

January 18, 1989

LB 35, 36, 38, 79, 158, 496-536

while you bring in your bills. If you have some, please bring them up. Do you have an announcement for us?

CLERK: Mr. President, Reference Committee will meet in five minutes in Room 2102; Reference Committee in Room 2102 in five minutes.

PRESIDENT: Reference Committee, please heed the announcement just made.

EASE

PRESIDENT: If you don't have anything to do, there is some dry edible beans up in front here, if you would like to help yourself you may. John Weihsing knows all about them, so you can ask him if you want to know how to cook them or anything. (Gavel.) Senator Weihsing.

SENATOR WEIHSING: Mr. President and members of the Legislature, this year Nebraska is number one in the production of dry edible beans. I thought that you should realize that we have a very high standing with the production in the nation.

PRESIDENT: Mr. Clerk, you have something to do.

CLERK: Mr. President, your Committee on Agriculture, whose Chair is Senator Rod Johnson, to whom was referred LB 35, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 36 and LB 38 to General File, all signed by Senator Johnson as Chair.

Mr. President, new bills. (LBs 496-536. Read for the first time by title. See pages 258-66 of the Legislative Journal.)

Mr. President, in addition to those items, I have the hearing notice from the Health and Human Service Committee. Mr. President, a Reference Report referring LBs 463 through 495.

Mr. President, Transportation Committee, whose Chair is Senator Lamb, to whom was referred LB 79, instructs me to report the same back to the Legislature with the recommendation that it be advanced to General File with committee amendments attached, and LB 158 to General File, both of those signed by Senator Lamb (See pages 268 of the Legislative Journal.)

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LB 74, 106, 200, 201, 398, 499

SENATOR WESELY: For below and...okay. This says it's a Class III if it's below 100.

SENATOR CHIZEK: Class III, yes.

SENATOR WESELY: What is that? Do you know? Do you recall? I would just be curious.

SENATOR CHIZEK: It's...the maximum would be three months, 500.

SENATOR WESELY: Okay. Thank you. Appreciate that.

PRESIDENT: Thank you. Senator Chizek, would you like to close on the advancement of your bill?

SENATOR CHIZEK: Well, I probably would waive. Simply I would say if you're going to send...people are going to do to me what they did to Senator Chambers, send me Sports Illustrated and some of them, with that, I would urge advancement of the bill.

PRESIDENT: The question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 200.

PRESIDENT: LB 200 is advanced. LB 201. Would you like to put something in, Mr. Clerk, please.

CLERK: Mr. President, I would, thank you. Your Committee on Education, whose Chair is Senator Withem, reports LB 74 to General File, LB 398, General File, LB 499, General File.

Mr. President, with respect to LB 201, that's a bill offered by Senator Chizek. I have a unanimous consent request to pass that bill over at this time.

PRESIDENT: Any objection? If not, so ordered. We'll pass over LB 201. Move on to LB 106.

CLERK: Mr. President, LB 106 is a bill offered by Senator Moore. (Read title.) The bill was introduced on January 5, referred to Urban Affairs, advanced to General File. I have no

an employee of a state college travels that it has to be approved by the president, and sometimes that is rather difficult to do when the president is out of town. So all this does is simply change the language to say that the designee of a president could perform that approval duty. So with that, that is really all the bill does. It is a very simple bill and it will relieve the administrative burden presently placed on a president of a state college. I ask you to advance the bill.

PRESIDENT: Any further discussion? If not, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB 398.

PRESIDENT: LB 398 is advanced to E & R Initial. LB 499.

CLERK: LB 499, Mr. President, offered by Senator Robak. (Read title.) The bill was introduced on January 18, referred to the Education Committee, advanced to General File. I have no amendments to the bill, Mr. President.

PRESIDENT: Excuse me, Senator Robak.

SENATOR ROBAK: Mr. President and members of the body, this is another just simply clarification law bill. LB 499 clarifies the current law allowing Class VI school districts to undertake building projects using Construction Sinking Funds. There are three statutes that have caused confusion in the minds of bond attorneys regarding the use of these sinking funds after a vote of the school board. Section 79-548.01 authorizes a Class III, IV, V and VI school boards to levy 14 cents per \$100 to spend on small building projects. This fund is commonly known as the Construction Sinking Fund. Another statute, Section 79-1103 states that Class VI schools are governed by the same authority statutory rules as Class I and II schools. Class I and II school districts must have a vote of the district electors before any building project can be undertaken according to Section 79-506. Attorneys recently issued an opinion raising the concern that a Supreme Court Decision, Banks vs. Board of Education of Chase County may require Class VI school districts to submit proposals to the sinking funds to the voters because of Section 79-1103 and 79-506. The attorneys believe board approval alone is sufficient to use the sinking funds but they

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LB 47, 75, 186, 357, 358, 359, 474
499, 608, 697

wish for absolute clarity. School officials only recently discovered the potential conflict. They have always believed that 79-548.01 was a specific grant of authority. There have been many projects that Class VI schools have paid for with Construction Sinking Funds after only the vote of the school board to authorize the expenditure. LB 499 simply clarifies that such actions are absolutely legal and appropriate with only a vote of the school board. In addition, the bill repeals some obsolete language contained in Section 79-1103, the opened section, and that is it. Thank you.

PRESIDENT: Thank you. Any further discussion? If not, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 499.

PRESIDENT: LB 499 is advanced. Mr. Clerk, you have something for the record?

CLERK: I do, Mr. President, thank you. Mr. President, your Committee on Transportation, whose Chair is Senator Lamb, reports LB 47 to General File, LB 75 General File, LB 608 General File, LB 186 indefinitely postponed, and LB 474 indefinitely postponed, all signed by Senator Lamb as Chair.

Banking Committee reports LB 359 to General File, and LB 358 indefinitely postponed, both signed by Senator Landis as Chair. (See page 464 of the Legislative Journal.)

I have notice of hearing from the Natural Resources Committee signed by Senator Schmit, and a motion from Senator Schmit to withdraw LB 697. Mr. President, that will be laid over pursuant to legislative rules. That is all that I have, Mr. President.

PRESIDENT: Thank you. We will move on to LB 357, please.

CLERK: Mr. President, LB 357 was a bill that was introduced by Senators Nelson, Smith, Schellpeper, Coordsen, and Crosby. (Read title.) The bill was introduced on January 11 of this year, referred to the Education Committee. The bill was advanced to General File, Mr. President. I do have committee amendments pending by the Education Committee.

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LB 74, 155, 238, 263, 338, 378, 391
398, 499
LR 29

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. We have with us today, as chaplain of the day, Reverend Jim McGaffin, who is with the Victory Outreach in Omaha, Nebraska. He is in Senator Lynch's district. Reverend McGaffin. Would you please rise for the invocation.

REVEREND MCGAFFIN: (Prayer offered.)

PRESIDENT: Senator Lynch, for what purpose do you rise?

SENATOR LYNCH: Request personal privilege, just for a private comment, if I could. I wanted to mention that Reverend McGaffin is the son of Jim McGaffin, who was WOW News Director for a long time, TV, in Omaha. And many of you knew Jim, and I thought I should mention that. So you might remember and recognize more of his mother than his father in Reverend McGaffin. We're sure pleased to have you here today, Reverend.

PRESIDENT: Okay, thank you. Roll call, please.

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

PRESIDENT: Thank you. Any corrections to the Journal today?

CLERK: No corrections, Mr. President.

PRESIDENT: Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 338 and recommend that same be placed on Select File with E & R amendments attached; LB 378, Select File with E & R; LB 391, Select File with E & R; LB 74, Select File; LB 398, Select File; LB 499, Select File with E & R amendments; LB 238, Select File with E & R; and LB 263, Select File. All signed by Senator Lindsay as Chair. (See pages 654-56 of the Legislative Journal.)

Mr. President, Senator Wehrbein would like to print amendments to LB 155 in the Journal. New resolution, LR 29, offered by Senator Langford. (Read brief summary of resolution. See pages 656-55 of the Journal.) That will be laid over,

February 13, 1989 LB 74, 391, 398, 499

CLERK: Nothing further on the bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 391, as amended, be advanced.

SPEAKER BARRETT: Shall LB 391 be advanced? All in favor say aye. Opposed no. Carried, the bill is advanced. LB 74.

CLERK: LB 74, Senator, does have E & R amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 74 be adopted.

SPEAKER BARRETT: Shall the E & R amendments be adopted? All in favor say aye. Opposed no. Carried, they are adopted.

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 74, as amended, be advanced.

SPEAKER BARRETT: Shall LB 74, as amended, be advanced? Those in favor say aye. Opposed no. Carried, the bill is advanced. LB 398.

CLERK: LB 398, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 398 be advanced.

SPEAKER BARRETT: Shall LB 398 be advanced? All in favor say aye. Opposed no. Ayes have it, carried, the bill is advanced. LB 499.

CLERK: LB 499, Senator, has E & R amendments.

SPEAKER BARRETT: Senator Lindsay.

February 13, 1989 LB 238, 263, 499

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 499 be adopted.

SPEAKER BARRETT: Shall the amendments be adopted? All in favor say aye. Opposed no. Carried, they are adopted.

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 499, as amended, be advanced.

SPEAKER BARRETT: Shall the bill, as amended, be advanced? All in favor say aye. Opposed no. Ayes have it, the bill is advanced. LB 238.

CLERK: LB 238, Senator, does have E & R amendments.

SPEAKER BARRETT: On the amendments.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 238 be adopted.

SPEAKER BARRETT: Shall the E & R amendments be adopted? All in favor say aye. Opposed no. Carried, they are adopted.

CLERK: Nothing further on the bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 238, as amended, be advanced.

SPEAKER BARRETT: Shall the bill, as amended, be advanced? All in favor say aye. Opposed no. Ayes have it, carried, the bill is advanced. The last bill, LB 263.

CLERK: LB 263, Senator, no amendments pending.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 263 be advanced.

February 15, 1989 LB 57, 58, 70, 74, 94, 97, 115
116, 126, 133, 142, 156, 175A, 177A
208, 229, 230, 233, 251, 255, 256
261A, 263, 267, 273, 281, 284A, 295
338, 378, 391, 398, 416, 443, 458
459, 499, 502

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the George W. Norris Legislative Chamber. Please rise for the opening prayer. Our Chaplain for the day is Father Daniel Sieker, of Blessed Sacrament in Lincoln. Father Sieker.

FATHER SIEKER: (Prayer offered.)

SPEAKER BARRETT: Thank you, Father Sieker. Please come back again. Roll call.

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

SPEAKER BARRETT: Thank you. Corrections to the Journal.

CLERK: I have no corrections, Mr. President.

SPEAKER BARRETT: Any reports, messages, or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 502 and recommend that same be placed on Select File, LB 281 Select File, LB 416 Select File, LB 443 Select File, those signed by Senator Lindsay as Chair. Mr. President, your Committee on Enrollment and Review reports LB 74 as correctly engrossed; LB 116, LB 175A, LB 177A, LB 208, LB 261A, LB 263, LB 267, LB 273, LB 284A, LB 338, LB 378, LB 391, LB 398, LB 458, LB 459, and LB 499, all reported correctly engrossed, all signed by Senator Lindsay. (See pages 746-47 of the Legislative Journal.)

Mr. President, a communication from the Governor to the Clerk. (Read. Re: LB 57, LB 94, LB 97, LB 126, LB 133, LB 229, LB 230, LB 233, LB 251, LB 255, LB 295, LB 58, LB 70, LB 115, LB 142, LB 156, LB 256. See page 748 of the Legislative Journal.)

March 3, 1989

LB 78, 129A, 131, 183, 183A, 245, 250
250A, 340, 346A, 397, 408, 443, 447A
499, 509, 533, 538, 576
LR 43

advance the bill.

SPEAKER BARRETT: The motion fails. Messages on the President's desk.

CLERK: Mr. President, your Committee on Enrollment and Review reports LB 183 to Select File; LB 183A to Select File; LB 250, Select File; LB 250A, LB 340, all to Select File, all signed by Senator Lindsay as Chair of the E & R Committee. (See page 975 of the Legislative Journal.)

Transportation Committee reports LB 533 to General File and LB 245 indefinitely postponed. Those are signed by Senator Lamb. Transportation also reports LB 509 to General File; LB 78, General File with amendments; LB 131, General File with amendments; LB 538 indefinitely postponed and LB 576 indefinitely postponed, and also signed by Senator Lamb. (See pages 975-80 of the Legislative Journal.)

Senator Moore has amendments to be printed to LB 499. (See pages 980-82 of the Legislative Journal.)

Enrollment and Review reports LB 408 correctly engrossed and LB 443 correctly engrossed. Those are signed by Senator Lindsay. (See page 982 of the Legislative Journal.)

Mr. President, an announcement from Senator Smith that the General Affairs Committee will not meet in Exec Session at one o'clock. General Affairs will not have their regularly scheduled Exec Session.

Mr. President, a new resolution offered by Senator Coordsen and other members. (Briefly described LR 43 as found on pages 982-83 of the Legislative Journal.)

Mr. President, new A bills. (Read titles for the first time to LB 346A, LB 129A, LB 447A. See page 983 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Moore.

SENATOR MOORE: Mr. Speaker, I move we adjourn and, providing we can get here, I...we adjourn until Monday morning, March 6th.

SPEAKER BARRETT: Thank you. You have heard the motion to

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LB 284, 284A, 499

Those in favor vote aye, opposed nay. Have you all voted?
Record.

CLERK: (Record vote read. See page 1036 of the Legislative Journal.) 44 ayes, 0 nays, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 284 passes. LB 284A.

CLERK: (Read LB 284A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 284A pass? All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Record vote read. See page 1037 of the Legislative Journal.) 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 284A passes. LB 499E.

CLERK: Mr. President, I have a motion on the desk. Senator Moore would move to return LB 499 to Select File for a specific amendment. The amendment is on page 980 of the Journal.

SPEAKER BARRETT: Senator Moore.

SENATOR MOORE: Mr. Speaker and members, this morning I am simply attempting to amend this bill, unfortunately, that's on Final Reading but that's the only logical vehicle I have to accomplish my goal and my goal, quite simply, is to change the name of Class VI high schools as they are now in statute to the name of regional high schools. And the reason I do that is that even though I have none of the 22 Class VI school systems in my legislative district, I firmly believe the whole Class VI concept is something that has a bright future in the State of Nebraska and I think it would be wise for this body to simply call the Class VI schools what they really are and those schools are regional high schools. They're a collection of, in most cases at least, rural people that have banded together usually with maintaining some Class I identities and forming a Class VI school. But Class VI school, if you get out of the body...if you get outside the confines of the Legislature, if you get outside the confines of some limited people in this state that

that really follow educational issues, the whole concept of what a Class VI school is doesn't mean a whole lot, quite simply. And they say Class VI, unfortunately, when they say Class VI, a lot of people say, well, those are those schools that some people...I'm not one of them, some people say those are those schools that are a tax dodge. Those are those schools that those rural people out there in the country won't go together and get a school of the right size to make a good...to offer a good educational program. Well, I'm not accusing any schools of doing that but I think it's fair to say that the 22 Class VI high schools in this state are certainly by no means a tax dodge. Those schools are there with a common sense approach to forming a high school system and serving some high school age children in the State of Nebraska. Well, the reason I have introduced this bill...I mean, this amendment today and trying to amend Senator Robak's LB 499E is that I introduced, actually introduced LB 694 a few weeks ago. And what so often happens with my bills that come before the Education Committee, right after I introduced the bill the Education Committee killed it. Well, for a variety of reasons, I will let members of the Education Committee explain their reasons for having a change of heart, so to speak. Members of the Education Committee decided that after they killed this bill, the next day they thought a little bit and maybe that bill was not such a bad idea. Well, my bill had already been...due to the great efficiency of Senator Withem and his staff, the bill had already been reported as killed at the floor. And one option was to try and amend a committee amendment to a bill but I actually prefer to do it straight up on the floor of the Legislature, the only bill I have before us this session that I could logically do that to without, you know, totally bypassing the system and trying to amend a bill that has nothing to do with Class VIs. Senator Robak's LB 499E is a bill that actually deals with Class VI schools. Well, you know, really what I'm talking about if you read around the rotunda yesterday that Jim Joyce and others, you know, they talked about...and Senator Bernard-Stevens' quote was that I'm sure that a proctologist would like to come in and get a name for a more positive image too. Well, I'm sure they might but this whole idea of changing names is obviously something new to this Legislature. Right now we have LB 160 that is in the Education Committee, changing Kearney State College to the University of Nebraska. People say that's just a name change but for a variety of reasons there is many of us that think it's more than that. Well, you know, 25 years ago we changed all the state colleges from state...Peru State Teacher College to state

colleges because that more accurately reflects what they actually do. You know, in 1972 we changed the name of the State Railway Commission to the Public Service Commission, to change the name, not anything to do with funding, to more accurately reflect what it was that that agency did. More recently, in the 1980s, the Nebraska Legislature changed the name of the Department of Welfare to the Department of Social Services. I think that is probably the best example of why a name change like this from Class VI to regional high school, you know, just like we did then, I mean, there was a variety of bad connotations for a variety reasons when you used the term "welfare" and social services was much more acceptable to the clients that use the department of welfare systems and it made a lot of sense. It was simply an aesthetic name change, and that's simply what this bill is, this amendment. If you adopt it, I'm asking you to suspend the rules. Hope we can discuss it briefly. I don't want to bog the body down and I sure do not want to impede the progress of Senator Robak's bill but it's an issue that I think makes a lot of sense. I hope that members of the Education Committee could maybe shed some more light on why I have been forced to use this avenue to try and address the concept of changing Class VIs to regional high schools. And with that serving as my introduction, I will sit down and be quiet at this time and if it's...it's interesting and I don't know if there is any...I guess it's too bad that we have to debate this bill this morning because I would like to go to some state high school basketball tournament games but I would like to debate this and debate it thoroughly without taking up too much time though. And, with that, I will sit down and be quiet.

SPEAKER BARRETT: Thank you, sir. Discussion on the motion to return the bill to Select File. Senator Withem, followed by Senators Smith, Lamb and Nelson. Senator Withem.

SENATOR WITHEM: Yes, Mr. Speaker and members of the body, Senator Moore basically explained the procedure. One thing he left out is when he talked about the efficiency of the Education Committee, one thing we have done to be even more efficient is when Senator Moore has bills referred to the committee we basically kill them before the hearing, saves a lot of time. In this case, we...the committee probably acted too quickly. I would point out to the body, however, that I am pure in this case, I did, in fact, vote against the kill motion, supportive of the concept as it was brought to us by Senator Moore and also supportive of this action. We did report the bill...I did

report the bill as killed. My practice is to report bills as quickly before...after action is taken as I can. Otherwise, we could have handled this in the committee. I think it is a good change. I have, during my two and a half years Chairing the Education Committee, have developed an appreciation for the regional high school system that I may not have had in the past. It's kind of...kind of this whole reorganization fight we get into that if you're on one side of the issue, if you're on the proreorganization side of the issue, you're supposed to assume that anything that has anything to do with people on the other side has got to be bad. So we've kind of been taught that if you believe in reorganization that you ought to hate Class Is and Class VIs are just Class Is, got to hate them too. It's kind of the mood that we've had. I think, as a body, as a Legislature, we're moving away from that type of either/or sort of situation with our debate last year on 940, our debate this year on 259, discussions we have been having. We're trying to move through a system where we can accommodate differences in structure as long as we're all moving toward the same goals of educating kids efficiently as possible. The Class VI terminology has developed a bum rap over the years. The concept of calling them a regional high school makes sense for that reason. It also makes sense for the reason that when you read statutes you ought to be able to understand what it is you're reading. Well, if you read the term Class VI, that means nothing in and of itself out of the context of the statutes. If you read the term regional high school, that's what it is, it's a regional high school. And I think you may see in the next few years, as a result of some of the things we did last year on 940, some additional Class VIs formed that will be genuine regional schools in and of themselves. If you remember last year, we said that Class VIs can be formed when two or more existing Class II or III schools decide that they want to form a single high school to serve those districts but they want to maintain their elementary attendance center, that they can do that. They can form genuine regional high schools. So I think it's a good name change. It's a change that I'm sorry that we have to take on the floor that is the result of probably too quickly sending this bill onto the floor. I know at least one of the members who voted to kill the bill in committee has had a change of heart and will be talking to you here on the floor of the Legislature about it. I just think it's a good concept and we need to do it and I'm very supportive of Senator Moore's amendment.

SPEAKER BARRETT: Thank you. Senator Smith.

SENATOR SMITH: Thank you, Mr. Speaker. Members of the body, I won't stand and talk for a long time but, you know, I just wanted to stand to clarify something that was stated by Senator Moore. I guess, in the first place, I will just tell you that I will oppose his motion. We all have bills that get hung up in committee or get killed in committee, Senator Moore, because the committee members don't like what we think are good bills and we don't all bring them to the floor based on the fact that, why didn't that bill come out of committee, and stick it on someone else's bill on Final. But I would like to clarify something here. And whether or not a school is called a Class I, a Class VI, a Class IV, or whatever, we do have those classifications of schools in the State of Nebraska. That's part of our educational system and the way it's been set up. But my clarification point will come in the part of your speech which stated that Class VI schools are known as tax havens. How you are going to change that, number one, by recalling them a regional center or a regional school doesn't make any sense to me. But, secondly, I would also like to remind you that all of these Class VI schools were not set up for the specific reason to become tax havens. In my case, the Class VI school, Adams Central in Hastings, Nebraska, which, by the way, is one of the best, and not just because my kids attended it or I lived out in that district where they went, but I can tell you historically how that Class VI came to be. I was teaching in a rural school at that time, a poor Class I, those naughty Class I schools that we still have, and my kids were being told, year after year, we don't know whether Hastings is going to take your eighth graders next year or not because we don't know whether we want them or not. And so, in desperation, what we finally had to do in that area was the rural people had to form their own school system. Thank God there was the capability to form a Class VI, because we could have been left with no alternative. So that Class VI school was not formed specifically to become a tax haven. It was formed because they didn't know what else they were going to do with their school children who were being rejected by Hastings, and that's how it came to be. And now, years later, Hastings is very sorry about that action and, of course, were working to do everything they could to undermine that Class VI. But that's for the record, the story of the Class VI in our district. And whether or not you change the name to regional or let it be retained as a Class VI isn't really important to me. But I would just remind the body we do have a class system of

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LB 499

schools and Class VI happens to be just one of the names that we give to that kind of a school system. Thank you...or that kind of a school in that system.

SPEAKER BARRETT: Thank you. Senator Lamb.

SENATOR LAMB: Mr. President and members, I have a question of Senator Moore.

SPEAKER BARRETT: Senator Moore, would you respond?

SENATOR MOORE: Yes.

SENATOR LAMB: Does this...then would...these Class VI schools would no longer be known as Class VI? Would we have Class I, II, III, IV, V, and then the next one would be regional high schools? Or would it be a dual name for it?

SENATOR MOORE: No, it would no longer be a Class VI school in statute. It would only be Class I, II, III, IV, V and a regional high school system.

SENATOR LAMB: Well, I guess I, you know, I don't see that it's a big thing one way or another but the inconvenience of that, it seems to me, does not merit approval. You have a system now where all of the schools are in a certain class and I think you're going to cause confusion when you...now you have five classes of school districts but then when you come to another class you don't have a number for it, you've got a rather cumbersome name. I don't think it's a big issue but I guess I see it as being a very cumbersome method of identifying school districts.

SPEAKER BARRETT: Thank you. Senator Nelson.

SENATOR NELSON: Mr. Speaker and members of the body, I am a member of the Education Committee. I certainly didn't kill the bill or vote against it because Senator Moore brought the bill to us. I do have to admit that his batting average is not very good out of Education Committee and I sometimes feel ashamed of that and I in no way am picking on Senator Moore. But the reason that I did vote against the bill, it's not a big issue with me and it's not one that I am dead set one way or the other but, okay, are we going to say Omaha metropolitan district or so on? And there are 22 schools that are involved but I really see

no problem with that in Central as it is or Northwest High School or Columbus Scotus in remaining as it is and I, too, felt my reason for opposing it was...or voting against it was cumbersome. We have certain classes here, the ones of us in Education know what the different classes are, hopefully so, and the same way with many of the other records and so on. It's not a big issue. It's not a big concern. Might I also say that in Grand Island, Northwest was, in reinforcing Senator Smith's statements, Northwest was forced on those Class I schools to open because Grand Island said that about 20 years ago, we don't want you anymore, we can't...we can't take you. So they had to form the school. Now Grand Island has annexed Northwest area and the taxpayers of Grand Island...the students have a choice and they are paying and paying and paying for that what was probably an error 20 years ago. But Northwest is a very fine school as far as I'm concerned, even though it isn't in...well, technically, I guess it is maybe in my district now, but it isn't. So, for that reason is why I voted against the bill in committee.

SPEAKER BARRETT: Thank you. Before recognizing Senator Bernard-Stevens, I am pleased to announce that Senator Byars has some guests in the north balcony. We have 20 high school students with their teacher from Odell. Would you people please stand and be recognized. Thank you. We're pleased to have you with us. Senator Bernard-Stevens, followed by Senators Wesely, Withem and McFarland.

SENATOR BERNARD-STEVENS: Thank you, Mr. President. Being on the Education Committee and being one of the senators that initially voted against it, I wanted to say a couple of words. Number one, Senator Smith, I think it's a little different when we...in this particular case when we talk about all of us and, certainly, I, in Natural Resources, really wanted to have LB 271 which would have made simply for an ex officio nonvoting member which would have had no effect at all and that bill was killed in committee. And, certainly, I feel that that was a good bill and should have been brought out. And I agree with you, we all have bills like that. And if the committee kills a bill that we don't want to set a precedent where everyone tries to bring their bill out because the system would break down at some point, I totally agree with that as well. In this particular case, the committee would have...we met on one day, the next day the committee came back in another Executive Session and we came back in discussion and there would have been a motion to

reconsider and bring it back to committee and the committee, I am comfortable, would have voted to bring that bill back and then advance the bill onto the floor. The only difficulty was that we were...we have such an efficient Chairman that between the first day and the second day it was already reported, reported out, and that's a compliment to our Chairman and how efficient he is in getting things done so that particular format was not open to the committee at this time. We then looked to see if there was another thing that we could do, another vehicle that we could get this attached onto since it did have a public hearing and that vehicle was LB 499, Senator Robak's bill, and she was very gracious enough to pass over that bill so that Senator Moore could offer an amendment. I, too, had some concerns on issues such as this, people coming in. For example, we had the massage therapists and we wanted to change the name because it made it sound so much better from the masseuse that we had before. And we have now the Class VIs coming in and at some point, as Senator Schimek and other have said, you know, a rose is a rose is a rose at some point. But in this particular case, I felt that Senator Moore did have a point, on further contemplation, and I may have voted a little bit too quickly on it. And, Senator Moore, you are absolutely correct. I did bring up, well, maybe the proctologists would come in and want to have a name change too because there is a kind of a negative connotation. I have been sitting here thinking what type of name the proctologists might want to come to make their occupation seem a little bit more acceptable, if you wish, or less smelly, or something. I don't know what the term is. I have come up with a couple, I don't know if they would work well. Maybe they would come in with...instead of being proctologists, maybe "rectologists" or maybe "snaptologists" might work. And people say, well, what do you mean snaptologists? Anybody that's been to the proctologists and they put on the rubber gloves and there is this snap behind you, there is this feeling that comes over you that is kind of interesting. Maybe that would be a name that they would want, I don't know. But in this particular case, I think the Class VIs do have an unfair or a misconception at this point and the bill would help and I would be supportive of the amendment. Thank you, Mr. President.

SPEAKER BARRETT: Senator Wesely, please

SENATOR WESELY: Question.

SPEAKER BARRETT: The question has been called. Do I see five hands? I do. Those in favor of closing debate please vote aye, opposed nay. Record, please.

CLERK: 27 ayes, 0 nays to cease debate, Mr. President.

SPEAKER BARRETT: Debate ceases. Senator Moore, for closing.

SENATOR MOORE: Mr. Speaker and members, once again I apologize taking up time on Final Reading. I want to make it clear that after the bill, LB 694, was killed, several members...some members of the Education Committee came to me, decided they had a change of heart and, as I said, the bill had already been killed and reported from committee, one option was to try and amend it on a committee amendment in committee. I, personally, would prefer to try and do it straight up or down here on the floor. And the easier way to do it may have been to do a committee amendment that many of you would have never ever found out about or listened to, probably. I think it was a better thing to do it on the floor and amend it and be up front saying this is a bill that was killed, from some people's point of view was killed by mistake. If it had not been for members of the Education Committee having a change of heart, I would have let the bill die a peaceful death but the fact of the matter is that I think it's a wise concept. Now, as I mentioned, I don't have a Class VI high school in my district. Now Senator Nelson does and Senator Smith does and Senator Lamb does and it's those people that this bill is...I'm introducing it for, is the Class VI people, the Class VI schools are the ones that are down here asking for this name change. You are absolutely right, we'll have Class I, II, III, IV, V and regional high school. Regional high schools will be referred to differently in statute. I think that's not entirely bad because they're different. They offer only high school courses. They're a different beast in a lot of ways and, obviously, they're different than Class II, III, IVs and Vs, but also they're much...they're, obviously, exactly the opposite of Class Is because Class Is are K through eight, or just elementary, and Class VIs are just high schools. And in every case in this state to date there are, indeed, regional high schools and I simply would like to refer to them in statute as such and, by having a statutory language of regional high schools as the future unfolds in this state, the whole concept of regional high schools through affiliation or whichever it may be I think is going to be a popular type of method. And, as we discuss that

in years to come, instead of us using our own hidden language in here referring to Class VIs, I wish all of us in here and people in the educational field, in the educational interest groups, would refer to regional high schools for what they are, regional high schools, and that's what this amendment would do. I simply urge you to return the bill to Select File for this specific amendment.

SPEAKER BARRETT: Thank you. The question before the body is the return of the bill to Select File. Those in favor vote aye, opposed nay. Voting on the motion to return the bill. Please vote if you would care to vote.

SENATOR MOORE: (Microphone not activated) ...time, if I could request us to check in and simply have a roll call vote and get on with the issue.

SPEAKER BARRETT: Thank you, sir. Members, please return to your seats and record your presence. Please record your presence. Senator Byars, please record your presence. Senators Lynch, Korshoj, Nelson, please record your presence. Senator Wesely, Senator Smith, please Senator Schmit, please return to the Chamber, the house is under call. Members, please return to your seats in anticipation of a roll call vote. (Gavel.) The question is the return of the bill. Mr. Clerk.

CLERK: (Roll call vote read. See page 1038 of the Legislative Journal.) 21 ayes, 17 nays, Mr. President, on the motion to return.

SPEAKER BARRETT: The motion fails. Read the bill, Mr. Clerk.

CLERK: (Read LB 499 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 499, with the emergency clause attached, become law? All in favor vote aye, opposed nay. Have you all voted? Record.

CLERK: (Record vote read. See page 1039 of the Legislative Journal.) 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 499E passes. LB 443E.

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LB 54, 214, 214A, 284, 284A, 318, 320
443, 499

Nebraska that probably are not too hep on complying with this law, along with some others. So I guess I just see it as an unnecessary regulation on the small businesses that really don't see a need to post at this time.

SPEAKER BARRETT: Thank you. Senator Wehrbein is announcing that he has guests in the north balcony. We have 15 members from District 2 school of Nebraska City, with their teacher. Would you folks please stand. Thank you. We're glad to have you with us. Also, Senator Ashford is announcing that his brother, County Judge Mark Ashford, is with us under the south balcony. Judge Ashford, would you please stand. Thank you. We're glad to have you with us. And while the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 284, LB 284A, LB 214 and LB 214A, LB 443, LB 499, LB 318 and LB 320. Additional discussion on the advancement of the bill, Senator Ashford, followed by Senators Wehrbein and Coordsen.

SENATOR ASHFORD: Mr. Speaker and members, I appreciate the introduction of my brother, before I have an opportunity to speak so I can just prove to you that there was a relatively successful member of my family that...other than...anyway, Senator WeiHING, could I ask you a couple of questions?

SPEAKER BARRETT: Would you respond, Senator WeiHING.

SENATOR WEIHING: Certainly, most happy to do so.

SENATOR ASHFORD: I've had some concerns raised by individuals in my district, Senator, about the effect of this legislation. One of the concerns that was raised by a couple of older local restaurants, specifically I think Johnny's was one and there are some others, that the information that is being required to be posted would, in effect, be a...could infringe on a trade secret or a secret recipe that the particular restaurant had developed. Have you heard anything about that, or...

SENATOR WEIHING: Not specifically and it should not. It is not to divulge any recipes whatsoever. It is simply to make it known as to the kind of oils that they are utilizing in their cooking process. Much of the cooking is that of the preparation of meats and vegetables and on occasion they do have those with their recipes, so just stating as to the kind of oils that they use within their general food preparation, it would not have

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LB 54, 84, 140, 162A, 214, 214A, 254
284, 284A, 318, 320, 357, 432, 443
499, 588, 611, 652, 781
LR 1, 7

General File; LB 432 is indefinitely postponed; LR 1 indefinitely postponed; LR 7 indefinitely postponed, and LB 588 advanced to General File with committee amendments. (See page 1049 of the Legislative Journal.)

Your Enrolling Clerk has presented the bills read earlier this morning to the Governor. (Re: LB 284, LB 284A, LB 499, LB 443, LB 214, LB 214A, LB 318 and LB 320. See page 1057 of the Legislative Journal.)

Priority bill designations: Government Committee is 640 and 639, Senator Abboud LB 592, Senator Hall LB 653, Senator Lindsay LB 681, Senator Elmer LB 429.

New A bill, Mr. President, LB 162A from Senator Rod Johnson. (Read by title for the first time as found on page 1057 of the Legislative Journal.)

I have amendments to be printed to LB 357 from Senator Schellpeper and Nelson, Senator Lindsay to LB 54, Senator Baack to LB 254, Senator Chizek to LB 140, Senator Hall to LB 781, Senator Withem to LB 652. (See pages 1049-57 of the Legislative Journal.)

Unanimous consent for addition of names as co-sponsors, LB 611 Senator Rod Johnson; and LB 84 from Senator Haberman. (See pages 1057-58 of the Legislative Journal.)

That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The Chair recognizes the member from the 33rd District, Senator Jacklyn Smith.

SENATOR SMITH: Thank you, Mr. Speaker. I would like to make a motion to adjourn until Monday, March 13 at 9:00 a.m.

SPEAKER BARRETT: You've heard the motion to adjourn until nine o'clock Monday morning. Those in favor say aye. Opposed nay. Ayes have it, motion carried, we are adjourned.

Proofed by:

Arleen McCrory
Arleen McCrory

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LB 214, 214A, 284, 284A, 318, 320, 443
499
LR 2

PRESIDENT NICHOL PRESIDING

PRESIDENT: (Microphone not activated) ...Legislative Chamber. We have with us this morning as our chaplain of the day, Harland Johnson, our Chaplain Coordinator. Would you please rise.

HARLAND JOHNSON: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Harland Johnson, for your thoughtful prayer this morning. Roll call, please.

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

PRESIDENT: Thank you. Any corrections to the Journal?

CLERK: No corrections, Mr. President.

PRESIDENT: Good. Any messages, reports or announcements?

CLERK: Mr. President, a communication from the Governor to the Clerk. (Read communication regarding signing of LB 284, LB 284A, LB 499, LB 443, LB 214, LB 214A, LB 318, and LB 320. See page 1150 of the Legislative Journal.)

Mr. President, I have a series of appointment letters that will be referred to Reference Committee. (See pages 1150-52 of the Legislative Journal.)

Mr. President, a series of reports. A report from the Department of Roads, the Highway Cash Fund, Department of Revenue; a report from the University of Nebraska, Lincoln, and a report from the Department of Education. All of those will be on file in my office, Mr. President. And that's all that I have at this time.

PRESIDENT: Thank you. We will move on to the General File and LR 2CA.

CLERK: Mr. President, LR 2 is a proposed constitutional amendment that was introduced by Senators Rod Johnson, Howard Lamb, Moore and Wehrbein. (Read brief description of LR 2.) The resolution was originally introduced on January 5, Mr. President. It was referred to the Revenue Committee for hearing. The resolution was advanced to General File. At this time, I have no amendments pending.