed; LB 370, indefinitely postponed; and LB 738, indefinitely postponed. All of those signed by Senator Withem as Chair. (See pages 1111-16 of the Legislative Journal.)

Mr. President, I have an Attorney General's Opinion addressed to Senator Lamb regarding LB 281. That's all that I have, Mr. President. (See pages 1116-19 of the Legislative Journal.)

PRESIDENT: Thank you. We'll move on to the legislative resolutions, LR 27, by Senator Warner.

CLERK: Mr. President, LR 27 was originally introduced by Senators Warner, Scofield and Hartnett. It asks the Legislature to strongly support the removal of Federal Transportation Trust Funds from the federal budget and urges the Nebraska congressional delegation to work towards such removal. The

SENATOR LANGFORD: Okay, I'll ask for a call.

PRESIDENT: The question is, shall the house go under call? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 14 ayes, 1 nay to go under call, Mr. President.

PRESIDENT: The house is under call. Please record your presence. Those not in the Chamber please return to the Chamber and record your presence. Please look up to see if you have touched the magic button.

SENATOR LANGFORD: Could we have a roll call vote in reverse order, please.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Senator Lamb, please check in. Senator Lindsay, please check in. Senator Ashford, the house is under call. Senator Nelson, please check in. Senator Haberman. Senator Scofield, please record your presence. Richard Peterson, Senator Peterson, please. The question before the house is the advancement of LB 348 to E & R Initial. A roll call vote has been requested. Mr. Clerk, proceed.

CLERK: (Roll call vote taken. See page 675 of the Legislative Journal.) 25 ayes, 6 nays, Mr. President, on the advancement.

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

CLERK: Yes, Mr. President, I do. I have a reference report, Mr. President, referring certain gubernatorial appointments to the appropriate Standing Committee for confirmation hearing.

Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 107 and find the same correctly engrossed; LB 187A, LB 240, LB 465 all reported correctly engrossed. That's all that I have, Mr. President. (See page 676 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Proceeding then to Item 6 on the agenda, LB 953.

Withem and I offer this amendment. This says, "and shall include proportional share of students enrolled in a public school program on less than a full-time basis." Several school districts across the state have parochial schools located within their districts, and in some cases, the public school may be educating a significant number of students enrolled in parochial schools but who are taking just one or two classes part time at a public school. The bill does not allow schools to include these part-time students in the average daily membership reports, and this isn't caused by this bill. I introduced this bill last year already because of the problems we were having. But this amendment allows schools to include any part-time students in the average daily membership reports on a proportional basis. It will provide an increase in aid for these schools but have little, if any, impact on the other schools. This provision, the provisions of this amendment are taken from LB 107, which was advanced from the Education Committee and is on General File. And we called this foundation aid in the previous state aid, and I believe in this change now we would call it equalization aid. But I have a couple of schools in my district that is affected in this way, and like I said, public schools receive state aid now only on full-time students and I think it just only fair that these public schools could receive state aid on part-time students and I would ask your support for this amendment.

PRESIDENT: Thank you. Senator Moore, please, followed by Senator Withem and Senator Hall.

SENATOR MOORE: Well, yes, if I may ask a question of Senator Hefner, I believe.

PRESIDENT: Senator Hefner.

SENATOR MOORE: No, would that parochial school student that is attending the public school, would they count as a full-time student then?

SENATOR HEFNER: No, they wouldn't count as full-time.

SENATOR MOORE: Only the proportion that they are using. Now, like an example, you listed they are taking one vocational agriculture class in public school, how would those students be counted? Maybe Senator Withem, if he knows the answer to this, how would...tell me how that is going to work in a scenario like

that. If you can answer Senator Hefner, that is fine, or whoever can.

SENATOR WITHEM: Senator Moore, in the portion of the bill where we determine the needs of a district and multiply the students times their tier cost for education, I think the example that would be used in that school district is if they had one student from a private school attending one class, and assuming it is a seven-period day, it would be 1/7th of one student additional based on their needs. If they had a \$2,800 need, it would be \$400 additional needs for that student.

SENATOR MOORE: Just, Senator Withem, do you have any idea of the amount of this type of participation in, for instance, Omaha Public Schools, what impact it would have there?

SENATOR WITHEM: As I under...Senator Moore, last year, we did a little bit of a survey on Senator Hefner's bill and we found out that it is very, very few school districts in the state that are doing this. It is a very minimal impact; would have shifted maybe \$15,000 out of our entire \$133 million if LB 107 would have been adopted, as I remember it.

SENATOR MOORE: So, you could probably double that, it is going to be a 30, we are talking about maybe a \$30,000 amendment is what we are talking about here, roughly?

SENATOR WITHEM: Who knows under this bill, but it would not be very great I don't think.

SENATOR MOORE: Okay, thank you.

PRESIDENT: Thank you. Senator Withem, please, followed by Senator Hall.

SENATOR WITHEM: Yes, Mr. President, and members of the body, in answering the question, I gave part of my speech and probably will give it again, just so it is in the record. A couple of things I want you to know, that this is not...first of all, this is not an exemption from the lid. I know some people are nervous about the last two things that we have done on the lid requirement. This does not exempt anything from the lid, as I understand it. Secondly, it does not provide any aid to parochial schools. This is aid to public schools but it is aid to those public schools that are offering partial attendance to

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LB 107, 1059
LR 365-378

from the staff of the Educational Committee when they prepared a worksheet on LB 107 that I introduced last year. They have come up statewide, total students, of 246, and total aid would amount to just a trifle over \$30,000. So with that explanation, I would like to ask your support for this amendment to 1059.

SENATOR LABEDZ: Senator Hefner was closing on his amendment to LB 1059. All those in favor vote aye, opposed nay. Have you all voted? Senator Hefner.

SENATOR HEFNER: Madam Chairman, I'd ask for a call of the house and a roll call vote.

SENATOR LABEDZ: Senator Hefner is requesting a call of the house. All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 18 ayes, 2 nays to go under call.

SENATOR LABEDZ: The house is under call. All unauthorized personnel, please leave the floor. All senators in their offices, return to the Chamber and record your presence. Senator Schmit, the house is under call. Senator Chambers, Senator Langford, the house is under call, please return to the Chamber. We are looking for Senator Chambers, Senator Schmit. We are looking for Senator Chambers, the house is under call. Senator Hefner, can we proceed. I believe Senator Chambers is on his way up. Mr. Clerk, call the roll.

CLERK: (Roll call vote taken. See page 1510 of the Legislative Journal.) 19 ayes, 19 nays, Mr. President.

SENATOR LABEDZ: The amendment fails. Do you have anything else on the bill, Mr. Clerk?

CLERK: I do, Madam President. May I read some items in the record?

SENATOR LABEDZ: Yes, you may.

CLERK: Madam President, I have a series of study resolutions, LR 365-378 offered by a number of members.

SENATOR LABEDZ: The call is raised