

January 12, 1989

LB 54, 111, 209, 268, 271, 325, 335  
389-408

raised, please stay in your seats.

CLERK: 20 ayes, 21 nays, Mr. President, on the motion to rerefer.

SPEAKER BARRETT: Motion fails. The call is raised. Mr. Clerk, continue with the introduction of bills.

CLERK: Mr. President, I might announce that the Reference Committee, the Reference Committee will meet in the Senate Lounge for referring of bills now; Reference Committee in the Senate Lounge now.

Mr. President, new bills. (Read LBs 389-406 for the first time by title. See pages 206-209 of the Legislative Journal.)

SPEAKER BARRETT: The body will stand at ease while the Referencing Committee handles some more bills.

EASE

CLERK: Mr. President, new bills. (Read LBs 407-408 for the first time by title. See page 210 of the Legislative Journal.)

Mr. President, in addition to those items, I have a notice of hearing from the Government Committee, that is offered by Senator Baack as Chair. Mr. President, I have received a reference report referring LBs 324 through 373.

Mr. President, in addition to those items, announcement that the Appropriations Committee....

Mr. President. some unanimous consent requests, Senator Schellpeper would like to add his name to LB 209; Senator Rod Johnson and Senator Morrissey would like to add their names to LB 325; Senator Dennis Byars to LB 111; Senator Haberman to LB 268, and Senator Haberman to LB 271 as well, and Senator Haberman to LB 335.

SPEAKER BARRETT: If there are no objections, so be it.

CLERK: Mr. President, I have a motion filed with respect to the investigating committee formed to review the Franklin Credit Union situation. That motion will be laid over, Mr. President. It involves the suspension of the rules. Those will be laid

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LB 63, 94, 123, 180, 193, 341, 395  
672

with various statutory duties, both state and federal, in carrying out those duties on occasion requiring to act contrary to what the city perceives as in the best interests and protection of its citizens. The city may find itself in an untenable position that it could not escape potential liability because of not carrying insurance. I ask for adoption of this E clause to help maybe not only Norfolk, but some other cities that may run into a problem. Thank you.

SPEAKER BARRETT: Any discussion? If not, those in favor of the adoption of the amendment offered by Senator Peterson vote aye, opposed nay. Record, please.

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of Senator Peterson's amendment.

SPEAKER BARRETT: The amendment is adopted.

CLERK: Nothing further, Mr. President.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 123 be advanced.

SPEAKER BARRETT: You've heard the motion to advance the bill, as amended. Those in favor say aye. Opposed nay. Carried. The bill is advanced. Any messages, Mr. Clerk?

CLERK: Mr. President, I do. Senator McFarland would like to print amendments to LB 180; Senator Landis to LB 94. (See page 402 of the Legislative Journal.)

Mr. President, your Committee on Education whose Chair is Senator Withem offers notice of hearing. Signed by Senator Withem.

Mr. President, Senator Pirsch would move to rerefer LB 341. That will be laid over.

Mr. President, a series of adds; Senator Korshoj to LB 672; Senator Moore to LB 63; Senator Hartnett to LB 193; and Senator Lowell Johnson to LB 395.

One last announcement, Mr. President. A Reference Committee meeting at one o'clock today; Reference Committee at one o'clock

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LB 247, 392, 395, 531, 564, 694, 748  
760

that's already been made that some of the programs based on need, no doubt, would also be addressed to the needs of native Americans and that the actual dollars distributed would be something in excess of that amount that was specifically designated to go to the tribal areas. In any event, I would move that the report be advanced. Obviously, there's been many suggestions that other areas could be addressed. As I have indicated earlier, I know of no way that all of the needs that could be suggested could be addressed. Half the funds are contemplated to be a revolving fund, in nature they go back to the low income or needs primarily low in the way of loans which would be repaid and so there is, from that viewpoint, at least, the opportunity for reuse of these funds by many people over a period of time, which, incidentally, was a change from a couple of years ago. You may recall, we then were operating under the impression that these funds had to all be used, gone within a specified period of time, but that restriction seems to have been lifted somewhat and the revolving fund concept, which is being used in the one program, in fact, can exist and is being implemented. So I would move that the report be adopted as written. As several have indicated, it does point out broad areas which are consistent with the pre-disbursement plan that we would hope the Governor's office would take into account in the distribution of these funds' two specific projects.

SPEAKER BARRETT: Thank you. You have heard the closing. The question is the adoption of the Appropriations Committee report. Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 27 ayes, 3 nays, Mr. President, on adoption of the motion as offered by Senator Warner.

SPEAKER BARRETT: The committee report is adopted. For the record.

CLERK: Mr. President, your Committee on Revenue, whose Chairman is Senator Hall, to whom was referred LB 564, instructs me to report the same back to the Legislature with the recommendation that it be indefinitely postponed. That's signed by Senator Hall.

Education Committee reports LB 247 to General File; LB 392, General File; LB 395, General File; LB 531, indefinitely postponed; LB 694, indefinitely postponed; LB 760, indefinitely

March 13, 1989

LB 95, 140, 257, 280, 289, 311, 330  
336, 387, 395, 438, 444, 478, 561  
588, 603, 606, 643, 683, 705, 710  
721, 736, 739, 744, 761, 762, 767  
769, 780, 807

indefinitely postponed; LB 478, indefinitely postponed; LB 561, indefinitely postponed; LB 387, indefinitely postponed, all those signed by Senator Chizek as Chair of the Judiciary Committee. (See pages 1081-82 of the Legislative Journal. Journal page 1082 shows LB 721 as indefinitely postponed.)

Mr. President, a series of priority bill designations. Senator Hall would like to designate LB 762 as a committee priority. Senator Hartnett designates LB 95 and LB 444 as Urban Affairs priority bills. Senator Hartnett chooses LB 603 as his personal priority bill. LB 739 has been selected by Senator Hannibal; LB 606 by Senator Schimek; LB 761 and LB 289 by the Natural Resources Committee, and LB 807 by Senator Schmit, personally. LB 769 by Senator Labedz; LB 705 by Senator Ashford; LB 438 by Senator Wehrbein; LB 710 by Senator Scofield; LB 643 by Senator Bernard-Stevens; LB 588 by Senator Chambers; LB 739 by Senator Hannibal; LB 330 by Senator Pirsch; LB 767 by Senator Smith; LB 736 and LB 780 by General Affairs Committee; LB 395 by Senator Peterson. Senator Lamb selected Transportation Committee's LB 280 as a priority bill. LB 311 has been selected by Senator Landis as his personal priority bill; LB 683 by Senator Schellpeper.

Mr. President, I have a series of amendments to be printed. LB 744 by Senator Withem; LB 336 and LB 257, those by Senator Withem. (See pages 1083-88 of the Legislative Journal.)

I have an Attorney General's Opinion addressed to Senator Haberman regarding an issue raised by Senator Haberman. (See pages 1088-90 of the Legislative Journal.)

Mr. President, Natural Resources Committee will have an Executive Session at eleven-fifteen in the senate lounge, and the Banking Committee will have an Executive Session at eleven o'clock in the senate lounge. Banking at eleven o'clock, Natural Resources at eleven-fifteen. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you, Mr. Clerk. Proceeding then to Select File, LB 140.

CLERK: Mr. President, 140 is on Select File. Mr. President, the bill has been considered on Select File. On March 2nd the Enrollment and Review amendments were adopted. There was an amendment to the bill by Senator Chizek that was adopted.

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LB 395, 705

SPEAKER BARRETT: Shall LB 705 be advanced to E & R Initial? Those in favor vote aye, opposed nay. Record, please.

ASSISTANT CLERK: 29 ayes, 2 nays on the advancement of the bill, Mr. President.

SPEAKER BARRETT: LB 705 is advanced. Anything to read in, Mr. Clerk?

CLERK: Not at this time, Mr. President.

SPEAKER BARRETT: Then to the next senator priority bill, LB 395.

ASSISTANT CLERK: Mr. President, LB 395 was introduced by Senators Peterson, Schellpeper, Dierks, Hefner, Korshoj, Conway and Lowell Johnson. (Read title.) The bill was referred to the Committee on Education. They report the bill back to General File without committee amendments, Mr. President.

SPEAKER BARRETT: Senator Peterson.

SENATOR PETERSON: Mr. President...(gavel). Mr. President and members, this is a bill brought to me by the...by a number of us in northeast Nebraska by the Northeast Technical Community College. And what it would do would amend the 200,000 statutory capital construction limit for the college areas to allow Northeast College to construct a multipurpose educational facility so long as the bid-letting is accomplished by July 1, 1991. Northeast Technical Community College is the only community college that meets both the total population requirement of more than 150,000 and has only one campus. Northeast Technical Community College is the only one with only one campus. All the rest have more. The Northeast Technical Community College Board of Governors identified the need for a multipurpose education facility as northeast Nebraska's highest immediate capital construction priority. Because of the enrollment growth and technological advantages, the lack of facilities limits the effective functioning of existing programs and precludes developments of new programs. Currently, the state statutes limit expenditures for new capital construction projects at technical community colleges 200,000 of property tax funds. Technical community colleges can levy up to 1.8 cents per \$100 of valuation annually, solely for capital construction.

It is estimated that a three-year levy of 1.1 cents per \$100 valuation will raise the necessary revenue for this project. So there is no attempt to amend limitations on the lid for such colleges. No state General Funds will be used for this project since technical community college statutes prohibit such use. This bill would appear to be consistent with the Governor's commitment to education and it can be done without an increase in the levy of 1.8 cents per \$100 valuation which already is in place. I ask for an advancement of the bill. Thank you.

SPEAKER BARRETT: Thank you. Discussion on the advancement of LB 395. Senator Hefner, Senator Schellpeper next.

SENATOR HEFNER: Mr. President and members of the body, I rise to support this bill. This bill was...a public hearing was held on this bill before the Education Committee. I see they advanced the bill unanimously. And I would like to talk just a little bit about what the addition would be for. It would provide additional classrooms and lab space for agriculture programs. Northeast Community College has a very extensive agriculture program going and many from northeast Nebraska attend it. Also, there would be additional classrooms and work space for nurses. And, Senator Arlene Nelson, you may want to hear this. Senator Arlene Nelson, are you listening? There would be additional classrooms for nurses. And now all we've got to do is get those students to enroll in the nurses' school if this addition would be built. Also, additional space would be added for electronics and also they would have an economic and rural community development program that we really need in the rural areas. And so I think this space would be put to good use. No General Fund money would be used. This would all come from property taxes and I just think that it would be a very good addition to the college. Years ago in northeast Nebraska we was...it was very hard to get radio or TV technicians or auto mechanics and various plumbers, electricians and the like. But after Northeast College got going, Northeast Tech College got going, well, we...there was people that we could hire to do these jobs and I just feel that this bill is...it's a good bill. They need this bill so that they can proceed with this addition. So I would encourage you to advance this bill.

SPEAKER BARRETT: Thank you. Senator Schellpeper, Senator Morrissey on deck.

SENATOR SCHELLPEPER: Mr. Speaker and members, I also rise to

support 395. I want to thank Senator Peterson for making 395 his priority bill. I think it's very important to northeast Nebraska that we have this up there. Northeast Tech is probably one of the better tech colleges in the country. Anybody that has not been up there, I think, should go see what we have up in Norfolk. It's a very good college. It's, like I say, one of the better ones in the state. I see Arlene Nelson is raising her hand but northeast Nebraska, this college is very important to us up there and I would sure urge you to adopt this bill. Thank you.

SPEAKER BARRETT: Thank you. Senator Morrissey.

SENATOR MORRISSEY: Mr. Speaker, I wonder if...oh, Senator Hefner, I wanted to ask you a question but...Senator Hefner. Elroy, I wanted to ask you a question. Is quite a bit of your district taken up by this community college area? Is...

SENATOR HEFNER: I didn't understand the question.

SENATOR MORRISSEY: Do you have quite a bit of your district in this community college's area?

SENATOR HEFNER: Yes, I do.

SENATOR MORRISSEY: And am I correct in seeing that we're bypassing the taxpayers on this issue so we we're avoiding local control on this issue and we're going to appropriate the money here or allow them to appropriate the money without a vote on it?

SENATOR HEFNER: I don't think we're bypassing it because...bypassing the voters in the 19th District because they all know about it and I have talked to a number of them when I have had different meetings like with the Chamber of Commerces or the livestock feeders or the teachers or anyone of those and so far they all feel that we need it.

SENATOR MORRISSEY: Then what would be a problem with putting it up before the taxpayers to approve?

SENATOR HEFNER: I wouldn't have any problem with that.

SENATOR MORRISSEY: Okay. This is just...I just...since you and I usually agree on everything, I wanted to...I had a little

problem with this, I wanted to make sure it wasn't another pork barrel issue or a local control issue. Thank you.

SENATOR HEFNER: Senator Morrissey, I don't feel this is a pork barrel deal. I feel that this is needed to...and the Governor said this is the year for education so I would just say that's one of the reasons that I'm for it because I need it. Okay, and I have just been handed a note here that they have a local elected board so if the people don't like what's going on, well, they can elect a new board.

SENATOR MORRISSEY: Okay, I'm...I'm also in favor of education and my own community college in my area, southeast, I just would probably have a problem supporting this type of an issue for my own college, is all.

SENATOR HEFNER: Senator Morrissey, we have done this before. I think there are four different cases that we have. We did it for Metro in Omaha. We did it for Central in Hastings. We did it for Southeast in Lincoln and Beatrice, so that would cover your area. And now the fourth one is the proposed for Northeast and Norfolk. So I think we're just doing what we have done for others and I hope you can support this.

SENATOR MORRISSEY: Well, I'll have to think about it but thank you for answering those questions.

SPEAKER BARRETT: Senator Hartnett, followed by Senator Withem.

SENATOR HARTNETT: Mr. Speaker and members of the body, I guess maybe I could ask Senator Peterson, I think, a question.

SPEAKER BARRETT: Senator Peterson.

SENATOR HARTNETT: This just deals with one school. Is that correct?

SENATOR PETERSON: Yes. Yes, it does, Senator Hartnett.

SENATOR HARTNETT: Why don't we open it up to every...all the schools so they can do this without...why do you...why are we doing this just for this one particular school? I don't know, how many technical schools are there in the...maybe Senator Withem would stand up there...



SENATOR PETERSON: Well, I...I don't know just how many there are but if you look at the handout, Senator Hartnett, we did it several years ago with Metro in Omaha. We did it later to Central which is Hastings, and, most recently, I think Southeast at Lincoln and Beatrice. So we have been taking it kind of if it's needed and not just limited...opening it up.

SENATOR HARTNETT: Well, my point is that if we're going to do it, you know, if we're going to do it piecemeal, you know...

SENATOR PETERSON: Uh-huh.

SENATOR HARTNETT: ...and if there is going to be a need down the road for technical schools to grow, and so forth, maybe we should combine it into this bill just rather than doing it with, you know, one school.

SENATOR PETERSON: Well, we might...we could move the bill, if there's votes, move the bill over on Select and we can talk about it and see what Tom Johnson and those people think about that. But, at the moment, I think we should deal with this as it is.

SENATOR HARTNETT: Well, I don't have any problems with the bill as it is, you know, but I think if we're going to do, you know, something, we might as well put it in statute so other schools...other technical schools have some, you know, some flexibility in their budgeting process too, because they do have the right now if they go to the vote of the people, as I understand it. They could go to the vote of the people.

SENATOR PETERSON: Right. But...and different colleges might have different...we open it up to, say, on this one it's up to a 1,500,000, what it's going to take to build this building. The next college, we put it at a limit, we still might have to deal with that because it might cost them 2 million...

SENATOR HARTNETT: Yeah.

SENATOR PETERSON: ...for the next college...

SENATOR HARTNETT: Thank you.

SENATOR PETERSON: ...on a building.

SPEAKER BARRETT: Senator Withem, please, followed by Senator Pirsch.

SENATOR WITHEM: Yes, Mr. Speaker, members of the body, in others, maybe I can provide a little historical background on this, maybe respond to some of Senator Hartnett's questions and some of the other people have had. As I understand this issue, and, Senator Wesely, I know, is fairly knowledgeable about this because he brought the...led last year's bill in by a leash here to deal with a situation with Southeast Community College. Prior to that, I think Senator Smith and Senator Nelson had one. Prior to that, Senator Dave Newell had one. But the Legislature, our predecessors here in the Legislature back in the mid-seventies, just to pick a date, became very concerned about the proliferation of capital construction at the various community college campuses in our state. So they placed a cap on the amount of capital construction projects that could take place on a campus without a vote of the people at \$200,000. What we ended up with then was any number...if you go to some of these campuses, you will see, instead of one big building that looks like it would have made sense, a series of small \$200,000 buildings around the campus. So that's the way they got around this particular cap. Then Omaha...Fort Omaha Campus at Omaha needed some capital construction project. They convinced the Legislature it was cost effective. The Legislature, at that time, did not want to eliminate this cap though. So they passed very specific type of legislation that would have allowed only capital construction to take place at Fort Omaha Campus. Shortly thereafter, Central, I believe it was, was it the Hastings Campus...it was the Hastings Campus, a similar sort of situation. So we passed a bill specifically for them. Sidney Campus, didn't we do something for the Sidney Campus once, I believe something for the Sidney Campus; last time around something for Southeast, a time before? Now it's Northeast's turn. In a lot of ways it doesn't make a whole lot of sense, I guess. But, as an Education Committee, we heard a proposal last year that would simply get rid of this language altogether. We felt, as a committee, that we need...still need some sort of a check over this capital construction that they should have to come to the Legislature to make their case, and they have in each case. What we tend to have is a system now of de facto legislative approval of any capital construction project above \$200,000. Looking at them the way they're written here, it may not appear to make sense but the system, I think, probably does. They have got to suggest...they have got to prove that it is a

cost effective project. They have got to have a hearing in front of the Education Committee. They have to get approval by the Legislature for these specific proposals. That's probably a better system than eliminating the cap altogether, although I'm sure Tom Johnson and the community colleges would be very excited about doing that, just getting rid of the cap altogether. I think in this area of growth in higher education it's probably good to have this check in place. The way the system operates though it is a de facto case by case approval by the Legislature and even though we don't like the way the bills are worded it's probably not a bad system. We have the hearings in front of the Education Committee. They have to make their case. They're usually grilled rather severely by committee members on whether proposal is really needed or not. A lot of times we'll make some changes and it's probably a good approach. And this year we felt that the proposal brought to us by Senator Peterson and others was a good proposal. It will probably help the Northeast Community College system. It's probably one that's justified, that they don't necessarily need to go to the expenses of a special election and a campaign and all of those up in the Norfolk area to bring this about. So I'm standing more, I guess, to defend our system that's evolved than the specific proposal, although the specific proposal is a good one and I plan to support it.

SPEAKER BARRETT: Thank you. Senator Pirsch, followed by Senator Smith.

SENATOR PIRSCH: Thank you, Mr. President. Senator Withem really said practically everything that I wanted to say. I think this is a good system. When you bypass the electorate on capital construction that community college system has to come in and request and prove that there is a need and since legislators are, in a sense, the people's representatives, they then can make that decision and if it is a good one, then they will approve it as we are considering LB 395 today. And I do plan to support LB 395. Do want to remind you that these are not open-ended, that Metro Tech's ending date is in 1990 and the Lincoln Southeast is in 1991 and there is a date certain on LB 395. And I think this is a built-in protection if we are going to exempt them from the general election, that there has to be some check and balance for capital construction. Thank you.

SPEAKER BARRETT: Thank you. Senator Smith, Senator Lamb on

deck.

SENATOR SMITH: Thank you, Mr. Speaker. Members of the body, I hope that you were listening carefully to what Senator Withem stated when he was telling you about the history and the background and the reasoning as far as the Education Committee is concerned in their approval of this measure. This is something that they did, gave their approval to for the Hastings Campus of the community college in central Nebraska and it has proven to be very cost effective and they did have to bring their case, as he said, and present it to them. And I just think this is a good way of going about this process. I heartily support LB 395 and I hope you will too.

SPEAKER BARRETT: Thank you. Senator Lamb.

SENATOR LAMB: Mr. President and members, here we go again. You know, it's almost every year that we have a special little bill for one special little community college and so I guess this is the one that fits in this year. You know, we don't have an overall plan for the community colleges. We just, every year, come in with a little plan for this year it's Norfolk, next year it will be Sidney, year after that it will be Omaha. Don't forget Hastings and Grand Island, yeah, I won't forget that. We come in with a different little plan every year because we have got a little special problem. You know, we never get our act together. We never have a program, an overall program that we can follow that's consistent that we can rely on that's fair. We always just have to come in with these little piecemeal bills almost every year dealing with a particular situation. So this is once more, you know, this is going to pass. You know, I have opposed this sort of a bill for years and years but I realize...after all these years I realize it's going to pass. There's only going to be two or three negative votes, maybe only one. But I'm going to stand here and make my pitch one more time and maybe two or three more times that this is not the way to go. And, you know, we had a couple of bills which would restructure, somewhat restructure postsecondary education and it looks like they're not going to go. You know, we had 160, then we had another bill that Senator Scofield had to rename the colleges and so it seems to me at this point we really need to sit down and decide what we're going to do in the area of postsecondary education. Now are we going to continue a system that we have of the community colleges, community technical colleges, that's different from the others, in that they rely on

for, what is it, about half of their support from property taxes? Why do we continue that system? Well, the argument always given is local control. Well, if you have 20 or so counties, you know, I don't think that holds much water and you could say the same thing for the state colleges. You know, they get along pretty well without having a local board. So, one more time, I will say to the Legislature, we should look at the total postsecondary educational system. This is an appropriate time because we have the Kearney State College situation and when we're considering Kearney State College I think we should consider the whole system, including the community technical colleges. And one thing I think should be done is take them off property tax. You know, there is a lot of complaint. We're talking about relieving property taxes very much this year and here's one place where it should be done. You know, it's not a big amount of money, thirty some million dollars, but it's a place to start and this really should be done. In the meantime, we're going to piecemeal our way through the community technical college minefield.

SPEAKER BARRETT: Senator Smith, followed Senator Schimek.

SENATOR SMITH: I will give Senator Schimek my time.

SPEAKER BARRETT: Thank you. Senator Schimek.

SENATOR SCHIMEK: Mr. Speaker and members of the body, I just couldn't resist because for once I find myself agreeing with Senator Lamb and I thought that I would get up and support him on this one because he's right. I'm going to vote for this bill, however, Senator Lamb, because I...because it's the way we have been doing things and until we get a system in place to do it differently, then I'm going to support the bill. But you are absolutely right, it's one of the most critical problems that we're going to face in the coming years and if we don't do something about the Kearney State College issue and all the other state college issues this year, then we better be saying, how are we going to address the whole business of higher education? So I do think...I hope that people were listening when Senator Lamb was speaking because he made a very significant point. And, with that, I will release the rest of my time to Senator Smith if she...okay.

SPEAKER BARRETT: Thank you.

SENATOR SMITH: Senator Peterson.

SENATOR PETERSON: Call the question.

SPEAKER BARRETT: The question has been called. Five hands I do see. Shall debate now close? All in favor vote aye, opposed nay. Shall debate cease? Record, please.

CLERK: 26 ayes, 0 nays to cease debate, Mr. President.

SPEAKER BARRETT: Debate ceases. Senator Peterson, would you care to close on the advancement of your bill?

SENATOR PETERSON: Yes, Mr. President and members. Senator Lamb, could I have your attention? Do you remember a little bill you called special interest, this bill. You remember the little bill we stayed late for a couple years ago one night for a house mover, a one-eyed man, and we stayed to help you out on that bill, Senator Lamb.

SENATOR LAMB: No, no, no. No, you...you killed that bill for me. It was...it was never put on the bill, that amendment did not survive.

SENATOR PETERSON: But you was requesting it, Senator Lamb, a special interest for a one-eyed man. Just had to bring that in. (Laughter.) Okay, as you can notice on this, this sunsets on September the 1st of '91. Nobody in the district that Northeast Nebraska Tech College covers has objected to this bill. Not one constituent has written to anyone of us that signed onto this bill. The board is elected by the people across Northeast Technical Community College area and to have a special election is very expensive. Now, this board can renovate any building they want to and spend a million, 2 million, \$3 million without a vote of the people or our action here, but to have capital construction, they have to have this bill. We have done it for Fort Omaha Campus, Hastings and Central and I imagine down the road there will probably be some others coming in. Senator Hefner explained what they were going to do as far as the classroom, what the building was going to consist of. That was going to be part of my closing. This board is very conservative as you might well be aware of, knowing northeast Nebraska as I do. So they never build up a reserve. There is no reserve there. They run on just what they can. Their levy right now is .68 cents per \$100. What they're asking for the next three

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years is 1.1, which is .07 of a cent a \$100, less than the 1.08 that is allowed. With that, I guess I have no more to say, just to advance the bill. I think it's needed. And they will go ahead with passage of this bill and build a new building which is drastically needed up there because they do continue to expand. Thank you. I ask for advancement of the bill.

SPEAKER BARRETT: Thank you. Shall LB 395 be advanced to E & R Initial? Those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: 26 ayes, 5 nays on the advancement of 395, Mr. President.

SPEAKER BARRETT: LB 395 is advanced. Anything for the record?

CLERK: Mr. President, the Health and Human Services Committee will meet in executive session in the Senate Lounge right now, Health and Human Services, Senate Lounge immediately.

New A bill, LB 720A, by Senator Wesely. (Read by title for the first time. See page 1375 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Proceeding then to LB 447.

CLERK: LB 447 offered by Senators Nelson, Beck, Crosby, Schellpeper, Rod Johnson. (Read title.) The bill was introduced on January 13, referred to Education, advanced to General File. I have committee amendments pending by the Education Committee, Mr. President. (See page 907 of the Legislative Journal.)

SPEAKER BARRETT: Senator Withem on the committee amendments to 447.

SENATOR WITHEM: Yeah, I am sorry, Mr. Speaker. I was under the impression that we let this bill out in its incredibly pristine form. However, we did not. We made a very substantive change that made a good bill remarkably better and I am reminded of that as I get through my...I'm trying to figure out what it was that we did to it. Yeah, the original bill, this is Senator Nelson's bill dealing with state money distributed to local school districts for purposes of establishment of vocational education programs. The original bill had the formula based on

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LB 54A, 335, 335A, 395, 705  
LR 63, 65

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the George Norris Legislative Chamber for the final work day of this week. The opening prayer by our chaplain this morning, Reverend James Carmon of the Old Cheney Alliance Church here in Lincoln. Reverend Carmon. (Gavel.)

REVEREND CARMON: (Prayer offered.)

SPEAKER BARRETT: Thank you, Reverend Carmon. We hope you can come back again another day. Roll call.

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

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

CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Any announcements, messages or reports?

CLERK: Mr. President, Enrollment and Review reports LB 54A to Select File; LB 335, Select File with amendments; LB 335A, Select File; LB 705, Select File with amendments, and LB 395, Select File, those all signed by Senator Lindsay as Chair of Enrollment and Review. (See pages 1398-99 of the Legislative Journal.)

Mr. President, study resolution offered by Senators Wesely, Schellpeper, Goodrich, Crosby, Dierks and Byars. (Gave brief description of LR 65 as found on pages 1399-1400 of the Legislative Journal.) That will be referred to the Executive Board. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LR 63. Also, pleased to announce that Senator McFarland has some guests in the north balcony. We have six students from Lincoln, specifically Victory Fellowship Church School, and their teacher. Would you folks please stand and be recognized. Thank you. We're glad to have you. Again, a reminder, we are proceeding into consent calendar at this point, LB 706. A reminder that bills can be struck from the consent calendar with three signatures. A very specific reminder that



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LB 395, 705  
LR 71

SENATOR LINDSAY: Mr. President, I think in order to expedite things, I would ask for a call of the house with a roll call vote.

SPEAKER BARRETT: A call of the house has been requested together with a roll call vote. Shall the house go under call? Those in favor vote aye, opposed nay. Record.

CLERK: 17 ayes, 1 nay to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, return to your seats and record your presence. Those outside the Chamber, please return. The house is under call. Senator Baack, Senator Lamb, the house is under call. Senators Pirsch and Scofield, the house is under call. Senators Baack, Lamb, and Scofield, please report to the Chamber. We will proceed, Senator Lindsay, with the roll call. Thank you. Members, return to your seats. The question is the advancement of LB 705 to E & R Engrossing. Mr. Clerk.

CLERK: (Roll call vote taken. See pages 1490-91 of the Legislative Journal.) 25 ayes, 10 nays, Mr. President, on advancement.

SPEAKER BARRETT: Motion prevails. The bill is advanced and the call is raised. Mr. Clerk, next bill.

CLERK: Mr. President, the next bill is LB 395. I have no amendments to the bill, Senator.

SPEAKER BARRETT: (Cavel.) Senator Lindsay.

SENATOR LINDSAY: Are there E & R amendments?

CLERK: No, sir.

SENATOR LINDSAY: I would move that LB 395 be advanced to E & R Final.

SPEAKER BARRETT: You have heard the motion to advance LB 395. Those in favor say aye. Opposed no. The ayes have it. The motion carries. The bill is advanced. Proceeding to item 8 on the agenda, LB 285. For the record, Mr. Clerk.

CLERK: Mr. President, new resolution, LR 71 offered by Senator

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LB 54A, 247, 335, 335A, 395, 705, 722  
LR 2

CLERK: Nothing further, Senator.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move that LB 722, as amended, be advanced to E & R Final.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. Now, to go back. Would you like to put something into the record, Mr. Clerk?

CLERK: Mr. President, very quickly. Your Committee on Enrollment and Review reports LR 2CA as correctly engrossed; LB 54A, correctly engrossed; LB 335, LB 335A, LB 395, LB 705 all correctly engrossed, all signed by Senator Lindsay. That's all that I have, Mr. President. (See page 1576 of the Journal.)

PRESIDENT: All right, we'll go back to LB 247. And do you have something new for us, Mr. Clerk?

CLERK: Mr. President, back to 247. The next item I have is an amendment by Senators Warner, Langford and Kristensen. Mr. President, you'll find the amendment in your bills books, its AM1114. (See page 1540 of the Legislative Journal.)

PRESIDENT: Senator Warner, are you going to handle that to start with?

SENATOR WARNER: Initially.

PRESIDENT: All right.

SENATOR WARNER: Mr. President, members of the Legislature, this amendment deals with the issue of Kearney State, whether or not it should be a portion of the University of Nebraska system, namely the University of Nebraska at Kearney, which in essence I guess is the issue we've been discussing, in a sense, much of the morning. The amendment, as offered, is identical to LB 160, with three exceptions. At the time the bill was introduced, there was not a provision contained in the original draft that addressed the issue of any bonded indebtedness that Kearney State did have, does have, and how that would be handled. And it was not in there for the reason that it just simply had not been put together by bond attorneys. That has now been addressed and is in the amendment that is proposed. Secondly,

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LB 47, 66, 395

first. I understand there is an amendment being considered and it will be determined by the time we get to it, by the time we get to the end of Final Reading, whether or not they will attempt to present the motion. So if you'll please take your seats, we'll begin Final Reading. Mr. Clerk, LB 395.

CLERK: (Read LB 395 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 395 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1711-12 of the Legislative Journal.) 33 ayes, 4 nays, 1 present and not voting, 11 excused and not voting, Mr. President.

PRESIDENT: LB 395 passes. LB 47.

CLERK: (Read LB 47 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 47 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1712-13 of the Legislative Journal.) 40 ayes, 0 nays, 9 excused and not voting, Mr. President.

PRESIDENT: LB 47 passes. LB 66 with the emergency clause attached.

CLERK: (Read LB 66 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 66 pass with the emergency clause attached? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1713-14 of the Legislative Journal.) 39 ayes, 0 nays, 1 present and not voting, 9 excused and not voting, Mr. President.

PRESIDENT: LB 66 passes with the emergency clause attached.

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LB 47, 66, 372, 395, 401, 506  
LR 2

kind of interesting, someone mentioned the Syracuse Tax Study once or twice. No one talks about it anymore, no one talks about it. I opposed the tax study because I said we would not follow it. We have not even looked at the bloomin' thing, and so here today we write new tax policy. We are setting up a whole new system which will come back to haunt us for many years. Ladies and gentlemen, I have the advantage over many of you. I am not going to have to be around here when the chickens come home to roost if you do not adopt this amendment, but the younger members of this body will be here and you will have to answer for the failure if you do not adopt this amendment. I suggest you adopt the amendment.

SPEAKER BARRETT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 506, LB 401, LB 372, LB 66, LB 47, and LB 395. Discussion on the Schmit motion to return the bill, Senator Hall, followed by Senator Rod Johnson.

SENATOR HALL: Thank you, Mr. President and members. I rise in indifference to Senator Schmit's amendment because, as you know, I have not supported LR 2CA and I won't support it should we read it yet today into Final Reading, but those are for other reasons than the amendment that Senator Schmit has before us at this time. The amendment would, basically, become a mini-uniformity clause, if you will, with regards to the valuing of agricultural land. It I don't think is an attempt, the first amendment that we are dealing with by Senator Schmit, in any way to harm LR 2CA, and I think it does exactly what he says, and that is spells out the issue of how the classes of agricultural will be treated. I think it is much more though than just clarifying language. Senator Schmit, would you yield to a question?

SPEAKER BARRETT: Senator Schmit, please.

SENATOR SCHMIT: Yes, Mr. President.

SENATOR HALL: Loran, the issue would still be one that the courts would and probably will address sometime in the future and my question is, will, even with your amendment that you have before us right now, will...the sales assessment ratio is still going to be a key factor in that determination with regard to the valuation and the, I guess the, oh, the value that is placed on the land that comparisons are made by the court, would it

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LB 47, 66, 372, 395, 397, 401, 506  
683  
LR 2

want to create a situation where we have to come back in and discuss this a third and fourth and fifth time. I am exhausted with the issue. I am trying to do what I think is right, trying to work with the farm groups as best I can to give them what they think is best for agriculture, and if that is wrong, then I will be corrected by this body I am sure many times in the future. So I'd ask the bill be readvanced, Mr. President.

SPEAKER BARRETT: Thank you, sir. We have had a request for a machine vote. The question is the advancement of LR 2 to E & R Engrossing. Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 36 ayes, 2 nays, Mr. President, on the motion to readvance LR 2.

SPEAKER BARRETT: LR 2 is readvanced. For the record, Mr. Clerk.

CLERK: Mr. President, bills read on Final Reading this morning have been presented to the Governor. (Re: LB 395, LB 47, LB 66, LB 372, LB 401, LB 506.)

Senator Schmit has amendments to be printed to LB 683 and LB 397. (See pages 1720-21 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Two reminders, the blood pressure checks and the cholesterol checks are still proceeding in Room 2102 and will be held up until one o'clock today. So those of you that would like to take advantage of it, please do so between now and one o'clock. Also be reminded that we will start with 761 at one-thirty following our recess. Senator Wehrbein, would you care to recess us, please?

SENATOR WEHRBEIN: Yes, Mr. Speaker, I'd move that we adjourn...or adjourn recess until one-thirty.

SPEAKER BARRETT: You have heard the motion to recess until one-thirty. Those in favor say aye. Opposed no. Carried. We are recessed. (Gavel.)

RECESS

April 20, 1989

LB 47, 66, 99, 135, 206, 247, 247A  
324, 372, 381, 392, 395, 401, 482  
506, 546, 548, 582, 582A, 608, 611  
637, 777, 790  
LR 81, 82

advancement of LB 247.

SPEAKER BARRETT: LB 247 is advanced. Anything for the record? The call is raised. Senator Withem, would you like to handle the A bill at this point? (LB 247A)

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

SENATOR WITHEM: Move the advancement of the A bill.

SPEAKER BARRETT: Thank you. Any discussion? If not, those in favor of the advancement of the A bill say aye. Opposed no. Carried. For the record.

CLERK: Mr. President, thank you. Communication from the Governor to the Clerk. (Read communications regarding LB 135, LB 206, LB 324, LB 381, LB 392, LB 482, LB 395, LB 47, LB 66, LB 372, LB 401, LB 506, LB 546, LB 548, LB 582, LB 582A, LB 608, LB 637, LB 777, LB 790, and LB 99 as found on pages 1809-10 of the Legislative Journal.)

Study resolution, Mr. President, by Senator Goodrich and some other members regarding a review of state institutions where there is a permanent residence population. That will be referred to Reference Committee. (LR 81.) LR 82 is a resolution by Senators Pirsch and Lindsay asking the Legislature to applaud the efforts of 120 students in the...for their academic achievement. That will be laid over. (See pages 1810-12 of the Journal.)

Mr. President, Government Committee gives notice of confirmation hearing for May 4. That is offered by Senator Baack as Chair. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Proceeding then to the next bill on Select File, LB 611.

CLERK: Mr. President, the first item on LB 611 are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 611 be adopted.