

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: Thank you. Discussion on the Wesely amendment, Senator Withem, followed by Senator Warner.

SENATOR WITHEM: Mr. Speaker and members of the body, I would like to...Senator Wesely raised some very interesting good points. His first question was, why don't we include the other three colleges? The simple, rather smug answer I guess is they don't want to go, Don. Kearney wants to, these three don't. So that would be frankly rationale enough, not to be supportive of this amendment. What is the rationale for Kearney and not the others, I think is another good question. Oftentimes we wonder if any one private citizen showing up at hearings ever makes a difference in the way the Legislature acts and votes. In the case of this particular issue, it did, in my case anyway. As I was sitting through a very lengthy, difficult hearing one of the very last people to get up and I had, frankly, not made up my mind on what I thought the ultimate place for Kearney State College is prior to that time. There was a lone college professor from Kearney who got up and I think he was testifying in opposition to Senator Scofield's bill. He really didn't even comment on LB 160, his remarks were on LB 760. He went through a history of things that had changed at the state college system. And I can't recount all of the specific examples that he used, but he went back to the days of the creation of the four institutions, their governance from the State Normal Board at one time, the fact that they were Normal Schools, their change to State Teachers Colleges, their change to state colleges, their increase in role and mission, the inclusion of a masters degree of business at those institutions, the creation of graduate programs, all those things. And he said, and I didn't go back to test whether he was accurate on the record or not, but I trusted him that he was accurate. He said every one of these changes that has taken place has been because Kearney has reached a point in its evolution that it needed these changes and politically the only way in which we could institute those changes at Kearney was to bring along the other three institutions, even though they may not necessarily been able to prove the case that they were ready themselves. If you'd adopt the Wesely amendment, you'd be following that logic, that Kearney has made its case, made its case fairly convincingly to the Legislature as demonstrated by that last vote that they are ready for this change. You'd be saying, yeah, we're going to make this change for the other three even though they haven't made the case. As a matter of fact, in this case they don't

terms of, yes, I'll say it, marketing those institutions to our students. And I think the last thing we want to do is to have a student go across the state line and go somewhere else simply for no other reason than the fact that when they get a resume printed, when they graduate it will say university rather than state college. And many of those students who will be shopping for places to go to school, because of the tuition differential, will go to the state colleges, will continue to go to the state colleges. But I think you're denying them the clout that they deserve on their resumes if you don't let them make this name change. So I would offer this again as a way of keeping Nebraska current and keeping their students competitive in the job market with other students out there. And, again, I refer you to the map and refer you to the data enclosed in this pamphlet. Specifically you'll notice on the pamphlet, of the 277 state supported institutions of higher education that offer the baccalaureate but less than doctorate degrees, 200 are now designated universities, 208 are now designated as universities. That's 75 percent of all those schools. That change has happened over the last 20 years, whether you like it or not. And I've often said before it doesn't really matter much, I guess, how we might like to take certain words and treat them specially and give them special status. If the majority of the people in the United States are using those terms differently, then that simply serves to discriminate against students. I think that...and I started to talk about this earlier, the other thing that probably led to some of this confusion is in the old days technical community colleges were not called colleges, or if they were they were called junior colleges. But, again, that's been a natural evolution of what we call institutions. So I think it's...again there is plenty of rationale here for allowing these other three institutions to go ahead and call themselves state universities. It takes nothing away from the university system, and it does a lot for the students that remain there. So I would ask you in the interest of those students to go ahead and authorize this name change. Thank you.

**SPEAKER BARRETT:** Discussion on the amendment. Senators Withem, Elmer and Warner. Senator Withem.

**SENATOR WITHEM:** Several points I would like to, or a couple of points I would like to raise on this. As Senator Scofield did indicate, this is basically LB 760, the Education Committee heard on the day that it heard LB 160 and LB 247. The committee had a great deal of difficulty deciding what it was going to do

with the other bills. We did not have a great deal of difficulty deciding what to do with LB 760. It was dispatched relatively quickly. The committee did not feel that name changes, which are cosmetic changes, are really what we ought to be about in the area of higher education, that we're looking at more systemic changes, more structural changes than continuing the status quo and calling it something different. I'm afraid that's what the Scofield amendment does. So I would urge you to reject that. And I would also, I guess, ask the Speaker if he would be so kind as to rule on the germaneness of this issue. I would raise the point that the original proposal, LB 247, calls for a study of higher education, creates a commission to do a study, and appropriates dollars. The....In order to attach the Kearney amendment the question of germaneness was raised, it was ruled not germane, and the body needed to suspend the rules in order to even consider the Kearney amendment in the first place. So I would say that this probably is not a germane amendment at this time, and I'd ask the Speaker for his views on that issue.

SPEAKER BARRETT: Thank you. Senator Scofield, would you care to comment?

SENATOR SCOFIELD: Mr. Speaker, I'm tempted to just say let's just ask for a suspension of rules to consider this, which is what we did with LB 160. And, while I'm not so sure I couldn't argue this as germane, I think, out of respect for the body's time, I will just go ahead and ask for the suspension of rules.

SPEAKER BARRETT: Thank you. On the motion to suspend the rules. Discussion? Senator Elmer, would you care to discuss? Thank you. Senator Warner. Senator Scofield...Senator Korshoj, would you care to discuss it? Senator McFarland. Thank you. The question is then the...excuse me, Senator Scofield.

SENATOR SCOFIELD: Yes, Mr. Speaker, I would like to discuss this briefly. I hope you'll go ahead and let us suspend the rules so that we can talk about this. We've spent a lot of time on this issue, but I don't know that there are very many issues out there that are any more important to the future of Nebraska than higher education. Unfortunately this discussion, in my opinion, has addressed practically everything of importance, except what is in the best interest of the students attending our institutions right now. And we've done a lot of good discussion on this issue today, and I think we've accomplished a lot. But I would urge you to go ahead and suspend the rules so

suspend the rules. Mr. Clerk.

CLERK: (Roll call vote taken. See page 1807 of the Legislative Journal.) 21 ayes, 11 nays, Mr. President.

SPEAKER BARRETT: Motion fails. The call is raised.

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

SPEAKER BARRETT: Back to the bill itself. Discussion on the advancement of LB 247. I have a number of lights on. Senator Elmer, would you care to discuss the advancement of the bill, followed by Senator Scofield, Senator Korshoj and Senator McFarland. Senator Elmer.

SENATOR ELMER: Thank you, Mr. Speaker. I haven't spoken on this bill since we've started. I feel like with the situation that we have at Kearney, it has more students now than when I attended the University of Nebraska in the late fifties. Has a great variety of programs and with the coordination that can be achieved between the various schools that are offering graduate work and could offer more graduate that it is in the best interests of the state to combine these into a single unit as much as possible. As to the names that we were discussing a short time ago, it's irrelevant what you really call the school. It's like an actor or an actress in Hollywood choosing the name that they wish, that they think it's going to look best in lights and really is of no consequence to the meat and potatoes and gravy of the school. But I would urge your support of LB 247 and advance it to Final Reading. Thank you.

SPEAKER BARRETT: Thank you. Senator Scofield.

SENATOR SCOFIELD: Thank you, Mr. President and members. I have felt for a long time there could be something positive accomplished out of a study for higher education. You are very much aware, I think, of my concerns about how we are proceeding with this study. Regardless of how much I might disagree with the decisions you've made here today, I will continue to work with all of you, and specifically with Senator Withem, whose bill it is, to make sure that we get this study off to some kind of meaningful start. I would reiterate that I think it's very likely that the LB 160 portion will be found unconstitutional, nevertheless the severability clause is in there. It means we will continue with the study. So, putting that aside, is the

some of these suggestions as far as let's make sure that when we're all finished that this, in fact, serves students of Nebraska. Students today are no longer 18 to 24. Students are of all ages, particularly a lot more students in the 28 to probably 45 category. And I think a lot of our discussions on higher education tend to forget that. I think some of the proposals that we need to look at seriously would open up the kind of access that we need statewide for a changing economy. Thank you.

SPEAKER BARRETT: Senator McFarland.

SENATOR MCFARLAND: Thank you, Mr. President, fellow senators. I'm going to vote against the amendment, or excuse me, against the bill, not because I don't favor the study. When we debated this issue and discussed this issue in the Education Committee there was a general consensus, I felt, that the study was the most appropriate and the most reasonable way to approach the whole issue. We discussed LB 247 as a way to address the problem, a way to examine the problem before any final action was taken. And the vote on LB 247 was, as I recall, fairly supportive of its advancement. I think we had six, maybe seven votes. I don't recall that we had a long discussion in Education Committee on it. The vast majority of the people on the Education Committee, if not all of us, agreed to advance it. I don't recall the vote. We also considered LB 160 that is now attached as an amendment to LB 247. And there was a lot of uncertainty in the Education Committee concerning the discussion or concerning that particular bill. I don't think there were a lot of people who felt strongly, adamantly in favor of LB 160. And, as a matter of fact, I think it was reflected on the roll call. As I recall, there were about two of the people on the Education Committee who were nonvoters. And one of them, I think as I recall correctly, one of them voted no, not to advance it. Then when it was determined that there were at least four votes not to advance LB 160 out of committee, then I think that one or two of the nonvoters suddenly changed to a yes vote. And I think one of the no votes changed to a yes vote, so it came out as a four to four vote. That vote did not reflect, I don't think, the discussion within the committee because I don't think that it was a close vote. I think a lot of those votes were posturing as far as the Education Committee was concerned, not a lot of those votes, a few of those votes. But now we have LB 160 onto this bill. I don't think it's appropriate that it should be there. I think the Education

Committee, in its deliberation, decided that LB 160 should wait for another day. Unfortunately now it is on the bill. Again, I have a reluctance to support it. I will vote against the bill, even though I fully support Senator Withem and his proposal to have a study of this entire issue. With regard to Senator Scofield, I'd like to just make a brief comment. I think I've got a few seconds. I voted to consider the amendment. I mean if we added LB 160 to this bill I think anything is germane. We saw fit to suspend the rules for that, and we're going to piggyback that onto 247. I did not see any reluctance on my part to put...consider LB 760 as an amendment as well. I have to admit that I did vote against that proposal. I guess I am not as concerned about Wayne State College, or Peru State College, or Chadron State College being designated as a college. I'm not sure there's all that much in a name change itself. And even though I voted to suspend the rules to consider the issue, I would have planned to have voted against it. There are institutions who gain reputation and prestige as a result of the quality of their graduates and the quality of courses they offer. Whether they say college or university at the end of the...

SPEAKER BARRETT: One minute.

SENATOR MCFARLAND: ...name of the institution I don't think is the determining factor of what is the quality of education. Certainly Dartmouth College in Hanover, New Hampshire is a world renowned and respected college, highly prestigious, highly hard to get into. Overland College in Ohio, highly prestigious college. As a matter of fact, my wife is a graduate of Wayne State College, and I think Wayne State College is a wonderful institution. She has....Linda, my wife, got an excellent education there. I know a lot of Wayne State College graduates, Senator Withem is one of them. And I don't think that a technical name change will make the difference. I think Wayne State, for example, as do the other...they have their own reputation, and it seems to me that they can survive on that and they merit recognition on that basis. Thank you, Mr. Speaker.

SPEAKER BARRETT: Thank you. Let the record show that Senator Hefner had some guests who just had to leave our north balcony. We had 43 fourth graders from Pierce Elementary in Pierce, Nebraska, with their teacher. Senator Labeledz, please. Question has been called. Are there five hands? There are. Shall debate cease? Those in favor vote aye, opposed nay. Record,



please.

CLERK: 25 ayes, 3 nays to cease debate, Mr. President.

SPEAKER BARRETT: Debate ceases. For closing on advancement of the bill, Senator Withem.

SENATOR WITHEM: Mr. Speaker and members of the body, I really don't have a lot to say on the advancement of the bill. It's been thoroughly discussed, I believe. To me my name is one that is up there. This is my bill, and we didn't do the maneuvering around just so I could be the one that carried the Kearney issue on my bill. The Kearney issue is being carried by the original introducers of LB 160. To me the most important part of the bill is the fact that the Legislature's committing itself to a very serious look at higher education. And, to me, the transfer of Kearney is making that commitment even stronger that we are going to be making some changes in our higher education governance coordination, and all of those sorts of factors. It's been a good discussion, I think, a very healthy discussion today. The issues have been brought out, they're understood by all parties. It's my hope that the bill would be advanced. I didn't see that Senator Kristensen, who was one of the original sponsors of 160, and beings that is such an important part of this bill now, I saw that his light was on, and if he'd like to share part of the closing, I would be happy to give him the remainder of the time.

SPEAKER BARRETT: Senator Kristensen, about three and a half minutes.

SENATOR KRISTENSEN: Thank you, Mr. Speaker. Senator Withem, thank you very much. If we were creating an entirely new institution called the University of Nebraska at Kearney, this debate obviously would be much different. Senator Withem, through his guidance of the Education Committee, sees that we have a long road that we need to look at and go down that road. And we need to be decisive, and I think this body has been very decisive in deciding what direction, down the road, we want to go. And now what needs to be done is to study how we go down that road. I think that what's really important now is that we've decided to link this entire state, from one end to the other, with one university system. And we're not going to continue and begin a debate and a fight among institutions of having two competing university systems. And I commend you,



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

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

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

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

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

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

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

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

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

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

PRESIDENT: Senator Scofield, please.

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

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priority bill come up late in the afternoon but you look down the agenda, there aren't any easy ones before us. We're just going to have to begin, I think, sloshing our way through the very difficult bills. And this, frankly, this one and its companion bill coming up, I'm sure, are going to elicit major comments from members on the floor. It's a very significant piece of legislation. It alters the way in which higher education in Nebraska is organized and the manner in which it is governed. Very little bit of background first on the higher education issue. As you recall, we, as a Legislature, probably for the past 30 years have been called upon to make some changes in the way higher education has been governed. I can recall a year ago Senator Warner bringing in his orange crate full of studies that have been done on higher education over the past decades. The Legislature has never quite been able to come to grips with the higher education issue. We have currently three different independent sectors of higher education, public higher education, with no real means of providing coordination among those three groups. Last year, LB 247 was introduced by me, along with, I believe it was LB 160 that was introduced by Senators Warner, Langford and Kristensen. I probably left some people out on that one but those are the three whose names I do recall. LB 247 provided for a study of higher education. LB 160 provided for renaming Kearney, Kearney State University, and also shifting Kearney State into the University of Nebraska system. That bill passed. Over the last year then, over the last summer a commission was appointed by the Governor to study...to supervise a study of higher education. A consultant was hired, Widmeyer and Associates came to Nebraska and conducted a study of higher education, focusing on governance during the first year, as their study implied that they would do. They recommended four changes. Change number one, that the community college system remain essentially as it is. Number two, that the current Coordinating Commission on Postsecondary Education be abolished and that a commission on higher education be established providing representation from the Governor, the Legislature, the Commissioner of Education, the four-year public institutions, the community colleges and the private sector to serve as a forum to provide coordination, discussion, sense of vision for the way all of higher education should function together. The third recommendation was that the current governing boards of the university system and the State College Board of Trustees be abolished and that a new coordinating board be established that would have coordination responsibilities over all seven senior level campuses in the state, Kearney,