

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 143, 144, 155, 157, 265, 360, 360A
397, 595, 616, 619, 623, 680
LR 38

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. As our Chaplain of the day, today we have Reverend Tom Stebbins of the Christ Community Church in Omaha, which is in Senator Pirsch's District. Would you please rise for the invocation.

REVEREND TOM STEBBINS: (Prayer offered.)

PRESIDENT: Thank you, Reverend Stebbins, for your thoughtful prayer this morning, appreciate it. Roll call, please. Record, Mr. Clerk, please.

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

PRESIDENT: Any corrections to the Journal today?

CLERK: Mr. President, I do. Oh, no corrections, no, sir. I am sorry. I have no corrections this morning, Mr. President.

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

CLERK: Yes, sir, I do. Mr. President, your Committee on Enrollment and Review reports they have carefully examined and reviewed LB 157 and recommend that same be placed on Select File with E & R amendments; LB 360, LB 360A, LB 265, LB 397, LB 619, LB 623, LB 155, all of those on Select File, some have E & R amendments attached. Mr. President, Education Committee, whose Chair is Senator Withem, reports LB 143 to General File, LB 144 indefinitely postponed, LB 680 indefinitely postponed, those signed by Senator Withem. Mr. President, Natural Resources Committee, whose Chair is Senator Schmit, reports LB 616 to General File with committee amendments attached. (See pages 916-18 of the Legislative Journal.)

Mr. President, a new resolution, LR 38 by Senator Lindsay and Senator Hartnett. (Read brief explanation. See pages 918-19 of the Legislative Journal.) That will be laid over.

Mr. President, an Attorney General's Opinion addressed to Senator Lynch regarding LB 595. (See pages 919-21 of the Legislative Journal.) An announcement, Mr. President, Senator Hall has selected LB 262 as his priority bill for this

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LB 143, 323

SENATOR BERNARD-STEVENS: Senator Landis, I just wanted to clarify for myself the American Medical Association, the optometrists, the ophthalmologists, they all see eye-to-eye on this bill?

SENATOR LANDIS: That's good, that's rich, that's good. Yes, yes, in fact, they do, Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you, I see much clearer now on this bill. Thank you.

SENATOR LABEDZ: Is there any further discussion on LB 323?

SENATOR LANDIS: Not after that.

SENATOR LABEDZ: Senator Landis, closing? Senator Landis waives closing. We're voting on the advancement to E & R Initial LB 323. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 26 ayes, 0 nays on the advancement of the bill.

SENATOR LABEDZ: LB 323 is advanced. Mr. Clerk, LB 143.

ASSISTANT CLERK: Madam President, LB 143 was introduced by Senator Baack. (Read title.) The bill was read for the first time on January 5, was referred to the Education Committee, which returns it to General File.

SENATOR LABEDZ: Senator Baack.

SENATOR BAACK: Yes, Madam Chair and members. LB 143 is a purely technical bill. What it does is it eliminates some obsolete language that was put in for the technical community colleges and their state aid distribution formula, was put in in 1985, I believe, and provided for a phase-in, the phase-in years, covered '84-85, '85-86, '86-87, and then the three year phase-in was gone. The only problem they've run into with this is some of their auditors have looked at this a couple of times and, not understanding that the phase-in is over, they wonder why this language is still in place. This would simply eliminate this language. The bill is probably actually almost a revisor's bill in its intent. So, with that, I would just urge advancement of the bill.

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LB 143, 213

SENATOR LABEDZ: Is there any further discussion on the advancement of LB 143? Senator Baack, would you like to close? Senator Baack waives closing. We're now voting on the advancement of LB 143 to E & R Initial. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 25 ayes, 0 nays, Madam President.

SENATOR LABEDZ: LB 143 is advanced. Mr. Clerk, LB 213.

ASSISTANT CLERK: LB 213 was introduced by Senator Landis. (Read title.) The bill was read for the first time on January 9th, referred to Government Committee. They report the bill advanced to General File.

SENATOR LABEDZ: Senator Landis.

SENATOR LANDIS: Thank you, Madam Chairman, members of the Legislature. The Administrative Procedures Act is an act that establishes a standard set of practices for our administrative agencies, such as the Department of Banking, the Department of Insurance, Health and Human Services, to handle internal administrative issues in an adversarial relationship, one in which the department would have to make a ruling based on a hearing. Once that agency decision is made, those agency decisions can then be challenged in court by being taken to the district court. And the way we've worded our law now, when the issue goes to the district court, the issue is, did the administrative agency make a mistake, were they in error, were they arbitrary, were they capricious? And the court examines the record of the...that was before the agency, but it is reviewing that record to see whether or not there is evidence on the record of agency error. It does not redecide the basic issue that the agency heard and decided, it simply oversees what the agency did and say were they arbitrary in acting as they chose to act. When you then appeal the case from the district court to the Supreme Court, we now allow for a de novo on the record decision by the Supreme Court. The court at this level is saying did the administrative agency reach the right conclusion, not were they arbitrary or capricious, but were they right. And that is a much broader area. So, what happens is you have these administrative decisions going to the district court for a very minimal review, with a great deal of discretion and deference given to the agency, followed by a Supreme Court

April 6, 1989

LB 77, 99, 135, 143, 206, 213, 228
228A, 247, 323, 324, 371, 381, 423
486, 487, 487A, 488, 488A, 508, 509
566, 592, 605, 627, 643, 669, 714
722, 756, 781, 793
LR 70

PRESIDENT NICHOL PRESIDING

PRESIDENT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. We have with us this morning as our Chaplain of the day Dr. Paul Lundell of the Dundee Presbyterian Church in Omaha. Would you please rise.

DR. LUNDELL: (Prayer offered.)

PRESIDENT: Thank you, Dr. Lundell. We appreciate your message this morning. Roll call, please. Record, please.

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

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

CLERK: No corrections, Mr. President.

PRESIDENT: Good. Any messages, reports or announcements?

CLERK: Mr. President, Enrollment and Review reports LB 77, LB 371, LB 592, LB 643, LB 714, and LB 781 as correctly Engrossed. Enrollment and Review also reports LB 99, LB 323, LB 143, LB 213, LB 381, LB 423, LB 509, LB 793, LB 605, LB 135, LB 324, LB 756, LB 206, LB 669, LB 486, LB 487, LB 487A, LB 488, LB 488A, LB 228, LB 228A, LB 627, LB 508, LB 722, and LB 566 to Select File, some of those having Enrollment and Review amendments attached. (See pages 1533-40 of the Legislative Journal.)

Mr. President, Senator Warner would like to print amendments to LB 247 in the Legislative Journal. That's all that I have, Mr. President. (See page 1540 of the Journal.)

PRESIDENT: Okay. We'll move on to LR 70.

CLERK: Mr. President, LR 70 has been offered by Senators Ashford and Moore. It's found on page 1476. (Read brief summary of resolution.)

PRESIDENT: Senator Ashford, please.

SENATOR ASHFORD: Thank you, Mr. President and members. Last year we passed legislation which authorized the profession of

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LB 143, 769, 890, 908, 924, 962, 994A
1041, 1043, 1044, 1076, 1098, 1118, 1140
LR 247

know where I am in, in that scenario. I guess I am pleading, at some point, at the crowd watching both sides with all good intentions and sincerity, fighting to the end, and I'm asking you, the crowd, when will you finally have mercy at some point and say to the people of Nebraska, we have other things we have to do? Because I know, and so do you, that if you say, isn't this interesting, let's bring them back again, that the gladiators, as the paper this morning, I think, showed to pride, some ego and a lot of personal feelings will come back and perform for you again. And this time it's time for the body to take charge and it's time for you to lead and it's time for us to move. I move we adjourn.

PRESIDENT: Mr. Clerk, do you have something for the record?

CLERK: Mr. President, your Committee on Judiciary gives notice of hearing for February 1. That's signed by Senator Chizek as committee Chair.

New A bill, LB 994A, by Senator Schellpeper. (Read by title for the first time as found on page 508 of the Legislative Journal.)

Senator Baack has amendments to LB 143 to be printed. (See pages 508-12 of the Legislative Journal.)

Mr. President, Senator Hartnett would like to add his name to LB 1140.

Mr. President, Senator Haberman would ask unanimous consent to add the names of all members to LR 247. Mr. President, it was the resolution for Senator Jacobson that was considered this morning.

PRESIDENT: No objection, so ordered.

CLERK: Mr. President, the Appropriations Committee gives notice of hearings.

Government Committee reports LB 890, LB 924, LB 962, LB 1118, to General File.

Urban Affairs reports LB 908, LB 1043, LB 1044, LB 1076 to General File, and LB 1098 to General File.

And Natural Resources reports LB 1041 to General File with

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LB 143, 663, 678
LR 248

PRESIDENT: Thank you. Senator Lamb, please.

SENATOR LAMB: Yes, Mr. President, and members, I am pleased to endorse this resolution for Marge Hardy. She lives about a mile and a half east of Seneca. Seneca is between Thedford and Mullen, up in the sandhills, and, as Senator Rogers said, it is a long way from a hospital. Since the hospital in Mullen has closed, those people are in dire straits as far as medical care is concerned, and EMT are their only source of medical assistance in emergencies. It is 70 miles to the nearest hospital and Marge should certainly be commended for her part in trying her best to keep medical services in that area.

PRESIDENT: Thank you. The question is the adoption of resolution, LR 248. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of LR 248.

PRESIDENT: LR 248 is adopted. We are going to skip LB 663 and LB 143, pending the arrival of Senator Baack and go to LB 678.

CLERK: Mr. President, 678, the first item I have are Enrollment and Review amendments.

PRESIDENT: Senator Wesely, do you want to handle these E & R?

CLERK: E & R amendments, Senator.

PRESIDENT: Please.

SENATOR WESELY: I move the E & R amendments, please.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. They are adopted.

CLERK: Mr. President, Senator Smith would move to amend. Senator, I have your AM2188.

PRESIDENT: Senator Smith, please.

CLERK: It is on page 480 of the Journal. This is the one you gave me the other day, Senator, not this morning.

SENATOR SMITH: Yes, thank you. Mr. President, and members of

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LB 50, 109, 111, 143, 163, 210, 218
240A, 248, 328, 465, 475, 479, 667
802, 885, 900A, 915A, 921, 971, 978
1003, 1035, 1058

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 240A be advanced to E & R for engrossment.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. Thank you for that. Do you have something for the record, Mr. Clerk?

CLERK: I do, Mr. President. Mr. President, your Committee on Judiciary whose Chairperson is Senator Chizek reports LB 210 to General File, LB 921 to General File, LB 978 to General File, LB 111 to General File with amendments, LB 885 General File with amendments, LB 1003 General File with amendments, LB 1035 General File with amendments. LB 109 indefinitely postponed, LB 218 indefinitely postponed, LB 248 indefinitely postponed, LB 328 indefinitely postponed, LB 475 indefinitely postponed, LB 479 indefinitely postponed, LB 667 indefinitely postponed, LB 802 indefinitely postponed, LB 971 indefinitely postponed, and LB 1058 indefinitely postponed. (See pages 553-55 of the Legislative Journal.)

Mr. President, announcement, the Appropriations Committee will be conducting their hearings in Room 2114 the balance of this week, Appropriations Committee in Room 2014 for this week for their public hearings.

Amendments to be printed to LB 465 by Senator Chambers, Senator Baack to LB 143, Senator Dierks to LB 50. (See pages 557-58 of the Legislative Journal.)

Notice of hearing from Education Committee; and from Natural Resources.

Two new A bills. (Read LB 900A and LB 915A by title for the first time. See pages 558-59 of the Legislative Journal.)

Mr. President, a request from Senator Beck to add her name to LB 163 as co-introducer. (See page 559 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: Thank you. Senator Schimek, would you like to say something about adjourning until tomorrow at nine o'clock, please.

SPEAKER BARRETT: The motion is adopted. The bill is advanced. To Select File, Mr. Clerk, LB 143.

CLERK: Mr. President, 143 is on Select File. I have no E & R amendments. Senator, do you want to go right to your amendments? Mr. President, Senator Baack would move to amend. I also have an amendment to the amendment. Senator Baack, the amendment to the amendment is on page 557, Senator, of the Journal.

SPEAKER BARRETT: The Chair recognizes Senator Baack on the amendment to the amendment.

SENATOR BAACK: Yes, Mr. Speaker, and colleagues, we will deal with this amendment first. Then I will go into more detail on...this amendment to the amendment, then I will go into more detail on the amendment. This amendment that we are going to be voting on now was brought to me by DAS for the Budget Division saying that there needed to be some clarification in the bill to make sure that what we were doing here was not creating a separate fund, and that is why we have a listing of different sections that needed to be renumbered and needed to have some different statutory authority. So what we are doing is, all we are doing with this amendment to the amendment is making it so it is operational within DAS and that we are not creating a separate fund. So with that, I would just encourage the adoption of the amendment to the amendment.

SPEAKER BARRETT: Thank you. For purposes of discussion, Senator Moore. Thank you. Anyone care to discuss the amendment to the amendment? If not, those in favor of its adoption please vote aye, opposed nay. Record, please.

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

SPEAKER BARRETT: The amendment is adopted. Senator Baack.

SENATOR BAACK: Yes, Mr. Speaker, and colleagues, now we will go to the amendment, itself, and if you want to, you can follow along either in the Journal with the amendment or the bill that I am going to try to amend into, LB 143, is LB 845. So you can follow it either place. I will say that 845 was heard in the Education Committee. It was advanced unanimously by the

Education Committee. There was no opposition at the hearing. There were some technical amendments that were committee amendments. Those committee amendments have been incorporated into the amendment to LB 143 and became part of the amendment. I think what I need to...I will try and explain the amendment and how it works, and I will talk a little bit about the background, first of all. I think that the technical community colleges last year got a very clear message from both the Governor's Office and also from Senator Warner saying that we need to do something about the funding in technical community colleges or there may have to be some moves to put the technical community colleges under the auspices of the state. So the technical community colleges over the summer had some long and hard negotiating sessions, and finally came back with a bill that would provide for some equalization aid to try and equalize the funding between some of the different technical community college areas. The way that the amendment works and the way that the funding would work is that any...as we put new funds into community colleges, there are no funds associated with this bill. All this bill does is set in place a mechanism for a different distribution of the funds that go into the community college system. It was also brought out at the hearing that the 247 study on higher education is looking at this method of distributing funds also. They are looking at this and saying, is this the way we ought to do it? And if that 247 study comes forward and says, no, this probably isn't the way you do it, you ought to do it a different way, I will be back with a bill next year to clean this up and make sure that we do it in the method that the 247 people are talking about because they are looking at this also, but I think we need to get this in place this year. I think it's what we need to do because it comes a more long-term solution to the problem. Otherwise, what we have is the community colleges, especially from the western area, coming in every couple of years wanting either an increase in their taxing authority or needing more money to bail them out. So this is going to provide for some funding and it is going to be very direct. There is no doubt about that and I know there has been some question as to why the formula is based on the levy, and the formula is based on the levy, I think, because that was the easiest method to target the money. And I can tell you very frankly that the money would be targeted mostly to Western Nebraska Community College. There would also be some of the money that would go to Mid-Plains under the present formula. The way the formula works is that each of the community colleges would send the figures in showing their tax levy and showing the

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

think this deals more with providing for a more long-term solution to the problems of funding, especially in the Western Community College area, and I think that the thing to emphasize is that this does put the money where it is needed, and it puts it out into the Western College area or into the Mid-Plains area. Those are the two areas that are struggling right now. That is where this money would be targeted for. With that, I would try to answer any questions people have. Thank you.

SPEAKER BARRETT: Thank you, Senator Baack. Discussion on the amendment. Senator Moore, followed by Senators Nelson and Dierks.

SENATOR MOORE: Yes, Mr. Speaker, and members, LB 143 is...LB 143 now with the amendment is really LB 845, and that is what I want to talk about is LB 845 that Senator Baack is amending in here. You know, I certainly do not disagree with the intent of what Senator Baack is trying to do, but, quite honestly, I have some concerns and, basically, my concerns are does the ends justify the means because, yes, we have known probably since we created this whole system of tech colleges, we have known that Western is a poor area that we have trouble getting money to. Now what Senator Baack and the technical community colleges, as a whole, have brought to us is a formula that I guess troubles me a little bit and the part that troubles me, and Senator Baack alluded to it in his opening, is they use a systemwide levy as your trigger mechanism for the equalization formula, and I guess my question to Senator Baack is, I think you broached the subject in your opening, but is there something else, for instance, like a valuation per student, something that is fixed, as opposed to something that is floating like a systemwide levy? Is there some sort of fixed, known subject matter that we could base an equalization formula on as opposed to this systemwide levy which is, indeed, floating from ear to ear, and my main concern is you kind of have the fox guarding the chicken coop, so to speak, because the more you spend, the higher the levy is, the more you change things. I guess I have a problem with that, and in thirty seconds or less, can you tell me why you could not go to some valuation per resident, valuation per student, and I am assuming that that formula does not get the money where it needs to go, I guess I can answer my own question, but tell me why, have you looked into that and why that won't work?

SENATOR BAACK: Yes, Senator Moore, we did consider I think a

lot of those things, and in trying to find a formula that would direct the money where it needs to go, this was the one that we could devise and in the most simple form to make sure that the money went where we wanted it to go. I am not saying, you know, I said that in my opening, that this may not be a perfect system, and we are willing to look at that over the interim. And as the 247 study comes out, if they come up with a better way of targeting that money in the 247 study or if we can come up with a better way of targeting that money, we would be more than happy to look at that, but this seemed to be the simplest way that we could target that money.

SENATOR MOORE: My second concern, Senator Baack, I think is answered by the fact that it is capped at a million. My concern is that our problem last year, quite honestly, was the fact that to get money where it needed to go, we needed to spend millions of dollars to get enough to Western.

SENATOR BAACK: That is correct.

SENATOR MOORE: And you are saying by the million dollar cap, you know, you don't ever have to do that because Western would get a larger chunk of that.

SENATOR BAACK: Yes, that is correct.

SENATOR MOORE: You solved that problem and my concern about everybody else coming in so we'd need a lots more to give money to us, over a million dollars, they are taken care of, it goes back the way it is right now.

SENATOR BAACK: That is right. Anything over a million dollars would go into the formula as it is now, but only that first million dollars would be directed, and if more of them qualify for that million dollars, then they might not get their full deviation, then it would just be prorated, if more of them qualified.

SENATOR MOORE: Under the present time, is it just Western, or Western and Mid-Plains that qualify under this present formula the way it is written?

SENATOR BAACK: Under the way it is written right now, Western and Mid-Plains both qualify.

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

amendment, Senator Dierks.

SENATOR DIERKS: Yes, Mr. Speaker, and members of the body, I just wanted to stand in support of Senator Baack's amendment. I would like to ask you a question, Senator Baack, if I may.

SPEAKER BARRETT: Senator Baack.

SENATOR DIERKS: The fiscal note on LB 845 really is one that calls for a revenue increase rather than a revenue output, is that right? Or revenue decrease?

SENATOR BAACK: Yes.

SENATOR DIERKS: I think that the type of legislation that Senator Baack has brought to us is essential, not only for the Western Technical Community College, but probably to bring fairness to the whole system, and so I would just urge your support of the Baack amendment. Thank you.

SPEAKER BARRETT: Thank you. Any other discussion? Seeing none, Senator Baack, would you care to close?

SENATOR BAACK: Yes, Mr. Speaker, and colleagues, just a short closing, Senator Moore asked a question whether anyone else was close to qualifying for this. I have information that says that Central, the Central area is close to qualifying, and also the...if there happens to be some change in ag land valuations, of course, that could change, then Southeast could also qualify at that point. So there are...so there could be some advantages down the road for those areas also. I think that, I think it has been a good discussion and I think that Senator Moore does bring up some good points, and it is not something that we are going to just discard, and we are not going to keep continuing to look at because there may be a better way of doing this. I must admit that I am not...I am a little bit uneasy with the way we are doing it, except I do know that to direct those funds, this is one way of doing that. I think that...also I know there has been some question as to why am I amending this into 143 instead of carrying LB 845 right on through. I will be very frank with you, I put this vehicle out here last year so that it would be ready because I knew these negotiations were going to be taking place; I knew we were going to try and come up with something for the community colleges and try and develop something for them that is going to be a more long-term solution

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?

January 30, 1990

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

February 2, 1990

LB 50, 143, 369, 503, 503A, 720, 720A
821
LR 8

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the George W. Norris Legislative Chamber. Our opening prayer this morning by Pastor Harry Wallles of the Faith United Methodist Church here in Lincoln. Pastor Wallles.

PASTOR WALLE: (Prayer offered.)

SPEAKER BARRETT: Thank you, Pastor Wallles. Please come back and be with us again. Roll call.

CLERK: Quorum present, Mr. President.

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

CLERK: I have no corrections to the Journal.

SPEAKER BARRETT: Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LR 8 and find the same correctly engrossed; LB 50, LB 143, LB 503, LB 503A, LB 720, LB 720A all reported correctly engrossed, those signed by Senator Lindsay as Chair of the Enrollment and Review Committee. (See pages 630-32 of the Legislative Journal.)

Mr. President, Senator Elmer would like to print amendments to LB 369 in Journal. I have hearing notice from Senator Smith as Chair of the General Affairs Committee. (See pages 632-33 of the Legislative Journal.)

Mr. President, report of registered lobbyists for this past week. And the last item, Mr. President, is a report from the Department of Social Services filed pursuant to statute. That report will be available in my office. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Chair is announcing that we will begin Final Reading with LB 821, followed by 822, and then come back to LB 399. We'll begin Final Reading with LB 821. Will members please return to their seats for Final Reading. Those unauthorized persons please leave the floor. Proceed with the reading of LB 821, Mr. Clerk.

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 Weihing.

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

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.

to the Rural Health Manpower Commission and one appointment to the Board of Health.

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: Thank you. Mr. President, members, the appointments are for Pon Ross, Connie Russel and Dr. Joel Hutchins to the Rural Health Manpower Commission and David Timperley to the Board of Health. Mr. Timerley is a chiropractor. These individuals did come in for a hearing and were considered by the committee, were recommended by the committee for confirmation and that is the report. I'd move for the adoption of the committee report and confirmation of these individuals.

PRESIDENT: Any further discussion? If not, the question is the acceptance of the committee's report from Health and Human Services. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the confirmation report.

PRESIDENT: The confirmation report is accepted. Ladies and gentlemen, if you'll take your seats. (Gavel.) Members of the Legislature, if you'll please return to your seats, we will begin Final Reading. Thank you. The Speaker advised me that we will take LR 8CA after LB 742E. So instead of first, it will be last. We will begin with LB 50 but we'll wait till you get to your seats, please. Uninvited personnel, please leave the floor. Mr. Clerk, LB 50.

CLERK: (Read LB 50 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 50 pass? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 808 of the Legislative Journal.) 38 ayes, 0 nays, 2 present and not voting, 9 excused and not voting, Mr. President.

PRESIDENT: LB 50 passes. LB 143.

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CLERK: (Read LB 143 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 143 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 809 of the Legislative Journal.) 38 ayes, 3 nays, 1 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 143 passes. LB 240 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 240 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 240 pass with the emergency clause attached? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 809 of the Legislative Journal.) The vote is 40 ayes, 0 nays, 2 present and not voting, 7 excused and not voting.

PRESIDENT: LB 240 passes with the emergency clause attached. LB 240A.

ASSISTANT CLERK: (Read LB 240A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 240A pass? All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 811 of the Legislative Journal.) The vote is 40 ayes, 0 nays, 2 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 240A passes. LB 465.

ASSISTANT CLERK: (Read LB 465 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 465 pass? All those in favor vote aye, opposed nay. Have you all voted?

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663A, 692, 742, 1244, 1245
LR 8

takes 30 votes to do this at this time, and then we can go ahead and schedule the hearing and the hearing will be February 26, which is a week from Monday, should these bills be allowed to be introduced. Thank you.

PRESIDENT: Any further discussion? If not, the motion is to allow the introduction of the two bills. All those in favor vote aye, opposed nay. Requires 30 votes. Record, Mr. Clerk, please.

CLERK: 32 ayes, 0 nays, Mr. President, on the introduction of the new bills.

PRESIDENT: The new bills are introduced.

CLERK: Mr. President, new bills. (Read LB 1244 and LB 1245 by title for the first time. See page 820 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and do sign LB 50, LB 143, LB 240, LB 240A, LB 465, LB 350, LB 350A, LB 692, LB 742, LR 8CA. (See page 820 of the Legislative Journal.) We'll move on to General File, A bills, LB 663A.

CLERK: Mr. President, 663A offered by Senator Scofield. (Read title.)

PRESIDENT: Senator Scofield, please.

SENATOR SCOFIELD: Thank you, Mr. President and members. You will recall this is the bill that creates the Juvenile Services Act. The vast majority of the \$581,000 figure in this bill for fiscal year '90-91 and the \$565,928 figure for '90-92, the vast majority of those two fiscal notes are grants that would go out to communities to help them set up alternatives for juvenile incarceration, diversionary processes, if necessary, facilities to incarcerate juveniles. There is...the other piece of this that you need to know about is simply the administrative costs and the primary expenditure here is the \$28,000 figure for a juvenile coordinator with some secretarial support and some start up costs for the office. You will recall we made the decision to put this under Probation so that that could work more closely with the judges to help us solve that problem. It would be my intent that that juvenile coordinator position would

February 15, 1990 LB 42, 50, 143, 159, 240, 240A, 259A
350, 350A, 465, 692, 742, 844, 866
905, 919, 1080A, 1082, 1141, 1183
LR 8, 239, 256

CLERK: (Roll call vote taken. See page 830 of the Legislative Journal.) 2 ayes, 28 nays, Mr. President.

PRESIDENT: The motion fails. Anything for the good of the cause, Mr. Clerk?

CLERK: Yes, Mr. President, I do. Mr. President, Senator Kristensen has amendments to be printed to LB 159; Senator Withem to LB 259A. (See pages 830-32 of the Legislative Journal.)

A new resolution, LR 256 by Senators Wesely, Withem, Bernard-Stevens. (Read brief explanation. See pages 832-33 of the Legislative Journal.) That will be laid over.

An announcement from the Speaker regarding afternoon sessions next Tuesday, Mr. President; a reminder of the membership. Confirmation report from the Nebraska Retirement Systems Committee. That is offered by Senator Haberman.

Bills have been presented to the Governor, Mr. President, as of 10:43 a.m., those read on Final Reading this morning. (Re: LB 50, LB 143, LB 240, LB 240A, LB 465, LB 350, LB 350A, LB 692, LB 742.) LR 8 presented directly to the Secretary of State.

A new A bill, LB 1080A by Senator Schellpeper. (Read for the first time by title. See page 834 of the Legislative Journal.)

Mr. President, Revenue Committee reports LB 844 to General File, LB 919 to General File, LB 1183 General File, and LB 1082 as indefinitely postponed. Those all signed by Senator Hall.

Mr. President, priority bill designations, Senator Byars has chosen LB 905; and Senator Lamb LB 866.

Mr. President, Education Committee, whose Chair is Senator Withem, reports LB 1141 to General File with committee amendments attached, signed by Senator Withem; and Education Committee reports LR 239CA to General File with committee amendments attached. (See pages 834-36 of the Legislative Journal.)

Finally, Mr. President, Senator Rogers would like to add his name to LB 866; and Senators Weihsing, Goodrich, and Coordsen to

February 21, 1990 LB 50, 143, 240, 240A, 350, 350A, 465
642, 692, 742, 1148, 1200

PRESIDENT NICHOL PRESIDING

PRESIDENT: (Microphone not activated) ...George W. Norris
Legislative Chamber. We have with us this morning for our
invocation our own Senator Carol Pirsch. Would you please rise.

SENATOR PIRSCH: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Senator Pirsch. We appreciate
that very much. Roll call, please. Mr. Clerk, please.

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

PRESIDENT: Any corrections to the Journal today?

CLERK: No corrections, Mr. President.

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

CLERK: Mr. President, your Committee on Government, Military
and Veterans Affairs, whose Chair is Senator Baack, reports
LB 1200 to General File; LB 1148 as indefinitely postponed.
Those are signed by Senator Baack.

Mr. President, a communication from the Governor to the Clerk.
(Read communication regarding signing of LB 50, LB 143, LB 240,
LB 240A, LB 465, LB 350, LB 350A, LB 692 and LB 742. See
page 882 of the Legislative Journal.)

Mr. President, a series of appointments letters from the
Governor: Those will be referred to Reference.

I have an Attorney General's Opinion addressed to Senator
Schmit, Mr. President. And that's all that I have.

PRESIDENT: We will move on then, ladies and gentlemen, to our
General File and LB 642.

CLERK: Mr. President, LB 642 was a bill that was introduced by
Senators Ashford, Weihsing, Chambers and Crosby. (Read title.)
The bill was introduced on January 19 last year. At that time,
it was referred to Judiciary. The bill was advanced to General
File. I do have committee amendments pending by the Judiciary
Committee, Mr. President.

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