

May 15, 1979

LB 363

SENATOR KOCH: You don't have to. I'll handle it.

CLERK: Okay.

SENATOR KOCH: Some of you have copies of this. The other day we were discussing 363 and some of the unique problems of the various areas, and particularly the Western Tech. In putting in the sparsity factor I have been advised by the assistant in the Attorney General's office that that was somewhat suspect as it pertains to the constitutionality. So I have conferred with Senator Kremer, Senator Nichol, and Senator Hefner and others that in order to make this amendment clean without any constitutional challenge I have to offer this amendment, which says that wherever there is an area they will be able to levy up to their full two mills for operational purposes to get them to a seven percent level, and the message that I'm giving to you is the same as I had before because none of the other areas would apply this. It would strictly be Western, but we're not setting it out as though it is a special type of effort for Western only. Senator Clark had a question of the Attorney General and he can speak to that. He has a copy of it, so that's why I'm offering this amendment, and I ask for the adoption of it. Thank you.

SPEAKER MARVEL: The Chair recognizes Senator Clark.

SENATOR CLARK: I'll agree with Senator Koch. The only reason I asked for the opinion was the fact that I didn't want to get in the same spot we had before where we had one that was unconstitutional and then had to return all the money back and I don't like to see the colleges in that position. I'll certainly agree with his amendment.

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: Mr. Chairman and members, just very briefly to support the Koch amendment to LB 363. The only thing we're doing here is it applies to all of the tech colleges but there is no way that I can see that because of the sparsity factor that anyone will take advantage with the exception of Western that is in real trouble if we do not pass this amendment offered by Senator Koch. I support the amendment, and encourage others to vote for it so we can take care of the problem that exists out in western Nebraska.

SPEAKER MARVEL: Senator Nichol.