

January 9, 1989

LB 112, 202-240
LR 3

LBs 202-240 for the first time by title. See pages 100-108 of the Legislative Journal.)

Mr. President, I have a notice of hearing by Senator Rod Johnson who is Chair of the Agriculture Committee for Tuesday, January 17.

Mr. President, Senator Hannibal would like to announce that Senator Conway has been selected as Vice-Chair of the Intergovernmental Cooperation Committee.

Mr. President, a new resolution, LR 3. It is offered by Senator Baack and a number of the members. (Read brief explanation. See pages 108-109 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, I have a request from Senator Smith to withdraw LB 112. That will be laid over. I believe that is all that I have, Mr. President.

PRESIDENT: Senator Lynch, are you ready to go back to work now? We will return back to adopting of permanent rules. Senator Lynch.

SENATOR LYNCH: Mr. President and members, I have one more proposed committee amendment, simple little amendment. It has to do with cloture. This change would adopt a cloture rule that would become effective after 12 hours debate at each stage of debate on any appropriation bill, and after 8 hours at each stage of debate on all other bills. To briefly explain it, and then Senator Moore will take it from there, let me give you a scenario. Some of you may be familiar with 428, the motorcycle helmet bill. It was my bill. An amendment, say, was offered under this rule by Senator Moore to the bill. As you know, sometimes amendments can take and need more time for discussion and debate than the bill, itself. After 8 hours of debate on Select File, I would move for cloture, or if that bill happened to be a committee bill, the chairman of the committee would move for cloture. The presiding officer then, under this proposal, would immediately recognize the motion and orders debate to cease on Moore's amendment. The vote on the Moore amendment would be taken without further debate. After that, a vote on the cloture motion without debate, 33 votes would be needed for that motion on cloture would be successful. If the cloture motion were successful, a vote on the advancement of the bill,

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LB 48, 49, 61, 176, 226, 298, 327
349, 391, 398, 408, 416, 458, 459
502

2 present and not voting, 4 excused and not voting,
Mr. President.

PRESIDENT: LB 502 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 391, LB 398, LB 458, LB 459, LB 48, LB 61, LB 176, LB 298, LB 327, LB 349, LB 416 and LB 502. May I introduce some guests, please, of Senator Hefner. Under the south balcony we have Mr. and Mrs. Darrell Henry of Coleridge, Nebraska. Would you folks please stand and be recognized. Thank you for visiting us today. Mr. Clerk, something for the record?

CLERK: Mr. President, your Committee on Education reports LB 226 to General File with amendments, signed by Senator Withem. Agriculture Committee reports LB 49 to General File with committee amendments, signed by Senator Johnson as Chair. That's all that I have, Mr. President. (See page 950 of the Legislative Journal.)

PRESIDENT: Thank you. We'll move on to Select File. LB 408.

CLERK: Mr. President, the first bill on Select File, LB 408. The first order of business are E & R amendments.

PRESIDENT: Senator Moore, please.

SENATOR MOORE: Mr. President, I move we adopt the E & R amendments to LB 408.

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

CLERK: Mr. President, the first amendment I have to the bill is by Senator Barrett. Senator, I have AM306, it's on page 692 of the Journal.

PRESIDENT: Senator Barrett, please.

SENATOR BARRETT: Thank you, Mr. President and members. Yes, this little amendment is on page 306 or rather 692 in the Journal. It affects only the exchange program, Mr. President. The original bill put a limitation on which would have prevented an exchange student from attending a high school within 150 miles of his own school. We heard from a superintendent in Columbus who said we may have some students who would like to go

February 16, 1990 LB 163, 164A, 226, 260, 457, 571, 838
846, 866, 880, 958, 1003, 1019, 1028
1039, 1062, 1103, 1106, 1113, 1184, 1205
1215, 1229

Senator Hartnett. (See pages 846-48 of the Legislative Journal.)

Judiciary reports LB 838 to General File; LB 880, General File; LB 846, indefinitely postponed; LB 1103 and LB 1205, indefinitely postponed.

I have amendments to be printed to LB 866 by Senators Lamb, Haberman, Rogers and Crosby. (See pages 848-50 of the Legislative Journal.)

Mr. President, priority bill designations. Senator Labedz has selected LB 457. Senator Hartnett for Urban Affairs has selected LB 1106, LB 1229; Senator Conway, LB 260; Senator Bernard-Stevens, LB 1062; Senator Beck, LB 958; Senator Rod Johnson, LB 1019; Senator Haberman, LB 1039, as one of the Retirement Systems priority bills. Senator Hall's Revenue bills are LB 1028 and LB 1215; Senator McFarland, LB 226; Senator Hefner, LB 571; and Senator Chizek's personal priority, LB 880, and Judiciary Committee's, LB 1003 and LB 1113.

Mr. President, Revenue Committee gives notice of hearing. And one new A bill, LB 164A by Senator Ashford. (Read by title for the first time as found on page 850 of the Legislative Journal.)

And, finally, Senator Scofield has amendments to LB 1184 to be printed. (See page 851 of the Legislative Journal.) That's all that I have, Madam President.

Madam President, when we left LB 163, the Enrollment and Review amendments had been adopted. Senator Johnson had an amendment to the bill that had been adopted. Senator Morrissey had amendments. Senator Hefner had his first amendment adopted. The bill was bracketed, Madam President. I now have pending Senator Hefner's amendment. Senator, this amendment is on page 599 of the Journal. I believe...it's AM2141, Senator, the biodegradable. Right. Okay.

SENATOR LABEDZ: Senator Hefner, on the amendment.

SENATOR HEFNER: Mr. President and members of the body, you will find this amendment on page 599. And what this would do, this would add a tax or a fee on disposable diapers...on nondegradable disposable diapers at the rate of 10 cents per dozen. The tax would be collected by the Department of Revenue

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LB 226, 678, 799, 1031, 1059, 1063A, 1146
LR 269

have something for the record, please?

CLERK: Mr. President, I do. Amendments to be printed to LB 1146 by Senator Lynch; Senator Warner to LB 1059; Senator Lindsay to LB 799; Senator Wesely and Senator Lamb to LB 678; and Senator Smith to LB 1031. (See pages 1185-95 of the Legislative Journal.)

A new resolution, Mr. President. (Read brief summary of LR 269. See page 1184 of the Legislative Journal.)

New A bill, 1063A, by Senator Crosby. (Read LB 1063A by title for the first time. See page 1184 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Proceeding then to General File, LB 226.

CLERK: LB 226, Mr. President, was a bill introduced by Senator McFarland. (Read title.) The bill was introduced on January 9, Mr. President, referred to the Education Committee. The bill was advanced to General File. I do have Education Committee amendments pending: (Standing Committee amendments appear on page 950 of the Journal for the Thirty-Eighth Day, First Session, 1989.)

SPEAKER BARRETT: Senator Withem, please, for the committee amendments.

SENATOR WITHEM: Let me get this straight, we are still in session, is that correct? Is that what's going on here. Excuse me, I was tied up with the other bill, and let me do a little quick scattering. Yes, Senator Bernard-Stevens said I should just say they're technical in nature, please go ahead and support them. Okay, here we go, here we go. LB 226 is a bill brought to us by Senator McFarland dealing with a Unicameral Scholars Academy. Its purpose of it is to promote gifted students, give gifted students in our state a greater degree of enriched experience during the summer months. The committee amendments will require that teachers serve on the advisory committee, be certified in teaching the gifted, require the parent on the advisory committee to be the parent of a gifted student, changes the date for reappointment of advisory committee members from July 1 to October 1, deletes the provision that selection of students shall be based on

population, and provides for a follow-up evaluation of students who have attended the academy. Again, I apologize for not being better prepared with those, but these are, in essence, fairly technical amendments that will allow the process of this Unicameral Scholars Academy to function better, if you should choose to agree with the concept that Senator McFarland is bringing forward. These are amendments that need to be adopted. So I would urge you to support these amendments.

SPEAKER BARRETT: Any discussion on the committee amendments? If not, the question is the adoption of the committee amendments to LB 226. All in favor vote aye, opposed nay. Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of committee amendments.

SPEAKER BARRETT: The committee amendments are adopted. Senator McFarland, would you care to open on the bill itself.

SENATOR MCFARLAND: Thank you, Mr. Speaker and senators. I appreciate those that are here and listening and in attendance. I know it's been a long day. This is a...may not be as dramatic a change in education as 1059 will be, but it is an area that I think is very significant and is an area that I have taken a great deal of interest in in the time that I've been here in the Legislature. It proposes to establish a Scholars Academy for gifted students within our state. It is modeled, to a degree, after many of the scholars' academies or gifted education summer programs that are in a number of other states in our country. I think there are about 25 to 28 states in our country that have some form of summer program for gifted students. This particular bill would establish a scholars program for gifted students in the seventh and eighth grade. Many of the programs are focused on the senior high students. There are some that are focused on junior high students. The reason we designated junior high students as the ones most in need of this type of summer program is that for many gifted and talented students the junior high age group is a critical period. It is a time when many very bright young men and women either excel...choose to excel in their educational careers, or they make the other choice and they become underachievers, or sometimes they even drop out of school, have problems in school and so on. What we're trying to do is develop a program for students across the state who may have the most intellectual ability, intellectual potential of the students in our state, but may not necessarily

be the most academic. Now, they can be academic, they may not be. But the desire is that, in the 250 seventh and eighth grade students who would attend this summer program, there would be a blend of some who are very intellectually talented, who are achieving at a very high level, and yet there would be others who would have very high IQ's but who may not be performing as well in the public or private schools as one might expect. The whole concept is to try and provide an emphasis for these students to come into this summer program and be stimulated and meet with peers of their own intellectual capability, see that there are other students just like them, because some of the gifted students who may live in smaller towns in Nebraska, they maybe have no one in their class that is working at a comparable level of work that they are working at, or who learns as quickly or as rapidly as they do. So they can come together, meet other persons like them with the same intellectual abilities and study under a group of scholars and college professors and perhaps business people and people that are eminent in their field for a two-week program, and then they are able to take that back with them into their own...that learning experience back into their own educational setting. The whole purpose of the bill is to show that the State of Nebraska really cares and really wants to provide some kind of emphasis to the students who are...should be the best and the brightest that our state has to offer, and that we want to establish some kind of loyalty and commitment of these students to the State of Nebraska by offering a program like this. I can tell you I've been to a number of conferences around the country. I went to one in Arlington, Texas, I went to one in Little Rock, Arkansas, went to one in Princeton, New Jersey, just last year, and you meet students who have been through these programs, like the summer program of gifted students. And to talk with them you would be amazed at the inspiring stories that they tell, because many of them talk about the chance to attend an academy of this nature in their own state was really the thing that spurred them on in their educational pursuits. Many of them were languishing, maybe not performing as well as...up to their potential in their own high schools or junior highs. But once they attend the schools, then they are stimulated, they become interested in learning for learning sake, they appreciate the commitment that the state makes to education, and it makes drastic and dramatic changes in their educational careers. This is a bill that we have visited about with a number of people, a number of gifted education organizations around the state, all of them are highly supportive of it. We have had it before the Education

Committee. Last year we had it before the Education Committee, and it advanced from our Education Committee on a six to nothing vote, a unanimous vote. Also, I might add, we had had a summer interim...summer study program on this issue where students and their parents came in and spoke about this particular program and the benefits it would have for their own children and how in Nebraska we do so much and spend so much money for the really handicapped or the other students who have real special needs, physical or emotional needs, we spend millions of dollars on that, but yet we spend very little in the way of promoting the students who are the most talented in our junior and senior high schools. And most gifted programs, if there are any, are really administered through the local school district, they are not administered by the state. The idea is that this...by setting up a scholars program like this, at a cost of approximately \$200,000, you would be able to bring together groups of students from all across the state, have them learn, have them take that learning back to their school systems and develop a group of students and a network of students who are the best and brightest in our state and who would have the potential of being the future leaders of our state. I would urge you to consider advancing this from General File. I think it's a good concept. And I think in the...if this...assuming this bill advances, you will hear a lot of positive comments from the number of parents and students who are interested in gifted education and also from the large number of school administrators and teachers who also are focusing on this particular area. It is an area that has been neglected for too long across the country, a number of other states have implemented programs like this because they recognize the need for it. I think it's time for Nebraska to recognize the need as well. Thank you.

SPEAKER BARRETT: Thank you. Discussion? Any discussion on the motion to advance 226? Senator McFarland, anything further?

SENATOR MCFARLAND: Just move to advance it, Mr. Speaker.

SPEAKER BARRETT: Thank you. The question is, shall LB 226 advance to E & R? Those in favor vote aye, opposed nay. Voting on the advancement of the bill.

SENATOR MCFARLAND: To speed this up, Mr. Speaker, maybe we should just have a call of the house and a roll call vote. Thank you.

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LB 226, 843, 1059

SPEAKER BARRETT: Thank you. The question is, shall the house go under call? All in favor vote aye, opposed nay. Record.

CLERK: 12 ayes, 0 nays to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, please return to your desks and record your presence. Those outside the Chamber, please return and record your presence. The house is under call. Senator Labedz, would you record your presence. Senators Ashford, Landis, Lindsay, Chambers, Goodrich, Korshoj. Senators Schellpeper, Schmit and Wesely, the house is under call. Senator Robak, would you check in, please. Senator Chambers, Senator Schmit. Senator Landis, please check in. Senators Schmit and Chambers, the house is under call. Apparently Senator Schmit is on his way, Senator McFarland. Senator Chambers is not...cannot be located. May we proceed?

SENATOR MCFARLAND: Yes.

SPEAKER BARRETT: You did request a roll call?

SENATOR MCFARLAND: Yes.

SPEAKER BARRETT: Thank you. The question is the advancement of LB 226 to E & R initial. Mr. Clerk, call the roll.

CLERK: (Roll call vote taken. See page 1196 of the Legislative Journal.) 19 ayes, 18 nays, Mr. President, on the advancement.

SPEAKER BARRETT: Motion fails. The call is raised. Anything for the record, Mr. Clerk?

CLERK: I do, Mr. President. Mr. President, amendments to be printed from Senator Baack to LB 843; Senator Byars to LB 1059; Senator Withem to LB 1059. That's all that I have, Mr. President. (See pages 1197-98 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Senator Dierks.

SENATOR DIERKS: Mr. Speaker, members of the body, I would move that we adjourn until 9:30 a.m., March 7th.

SPEAKER BARRETT: I believe the motion was to adjourn until nine o'clock?