

January 19, 1989

LB 94, 247, 570, 576, 683-808

as yet, please contact Joanne immediately. If you don't have the bill that you are expecting, please contact the Bill Drafters Office immediately. Mr. Clerk.

CLERK: Mr. President, for the record, I have received a reference report referring LBs 496-599 including resolutions 8-12, all of which are constitutional amendments.

Mr. President, your Committee on Banking, Commerce and Insurance to whom we referred LB 94 instructs me to report the same back to the Legislature with the recommendation that it be advanced to General File with amendments attached. (See pages 320-21 of the Legislative Journal.)

Mr. President, I have hearing notices from the Judiciary Committee signed by Senator Chizek as Chair, and a second hearing notice from Judiciary as well as a third hearing notice from Judiciary, all signed by Senator Chizek.

Mr. President, new bills. (Read LBs 683-726 by title for the first time. See pages 321-30 of the Legislative Journal.)

Mr. President, a request to add names, Senator Korshoj to LB 570, Senator Smith to LB 576, Senator Baack to 570 and Senator Barrett to LB 247.

SPEAKER BARRETT: Stand at ease.

EASE

SPEAKER BARRETT: More bills, Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. (Read LBs 727-776 by title for the first time. See pages 331-42 of the Legislative Journal.)

EASE

SPEAKER BARRETT: More bill introductions.

ASSISTANT CLERK: Thank you, Mr. President. (Read LBs 777-808 by title for the first time. See pages 343-50 of the Legislative Journal.)

CLERK: Mr. President, I have reports. Your Committee on

January 20, 1989

LB 1-6, 8-12, 14-17, 158A, 690, 760, 781

law? All in favor vote aye, opposed nay. Record, please.

CLERK: (Read record vote as found on pages 385-86 of the Legislative Journal.) 45 ayes, 0 nays, 1 present and not voting, 3 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 16 passes. LB 17.

ASSISTANT CLERK: (Read LB 17 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 17 pass? All in favor vote aye, opposed nay. Have you all voted? Record.

ASSISTANT CLERK: (Read record vote as found on page 386 of the Legislative Journal.) The vote is 43 ayes, 0 nays, 3 present and not voting, 3 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 17 passes. That completes Final Reading. The call is raised. The Chair thanks you for your cooperation during Final Reading. Announcements and messages, Mr. Clerk?

CLERK: Mr. President, your Committee on Appropriations whose Chair is Senator Warner, offers a hearing notice for Friday, March 3. Mr. President, I have a new A bill. (Read LB 158A by title for the first time. See page 387 of the Journal.)

Mr. President, Senator Hefner would like to add his name to LB 781 as co-introducer; and Senator Conway to LB 760 as co-introducer. Senator Crosby would like to ask unanimous consent to withdraw her name from LB 690 as co-introducer.

SPEAKER BARRETT: If there are no objections, so ordered.

CLERK: 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 LB 1, LB 2, LB 3, LB 4, LB 5, LB 6, LB 8, LB 9, LB 10, LB 11, LB 12, LB 14, LB 15, LB 16, and LB 17. Senator Korshoj, would you care to adjourn the body.

SENATOR KORSHOJ: Mr. Speaker, I move we adjourn until Monday morning at nine o'clock.

February 10, 1989

LB 48, 56, 127, 167, 184, 185, 208
231, 361, 366, 426, 643, 714, 760
LR 2

SENATOR LANDIS: We can regulate promotion. I think David raises the fair question, you're getting more than the evil that you have claimed for in the bill and I say, you're right, we are but that's the only way, realistically, in my mind, to stop free samples for kids. And, unfortunately, we're cutting out for the doves as well as the crows here but it's got to be done to have a workable system to ban free sampling.

SPEAKER BARRETT: Time has expired.

SENATOR LANDIS: I don't think this involved structure in the amendment is a workable system to stop free samples for kids. So I'm going to vote against the amendment and for the bill.

SPEAKER BARRETT: Thank you. Senator Moore, followed by Senators Dierks, Withem and Conway.

SENATOR MOORE: I move we adjourn until Monday morning, February 13th.

SPEAKER BARRETT: Anything for the record? Mr. Clerk.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 56 and find the same correctly engrossed; LB 127; LB 167; LB 184; LB 185; LB 231; LB 366, all correctly engrossed.

Revenue Committee reports LB 426 to General File with amendments; LB 643, General File with amendments and LB 361, General File with amendments. (See pages 700-03 of the Legislative Journal.)

Senator Wesely has amendments to LB 208 to be printed. (See page 704 of the Legislative Journal.)

Series of adds, Senator Haberman to LB 760; Senator Hefner to LB 714; and Senator Hefner to LR 2.

Mr. President, unanimous consent that Banking Committee will change their hearing room for next Monday's hearing to the East Chamber. That's all that I have.

SPEAKER BARRETT: Thank you. Before calling a vote on the motion to adjourn, ladies and gentlemen, the Chair wants to exercise the privilege of announcing the fact that Ed Howard of

February 28, 1989

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 predisbursement 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

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

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

SENATOR L. JOHNSON: Call the question.

SPEAKER BARRETT: Thank you. That won't be necessary, yours is the last light. Senator Scofield. Waives closing. And the question is the adoption of the Scofield amendment. Those in favor vote aye, opposed nay. Record, please.

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

SPEAKER BARRETT: The amendment is adopted.

CLERK: Senator Scofield now offers, Mr. President, AM1438.

SPEAKER BARRETT: Senator Scofield, please.

SENATOR SCOFIELD: Thank you, Mr. President and members. This is an amendment that quite frankly is LB 760. I want an opportunity to bring this before you one more time and have that discussed on the floor. Obviously I'd like to have it adopted as well. What this simply does is changes the names of the remaining three state colleges to regional universities. Thus Chadron would become Western Nebraska State University, Peru would become Southeastern Nebraska State University, and Wayne would become Northeastern Nebraska State University. In anticipation of us being at this point today, Kearney obviously has been excluded from that, although the original bill made Kearney Central Nebraska State University. But I'm assuming that we're going to go ahead with the plan that we have proposed and move Kearney into the university system. But I still think this is an important issue and one that we should seriously consider for the interests of the students at the other institutions. And this is certainly not an institutionally driven initiative, unlike practically everything else we talk about relative to higher education. I have circulated a little brochure here, which is somewhere on your desk. The front of it says LB 760, which was produced by the board of trustees specifically to explore what's going on in the country today. And the fact of the matter is, no matter how much jealousy there is on the issue of university, the reality today in this world is that practically every four year institution of any size in the nation is calling itself a university. And I know that distresses some members here. And I remember specifically Senator Crosby's question in the committee about, well what are

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

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

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

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

SPEAKER BARRETT: One minute.

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

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