

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

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the George W. Norris Legislative Chamber. The opening of today's business, our chaplain of the day, Colonel Meredith Thomas, Offutt Air Force Base, Colonel Thomas. (Gavel.)

COLONEL THOMAS: It's good to see you, some of you. It's good to see some of the senators, glad we have all the Pages. I believe the Pages and the "red coats" are ahead, God love you. Let us pray. (Prayer offered.)

SPEAKER BARRETT: Thank you, Colonel Thomas. We're glad to have you back with us again today. Roll call.

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

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

CLERK: Mr. President, no corrections this morning.

SPEAKER BARRETT: Any reports, announcements, messages?

CLERK: Mr. President, your Committee on Education, whose Chair is Senator Withem, reports LB 69 as indefinitely postponed and LB 134 to General File, both signed by Senator Withem. (See page 404 of the Legislative Journal.)

Mr. President, I have a series of reference reports referring certain gubernatorial appointees to the appropriate Standing Committee for confirmation hearing.

I have a rereferral of LB 543 from Appropriations to Education, and I have a reference report referring LBs 600-808 as well as well as certain constitutional amendments.

Mr. President, I have received a communication from the Governor regarding a predisbursement plan for the oil overcharge monies from the Nebraska Energy Settlement Fund. Pursuant to that communication I have forwarded that on to Senator Labedz as Chair of the Executive Board and received back from her a communication referencing that particular item to the Appropriations Committee for comment and review. That is all that I have, Mr. President.

SPEAKER BARRETT: LB 32 passes. That concludes Final Reading this morning. Thank you very much for your cooperation. The call is raised. Anything for the record, Mr. Clerk?

CLERK: Not at this time, Mr. President.

SPEAKER BARRETT: Thank you. Proceeding then directly to General File, LB 134.

CLERK: Mr. President, 134 was a bill that was introduced by Senators Scofield, McFarland, Baack, Withem, Bernard-Stevens and Nelson. (Read title.) The bill was introduced on January 5, referred to Education. The bill was advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: Thank you. To present LB 134, Senator Scofield, please. (Gavel.)

SENATOR SCOFIELD: Thank you, Mr. Speaker. LB 134 is a program which would test high school juniors on their mathematics proficiency. They get a computerized printout, which also goes to their parents, which tells them where they would be in a math course when they enter the university. It is a program that has been modeled after other states' programs and it's been in operation in Nebraska, on a pilot basis, since 1988 when we started out with 21 schools. Up to now it has been funded through a mixture of sources, with the university coming up with a little bit of money, the Department of Education coming up with a little bit of money, American Math Competitions a little bit of money, and there was enough put together to start this pilot program. The reason I decided to support this particular issue is it was brought to my attention by a mathematics instructor out in my district at a time when math teachers were meeting from across the state out there. It was the first time I became aware of even such a project. But I was impressed with the results of the program. Number one, the program already is encouraging high school juniors to take another year of math. And for all of us who have been there and know what kinds of math decisions you make sometimes, simply because you're either tired of taking math or you are a little bit intimidated by it, it's a very important move to putting a student on the path to success in college, and even toward future career choices that that student might make. The results already have meant that more students will take another year of math their senior year in high school. The other bit of good news on this, which I

think makes this a cost-effective bill, is that we have seen a decline of the need for students to enroll in remedial math courses in other states where this has happened. I presume we are already seeing this, although it is probably a little bit more difficult to measure Nebraska, only having been in business one year. But we are seeing a decline in the need for students to enroll at a remedial level at the university level. That is, obviously, a better use of our resources, get those students prepared in mathematics at the high school level, before they go to college, and they are on a faster track when they get to college and more prepared to succeed. So this bill would expand this program to a statewide program, from the 21 schools that we now have, to 68 schools. You're receiving a handout that answers some questions about the bill and a map of where the...the black dots are where the program has been piloted, and the white dots indicate where the expansion would occur statewide. LB 134 does appropriate \$45,805 from the General Fund for fiscal year '89-90, and \$47,179 for fiscal year '90-91 to the University of Nebraska to fund the JUMP examination program. But I think it's a good program, it's important to kids to put them on a career, successful path. We're all interested right now in making ourselves competitive as a nation, particularly in mathematics and science and I think this is a relatively inexpensive, cost-effective way of doing that. I might also add that, being a former teacher, I was never very excited about teacher inservice programs. But one of the things that I saw going on with this group of math teachers from around the state, when they got together, was there was a tremendous amount of professional interaction and professional growth occurring there, which I know is translated back into better quality math teaching back in those teachers' classrooms all over the state. This is important, obviously, in every school. But for all of us who represent smaller schools where you may have only one person in your math department, this is a particularly valuable opportunity for math teachers to come together from around the state, talk about teaching techniques, talk about computer technology and how they can bring that into their classrooms. So I guess I'm seldom driven to rave about any kind of education program, but this one is one that really caught my attention and my enthusiasm and I think it is worth our support. I'll be happy to answer questions about the program. If you don't have any, I urge you to advance 134.

SPEAKER BARRETT: Thank you, Senator Scofield. For purposes of discussion the Chair recognizes Senator Withem, followed by

Senators Moore, Haberman and Schmit.

SENATOR WITHEM: Members of the body, just speaking as the Chairman of the committee that heard this bill, and as a co-sponsor, the JUMP Program is one of a number of innovative services that are being provided at the University of Nebraska campus that impact on elementary-secondary education. I think because I'm one that oftentimes compares elementary-secondary to higher education, and in some ways participate in that unfortunate pitting of the two elements of our education system against one another, I should point out that this is one area in which they work very well together. There is also an inservice program that is operated for science teachers that is an outstanding program; the Nebraska Writer's Project, helping high school teachers of writing become better writing teachers. Senator Bernard-Stevens, in committee, brought up an economics program that is offered. There is the Taft Institution for government teachers that is run through the university. I think this is the type of program that needs to be encouraged. It is one of those rare bills that comes through the Education Committee that has anything to do with education as far as how young people actually acquire skills and knowledge and become more productive citizens in our society. It is one I'm very supportive of. I'm also interested in getting more information about some of these other programs and making that available to you. I think Senator Scofield should be commended for bringing this bill to the attention of the Legislature, and I would urge you to support it.

SPEAKER BARRETT: Thank you. Senator Moore, you are next.

SENATOR MOORE: Thank you, Mr. Speaker. Would Senator Scofield yield to a question?

SPEAKER BARRETT: Senator Scofield, would you respond?

SENATOR SCOFIELD: Yes.

SENATOR MOORE: Senator Scofield, I was just wondering, looking at the fiscal note on this I noticed there is a 9,000 General Fund appropriation for a quarter time director of this program at the university. I guess I'd like to briefly have you explain what that quarter time person would do, and who it would be. Would it be somebody existing in the program? Would this just be additional pay to what they now get from the university, or

how would that work? I'd like to have the rest of my time after she completes that.

SENATOR SCOFIELD: Yes, Senator Moore, thank you. This comes from the person who has been involved in directing this program up to now, Professor Don Miller at the university. I think, in a way, you could characterize this as release time. Up until now the university has been coordinating this program simply out of the resources of faculty that are there. This would pay for a one quarter time of Dr. Miller's salary, and it would also provide secretarial support in the Math Department. It's a fairly major undertaking to coordinate this kind of an effort. Wasn't too bad when we had 21 schools, but if we are going to go statewide, it will take a significant amount of his time. In addition to that, my impression is from visiting with Dr. Miller and the teachers, when they were meeting this summer, is that there is a good deal of networking going on here among teachers around the state and so it is a lot of work for a coordinator to pull this together. It is probably unreasonable to expect a full-time faculty member to do this just out of whatever spare time he or she might have.

SENATOR MOORE: Thank you, Senator Scofield. I really have no program with your bill. As a matter of fact, I like the premise that it is doing something for greater Nebraska. I just want to mention once again, you know, it's a constant burr under my saddle that in the \$200 million appropriation we give the university, to do anything in greater Nebraska they had to come in and ask for more money. I like the program, but \$9,000, I would think if it was a high enough priority, the university could find a way to do it but, obviously, that is not the case. Thank you.

SPEAKER BARRETT: Senator Haberman, please.

SENATOR HABERMAN: Senator Scofield, would you yield to some questions, please?

SPEAKER BARRETT: Senator Scofield, would you respond?

SENATOR SCOFIELD: Yes, I will.

SENATOR HABERMAN: This program was tried in 1988?

SENATOR SCOFIELD: Yes, it was, Senator Haberman.

SENATOR HABERMAN: And who paid for the program and what did it cost?

SENATOR SCOFIELD: That was paid from a number of sources all throwing in together, mixed funding, to put this together. The University Math Department, the College of Arts and Sciences picked up postage, phone, copying and so forth and donated the time of this professor that we're now going to put in charge of coordinating it. The Department of Education made some contribution to it. American Math Competitions made some contributions to it. There will continue to be some mixed funding in the '89 program, about the same sources, Math Department, Arts and Science, Department of Education, the Chancellor's Office is request...they are requesting 5,000 from the Chancellor's office.

SENATOR HABERMAN: What was the total cost in '88?

SENATOR SCOFIELD: Eleven thousand six hundred dollars.

SENATOR HABERMAN: And how many schools was that?

SENATOR SCOFIELD: Twenty-one. As you can see, if I may on your time, Senator Haberman, as you can see as we go to...

SENATOR HABERMAN: Now, on your...

SENATOR SCOFIELD: ...I don't know if that is clear. There are 68 schools that go for twenty-seven-seven in '89, gets more cost-effective the more schools you add.

SENATOR HABERMAN: On your map you have black dots and white circles. What is the difference?

SENATOR SCOFIELD: The black dots, Senator Haberman, are the schools that were the original pilots. Those schools have already had this. And I look down here and you've got one there. Where the white dots are is where the expansion of this program would occur.

SENATOR HABERMAN: Now, this program is going to expand. Is that going to include all students, or just at selected schools?

SENATOR SCOFIELD: This would be for juniors, statewide, Senator

Haberman. Any school could ask to participate.

SENATOR HABERMAN: A school has to request to participate in the program. Is that correct?

SENATOR SCOFIELD: Well, we don't want to mandate this sort of thing.

SENATOR HABERMAN: No, but I'm asking, they have to ask?

SENATOR SCOFIELD: Right, right. Although it's my understanding there has been a mailing given to all schools and they've been given the opportunity to respond, if they choose to. That's where the 68 came from.

SENATOR HABERMAN: What happens...you are basing this on 20,000 students, is that correct, participating in the program?

SENATOR SCOFIELD: Somewhere here, Senator Haberman, I have the numbers.

SENATOR HABERMAN: Well, it says printing exams 20,000, so I'm assuming that you're counting on 20,000 students participating in the program.

SENATOR SCOFIELD: I believe that's correct.

SENATOR HABERMAN: That's in the fiscal note, Sandy.

SENATOR SCOFIELD: On my close, Senator Haberman, by the time I get to my close I will have found those numbers and confirm that that is, in fact, accurate, but I think it is.

SENATOR HABERMAN: I haven't either had time to count up the circles on your map to see if they come to 20,000 students. It kind of concerns me a little bit. Do you have any idea how many junior students there are in the state so we can see some idea of how far-reaching this program is?

SENATOR SCOFIELD: I don't think I've got that in front of me. Here we go, Senator Haberman. I'm finding it. The budget is prepared on the assumption that 20,000 juniors from 200 Nebraska high schools will participate in the JUMP Program during the 1989-90 school year.

SENATOR HABERMAN: How many high schools are there?

SENATOR SCOFIELD: Well, currently...you mean statewide?

SENATOR HABERMAN: Yes.

SENATOR SCOFIELD: I don't have that figure in front of me. Currently, we are using 21 high schools and, as I said before, 67 high schools. I don't think I've got the total number here, Senator Haberman.

SENATOR HABERMAN: Okay, then we're going...we have to assume then this cost of...

SPEAKER BARRETT: One minute.

SENATOR HABERMAN: ...\$100,000 is for 200 schools. Is this going to...are we going to come back next year and the next year and ask for more funds, if there are more students, or will this set the pattern and we'll do it?

SENATOR SCOFIELD: It's my understanding this will do it, that this will do the program statewide and, in fact, as you look at the costs, the more schools you do, in fact, the more cost-effective the program gets.

SENATOR HABERMAN: I think it's a good program. I'll support your issue, Sandy. Thank you.

SENATOR SCOFIELD: Thank you. I'll try to get those numbers for you, Senator Haberman.

SPEAKER BARRETT: Thank you. Senator Schmit, further discussion, followed by Senators Hall and Crosby.

SENATOR SCHMIT: Well, Mr. President and members, I just want to say that I am in favor of any kind of testing that tells us what our students are doing. But, question of Senator Scofield, isn't the junior year a little bit late to be determining whether or not the individual student that is qualified in math at the college level?

SPEAKER BARRETT: Senator Scofield.

SENATOR SCOFIELD: Well, Senator Schmit, the rationale for doing

this is most students take the bare minimum, in high school, of what they are required to take in mathematics and then they move on. I believe right now that is two years. So you do the testing process. And the reactions that we have had, both from students and counselors and math teachers, has been that students, unfortunately, don't pay a lot of attention sometimes to their counselors, math teachers, parents or whomever is saying maybe you should take more mathematics and the junior year is a critical year in that decision-making process. What has been shown to happen is when they get this test result, from a respected outside source, often students on their own will conclude that they need more mathematics preparation and that senior year is an opportunity to pick up one more year that otherwise they might not have had. This would, obviously, be geared more to college bound students who would be more likely to have more math in the first place.

SENATOR SCHMIT: It's been a long time, Senator Scofield, since I was personally involved in being a student. But there was not a great deal of impetus from myself to improve myself during that time. I think that most of that encouragement I had came from professors and from teachers, and most of them, fortunately I guess, were not remiss in encouraging me to study math and English and literature. But I guess that my principle concern is this, and that is that we have a program here which will probably point out some deficiencies. But I do not know, maybe you know, what percentage of the students now entering the university system are not able to handle university caliber mathematics?

SENATOR SCOFIELD: I can't tell you exact percentages, Senator Schmit. But from the college professors that I've talked to, and even though my experience at Chadron is getting a little hazy, since that has been a number of years, it seemed to me that we saw an increasing number of students who came in with ACT scores that indicated that they were weak in mathematics and that we saw an increase in the likelihood of students to enroll at that remedial level, which is, obviously, expensive to run those kinds of remedial courses and sets the student back on his career path.

SENATOR SCHMIT: What is being done in the educational system as a whole, Senator Scofield, to encourage the instruction of additional mathematics courses in the early years of the system? Do you know of anything?

SENATOR SCOFIELD: This is the best...one of the few programs, one of the best that I have seen, and it has come out of the educational system itself. This is spearheaded by mathematics teachers who have recognized this as a problem and have championed this as a way to address that problem.

SENATOR SCHMIT: It seems to me that the program may be satisfactory but, of course, it's on a very limited basis which lets out of the system a great many students who probably need some testing. But I think that there ought to be something more done to encourage that mathematics instruction throughout the system. I don't know that we need to really emphasize it at this point, at this late point in life. Certainly somewhere, somewhere along the line there is going to have to be additional emphasis upon these kinds of skills. The society today demands better mathematics proficiency and, of course, I'm afraid that we all recognize we just don't have it. But I would have to say, Senator Scofield, in all honesty, that, in my opinion, the need for this kind of a program does not speak well for the educational program which we have in our high school system today. And I'm probably going to encourage some criticism,...

SPEAKER BARRETT: One minute.

SENATOR SCHMIT: ...probably justified, for that statement. But certainly there has to be some sort of system embodied that will encourage across the system improvement in the mathematical instruction, or else this kind of program is going to be too little and too late. Thank you.

SPEAKER BARRETT: Thank you. Senator Hall, further discussion on the bill?

SENATOR HALL: Thank you, Mr. President, members. I rise in support of LB 134 and the measure that Senator Scofield has brought before the body. I happen to have had some personal experience with the program as well, much in the same vein that Sandy expressed. I was on a rather reluctant tour of the university this fall, and it wasn't that I didn't want to go, it is just that it took an awful lot of time and they asked for the entire day, but I did it. I have to admit to you that it was a whirlwind tour. But the one thing that did stick out in my mind was the time that I spent with Jim Lewis and Don Miller at the Mathematics Department on campus, and they talked about this

specific program, the JUMP Program. I said, explain this to me, and for someone with my background, which is limited in the area of mathematics and who struggled to get through algebra and geometry and trigonometry in high school, it clearly made sense to me. I think some of the concerns that have been raised by Senator Schmit, with regard to are we starting early enough and is it something that doesn't need to be addressed prior to even secondary education, I think those are things that we need to address in the future. But I think this program, when you look at the statistics that show the improvement that has taken place, just in that last year of high school, clearly states that it is one we need to support. The other day about, I guess last Saturday or the Saturday before that, don't remember which, I was asked to come out and talk to...it was about 60 to 75 mathematics teachers from all over the state who were in Omaha to specifically learn and be taught the process within the JUMP Program and they were very enthusiastic about it. It was something that I found exciting to see a number of these high school teachers who would give up their weekend to learn this process so that they could pass it on to their students and have them as well trained as possible before entering the college or the university level. So I think that it is something that a very small amount of money, with regard to the A bill that is attached, it is something that is very well spent. I think you can clearly see the results when you look at how these same students test out after they've been through this program and the level at which they are able to enter the university system. So, with that, I may not totally agree that the A bill ought to be attached. I think it is an important enough program that the university ought to, out of their budget, be able to fund it. But, if we need to pay for it in this manner, I guess we need to. But I think it is important enough that we appropriate the money in this fashion because it is a very worthwhile program and one that I think we all should support. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. Senator Crosby, please.

SENATOR CROSBY: Mr. President and members, thank you very much. I, too, support LB 134. Mathematics is becoming more and more important as we come to the nineties and the year 2000. I know, from personal experience, I know of students who come up, literally, the day before graduation and realize they are lacking a credit in math because they didn't understand in high school, or didn't pay attention that they had to take 90C, as it

is the number at the university which is a noncredit course. I think anything we can do to make parents aware of the fact that before you enter the College of Arts and Sciences at the university, for instance, there are certain math courses you are supposed to have already had in high school. So, I think anything we can do to make parents aware and the students, and this program, to me, is a real big step forward. I have great respect for Professor Don Miller and all of these math teachers across the state who are working with juniors in high school so when they come to enroll in a university anywhere they don't have to take those remedial math courses. So I urge the advancement of LB 134.

SPEAKER BARRETT: Thank you. Senator Wesely, please.

SENATOR WESELY: Thank you. Mr. Speaker, members, I rise in support of this legislation but I also rise to let you know that I'm worried, very worried, after Senator Hall's comments, talking about his struggles in school and mathematics and recognizing, sitting over here next to Senator Warner that Senator Warner tends to count with his fingers and now I find in addition to our Appropriations Committee Chairman using mathematics in that fashion, we have a Revenue Chairman that had trouble with math. I think we definitely have to be a little concerned about some remedial education here, maybe some briefing seminars would be in order with some of these professors that we're talking about here. Nevertheless, both indications are that mathematics are important. You can overcome some problems in mathematics and become a success, nevertheless. But, in my estimation, this is a very good effort. Mathematics has been underemphasized. In our global economy it is even more important today than ever. And in being familiar with Walt Mientka and a number of other individuals, Jim Lewis in the Math Department, I know this is an excellent program. I think Senator Scofield has hit on an excellent, very fine approach to this effort. But I want to leave one point with you. This may cost some money today, but there is a potential, used properly, that this program can make money for the State of Nebraska and the reason is that it is already now a UNL based testing program, used across the country. As you know, there are a number of testing programs and they do make profit in those efforts. This one has the chance to grow and become a profitable activity based in the University of Nebraska-Lincoln. So, this modeling in this state can be used across the country and it can be used to build a program that in

time can make a profit. I think all in all it is money well spent, not only for the good of our students but possibly in terms of creating further revenues to the university and our state. So I would support this legislation.

SPEAKER BARRETT: Thank you. Senator Hartnett, please.

SENATOR HARTNETT: Mr. Speaker, members of the body, can I ask Senator Scofield a few questions?

SPEAKER BARRETT: Senator Scofield.

SENATOR HARTNETT: I have no objection, I guess, to the bill. I think testing in math is good for the soul, or good for the body, or something like that. But do they have...how many people have they convinced to take math? It's just a very short program. Listening to Senator Crosby here, you know, about these kids should have had this math before they get to the university. You know, maybe we need to do away with guidance counselors in high school, or the math teachers or something if they don't know the requirements for the university. Is...I also listened to Senator Crosby, is math a requirement at the university that every student has to have some math, or can they do some other areas? Do you know?

SENATOR SCOFIELD: Senator Hartnett, let me start with that first question. And I honestly cannot tell you that I don't think every program at the university requires math. In the old days, when I went, you could get clear through teachers college and never take a math course. I believe there were ways of avoiding taking mathematics. And I don't know if that is still the case or not. In terms of how many students that have taken it, you want to know how many students have participated in it...

SENATOR HARTNETT: You mean that is the number that took the test.

SENATOR SCOFIELD: Is that what you're asking me?

SENATOR HARTNETT: Yes, I guess. How many? Do they know in such a short period of time, you know, how many people they turned around? It's been in effect one year...

SENATOR SCOFIELD: We have a number of anecdotal reports from

counselors around the state, if you want to look at some of those.

SENATOR HARTNETT: Yes, I'd like to.

SENATOR SCOFIELD: I did not make it available, but here is one example. Lincoln Northeast High School found that 40 of the 200 juniors who took the test decided to register for a senior math class after that test was given. So...

SENATOR HARTNETT: Do you know what the requirements that they had before that time in math, you are talking about northwest, I would think they'd have lots of math courses and they probably always have an excellent guidance department. What is their math sequence? Maybe you could provide that information afterwards. But I simply rise...

SENATOR SCOFIELD: Yes, I'll have to ask.

SENATOR HARTNETT: ...simply rise, you know, I think testing is good and all types of testing and so forth. But, you know, can we overdo it and is it really going to have a lasting effect. Thank you.

SPEAKER BARRETT: Thank you. Any other discussion? Senator Scofield, would you care to close?

SENATOR SCOFIELD: Yes, just briefly, Mr. Speaker. I wanted to comment on a question which is very legitimate that Senator Hartnett just raised. At this point, Senator Hartnett, you are right, we don't have as much of a track record on this as we might like, although the early returns look good. But from the other states that this is modeled after, Ohio, Illinois and Louisiana, Ohio has the oldest program and has been running since 1977. The percentage of entering freshmen at Ohio State University, whose first math course was at a remedial level, dropped from 42 percent to 25 percent, which I think is a pretty impressive drop. The percentage of entering OSU freshmen, whose first math class was at the college level, in other words something like algebra, trig or calculus, increased from 34 percent to 43 percent. So those are the best figures we have to go on right now on what has happened in other states. The trend has been favorable. So I think that is the best we can go at. Let me also respond to questions that Senator Haberman raised that I didn't have at hand when he asked them. Senator

Haberman, there are 370 schools, total, in the State of Nebraska and that 20,000 figure would assume 100 percent participation of all juniors in the State of Nebraska. So that 20,000 figure was, in fact, all of the juniors. Here is an interesting bit as far as illustrating how the more students enroll in this the more cost-effective it becomes. The pilot year, 1988, where we had 21 schools and 2,060 students, that figures out to \$5.65 per student. As we added the 68 schools and go to 6,500 students, that drops the cost to \$4.25 a student; and if we got everybody involved in this, it would go down to \$2.75 a student and we could serve every junior in the state. Each school is invited to participate. They don't need to apply to be a part of this program, they are invited to participate. The other comment that I wanted to make just in closing, I was glad Senator Hall mentioned his experience in meeting with teachers, because I think that is one of the things that really caught my eye when I met with teachers on this was the level of enthusiasm and the level of commitment. I'm sorry to say in this day and age that I don't think we treat teachers often in ways...I'm not talking anything about pay, I'm just talking about the way we treat them as professionals. I think sometimes the system they get caught up in and the deadlines they have to meet and the playground duties they have to do and all of that stuff really makes them feel less like a professional. The thing that excited me about this particular program was the professional commitment and enthusiasm and growth that I sensed going on among this group of teachers who were really, really excited about what they were doing and what they were going to be able to take back to their students. I think if any of you would have had a chance to meet and if you haven't had a chance to meet with that group, you should take that opportunity because it will really restore your faith in the quality of teachers we have out there and their commitment to their schools. Maybe Senator Schmit is right, maybe we should be looking at getting more kids into math courses. I don't know if you're talking elementary level, Senator Schmit, or where you are going to do this but I think this is a first step in the right direction. But I certainly would not argue with your point that, if there are other things that we can think of that will help students gain that ground earlier, I would certainly be receptive to those kinds of proposals. But I think 134 is a good step in the right direction. The experience in other states and our preliminary returns would indicate that it's going to be a step in the right direction in Nebraska. So I would appreciate your support on 134. Thank you.

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LB 13, 18, 19-32, 58, 62, 70, 115
128, 134, 142, 156, 255, 279, 283
284, 296, 298, 312, 321, 322

SPEAKER BARRETT: Thank you. You have heard the closing on the advancement of 134. Those in favor of the motion to advance the bill please vote aye, opposed nay. Have you all voted on the advancement of LB 134? Record, please.

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of 134.

SPEAKER BARRETT: LB 134 is advanced to E & R. Anything for the record, Mr. Clerk?

CLERK: Mr. President, I do. Thank you. Your Committee on Transportation, whose Chair is Senator Lamb, to whom was referred LB 115, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 283, General File; LB 284, General File; LB 58, General File with amendments; LB 142, General File with amendments; LB 156, General File with amendments; and LB 128 indefinitely postponed. Those are signed by Senator Lamb. (See pages 439-41 of the Legislative Journal.)

General Affairs Committee, whose Chair is Senator Smith, reports LB 298 to General File, LB 70 to General File with amendments, and LB 62 indefinitely postponed. Those signed by Senator Smith as Chair. (See page 441 of the Legislative Journal.)

Your Committee on Education, whose Chair is Senator Withem, reports LB 312 to General File with amendments. That is signed by Senator Withem. Banking, Commerce and Insurance reports LB 279 to General File; LB 296, General File; LB 321, General File; LB 322, General File; those signed by Senator Landis as Chair. (See page 442 of the Legislative Journal.)

Mr. President, I have hearing notices from the Natural Resources Committee, signed by Senator Schmit; Health and Human Services, signed by Senator Wesely. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 13, LB 18, LB 19, LB 20, LB 21, LB 22, LB 23, LB 24, LB 25, LB 26, LB 27, and LB 28, and LB 29, LB 30, LB 31, and LB 32. The next bill, Mr. Clerk, LB 255.

January 26, 1989

LB 43, 45, 113, 133, 134, 168, 169
171, 172, 255, 257, 277, 295

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the George Norris Legislative Chamber, the opening of the 15th day in this, the First Session of the Ninety-first Legislature. For our opening prayer the Chaplain of the day, the Reverend David Quam, Central Alliance Church in Lincoln. Pastor Quam, please.

REVEREND DAVID QUAM: (Prayer offered.)

SPEAKER BARRETT: Thank you, Reverend Quam, hope you can come back again. Roll call.

CLERK: Twenty-nine members present this morning, Mr. President.

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

CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Any messages, reports, or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 134 and recommend the same be placed on Select File; LB 255, LB 257, LB 295, LB 133, and LB 277, those on Select File, some of which have E & R amendments attached. (See page 449 of the Legislative Journal.)

Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 45 and find the same correctly engrossed; LB 168 and LB 169, also correctly engrossed.

Mr. President, your Committee on Natural Resources, whose Chair is Senator Schmit, to whom was referred LB 43 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 113, LB 171, LB 172, all advanced to General File, all signed by Senator Schmit as Chair.

Mr. President, a hearing notice from the Natural Resources Committee for Thursday, February 2. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. To item number five on the agenda,

January 27, 1989

LB 134, 251, 255

closing comment, Senator Warner? Thank you. We'll proceed then to the vote on the Warner amendment to LB 251. Those in favor vote aye, opposed nay. On the amendment to 251. Please record.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of Senator Warner's amendment.

SPEAKER BARRETT: Motion carries, the amendment is adopted. Anything further on the bill?

CLERK: Nothing further on the bill, Mr. President.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 251, as amended, be advanced.

SPEAKER BARRETT: Thank you. Shall the bill be advanced? All in favor say aye. Opposed no. Ayes have it, motion carried, the bill is advanced. LB 134.

CLERK: LB 134, Senator, I have E & R amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 134 be adopted.

SPEAKER BARRETT: Shall the amendments to 134 be adopted? All in favor say aye. Opposed no. Ayes have it, carried.

CLERK: I have nothing further on the bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 134, as amended, be advanced.

SPEAKER BARRETT: Shall 134, as amended, be advanced? Those in favor say aye. Opposed no. Ayes have it, carried, the bill is advanced. LB 255.

CLERK: I have no amendments to the bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

to put into the record, Mr. Clerk?

CLERK: Mr. President, I do. Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 94 and find the same correctly engrossed; LB 133, LB 134, LB 251, LB 277 and LB 295, all correctly engrossed, Mr. President. That's all that I have. (See pages 486-87 of the Legislative Journal.)

PRESIDENT: Thank you. Move on to LB 165, please.

CLERK: LB 165 by Senator Chambers. (Read title.) The bill was introduced on January 5, referred to the Government Committee for public hearing. The bill was advanced to General File, Mr. President. I do have committee amendments pending by the Government Committee.

PRESIDENT: Senator Bernard-Stevens, are you going to take the committee amendments?

SENATOR BERNARD-STEVENS: Yes, I am.

PRESIDENT: Okay.

SENATOR BERNARD-STEVENS: Mr. President and members of the body, the committee amendments are relatively simple and somewhat technical. In the bill, it had it that the Douglas County Election Commissioner will be responsible for the redistricting of the City of Omaha and there was a section in there that says about sanctions, about if something would not be done well or not done at all. And there was a section in there calling for a removal of office as one of the possibilities that could be done in the sanctions. It did not specify, however, whether it would be mandatory or if there would be a process. So what the committee has done, through committee counsel, has gone back to an existing section of law which has its process set up on the removal of office of such an elected official and it is not mandatory but it is the process. That's the first part the committee amendment clarifies. The second, the committee amendment basically is for the purpose of the section that calls for a citizen in their ability to create or to have a lawsuit against a county commissioner or some other entity in this particular bill and it clarifies this section as to what the lawsuit could pertain to and the clarification by the committee is that it will pertain to the areas that show compelling

May 17, 1989

LB 49, 49A, 134, 158

for visiting us today. Mr. Clerk, LB 49.

ASSISTANT CLERK: (Read LB 49 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 49 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 2460-61 of the Legislative Journal.) The vote is 42 ayes, 2 nays, 1 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 49 passes. LB 49A, please.

ASSISTANT CLERK: (Read LB 49A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 49A pass? All those in favor vote aye, opposed nay, please. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 2461-62 of the Legislative Journal.) The vote is 40 ayes, 5 nays, 1 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 49A passes. LB 134, please.

ASSISTANT CLERK: (Read LB 134 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 134 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See page 2462 of the Legislative Journal.) The vote is 41 ayes, 2 nays, 3 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 134 passes with the emergency clause attached. LB 158.

ASSISTANT CLERK: (Read LB 158 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having

May 17, 1989

LB 44, 44A, 49, 49A, 134, 137A, 158
158A, 162, 162A, 175, 175A, 182, 182A
198, 228, 228A, 305, 815, 816, 816A

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 228 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on pages 2473-74 of the Legislative Journal.) The vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 228 passes. LB 228A.

ASSISTANT CLERK: (Read LB 228A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 228A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on page 2474 of the Legislative Journal.) The vote is 45 ayes, 1 nay, 2 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 228A passes. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 44, LB 44A, LB 49, LB 49A, LB 134 with the emergency clause attached, LB 158, LB 158A, LB 162, LB 162A, LB 175, LB 175A, LB 182, LB 182A, LB 198, LB 228, and LB 228A. Anything for the record, Mr. Clerk?

CLERK: Mr. President, yes, thank you. Your Committee on Enrollment and Review reports LB 305, LB 815, LB 816, and LB 816A as correctly engrossed, all signed by Senator Lindsay as Chair of Enrollment and Review. (See pages 2475-76 of the Journal.)

I have a confirmation hearing report from Health and Human Services Committee signed by Senator Wesely as Chair. That's all that I have, Mr. President.

PRESIDENT: We'll move on to LB 137A.

CLERK: Mr. President, 137A is a bill introduced by Senator Warner. (Read title.)

May 17, 1989

LB 44, 44A, 49, 49A, 134, 158, 158A
162, 162A, 175, 175A, 182, 182A, 198
211, 228, 228A, 308, 309, 309A, 362
377, 429
LR 88

Mr. President, bills read on Final Reading today have been presented to the Governor. (Re: LB 44, LB 44A, LB 49, LB 49A, LB 134, LB 158, LB 158A, LB 162, LB 162A, LB 175, LB 175A, LB 182, LB 182A, LB 198, LB 228 and LB 228A. See page 2482 of the Legislative Journal.)

Mr. President, amendments to be printed, Senator Hall to LB 211, Senator Ashford to LB 362, Senator Weihing to LB 377, Senator Lynch to LB 377. (See pages 2482-88 of the Legislative Journal.)

Enrollment and Review reports LB 308 as correctly engrossed, LB 309 and LB 309A as correctly engrossed.

And, Mr. President, I have a communication from the Chair of the Reference Committee rereferring study resolution LR 88 from the Banking Committee to the General Affairs Committee. That is signed by Senator Labedz as Chair. And that is all that I have, Mr. President.

PRESIDENT: We'll go to Final Reading on number 9. We'll start with LB 429, but we need to get into our seats and get ready for Final Reading, please. Mr. Clerk, LB 429.

CLERK: The first motion...I have motions on 429, the first is by Senator Wesely. Senator Wesely would move to return the bill, the purpose being to strike the enacting clause.

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: I will withdraw that amendment at this time.

PRESIDENT: All right, it is withdrawn.

CLERK: Mr. President, Senator Moore and Lindsay would move to return the bill for a specific amendment. (Moore-Lindsay amendment appears on page 2489 of the Journal.)

PRESIDENT: Senator Moore, please.

SENATOR MOORE: Well, it's another one of those cows to the ring and see who bought her this time. This time it's one of my old rangy old cow. This one I believe in. This is the Bergan Mercy amendment. Now 429 is a bill dealing with certificate of need, 429 introduced by Senator Baack and the intention of this bill I

May 24, 1989 LB 95, 132, 134, 158, 158A, 175, 175A, 182, 182A
183, 183A, 198, 228A, 228, 261, 261A, 280, 283
285, 285A, 302, 303, 303A, 305, 309, 309A, 310
312, 312A, 335, 335A, 340, 340A, 469, 525, 566
588, 651, 651A, 695, 706, 727, 781, 816, 816A

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us on our closing day as our Chaplain, Reverend Harland Johnson. Would you please rise for the invocation.

REVEREND HARLAND JOHNSON: (Prayer offered.)

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

PRESIDENT: Do we have any corrections this morning?

CLERK: Mr. President, one small correction. (Read correction found on page 2719 of the Legislative Journal.)

PRESIDENT: Okay, do you have any messages, reports, or announcements today?

CLERK: Mr. President, I do. I have a series of communications from the Governor. First of all, Mr. President, the last few bills read on Final Reading yesterday afternoon have been presented to the Governor as of 2:48 p.m., yesterday. (Re: LB 525, LB 566, LB 588, LB 651, LB 651A, LB 695, LB 706, LB 781. See page 2720 of the Legislative Journal.)

Mr. President, a series of communications from the Governor. (Read. Re: LB 228A.) A second communication to the Clerk. (Read. Re: LB 134, LB 158, LB 158A, LB 175, LB 175A, LB 182, LB 182A, LB 198.) A third communication. (Read. Re: LB 95, LB 261, LB 261A, LB 280, LB 283, LB 303, LB 303A, LB 312, LB 312A.) A fourth communication, Mr. President, to Mr. President, and Senators. (Read. Re: LB 183, LB 183A.) A fourth, Mr. President, to the Clerk. (Read. Re: LB 132, LB 285, LB 285A, LB 302, LB 305, LB 309, LB 309A, LB 310, LB 335, LB 335A, LB 340, LB 340A, LB 469, LB 727, LB 816, LB 816A.) The last letter I have received, Mr. President, with respect to signing of bills. (Read. Re: LB 228. See pages 2720-22 of the Legislative Journal.)