

JANUARY 11, 2001

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January 11, 2001

PRESIDENT MAURSTAD PRESIDING

PRESIDENT MAURSTAD: Good morning. Welcome to the George W. Norris Legislative Chamber for the seventh day of the Ninety-Seventh Legislature, First Session. Our chaplain of the day is Pastor Glen Williamson from the Judson Baptist Church in LaVista, Nebraska, a guest of Senator Hilgert. Pastor.

PASTOR WILLIAMSON: (Prayer offered.)

PRESIDENT MAURSTAD: Thank you, Pastor Williamson. We will call the Legislature to order. Members, if you would please record your presence. Mr. Clerk, please record.

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

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: (Read corrections, Legislative Journal page 233.) That's the only corrections I have this morning, Mr. President.

PRESIDENT MAURSTAD: Thank you. Are there any messages, reports, or announcements?

CLERK: I do, Mr. President, a Reference report referring LB 306 through LB 400, including three constitutional amendments to the appropriate Standing Committees for confirmation (sic--public) hearings. A communication, Mr. President, from the Executive Board regarding selections to several special committees: Building Maintenance, Education Commission of the States, Midwestern Higher Education Compact, Program Evaluation. Pursuant to that action, Senator Vrtiska has been selected as Chair of Building Maintenance by the members of that committee; Senator Engel has been selected as Chair of Program Evaluation; and Retirement Systems would announce that Senator Erdman has been selected as Vice Chair of the Retirement Committee.

Mr. President, I have hearing notices from the Judiciary Committee for several different dates. I also have a hearing notice from Senator Wickersham for Thursday, January 18, those

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hearing notices all signed by their respective Chairs. That's all that I have at this time, Mr. President. (Legislative Journal pages 233-237.)

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. (Visitors introduced.) Mr. Clerk, bill introduction.

CLERK: Mr. President, thank you. New bills. (Read LB 499-504 by title for the first time. Legislative Journal pages 238-239.)

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Mr. Clerk, bills to be introduced.

CLERK: Mr. President, thank you. (Read LB 505-521 by title for the first time. Legislative Journal pages 239-241.)

PRESIDENT MAURSTAD: Mr. Clerk, bill introduction.

CLERK: Mr. President. (Read LB 522-532 by title for the first time.) In addition, Mr. President, I have announcements. Senator Brown has been selected as Vice Chair of Intergovernmental Cooperation Committee. And I have a series of hearing notices, one from Government, Military and Veterans Affairs, and two reports or two hearing notices, I should say, from the Natural Resources Committee, those signed by their respective Chairs.

(Read LB 533-534 by title for the first time. Legislative Journal pages 242-244.)

PRESIDENT MAURSTAD: (Visitors introduced.) Mr. Clerk, bills?

CLERK: Mr. President, (read LB 535-537 by title for the first time. Legislative Journal pages 244-245.)

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Members, if I could have your attention, please. Senator Coordsen, for what purpose do you rise?

SENATOR COORDSEN: Thank you, Mr. President, members of the

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body. This message is in all the boxes but it's an important enough message that I think I need to remind all of the members today, and I'm going to read it, word-for-word: Bill requests submitted to the Bill Drafting staff by 5:00 p.m. on Friday, January 12, 2001, will be guaranteed to be ready for introduction before adjournment on the tenth legislative day. If you wait till next week it may work for you, but it may not work for you. The guarantee is requests received by 5:00 p.m. tomorrow afternoon will be back in time to be introduced. Sometimes people miss that and we wanted to make sure that everyone in this body was aware of that deadline. Thank you, Mr. President.

PRESIDENT MAURSTAD: Thank you, Senator Coordsen. Members, if I could have your attention. Senator Redfield.

SENATOR REDFIELD: Thank you, Mr. Lieutenant Governor, members of the body. I move that a committee of five be appointed to escort the Governor of the state of Nebraska to the Legislative Chamber to deliver his State of the State and budget Address.

PRESIDENT MAURSTAD: Thank you, Senator Redfield. You've heard the motion. Those in favor say aye. Those opposed nay. The motion carries. Would the following senators please form and escort the Governor: Senators Bourne, Senator Burling, Senator Bourne...or, excuse me, Senator Stuhr, Senator Suttle, Senator Baker. Madam Sergeant at Arms.

SERGEANT AT ARMS: Mr. President, your committee now escorting the Governor of the great state of Nebraska, Mike Johanns, and his wife, Stephanie.

PRESIDENT MAURSTAD: (Gavel) Governor Johanns.

GOVERNOR JOHANNS: Lieutenant Governor Maurstad, Speaker Kristensen, members of the Legislature, distinguished guests and friends and, of course, fellow Nebraskans, I am pleased to report that the state of our state is strong. Our unemployment rate continues to be one of the lowest in the nation, our funding for education is among the best in the country, our population growth is exceeding expectations, and our state

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continues to be a safe place for our families. But there are some areas of concern--low commodity prices continue to negatively impact the ag economy, while our nation as a whole is witnessing increased signs of an economic slowdown. We should be optimistic, yet cautious, as we work together to build on our work of the last two years and the work of our predecessors. For two years, I have sought to advance five priorities with the objectives of improving our life, and leaving Nebraska a better place than when I took office. Working together we have made progress in providing property tax relief, limiting the scope of government in people's lives, building a prosperous economy for all 93 Nebraska counties, protecting our families and communities from crime, and ensuring the health and the safety and the success of our children. This year, I am proposing a budget and legislative package that builds upon our successes in these five areas. Keeping true to my pledge of providing direct property tax relief, I am asking the Legislature to approve \$60 million over the next two years for property tax relief through the state's community colleges. We have funded this method of providing direct property tax relief in each of the last two years. It has been successful and we should continue this effort. In the areas of less government and more effective government, I urge the Legislature to approve legislation authorizing voluntary city-county mergers. This tool should be made available for those cities and counties where it makes sense and where voters approve the plan. It's time for us to follow up on the constitutional authorization given to us by voters in November of 1998. A top priority of my administration is to bridge the divide between our state's two economies--the prosperous urban economy of twenty to thirty counties, and the struggling rural economy of sixty to seventy counties. Over the last two years we have worked hard to boost the rural economy by promoting value-added agriculture, providing incentives for rural job creation, and creating a grant program targeted to entrepreneurship in rural Nebraska. This session, I am supporting a balanced package of economic development initiatives. First, I propose creation of a program that will match Nebraska entrepreneurs with Nebraska investors, keeping both risk-taking entrepreneurs and capital investment within our state's borders. Second, we should continue funding the Affordable Housing Trust Fund which is helping to address the

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need for adequate and affordable housing in communities all across the state of Nebraska, especially in our rural areas. Third, I support the Riverfront Development and Antelope Valley proposals that together will enhance the state's economy for years to come. And, finally, I support reauthorization of the Quality Jobs Act to encourage the creation of high quality, above average paying jobs throughout our state. I do want to say thank you to Senator Landis and Smith, Beutler, Quandahl and Kristensen for their leadership and commitment to these economic development proposals. In the area of ensuring public safety, adequate funding and support for the State Patrol has been a high priority of my administration. In this budget, I propose the addition of eight new troopers, additional funding for six investigators, and state funding to replace lost federal funding for twenty-two civilian support personnel. I'm also proposing funding for the Criminal Justice Information System, and funding to begin implementation of the statewide wireless communications system. A uniform, reliable wireless system for law enforcement is a top priority to bolster the effectiveness of law enforcement which ensures public safety. I thank Senator Gene Tyson for his good work in this area. I'm also seeking the support of this Legislature to assign troopers to the Carrier Division and allow current Carrier Enforcement officers to transfer to the trooper rank while remaining in the Carrier Enforcement Division. Last year, nearly one-third of Carrier Enforcement officers left the division for jobs as troopers. Unfortunately, this has been a growing trend for the last several years. This turnover creates serious concerns about public safety on Nebraska roads and highways. By allowing Carrier Enforcement officers to transfer to trooper and remain in the Carrier Division, we can address retention issues and the resulting public safety concerns. It is my hope that some, if not all, of the concerns about this legislation in the last session have been resolved. In my view, this significant public safety issue simply must be addressed, and I thank Senator Bromm for sponsoring this initiative. I'm also submitting for your consideration and approval a substantial juvenile justice reform plan. For many years, state policymakers have struggled to come to consensus on how to proceed with much needed changes and improvements in our juvenile justice system. This year, I propose the enactment of a gatekeeper structure to coordinate a

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juvenile's entry into the state system. Second, I ask you to fund an initiative that will expand the array of services available within the state juvenile system. This measure will alleviate overcrowding at the YRTC's by doubling the number of substance abuse treatment beds for juveniles, and allow the development of mental health programming and aftercare services. Third, I propose the creation of a new aid formula to provide funds directly to counties for development of community-based programs for juvenile delinquents. Fourth, my budget includes funding to replace expired federal grant dollars so that current substance abuse treatment programs at Kearney and at Geneva can be sustained. Finally, I propose the transfer of an existing Department of Correctional Services facility to the Office of Juvenile Services for use as a Level 5 secure youth treatment facility and as a site for development of a sex offender treatment program. This is a comprehensive juvenile justice reform package that addresses priority needs, and I thank Senator Thompson for her leadership in this area. I look forward to working with Senators Brashear, Jensen, Thompson, Brown, Aguilar, Dwite Pedersen, and all members of this body to advance juvenile justice reform in this session. I also ask this body to make a bold commitment to the life of the unborn. I, like many in our state, was saddened by the U.S. Supreme Court decision striking down Nebraska's banning partial-birth abortion. My review of this decision tells me that, until there is a change on the court, there is no meaningful hope of ending this barbaric practice. However, we are not powerless in this area. I ask you to strengthen parental notification by sending legislation introduced by Senator Quandahl to my desk for signature. And, in every way possible, I ask you to help me promote adoption as an alternative to abortion. In addition, I repeat my commitment to sign into law a ban on the use of fetal cells in research that are derived from elective abortion. I also ask you to pass fetal homicide legislation for my signature, as other states have done. My budget also proposes a historic investment in education, stretching from early childhood through postsecondary training. We begin with an enhanced commitment to the health, the safety, and the success of our children. I believe that a coordinated approach to the issues of early childhood development will lead to greater potential for success for all of Nebraska's children. That's

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why a year ago I created the Early Childhood Interagency Team, which was led by Lieutenant Governor Maurstad. The team recently released a report detailing their work to date. I have endorsed several of their recommendations, including their proposal to expand the Department of Education's successful Early Childhood Projects. My budget dedicates over \$3 million over the biennium to accomplish this objective and other recommendations. The collaboration between Health and Human Services and the Department of Education on early childhood issues has been impressive and productive, and I am asking that they continue their good work. Some of our state's greatest assets are public and private institutions of higher learning. It's often in higher education that our young people prepare themselves to realize their dreams for the future and create our state's future. Therefore, I am pleased to make a historic commitment to higher education with the budget that I submit to you today. For several months, the University of Nebraska leadership has made the case that they need greater resources to reach competitive status with their peer institutions. To its credit, the university has undertaken critical reviews and the reallocation of resources over the last years. That effort continues, and it must, and I support the university in its task of setting priorities that will result in a more focused mission at a higher level of excellence. The investment I propose for the university and state colleges is important and it's aggressive. My budget provides an increase of \$26.6 million additional dollars in the first year of the budget, with another \$29.4 million added in the second year of the budget. At the same time, I challenge higher education in Nebraska, including the university, state colleges, and community colleges, in these key areas: first, to encourage and to actively recruit every Nebraska high school student to stay in Nebraska for their college education; secondly, to promote diversity among students and staff in higher education by actively recruiting students, not only from the United States but around the world; and, third, to promote collaboration, cooperation, and innovative partnerships which will ensure unparalleled educational opportunities for our students. In addition, I applaud Senator Kristensen for continuing to lead the discussion about reorganizing higher education governance in the state of Nebraska. This body will have my cooperation and support in

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moving this debate forward to resolution. My proposal for increased investment in higher education extends to an initiative I support to significantly bolster world-class medical research at the University of Nebraska Medical Center, Creighton University, Boys Town Research Hospital, and the University of Nebraska at Lincoln. If you visit these facilities, you will be enormously impressed by the cutting edge research that is currently underway. We have a once-in-a-lifetime opportunity to dramatically advance medical research by committing additional resources to these efforts. Together, we should formulate a rational approach for utilizing the proceeds of the tobacco settlement. I propose that a major endowment be dedicated to biomedical research at these facilities while leaving the majority of tobacco funds for significant public health needs. We are so close to solving, once and for all, the riddles of many diseases with this research. These funds can offer a new day and a new life for Nebraskans and for people around the world. In addition to this research, there are many needs to be funded with the remaining portion of the tobacco settlement. You know as I do that there are many health care needs in Nebraska that are not being met. I would submit, however, that there is no, and I repeat, no greater priority for funding than in the area of mental health. I've met families from across the state with heartbreaking stories of loved ones who have no services, no hope, and no future. Their issues are very real to me. To the many families throughout our state who long ago gave up hope, we say our prayers are with you. But most importantly, I want them to know that help is on the way. Therefore, I propose we significantly boost funding for mental health. First, let's agree to make mental health funding the highest priority with the remaining tobacco settlement dollars. Specifically, I propose dedicating \$6 million in tobacco settlement funds for mental health over the biennium. Second, let's join together to increase General Fund support for mental health. Including the tobacco settlement funds, I propose increasing mental health aid from \$28.5 million in the current fiscal year to \$33.6 million in Fiscal Year 2002, and \$38.7 million in Fiscal Year 2003. This represents a more than 35 percent increase over the biennium. I recognize that even more needs to be done and so I pledge to do what I can to help Senator Jensen and the Health and Human

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Services Committee and Senator Wehrbein and the Appropriations Committee to identify mental health needs, to prioritize them, and to fund them. Maybe we can do more than what I have proposed today. Altogether, I am submitting a biennial budget with a two-year average growth rate of 7.4 percent. It's a rate of growth that I am not comfortable with. I wish it were lower. There are three items in my budget recommendations that influence this calculated rate of growth: financing the operational costs of a new prison at Tecumseh; continuing the \$30 million increase in community college aid for direct property tax relief; and providing state funding to school districts when the maximum property tax levy is reduced to \$1. Without these three items, the first year increase would be 3.2 percent, and the two-year average growth rate would be about 4.7 percent. Medicaid, property tax relief, and education funding are very high priorities for our state, but they are not inexpensive to finance and they are driving the growth in the state budget. Consider the total state funding on K-through-12 education, including special education. It will grow from \$708 million in this current fiscal year to \$807 million next year, and to \$846 million in the following year. Any way you look at it, this is a tremendous amount of money. A tremendous amount of state sales and state income tax dollars are being distributed to our local school districts across the state. As I said earlier, no legislative session is entirely new. We do build upon the choices of our predecessors. This legislative session is no exception. In 1996, the Legislature adopted, and the Governor approved, proposals in the areas of property tax relief and state funding for K-through-12 education, and a very deliberate, conscious decision was made to set K-through-12 funding above other state priorities. Education has always been a priority for funding in our state. The facts demonstrate our commitment. Nebraska ranks twelfth nationally in pupil-teacher ratio. We have more teachers per student than 38 other states. Nebraska ranks tenth per capita in state and local government expenditures for education. Educating kids is the higher budget priority per capita in Nebraska for state and local government combined spending than in 40 other states. Nebraska ranks ninth per capita in local government expenditures for elementary and secondary education. Educating kids is a higher spending priority at the local level per capita in Nebraska than in 41

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other states. And Nebraska ranks third, I repeat third, nationally in expenditures for education as a percent of all state and local government expenditures. In this category, we rank higher than 47 other states. Ladies and gentlemen, the dollars we are committing to K-through-12 education this year will redefine those rankings. Today, I submit a budget to you that increases our state investment in K-through-12 education to a level greater than at any point in our state's history. Although, as you know, I disagree with the autopilot nature of the state aid formula that was enacted over my veto in 1999, I can tell you that my budget honors and fully funds the cost of the \$1.10 to \$1.00 levy drop on an aggregate basis. My budget increases TEEOSA funding by 21.7 percent over the course of the biennium. Further, I have increased funding for special education by \$14.3 million over the biennium to assist our local school districts in meeting this rising cost. Last session, I signed legislation, which you passed, boosting the allowable growth rate for the state's share of special education costs. Also last year, Lieutenant Governor Maurstad successfully worked with our congressional delegation to move the federal government closer to fulfilling their commitment to fund a larger share of the cost of special education, and those efforts will continue. I want to recognize our congressional delegation for their commitment to increased special education funding. The federal government has a long way to go in this regard, but I am optimistic that progress will continue. With a dramatically increased state investment in K-through-12 education, it's only natural that we expect a return on our investment. We expect our young people to be prepared to pursue their dreams. Over the last two years, in working with Commissioner Christensen and the State Board of Education, we have advanced a progressive agenda of excellence in education. From accountability, to safety, to standards, I believe our state is moving in the right direction. However, one area that remains to be addressed is school discipline. This session, I urge you to take up and to pass legislation that gives teachers the ability to keep control of their classrooms and to foster a good learning environment. As state policymakers, we walk a fine line when it comes to K-through-12 education. Over time, it has become a part of who we are as a state, not only to demand local decision making in K-through-12 education, but to also fight back any state or

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federal infringement on this sacred philosophy. We've attempted to honor that important value over the last ten years, even as the state has moved from funding 25 percent of the cost of K-through-12 education to funding about 50 percent of the cost today. In building the K-through-12 funding formula, local decision making was honored in many ways, and the money has been distributed with few strings attached. Over the next two years, over \$200 million in new money will flow to K-through-12 districts. Locally elected school boards across our state will decide how best to spend this money based upon their own districts' priorities. Now we are being asked to depart from this practice in some form or fashion to address teacher salaries. An issue that historically has been handled at the local level, district by district, has been carried to the door of the State Capitol. First, I want to say thank you to the Teacher Salary Task Force for their effort to develop recommendations on this issue. We have a much better understanding of the complexities of the issue today than a year ago when they began their work. Today I am announcing my support for some of the task force recommendations. I commit funding for two programs that will help attract students into the teaching profession and improve the quality of teachers in the state of Nebraska. The Attracting Excellence to Teaching Program will provide loans to teacher education students who agree to teach in Nebraska's public or private schools. Borrowers will be eligible to have loan repayment forgiven each year that they teach in our state. The Master Teacher Program will provide an annual financial incentive for public and private school teachers who achieve rigorous national certification. I also want to say thank you to Senator Redfield for introducing legislation at my request to adopt the mentoring program supported by the task force to assist teachers entering the profession. However, one-size-fits-all, across-the-board bonus plan suggested by the task force, in my judgment, is not a workable solution. Their work shows that teacher salaries are above the national average in some areas of the state, while in other areas they are not. This is a complex issue because there are 563 school districts in our state that have been historically free to negotiate and set their own teacher compensation packages. The system has evolved to include endless differences in pay and benefit plans, but that's

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reflective of local control and local decision making. Allow me to briefly point out a few significant issues that illustrate this point. First, benefit packages do matter in evaluating and comparing compensation. Some districts have far superior packages for teachers than other districts. Second, while the pay for teachers in some school districts is well below the national average, pay in other districts is at or above the national average. And, third, some districts have the financial capacity to pay teachers more but have chosen not to do so, while other districts do not have this financial capacity. So let's roll up our sleeves and work in this legislative session to address this issue. I would suggest, very respectfully, these guiding parameters for our discussion: one size fits all is not the solution; any solution must respect local decision making; cooperation must exist between the local and state government; equalization between districts is an important goal and it should not be abandoned; the solution must fit within our current resources--I will not sign a tax increase; and, where possible, within constitutional parameters, private school teachers should be able to participate in any state level programs. Further, I would suggest that the creation of any plan be guided by the principles laid out by the highly respected Milken Family Foundation through their Teacher Advancement Program. The main tenets of the program are: one, teachers deserve opportunities to advance in their profession and should be rewarded for their efforts; two, compensation should be market driven and provide flexibility to reward performance; third, there must be performance-based accountability in hiring, and advancement decisions should be based upon performance reviews; fourth, there must be continuous professional development; and, finally, we must act to expand the supply of high quality teachers. These are the components for a workable solution that I can support and, most importantly, that will truly address the challenges that we have at hand. The debate should not be about how much money we are spending on education or how much money we should spend. The fact is 52 percent of the state budget is dedicated to education. The debate must be about performance, accountability, standards. The debate must be about raising the bar. I look forward to working with Senator Raikes, the Education Committee, and all members of this Legislature and the

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338, 421, 424, 425, 433, 454, 462, 470, 479
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many stakeholders in addressing this issue. My door is always open. Let the dialogue begin. In closing, I know you join me in recognizing that serving and governing is really about priorities. As I've traveled across the state and as I've listened to Nebraskans, it is clear that property tax relief and educating our children continue to top the list of priorities. Let's meet those priorities by providing effective direct property tax relief with an additional \$60 million through community colleges, and let's affirm our commitment to our children's future by enhancing early childhood development programs, increasing state aid to K-through-12 education by \$182 million over the next two years, and by making an additional investment in higher education. It's an agenda that provides tax relief today and sows the seeds for our future. Thank you. God bless you and God bless Nebraska. Thank you very much.

PRESIDENT MAURSTAD: Mr. Clerk, bills.

CLERK: Mr. President, new bills. (Read LB 538-547 by title for the first time.)

Mr. President, in addition to those items, a series of adds: Senator Schimek would like to add her name to LB 512, LB 244; Senator Smith to LB 454; Senator Bruning, LB 462; Senator Landis, LB 168, LB 169, LB 170, LB 171, LB 172, LB 173, LB 174; Senator Cunningham to LB 421; Senator Schimek to LR 2 and LR 1; Senator Redfield to LB 114; Senator Redfield, LB 338; Senator Smith, LB 338; Senator Cudaback, LB 424; Senator Smith to LB 26; Senator Schimek, LB 244, LB 323, LB 479; Senator Cudaback, LB 273; Senator Foley, LB 326; Senator Redfield, LB 425; Senator Redfield, LB 239; Senator Smith, LB 470; Senator Suttle, LB 433. That's all that I had, Mr. President. (Senator Schimek would like to add her name to LR 14CA, Legislative Journal pages 254-257.)

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Speaker Kristensen.

SPEAKER KRISTENSEN: Thank you, Mr. President. Members of the Legislature, I move that we adjourn until tomorrow at 9:00 a.m.

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PRESIDENT MAURSTAD: The motion is to adjourn until tomorrow at 9:00 a.m. Those in favor say aye. Those opposed nay. The Legislature is adjourned.

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