

Commission for Postsecondary Education, again, filed pursuant to statute; a report from the Nebraska Games and Parks Commission filed pursuant to statute; the annual report of the Division of Telecommunications; a communication from a series of Natural Resources Districts, Mr. President, with respect to payment of attorneys fees incurred during this past year. (See pages 88-89 of the Legislative Journal.)

Mr. President, I have a series of appointment letters from the Governor, appointments to the Board of Health, to the Rural Health Manpower Commission, the Foster Care Review Board, the Job Training Council, the Oil and Gas Conservation Commission. Those will all be referred to Reference for referral to the appropriate Standing Committee, Mr. President. (See pages 89-97 of the Legislative Journal.)

Finally, I have received a communication with respect to the siting for the low-level radio active waste disposal facility. That communication was received from US Ecology, Mr. President. (See page 88 of the Legislative Journal.) All of those reports will be on file in my office subject to review by members upon their request. That is all that I have, Mr. President.

PRESIDENT: Thank you. (Gavel.) Ladies and gentlemen, we're ready to begin the introduction of bills and some of you I understand would like to hear what the bills are about, so while I don't wish to spoil your fun and visitation with each other, kindly hold it down so that those that wish to listen to the introduction of the bills may do so. We anticipate that this will probably go on until about noon and, of course, free to do whatever you would like to do. Thank you. Mr. Clerk, the introduction of bills.

CLERK: Mr. President, new bills: (Read by title for the first time, LBs 818-878. See pages 97-109 of the Legislative Journal.)

I have amendments to be printed from Senator Rod Johnson to LB 163, LB 39, LB 37. (See pages 110-14 of the Legislative Journal.)

Mr. President, new bills. (Read by title for the first time, LBs 879-922. See pages 114-23 of the Legislative Journal.)

Mr. President, I have new resolutions: (Read brief description

January 4, 1990

LB 818-880
LR 230

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen, welcome to the George W. Norris Legislative Chambers. We have with us this morning as our Chaplain of the day, Pastor Robert Nowak of the Faith Evangelical Lutheran Church in Lincoln, Nebraska. Would you please rise for the invocation.

PASTOR NOWAK: (Prayer offered.)

PRESIDENT: Thank you, Pastor Nowak, we appreciate your being here this morning and announcing the invocation. Please come back and visit us again. Roll call, please.

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

PRESIDENT: Thank you. Do you have any messages, reports or announcements? Mr. Clerk, do you have any messages, reports or announcements?

CLERK: Mr. President, I do. I have a reference report referring LBs 818-880, signed by Senator Labeledz as Chair of the Reference Committee. I have also a reference report regarding certain gubernatorial appointments made since the last special session. That's all that I have, Mr. President. (See pages 135-37 of the Legislative Journal.)

PRESIDENT: We'll move on to number four, the temporary rules.

CLERK: Mr. President, I have a motion. Senator Lynch as Chair of the Rules Committee would move that the rules be adopted for today only, January 4.

PRESIDENT: Thank you. Senator Lynch.

SENATOR LYNCH: Mr. President, members, I couldn't have said it any better. I move the adoption of the (inaudible)...

PRESIDENT: Thank you. Is there any discussion? You've heard the motion. All in favor say aye. Opposed nay. They are adopted. We'll move on to the legislative resolutions, LR 230. Mr. Clerk.

CLERK: Mr. President, LR 230 was introduced by Senator Withem. It is found on page 124 of the Legislative Journal. (Read brief

January 4, 1990

LB 662, 830, 845, 895, 897, 905, 953
1011-1013

the house is under call. Senator Dennis Byars, the house is under call. The house is under call, unauthorized personnel, please leave the floor. Senator Byars is on his way. We'll proceed with the vote on the adoption of proposal number ten. A roll call has been requested. Proceed with the vote, Mr. Clerk.

ASSISTANT CLERK: (Roll call vote taken. See pages 181-82 of the Legislative Journal.) The vote is 18 ayes, 21 nays on amendment number ten.

SPEAKER BARRETT: Motion fails. The call is raised. Any messages on the President's desk, Mr. Clerk?

ASSISTANT CLERK: Yes, Mr. President, three new bills. (Read LBs 1011-1013 by title for the first time. See pages 182-83 of the Legislative Journal.)

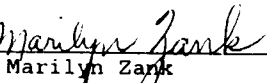
I have proposed amendments to the rules from Senators Lamb, Schmit and Withem. And I have consents to add names to LB 895 from Senator Bernard-Stevens; LB 897 by Bernard-Stevens; LB 953 from Bernard-Stevens; LB 662, Bernard-Stevens; LB 845 from Senator Crosby; LB 830 from Senator Schellpeper; and LB 905 from Bernard-Stevens. That's all I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Lynch, for what purpose do you rise?

SENATOR LYNCH: Mr. President, members, I move that we adjourn until nine o'clock in the morning on January 8th.

SPEAKER BARRETT: You've heard the motion to adjourn until nine o'clock, Monday morning. All in favor say aye. Opposed no. Ayes have it, motion carried, we are adjourned.

Proofed by:


Marilyn Zank

January 9, 1990

LB 259, 845, 972, 973, 993, 1014-1048, 1057-1059
LR 236

Haberman.

SENATOR HABERMAN: Mr. President, I move to recess until 1:30 p.m.

SPEAKER BARRETT: Mr. Clerk, would you care to read anything in before we vote on the motion to recess.

CLERK: Mr. President, new bills. (Read LB 1057-1059 by title for the first time as found on pages 232-33 of the Legislative Journal.)

A series of requests to add names, Senator Beck to LB 1026, Senator Kristensen to LB 1035, Senator Conway to LB 993, Senator Wahrbein to LB 973, Senator Wehrbein to LB 972, Senator Weihing to LB 845.

(Reference Committee Report referring LBs 1014-1048 and LR 236 appears on pages 233-34 of the Legislative Journal.)

Mr. President, explanation of vote offered by Senator Kristensen. (Re: LB 259.) That's all that I have.

SPEAKER BARRETT: Thank you, Mr. Clerk. A reminder especially to committee chairs. Committee chairmen, please take note. If you are planning hearings, public hearings next Tuesday, notices of that fact should be filed with the Clerk today. File the notice of public hearing today if you are planning to begin hearings next Tuesday. Those in favor of the Haberman motion to recess until one thirty say aye. Opposed no. Carried. We are recessed.

RECESS

SPEAKER BARRETT PRESIDING

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

SPEAKER BARRETT: Thank you. Any messages, reports, anything for the record, Mr. Clerk.

CLERK: One item, Mr. President, I have a hearing notice from the Banking Committee for hearings scheduled on Tuesday,

January 9, 1990

LB 534, 747, 840, 843, 845, 895, 911
913, 935, 960, 1014, 1060

SPEAKER BARRETT: Senator Haberman.

SENATOR HABERMAN: Mr. President, I request a call of the house.

SPEAKER BARRETT: A call of the house has been requested. Those in favor of the house going under call please vote aye, opposed nay. Record, please.

CLERK: 26 ayes, 1 nay to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, please return to your seats and record your presence. Those outside the Legislative Chamber, please return. Senators Ashford and Lindsay, Senators Chambers and Scofield, the house is under call. Senators Chambers and Scofield, the house is under call. Senator Chambers, please check in. All present and accounted for. Request for a roll call vote and the question again before the house is the adoption of the bracketing motion. Mr. Clerk, proceed with the roll call.

CLERK: (Roll call vote taken. See pages 235-36 of the Legislative Journal.) 25 ayes, 16 nays, Mr. President, on the adoption of the bracket motion.

SPEAKER BARRETT: The ayes have it. LB 747 is bracketed to a day certain. The call is raised. Any bills to read in, Mr. Clerk.

CLERK: Yes, sir, I do. Mr. President, new bills. (Read for the first time by title: LB 1060. See page 237 of the Legislative Journal.)

Mr. President, I have notice of the Education Committee for the week of January 16, and again for January 22 and 23. That is offered by Senator Withem. (Re: LB 845, LB 935, LB 1014, LB 843, LB 895, LB 960, LB 913, LB 840, LB 911.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Proceeding then to item seven on the agenda, 1989 Speaker priority bills beginning with LB 534, Mr. Clerk.

CLERK: Mr. President, LB 534 was a bill introduced by Senator Withem and Senator Barrett. (Read title.) The bill was introduced on January 18 of last year, at that time referred to

January 26, 1990

LB 87, 843, 845
LR 247

PRESIDENT NICHOL PRESIDING

PRESIDENT: We have with us this morning Pastor Doug Olsen as our chaplain of the day. He is with the Sheridan Lutheran Church in Lincoln. Would you please rise for the invocation.

PASTOR OLSEN: (Prayer offered.)

PRESIDENT: Thank you, Pastor Olsen, we appreciate your being here this morning. Please come back. Roll call, please.

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

PRESIDENT: Thank you. Any corrections this morning?

CLERK: No corrections, Mr. President.

PRESIDENT: Do you have any messages, reports or announcements?

CLERK: Mr. President, your Committee on Education, whose Chair is Senator Withem, to whom was referred LB 843, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with committee amendments attached; LB 845, General File with committee amendments attached, both signed by Senator Withem as Chair. (See pages 515-16 of the Legislative Journal.)

I have two appointment letters from the Governor. Those will be referred to Reference Committee for referral to Standing Committee for confirmation hearings. Received a report from the Department...Nebraska Energy Office and the Nebraska Investment Council, both will be on file in my office, Mr. President. That's all that I have, Mr. President.

PRESIDENT: Ladies and gentlemen, may I direct your attention to the north balcony. Our doctor of the day is Dr. Donald Larson of Lincoln. Would you please welcome him to our midst and thank him for his services today. Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 247. Would you please return to your seats, ladies and gentlemen, we're about to begin Final Reading. (Gavel.) Would you please return to your seats so we can begin Final Reading. Please return to your seats so we can begin. Mr. Clerk, LB 87.

SPEAKER BARRETT: The motion is adopted. The bill is advanced. To Select File, Mr. Clerk, LB 143.

CLERK: Mr. President, 143 is on Select File. I have no E & R amendments. Senator, do you want to go right to your amendments? Mr. President, Senator Baack would move to amend. I also have an amendment to the amendment. Senator Baack, the amendment to the amendment is on page 557, Senator, of the Journal.

SPEAKER BARRETT: The Chair recognizes Senator Baack on the amendment to the amendment.

SENATOR BAACK: Yes, Mr. Speaker, and colleagues, we will deal with this amendment first. Then I will go into more detail on...this amendment to the amendment, then I will go into more detail on the amendment. This amendment that we are going to be voting on now was brought to me by DAS for the Budget Division saying that there needed to be some clarification in the bill to make sure that what we were doing here was not creating a separate fund, and that is why we have a listing of different sections that needed to be renumbered and needed to have some different statutory authority. So what we are doing is, all we are doing with this amendment to the amendment is making it so it is operational within DAS and that we are not creating a separate fund. So with that, I would just encourage the adoption of the amendment to the amendment.

SPEAKER BARRETT: Thank you. For purposes of discussion, Senator Moore. Thank you. Anyone care to discuss the amendment to the amendment? If not, those in favor of its adoption please vote aye, opposed nay. Record, please.

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

SPEAKER BARRETT: The amendment is adopted. Senator Baack.

SENATOR BAACK: Yes, Mr. Speaker, and colleagues, now we will go to the amendment, itself, and if you want to, you can follow along either in the Journal with the amendment or the bill that I am going to try to amend into, LB 143, is LB 845. So you can follow it either place. I will say that 845 was heard in the Education Committee. It was advanced unanimously by the

think this deals more with providing for a more long-term solution to the problems of funding, especially in the Western Community College area, and I think that the thing to emphasize is that this does put the money where it is needed, and it puts it out into the Western College area or into the Mid-Plains area. Those are the two areas that are struggling right now. That is where this money would be targeted for. With that, I would try to answer any questions people have. Thank you.

SPEAKER BARRETT: Thank you, Senator Baack. Discussion on the amendment. Senator Moore, followed by Senators Nelson and Dierks.

SENATOR MOORE: Yes, Mr. Speaker, and members, LB 143 is...LB 143 now with the amendment is really LB 845, and that is what I want to talk about is LB 845 that Senator Baack is amending in here. You know, I certainly do not disagree with the intent of what Senator Baack is trying to do, but, quite honestly, I have some concerns and, basically, my concerns are does the ends justify the means because, yes, we have known probably since we created this whole system of tech colleges, we have known that Western is a poor area that we have trouble getting money to. Now what Senator Baack and the technical community colleges, as a whole, have brought to us is a formula that I guess troubles me a little bit and the part that troubles me, and Senator Baack alluded to it in his opening, is they use a systemwide levy as your trigger mechanism for the equalization formula, and I guess my question to Senator Baack is, I think you broached the subject in your opening, but is there something else, for instance, like a valuation per student, something that is fixed, as opposed to something that is floating like a systemwide levy? Is there some sort of fixed, known subject matter that we could base an equalization formula on as opposed to this systemwide levy which is, indeed, floating from ear to ear, and my main concern is you kind of have the fox guarding the chicken coop, so to speak, because the more you spend, the higher the levy is, the more you change things. I guess I have a problem with that, and in thirty seconds or less, can you tell me why you could not go to some valuation per resident, valuation per student, and I am assuming that that formula does not get the money where it needs to go, I guess I can answer my own question, but tell me why, have you looked into that and why that won't work?

SENATOR BAACK: Yes, Senator Moore, we did consider I think a

SENATOR MOORE: Okay, and is there anyone else close to qualifying?

SENATOR BAACK: I don't believe so, no.

SENATOR MOORE: Okay, well, I just raise these concerns because I am concerned about putting an equalization formula in statute, which I think is kind of nonsensical, but as I understand the target and the reason is to get money to an area of the state that is indeed poor, and I guess now that I've voiced my concerns, I guess I will just...that is all I have to say on the matter.

SPEAKER BARRETT: Thank you. Senator Nelson, please.

SENATOR NELSON: Mr. Speaker, and members of the body, I am in support of Senator Baack and also on LB 845. I think I can also answer Senator Moore. I don't think that that necessarily, hopefully will involve my area or maybe in eastern Nebraska, but I look at this as somewhat the statement that Senator Scofield made on the floor in regards to the Commonwealth bill. Sometimes there are things that we need to do and keep in mind the whole State of Nebraska. I certainly know when we heard yesterday in I think LB 1050, Senator Weihing's bill that he is going to carry, Western College is just in dire straits for funding and to me those people out there need the support of a community college as much as any of the rest of us, or even more so, because of sometimes the lack of their opportunities. I also am in support of the one million dollar cap so that we are not open-ended, and I know that there is a lot of support and as the LB 247 study may show for funding the community colleges in some other manner. But even though the rest of us may not see any advantage and, in fact, actually giving up some of the funding, I do hope that you do support the bill because I truly feel that Western College because, one thing, because of the pending Banner County, the lawsuit, and also there are just not that many people out there, and yet they also need the services of the college. Thank you.

SPEAKER BARRETT: Thank you. The Chair is pleased to take a moment to recognize some guests of Senators Moore and Johnson under the south balcony. We have visiting this morning Mr. Bob Ehlers from York and Mr. Ed Ediger from Hampton. Would you gentlemen please stand and be recognized. Thank you. We are glad to have you with us. Further discussion on the Baack

amendment, Senator Dierks.

SENATOR DIERKS: Yes, Mr. Speaker, and members of the body, I just wanted to stand in support of Senator Baack's amendment. I would like to ask you a question, Senator Baack, if I may.

SPEAKER BARRETT: Senator Baack.

SENATOR DIERKS: The fiscal note on LB 845 really is one that calls for a revenue increase rather than a revenue output, is that right? Or revenue decrease?

SENATOR BAACK: Yes.

SENATOR DIERKS: I think that the type of legislation that Senator Baack has brought to us is essential, not only for the Western Technical Community College, but probably to bring fairness to the whole system, and so I would just urge your support of the Baack amendment. Thank you.

SPEAKER BARRETT: Thank you. Any other discussion? Seeing none, Senator Baack, would you care to close?

SENATOR BAACK: Yes, Mr. Speaker, and colleagues, just a short closing, Senator Moore asked a question whether anyone else was close to qualifying for this. I have information that says that Central, the Central area is close to qualifying, and also the...if there happens to be some change in ag land valuations, of course, that could change, then Southeast could also qualify at that point. So there are...so there could be some advantages down the road for those areas also. I think that, I think it has been a good discussion and I think that Senator Moore does bring up some good points, and it is not something that we are going to just discard, and we are not going to keep continuing to look at because there may be a better way of doing this. I must admit that I am not...I am a little bit uneasy with the way we are doing it, except I do know that to direct those funds, this is one way of doing that. I think that...also I know there has been some question as to why am I amending this into 143 instead of carrying LB 845 right on through. I will be very frank with you, I put this vehicle out here last year so that it would be ready because I knew these negotiations were going to be taking place; I knew we were going to try and come up with something for the community colleges and try and develop something for them that is going to be a more long-term solution

to this problem. So I put the vehicle out there last year so that we would have something to carry this through because I think we need something in place this year, because if we don't, then we are going to have Western back in here another year in a crisis situation. They are okay now for next year. Everything is okay for next year, but then the next year after that, we are going to have another crisis in Western. So with that, I would simply urge your adoption of the amendment. Thank you.

SPEAKER BARRETT: Thank you. On the motion to amend, those in favor vote aye, opposed nay. Please record.

CLERK: 33 ayes, 0 nays, Mr. President, on the adoption of Senator Baack's amendment.

SPEAKER BARRETT: The amendment is adopted.

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

SPEAKER BARRETT: Thank you. Senator Baack, would you care to discuss it further, please?

SENATOR BAACK: Yes, Mr. Speaker, and colleagues, just very briefly, I think we pretty much have the bill in place now because the amendment becomes the bill. There was a little bit of clean-up language that was in the bill, also, but that was basically technical kind of clean-up language. So now the bill is now LB 845, and unless someone has some questions, I would simply urge the advancement of LB 143. Thank you.

SPEAKER BARRETT: Thank you. Senator Moore, would you care to discuss it?

SENATOR MOORE: Yeah, just briefly, one more question for Senator Baack, and you mentioned LB 1050, Senator Weihsing's priority bill, is another bill out there. Obviously, these proposals are twin proposals and you need both of them, so you don't fix Western's problems totally with this bill now, correct?

SENATOR BAACK: Well,...

SENATOR MOORE: You assist them, get some more money to them, but will they still be bumping their levy limit?

time, I will mention that there is a pass-out...there is a leaflet which discusses this subject. The community colleges have been...were created only about 25 years ago and there have been a number of changes regarding the financing of the community colleges. Fundamentally, they rely on property taxes and the community colleges set the amount of revenue within a lid that has been established by the Legislature. In times there were problems in various areas and in 19...early 1980s the western areas, the low population areas did not have sufficient property evaluation to really sustain their own college needs, their teaching needs, their physical plant needs. And the Legislature, in 1984, permitted those community college areas with a population of 150,000 or less to be able to have a two and a half cent increase in taxing authority. Now, at that time, at that time, the lid was nine cents for all community colleges. This permitted those with 150,000 or less to be able to tax up to 11 1/2 cents per 100 property tax evaluation. Now since then, there have been some increases in those lesser populated areas, not necessarily up to the...clear up to the limit, but there has been a lawsuit. Now this brings about, why is this legislation necessary? Now the western area is now being sued under the contention that the current statute is class legislation, and this is true. In addition, the suit was expanded to challenge the entire funding system as violating the current community college statutes prohibiting excessive taxation. We have already dealt with the second half of that lawsuit by advancing LB 143. That was Senator Baack's bill. I believe it was last week that we advanced that. It was originally LB 845 and then it was amended into 143. LB 143 was gutted. Now that establishes a community college equalization fund, if you recall. So we have started this course and really my bill, LB 1050, is a companion to that bill. LB 1050 will take care of the second part of the lawsuit. Now if this suit is successful, which it probably will be, and, as you know, these class action suits have been highly successful, the western area would lose 460,000 and the Mid-Plains area, that would be North Platte, 106,000; and if this were retroactive, I don't know how much money that would be. It would get into the millions. Now since the Legislature permitted this, they become responsible part of this lawsuit and you could expect those community college areas which have a problem such as that, if the suit is lost and are obligated to pay, they would simply be coming to the Legislature and seeking the amount of funds necessary to cover this. Now since this bill would give all of the community colleges the top limit of, that is we had nine

in my mind at least, of levies changing and affecting that equalization formula. And so it's one of those things where I, obviously, look at the other four tech colleges. They are well below nine already, but I have a particular problem with LB 1050 and I think we should make this decision absent of a lawsuit. If it's good policy, then we should come back and discuss it and do that. But I don't think that lawsuit necessarily is the hammer that makes us do this automatically and I certainly feel the Legislature should scrutinize this type of move a great deal, because, obviously, you're raising the authority for property taxes...we all know the property taxes are a problem. We also know the technical community colleges take merely a sliver of that property tax pie, but you're granting additional authority. I guess that concerns me and with the action that we took last week on changing an equalization formula that will eventually get more money to Mid-Plains and Western, I think we have addressed the problem partially, at least. And I guess my decision on 1050, I'm going to be voting no this morning because the lawsuit doesn't convince me. The threat of a lawsuit doesn't convince me that I need to deviate from my normal policy of being tightfisted when it comes to spending property tax dollars and granting additional authority to levy property tax dollars. So I would urge a red vote on LB 1050.

SENATOR HANNIBAL: Thank you, Senator Moore. Senator Crosby, please, followed by Senators Dierks, Nelson and Wehling.

SENATOR CROSBY: Thank you, Mr. President, and members, it is a pleasure and a privilege to support this bill, LB 1050. I voted to have it come out of committee and I listened very carefully to all the testimony having to do with LB 845 and LB 143 too, because one of the things that impressed me about this whole question and discussion is that all of the community colleges across the state agreed that this needed to be done. And, as far as the hammer that Senator Moore mentions, I don't feel the hammer is the lawsuit nor anything else involved in trying to figure out how to equalize the levy. What I think the hammer is, what we talk about all the time, I hear everyone of you say something about this at least once a week, and especially in the education hearings, is the accessibility of education in every nook and cranny of Nebraska. I have been in every corner of this state. I didn't enter in the earlier discussion over semantics or what we're going to call it, but here is what we're talking about is accessibility to education for every student, no matter what age that student might be, in every area of our

think should be taken lightly. I think if you asked the introducers of this bill, you know, if they would have told you back in December this bill was going to be...they would never have...they never would have believed you if you would have said this bill was going to be this easy. And I guess, in my opinion, there is more than one way to skin a cat on this problem. And if you look at LB 845, Senator Baack's bill that we advanced earlier, that recognized the problem that the two western community colleges areas are indeed poor districts and, for that reason, there is an equalization formula contained in that bill. Well, it's one of those things that the other four community colleges, well, we can...we'll give a little bit of money away if it's new money, to begin with, as long as we get LB 1050 which raises our maximum levy limit. And, I mean, that's a great deal for everybody but the property taxpayer in the state. For that reason, that's the problem I have and that's why I want to just simply bring it to the body's attention and maybe there is some other ways that we can solve this problem. I know Senator Weihing is going to say, well, there's a court case pending, if you don't act on it, you're going to lose it. Well, I guess I'm not...I have, you know, yet to be convinced that we are undoubtedly going to lose that case. Maybe we should wait and see what's going to happen. That's all I have to say. I want to make sure the body knows what's going on. I will give the balance of my opening to Senator Lamb and if Senator Weihing wants to respond, that's fine, and then we can vote on the bill.

SPEAKER BARRETT: Senator Lamb, please.

SENATOR LAMB: Yes, Mr. President and members, I agree with what Senator Moore is saying here. In the last couple of years the buzz word here has been property tax relief, then we come in with a bill like this which goes in the opposite direction and we have to delve back into the history of it, you know. Well, there was a plea, there was a plea here a few years ago to help out those two western technical community colleges. Let them...let them collect some more money from property tax. So we did that. Now we're leap-frogging along, saying now the next logical step is, well, let everybody else catch up. And, of course, the court case is the excuse. I'm not sure it's a good reason but that's the excuse that's used. And this is a situation that should not be allowed to happen that, as Senator Moore mentioned, there are other ways to handle this problem and this bill does not need not to be and I would just urge people

SPEAKER BARRETT: One minute.

SENATOR WEIHING: ...we do need to have this bill passed because if we do not, I say that, in all likelihood, you will be dealing with a rather massive sum to be paying back for the differential that has been in existence the last several years. I suggest that you vote this so...and look at, and now look at how our community colleges are presently funded. Thank you.

SPEAKER BARRETT: Thank you. Senator Moore, there are no other lights, would you care to close?

SENATOR MOORE: Well, I would just like to mention, you know, even if you do buy the court case argument, which is indeed debatable, as I said, there is other ways you could accomplish the same goal. One thing would be to lower those two community college districts down to a nine cent levy and better equalize among them. That's another way you could solve the same problem. But I guess I only point that out that there are some other options available than contained in the intent of LB 845 and LB 1050. We've already passed LB 845 that basically says, yes, those two western Nebraska areas need some additional help, we're going to give that to them if it's new money. And now they say, if you pass LB 1050, everybody's happy. And I guess what I'm saying is that there are other alternatives. One way we could have done, we could have used 1050 to solve the court case by simply lowering everybody to nine, then using LB 845 or the appropriations process to better equalize the state dollars. That may or may not happen, but I guess at this time I just simply want to say once again that I am voting no because I am not satisfied. We have looked at all of our alternatives and when you use LB 1050 it would simply add additional authority upon the property tax burden in the State of Nebraska and that's what I'm opposed to. So I will remove my amendment and simply ask for a vote on the bill.

SPEAKER BARRETT: Thank you. It is withdrawn. Mr. Clerk, would you read the bill?

CLERK: (Read LB 1050 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1050 pass? Those in favor vote aye, opposed nay. Have you all voted? Please record.