

January 19, 1981

LR 6
LB 311-356

read some bills in now, we will recess until 3:30 and come back and hopefully there will be more bills to process and then I would like to have a meeting with the chairmen in Room 1520 at 9:00 tomorrow morning. The Clerk now will....Senator Carsten.

SENATOR CARSTEN: Mr. President, I am hopeful to have a meeting of the Revenue Committee at 3:00. We may be a little late getting back in Exec Session, so I just wanted to alert you of that.

SPEAKER MARVEL: Okay. Senator Carsten is calling a meeting of the Revenue Committee for three o'clock this afternoon. In which room? 1520. Okay, Mr. Clerk, go ahead.

CLERK: Mr. President, first of all, Senator Marsh has an explanation of vote to be inserted in the Journal. (See page 244 of the Legislative Journal.)

New bills, Mr. President. Read by title LB 311-355 as found on pages 244 through 255 of the Legislative Journal.

Mr. President, new resolution. (Read LR 6 as found on pages 255 and 256 of the Legislative Journal.)

Mr. President, Senator DeCamp asks unanimous consent to have the names of all the members added as co-introducers to LR 6.

SPEAKER MARVEL: Okay, the motion before the House is the unanimous consent request that all names be added to the resolution which was just read. Is there objection to that motion? If not, the motion is so ordered.

CLERK: Mr. President, pursuant to our rules....

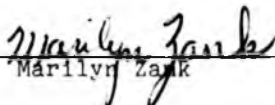
SPEAKER MARVEL: It will be in the Journal?

CLERK: Yes, sir, it will be taken up some time later.

Mr. President, LB 356. (Read title to LB 356 as found on pages 256 and 257 of the Legislative Journal.)

SPEAKER MARVEL: Okay, the motion by Senator Marsh to recess until 3:30 p.m. All those in favor of that motion say aye. Opposed no. We are recessed until 3:30 this afternoon.

Edited by:


Marilyn Zark

LB 9, 34, 51, 78, 91, 124,
125, 133, 150, 178, 195,
205, 223, 272, 273, 273A
277, 317, 320, 321, 345
363, 376, 409, 439, 459

March 6, 1981

PRESIDENT LUEDTKE PRESIDING

REVEREND GERALD LUNDBY: (Prayer offered.)

PRESIDENT: Senator Higgins, do you want to put your light on and then we will make sure we have got enough. Thank you. Record the presence, Mr. Clerk.

CLERK: There is a quorum present, Mr. President.

PRESIDENT: A quorum being present, is there any corrections to the Journal?

CLERK: I have no corrections to the Journal, Mr. President.

PRESIDENT: All right, the Journal will stand correct as published. Any messages, reports or announcements?

CLERK: Yes, sir, I do. Mr. President, first of all, your committee on Education whose Chairman is Senator Koch to whom was referred LB 78 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 317 General File with amendments; 320 General File with amendments; 321 General File with amendments; 91 Indefinitely postponed; 223 Indefinitely postponed; 363 Indefinitely postponed; 439 Indefinitely postponed. (Signed) Senator Koch, Chair.

Mr. President, your committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp to whom was referred LB 376 reports LB 376 to General File with amendments; LB 133 Indefinitely postponed; and 277 Indefinitely postponed. (Signed) Senator DeCamp, Chair.

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 51 and find the same correctly engrossed; LB 125 correctly engrossed; 150 correctly engrossed; 195 correctly engrossed; 205 correctly engrossed; 272 correctly engrossed; 273 correctly engrossed; 273A correctly engrossed; 409 correctly engrossed; and 459 correctly engrossed. (Signed) Senator Kilgarin, Chair.

Mr. President, LB 9, 34, 124, 178 and 345 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LB 9, LB 34, LB 124, LB 178, and LB 345.

March 23, 1981

LB 40, 157A, 253, 317,
427A, 472A, 478, 543

SPEAKER MARVEL: The first motion is, shall the House go under Call? All those in favor vote aye, opposed vote no. Record.

CLERK: 16 ayes, 5 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators return to your seats, record your presence, unauthorized personnel please leave the floor, and as soon as everybody is in their seats, we will proceed with the roll call vote.

CLERK: Mr. President, while we are having members check in, Senator Lamb would like to print amendments to 317; Senator Hoagland to 253.

I have a corrected committee statement for LB 543 from the Banking Committee.

An announcement from the Administrative Rules and Regulations committee.

Appropriations Committee gives notice of executive meetings Monday, March 23 at adjournment and for March 24, 25 and 26.

New A bills, LB 157 A, (title read); LB 472A, (title read); and LB 427A, (title read).

Senator Hoagland would also like to print amendments to LB 478, Mr. President.

SPEAKER MARVEL: Senator Burrows, do you want to record your presence? Senator Pirsch, do you want to record your presence? All legislators must be in their seats before we can start the roll call. Call the roll. The motion before the House is the advancement of the bill. Senator Barrett, for what purpose do you arise?

SENATOR BARRETT: Mr. Speaker, I respectfully request the roll call be reversed.

SPEAKER MARVEL: Okay, go ahead, Mr. Clerk.

CLERK: (Roll call taken in reverse commenced.)

SENATOR WIITALA: I would just like to say I have no objections.

SPEAKER MARVEL: Okay, a roll call vote has been requested. Go ahead. Proceed with the roll call.

CLERK: (Roll call taken in reverse. See vote on page 1075,

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LB 392, 317, 478

CLERK: Senator Nichol voting aye.

SENATOR NICHOL: Have you all voted? Please vote. Record.

CLERK: 26 ayes, 0 nays on a motion to advance the bill.

SENATOR NICHOL: The bill is advanced. May I have your attention and please direct it to the North balcony. Underneath the North balcony toward the rear, Senator Sam Cullan has his sister with him, Mary Ann Litzau of Fort Collins, Colorado. We will move on to LB 317.

CLERK: Mr. President, LB 317 was introduced by the Education Committee and signed by its members. (Read.) The bill was originally read on January 19. It was referred to the Education Committee. The bill was advanced to General File. I do have committee amendments pending by the Education Committee.

SENATOR NICHOL: Senator Koch, do you wish to be recognized?

SENATOR KOCH: Thank you, Mr. Chairman, I am sorry I did not realize we were there so quickly but since this is a priority bill and there may be some questions, I would just as soon that we pass on. I am sorry I did not catch it sooner.

SENATOR NICHOL: All right, thank you, Senator Koch. Okay we will move on to LB 478.

CLERK: Mr. President, LB 478 is introduced by Senator Carole Pirsch. (Read.) The bill was read on January 20. It was referred to the Revenue Committee. It was advanced to General File. There is a committee amendment by the Revenue Committee, Mr. President.

SENATOR NICHOL: Senator Cal Carsten.

SENATOR CARSTEN: Mr. President, I move for the adoption of the committee amendments and the committee amendments only add the emergency clause is all they do. Thank you.

SENATOR NICHOL: Thank you. We are voting on the emergency clause. Please indicate by voting aye, in favor, opposed no.

CLERK: Senator Nichol voting aye.

SENATOR NICHOL: Please record your vote. Please record your vote. We are having a little problem here getting enough votes. Record.

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LB 327, 181, 284, 317

you all voted? While you are voting on the adoption of the committee amendments, from Senator Kahle and Cope's district 21 students, three adults from Kenwood School, Kearney, Nebraska, Becky Brown, Gayle Asche, Lyle White, teachers, North balcony. Do you want to hold up your hands so we can see where you are from Kearney? From Senator VonMinden's district 55 students from Wayne Middle School, Wayne, Nebraska, Dan Johnson, teacher, North balcony. Do you want to show us where you are? Welcome to you. Record.

CLERK: 28 ayes, 0 nays, Mr. President, on the motion to adopt the committee amendments.

SPEAKER MARVEL: Senator Landis.

SENATOR LANDIS: Mr. Speaker, the speech on the committee amendments serves also to explain the bill. I will simply add this final note. The purpose of LB 327, and this maximum on exemptions, is to control the very large and sophisticated and well-to-do person who goes through bankruptcy who can utilize the loophole that we have had in Nebraska law up until this time, to buy a life insurance policy, a paid up life insurance policy just before going through bankruptcy that has 80 or a 100 thousand dollars of value and then because of our Nebraska law, have that value survive bankruptcy and that is the intent behind LB 327, is to cut off that kind of practice and that is why I ask for its adoption and move that it be advanced to E & R initial.

SPEAKER MARVEL: The motion is to advance the bill to E & R initial. All those in favor vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 26 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Now I think the Clerk has an item or two to read in. Right?

CLERK: Yes, sir. Mr. President, Senator Lamb would like to print amendments to LB 317; Senator Wesely to print amendments to LB 181. Senators DeCamp and Schmit ask unanimous consent to withdraw all their amendments as well as their names from any amendments offered jointly to LB 284 and, finally, Mr. President, Senator Warner would again like to remind the Appropriations Committee to meet today upon adjournment in Room 1003.

SPEAKER MARVEL: Okay, members of the Legislature, I wish

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RECESS

LB 317, 317A

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Have you all recorded your presence? Record, Mr. Clerk.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Do you have any messages, reports?

CLERK: Just one item, Mr. President, new A bill, LB 317A offered by Senator Koch. (Read title.) (See page 1189 of the Journal.)

SPEAKER MARVEL: The first order of business this afternoon is item #6, LB 317.

CLERK: Mr. President, LB 317, introduced by the Education Committee and signed by its members. (Read title.) The bill was originally read on January 19. It was referred to the Education Committee. The bill was advanced to General File. I do have committee amendments pending, Mr. President, by the Education Committee.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker and members of the body, I would like to speak to the total bill. Before I can, it's imperative that we adopt the committee amendments. After the adoption then I will take you through the bill and its intent section by section. I ask for the adoption of the committee amendments to LB 317.

SPEAKER MARVEL: The motion is the adoption of the committee amendments to LB 317. All those in favor vote aye, opposed vote no. We are voting on the adoption of the committee amendments. Have you all voted? Record the vote.

CLERK: 25 ayes, 0 nays on adoption of the committee amendments, Mr. President.

SPEAKER MARVEL: The motion is carried. The committee amendments are adopted. Senator Koch, do you wish to explain the bill?

SENATOR KOCH: Thank you, Mr. Speaker. LB 317 is a priority committee (sic) introduced by the Education Committee. And very briefly I will give you an overview of what it does and then take you through the sections. But what LB 317 would do would entitle all mentally retarded individuals access to residential care facilities and

programs regardless of age or other handicapping conditions, and placement in residential care facilities of individuals less than 21 years of age shall be made at no cost to the parent or school district. Any parent, guardian, school district or regional office may appeal the placement decisions as we do in most everything that deals with special education. When interested parties request a hearing with regard to the placement and are not satisfied by such hearing, LB 317 would allow for judiciary review of placement by filing a petition in the District Court. During the time the judicial proceedings are pending, the child shall remain in the current educational placement or be placed in the public schools when applying for the first admission. If during this time the school district determines that the health and safety of the child or other persons is endangered by the delay, it may make such changes it feels is necessary. School districts of student residents would be required to pay the reimbursable cost approved by the State Department of Education. The educational program is operated by the Department of Public Institutions. Excess costs would be the responsibility of the agency providing the service. This proposed legislation would also require the budget submitted annually by the mentally retardation regions to include the anticipated cost for providing residential care facilities for mentally retarded as well as any excess cost, which would not be reimbursable as approved by the State Department of Education. According to our legal counsel of the Education Committee, partial intent of this bill is to allow the tighter monitoring of funds. Presently funds flowing through the State Department of Education to the regional programs are not always looked at very carefully. One further change of LB 317 is the change in mileage reimbursement rate to parents who transport their children to educational programs. The present rate is 17 cents. This would change it to the amount currently paid to state employees and I think Senator Wagner has a bill that is an omnibus bill that is over on Final Reading that we can speak to later on. If you are looking for a synopsis of the bill, we have placed on your desk a synopsis by section. Section 1 is the intent statement. It reiterates the adopted policy of the Nebraska Legislature over a series of years...period of years to serve the residential needs of all handicapped children. Section 2 provides the regional offices of mental retardation are the responsible agencies for the assuring the provision of the necessary services. The regional offices may provide the services directly or contract with other agencies including private vendors for the necessary service.

Section 3 defines necessary residential service to be respite care, in-home assistance or an actual facility. Costs for such a program of services shall not be born by the parent or school district. Placement shall be in a program or service as close to home as possible in a setting that is as ordinary as possible for the child. Section 4 provides that the individual education program determination process where it sometimes will be called the IEP, for each handicapped child under 21, that all parties directly involved participate in the planning and decision making. This section also assures that all parties have a right to appeal any residential placement through the proper statutory appeal process. Section 5 is the original Section 7, and provides for promulgation of the necessary rules and regulations by the Department of Public Institutions. Section 6 is the original Section 5 and amends the present statute, 43-647, to provide emphasis that the State Department of Education shall provide approved educational cost levels of all service agencies pursuant to the adopted rules and regulations. Section 7 is the original Section 6. It provides the types and amounts of costs to be billed to school districts for programs provided by the service agencies shall be made consistent to educational state costs approved by such special educational programs. All noneducational costs incurred in programs provided by state agencies are to be born by the state through that agency. And Section 8 provides that mileage payment to parents shall be consistent with the amounts paid to state employees. This provision is also in LB 204 and we can take this out on Select File if we think it is necessary. Section 9 transfers funding for residential care responsibility from the Department of Education to the Regional Office of Mental Retardation. And Section 10 provides language to assure the regional offices of mental retardation the opportunity to initiate hearings on matters relating to any placement under this act. In other words, if they feel the placement is not appropriate, they have a hearing and can refuse and if the hearing officer upholds it, the placement will not be made. Section 11 provides for clarification and modification of due process and procedural safeguards to the existing appeal process as recommended by the Office of the Attorney General. And Section 12 provides proper budgeting in county procedures relative to this act and further provides language to ensure proper funding for programs and services that we are intending to be brought into the law under this piece of proposal or legislative proposal. And the last section has a repealer clause. Now, as you know, the Education Committee for many years has been looking at Special

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LB 317

Education and Nebraska, I think, without a doubt is one of the leaders in the nation, and I am always amazed when I go back to conferences with other state legislators when they talk about their problems, they are indeed a considerable distance behind us. A year ago this body brought, or the Education Committee brought to this body a coordinated commission where we said we would bring all the agencies dealing with Special Education and the handicapped under a memorandum agreement. Presently they are working on that and I have an update on that program. I will be willing to give that to you at a later time if you desire a copy. Now what we are trying to do is bring the mental retardation districts into a position of responsibility on certain occasions, primarily where residential care could be considered as appropriate. This is what this bill is basically about. Now I will give you examples. There are several cases throughout the State of Nebraska where we have children who are severely and profoundly handicapped. The question is residential care. The best residential care would be offered by a mental retardation district. However, there is nothing in the law presently which says that they have to be concerned about this. And I believe if we are going to look at the care and the education of a student, then we should look also at residential care which may be most appropriate. For example, around Hastings, Nebraska there is a case where a child severely and profoundly handicapped is being offered education in that vicinity. However, the residential care is a big issue, and if it goes on to its end, it could well be that that school system will have to provide a residential care that could amount to something like \$60,000 a year, when nearby is a mental retardation office that has facilities where this child may properly be placed, be near the parents and be an appropriate environment for his residential situation. This is what this bill is about, to try to bring the office of mental retardation and the regions into a responsible position of how we are going to take care of the problem of educating children beneath the age of 21. I ask this legislative body to consider seriously the intent of LB 317. I think it is important. The committee does and would hope that you would consider it equally important with us. There is an A bill attached to it. We always get down to dollars. Might as well speak to it. It's up there. I remind you the bill calls and I think just the amount is....Pat, do you have that figure up there? I don't have a copy in front of me right now.

CLERK: Senator, I don't have it with me. It's out in

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LB 317

the Journal Clerk's office. We won't process it today anyway until it is printed, so....

SENATOR KOCH: The amount is six hundred and some odd thousand dollars, as I recall, however, I would like to point this out to you, that 305,000 plus of that dollar would be a transfer from the Department of Education to the DPI institution. So what you are really looking at is a cost of approximately \$383,510. That would be to the regions and this would be for residential costs and the amount would be for Region 1 in Scottsbluff, \$76,000; Region 2, South Central, \$11,000; for Region 3, Hastings and Grand Island area and Kearney area, \$8000; Region 4 which is Wayne in northeast Nebraska, \$211,000; for Lincoln, Region 5, \$56,000; for Omaha, Region 6, approximately a little over \$19,000. That is where that amount comes from. And, of course, presently if we do not do this, then the schools would be responsible for that amount. I believe the schools are under enough attack for their costs without adding residential care to the cost of educating a child. I know that residence has a considerable amount to do with learning. However, with this kind of condition, it would appear to me that since we have relieved Beatrice and the state institutions for years and took care of these kinds of problems at state cost, it is not unreasonable for us to say that the mental retardation regions shall pick up some residential costs where in the best interests of the child that environment is most equitable. So I am suggesting then that we treat the regions with this amount of money. This figure was brought to me this morning by a member of the fiscal office and I think it is appropriate. These, then, figures would be state funds, would not be charged back to the schools and I would hope that you would accept this as a reasonable state fund program for the regional offices in carrying out their role and mission. Thank you.

SPEAKER MARVEL: Before we proceed, I assume that you have already heard the news, but I will repeat it, that President Reagan was coming out of a hotel following his speech, shot at, wasn't hit but his Press Secretary was shot in the head, and a Secret Service man and a policeman also were hit. President Reagan is on his way to the hospital to be with Mr. Brady who is the Press Secretary. Okay, there is an amendment on the desk.

CLERK: Mr. President, first of all, Senator Lamb had an amendment on page 1079 he wishes to withdraw, and in lieu thereof I have an amendment from Senator Lamb to the bill that is on page 1174 of the Journal.

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LB 317

SENATOR LAMB: Mr. President and members of the Legislature, the amendment in the Journal represents an effort on my part to attempt to correct a problem that I have with the regional governing system. We have had cases in our area in my legislative district in one of the regions and I represent an area which includes parts of three regions. But in this one particular region we have had a problem in that the people in the far end of the region feel that they do not get the proper services from the region, and in a situation like that, as you may have found and as I have found, there really is no method of recourse. There is no place to go. If the regional governing board which consists of 22 persons from 22 separate counties are not sympathetic to the problem in this one area, you are just stuck. The Director of the Department of Institutions has no authority over what happens in the region. No one else has any authority and since a 22 county area is not really a local, what you can really call a local subdivision, it is very frustrating for people to really get the services to which they feel that they are entitled. So the amendment to this bill, and it is very similar to another bill which I have, LB 183, is an attempt to give the Director of the Department some authority in those particular cases. Now, as I mentioned, LB 183 is also an effort in this same direction. The Public Health Committee has decided that LB 183 should be held for an interim study this summer. I concur in that decision, and I am hopeful that some method will be found which will not destroy the regional system as we have now, but will give some sort of oversight to some other body or person, such as the Director of the Department of Institutions, so that in those cases where there is a legitimate complaint that there is some recourse in those situations. So with the assurance from the Public Health Committee that this subject will be explored this summer and not wanting to delay the proceedings here and particularly the Education Committee's bill, LB 317, I will ask that the amendments be withdrawn.

SPEAKER MARVEL: Senator Lamb, you were withdrawing the amendments, right?

SENATOR LAMB: Yes.

SPEAKER MARVEL: Okay. Hearing no objection, so ordered. Senator Haberman. Senator Cope. Senator Wesely.

SENATOR WESELY: Yes, Mr. Speaker, members of the Legislature, I would like to say that in response to the Lamb

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LB 317

amendments which have now been withdrawn that the Public Health Committee has discussed the issues involved with that bill and they do relate peripherally to LB 317 and I have talked to some committee members just today and there certainly is a commitment on the part of the committee to look into the situation as far as the regions that we have now servicing in this area, and so I am quite convinced the committee is serious about looking at the matter, and we pledge our cooperation with Senator Lamb to come up with some solution to this problem over the interim. So I certainly want to thank Senator Lamb for withdrawing those amendments and we certainly will be looking into the matter further.

SPEAKER MARVEL: The Chair recognizes Senator Koch to close. Okay. Senator Cope, do you wish to be recognized?

SENATOR COPE: Yes. Mr. President and members a question of Senator Koch.

SENATOR KOCH: Yes, sir.

SENATOR COPE: Senator Koch, in looking over the testimony and also the correspondence I have had it seems that it is rather the friction between two groups of schools and the regions. Now explain to me why. I mean that would make a difference I am sure in my decision.

SENATOR KOCH: If you will look in your book, you will look at opponents and proponents and sometimes it is rather misleading. The biggest problems of the regional organizations was funding, and they were concerned that their budget is different than schools and they would go through a process whereby they wouldn't get the dollars that were necessary to provide the residential care that might be forthcoming. And, of course, I advised them that we could do like we do the schools, we could always deficit appropriate and that is neat for schools but not always appropriate for agencies. However, I think we resolved this because we are putting an A bill with it that says we are going to distribute among those regions based upon the best count we have, approximately 86 students, that they will be given by region the dollars that I have mentioned in my testimony, which amounts to about \$383,510, which I believe is more than ample based upon the present conditions. That should resolve the problem. By the way, I have talked to Mr. Paul, I have talked to some of the county people, and they now are in support primarily of the bill. They have no strong resistance to it, as long as the dollars are there to

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LB 263, 317, 447, 450,
451, 459, 448

provide the service.

SENATOR COPE: Thank you.

SPEAKER MARVEL: Senator Koch, do you want to close?

SENATOR KOCH: Mr. Speaker, I will be very brief. I know that in visiting with Senator Warner and other members of the committee, Appropriations, that we do have some problems in relationship to dollars to be expended for certain kinds of services, but I am requesting that this body place the bill eventually on Final Reading and it will have to rest there for a while until we determine how monies are going to be appropriated, and if we find that there is some way we can squeeze a little bit, I would think it would be most appropriate that this bill be advanced and that we try this. The reason I say this is that I don't know how the Appropriations Committee handles all the agencies working with the handicapped in the different kinds of programs, but I am certain with what we did last year in the Coordinating Commission, now we take the mental retardation districts into consideration that we are going to get a more coordinated effort and that we are going to have a sharing of responsibilities, a rightful sharing of responsibilities in regard to education, residential care and a host of other problems that are naturally associated with that issue. I am asking that the body advanced LB 317 to E & R Initial as amended.

SPEAKER MARVEL: The motion is to advance the bill to E & R Initial. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 27 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion carried. The bill is advanced.

CLERK: Mr. President, while we are waiting, your committee on Public Health and Welfare whose Chairman is Senator Cullan, reports 448 to General File with amendments, 459 to General File with amendment, 450 to General File with amendments, 451 to General File, 263 to General File with amendments, 447 indefinitely postponed. (See pages 1190 through 1193 of the Legislative Journal.)

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LB 113A, 179, 292, 292A,
317, 327, 479.

amendments; 113A, Select File; 327, Select File; 317, Select File; 292, Select File with amendments; 292A, Select File; 479, Select File. All signed by Senator Kilgarin as Chair, Mr. President. (See pages 1235 through 1238 of the Legislative Journal.)

SPEAKER MARVEL: The next order of business is Final Reading, item #4. All legislators will please take your seats so we can proceed with Final Reading. All unauthorized personnel please leave the floor. The first bill on Final Reading is LB 179E. Senator Koch, your light is on, did you wish to be recognized? Okay. LB 179E.

CLERK: Mr. President, I have a motion on the desk. Senator Hoagland moves to return LB 179 to Select File for a specific amendment, and there are copies that have been distributed, Mr. President.

SENATOR HOAGLAND: Mr. Speaker and colleagues, we had intended to have this printed in the Journal but we adjourned abruptly enough yesterday so it was not done, and I apologize for that. I would ask you to turn to page 19 of the bill. This is an amendment which is of a technical nature basically, in my opinion, and I apologize for holding up final passage of a bill as long as this to get this change made or to seek this change made but I think it is important enough to do it. If you turn to page 19 and review Section 12 of the bill, there is an inference there in that section that if there is a lawsuit filed against a public employee or public official and that lawsuit is successful, why then the public official or public employee has to pay the entire damages out of his own pocket if the jury in that lawsuit or the court in that lawsuit finds that his action was not reasonable or that his action was not in good faith. Now, what the amendment would provide is that the political subdivision that he is working for will pay the judgment against him as long as he operated...let me get the language here, within the scope of his office or employment. The amendment goes on to provide that there is nothing that should be construed to prevent the discipline of an employee or an official who does not act reasonably and in good faith in the performance of his duties. Now the reason I think this is important is because if this particular provision stays in the law, in my opinion it is going to scare the living daylights out of a lot of public officials and a lot of public employees and they are not going to execute their statutory functions as they should. Now let me try and give you two examples of why I think this could have a detrimental

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LB 478, 113, 113A, 317

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion carried. The bill is advanced. Okay, LB 113.

SENATOR KILGARIN: I move the E & R amendments to LB 113.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The amendments are adopted. Do you want to advance the bill? 113.

SENATOR KILGARIN: I move LB 113 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced.

CLERK: Yes, sir, the A bill.

SPEAKER MARVEL: The A bill. Okay 113A.

SENATOR KILGARIN: I move LB 113A be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. Let's see, 327 we pass over at the request of Senator Landis for one day and we go to 317.

SENATOR KILGARIN: I move LB 317...I move the E & R amendments to LB 317.

SPEAKER MARVEL: Okay, the motion is the adoption of the E & R amendments. All those in favor of that motion say aye, opposed no. The motion is carried. The E & R amendments are adopted.

CLERK: Mr. President, Senator Koch moves to amend the bill by striking Section 8.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker, the other day we were talking about 317 and I advised you then that I would probably strike this portion of the bill. There is no need for it to be in this bill. It's redundant since the same language is in LB 204 authored by Senator Wagner. So what I am saying, rather than to have this language in 317, since it is in 204, and it applies to mileage for parents transporting children who are eligible for that mileage, this is the appropriate place for it because that is an omnibus bill dealing with the mileage and the amount to be charged. So I am asking that we strike this section in 317. The amount of money that is in 317A then would accrue...or is already in 204A, which has to do...it's

April 7, 1981

LB 292, 317

about \$192,000 which is money that is given to parents who transport their children who are handicapped. I ask for the deletion of this part of LB 317.

SPEAKER MARVEL: Okay, the motion is to strike Section 8 of the bill. Senator Wagner, do you wish to speak to that motion?

SENATOR WAGNER: Yes. Mr. Speaker and members, I certainly support Senator Koch's amendment up there because it is strictly just a duplication like he indicated, and, therefore, I support the amendment.

SPEAKER MARVEL: The motion is the adoption of the Koch amendment as explained by Senator Koch, to LB 317. Do you want to close, Senator Koch? Okay, all those in favor of the Koch amendment to LB 317 vote aye, opposed vote no. Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President.

SPEAKER MARVEL: The motion is carried, amendment is adopted.

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

SPEAKER MARVEL: Excuse me.

CLERK: I have nothing further on the bill.

SPEAKER MARVEL: Do you want to advance it? Okay, Senator Kilgarin.

SENATOR KILGARIN: I move LB 317 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. The next bill is 292.

SENATOR KILGARIN: I move the E & R amendments to LB 292.

SPEAKER MARVEL: All those in favor of that motion say aye....

SENATOR KILGARIN: I also move to amend the E & R amendments to 292 as follows: "In Section 2, line 2 strike 'Farms' and insert 'Forms'." F-o-r-m-s.

SPEAKER MARVEL: The motion is the adoption of the E & R amendments...Kilgarin amendment to the E & R amendments to

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LR 54
LB 167, 72, 205, 378, 40,
44, 87, 173, 292, 292A,
317, 536,

SENATOR CLARK: We have about three pages left. Can we get the Legislature to take their seats and vote on the bill. Continue.

ASSISTANT CLERK: Continues to read LB 167.

SENATOR CLARK: Everyone is in their seats please. All provisions of law having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: 30 ayes, 13 nays, 5 present and not voting, 1 excused and not voting. Vote appears on page 1375 of the Legislative Journal.

SENATOR CLARK: The motion passed, the bill is passed. We have 40 students from Westlawn Elementary School in Grand Island in Howard Peterson's district. Roger Lee is the teacher. They are in the north balcony. Could you raise your hands please. Welcome to the Unicameral. We will now go to item six.

CLERK: Mr. President, your Enrolling Clerk respectfully reports that she has presented to the Governor at 11:00 a.m. LB 72 and 205.

Senator Marsh would like to print amendments to 378.

The Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 40 and find the same correctly engrossed, LB 44 correctly engrossed, LB 87 correctly engrossed, LB 317 correctly engrossed, LB 292 correctly engrossed, 292A correctly engrossed, 173 correctly engrossed and LB 536 correctly engrossed.

Mr. President, a new resolution. Read LR 54. That will be laid over Mr. President.

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LB 292, 292A, 317

CLERK: Mr. President, Senator Warner offers an explanation of vote on 427 and 427A.

Read LB 292 on Final reading.

SENATOR CLARK: All provisions of law according to procedure having been complied with, the question is, shall 292 pass with the emergency clause attached. All those in favor vote aye, all those opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: 40 ayes, 5 nays, 4 present and not voting. Vote appears on pages 1951-52 of the Legislative Journal.

SENATOR CLARK: The bill is declared passed with the emergency clause. The Clerk will now read LB 292A.

CLERK: Read LB 292A on Final Reading.

SENATOR CLARK: All provisions of law according to procedure having been complied with, the question is, shall the bill pass with the emergency clause attached. All those in favor vote aye, all those opposed vote nay. Have you all voted? Record the vote.

CLERK: 41 ayes, 5 nays, 3 present and not voting. Vote appears on page 1952 of the Legislative Journal.

SENATOR CLARK: The bill is declared passed with the emergency clause attached. LB 317.

CLERK: Read LB 317 on Final Reading.

SENATOR CLARK: All provisions of law according to procedure having been complied with, the question is, shall the bill pass. All those in favor vote aye, all those opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Once more, have you all voted? Record the vote. Senator Koch. Record the vote.

CLERK: 27 ayes, 18 nays, 4 present and not voting. Vote appears on pages 1953-54 of the Legislative Journal.

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LB 317, 317A, 22, 22A

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The bill is declared passed on Final Reading. The next bill 22? 317A.

CLERK: Read LB 317A.

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass. Those in favor vote aye, those opposed vote no. 317A. Have you all voted? The bill needs 30 votes. Have you all voted? Record.

CLERK: 30 ayes, 17 nays, 2 present and not voting. Vote appears on pages 1954-55 of the Legislative Journal.

SPEAKER MARVEL: The bill is declared passed on Final Reading.

CLERK: Mr. President, Senator Warner offers explanation of votes for 317 and 317A.

SPEAKER MARVEL: LB 22, the Clerk will read.

ASSISTANT CLERK: Read LB 22 on Final Reading.

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass. Those in favor vote aye, those opposed vote no. LB 22 on Final Reading. Record.

ASSISTANT CLERK: 30 ayes, 14 nays, 5 present and not voting. Vote appears on page 1956 of the Legislative Journal.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read LB 22A on Final Reading.

CLERK: Read LB 22A on Final Reading.

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass. Those in favor vote aye, those opposed vote no. LB 22A. Record.

CLERK: 31 ayes, 12 nays, 6 present and not voting. Vote appears on page 1956-57 of the Legislative Journal.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read on Final Reading LB 158.

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LB 22, 22A, 157, 157A, 158, 158A,
168, 168A, 197, 197A, 245, 245A,
253, 253A, 292, 292A, 317, 317A,
427, 427A, 529

RECESS

SPEAKER MARVEL PRESIDING

CLERK: There is a quorum present, Mr. President.

SPEAKER MARVEL: The Clerk has some items on the desk that need to be read in for the record.

CLERK: Mr. President, I have for your signature LBs 197, 197A, 245 and 245A, LBs 168, 168A, LB 157 and 157A, LB 427 and 427A, LB 292, 292A, LB 317 and 317A, LB 22 and 22A, and LB 158, 158A, and 253 and 253A, Mr. President.

Mr. President, Senator Chronister would like to print amendments to LB 529 in the Journal. (See page 1963 of the Legislative Journal.)

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign engrossed LB 197, engrossed LB 197A, engrossed LB 245, engrossed LB 245A, engrossed LB 168, engrossed LB 168A, engrossed LB 157, engrossed LB 157A, engrossed LB 427, engrossed LB 427A, engrossed LB 292, engrossed LB 292A, engrossed LB 317, engrossed LB 317A, engrossed LB 22, engrossed LB 22A, engrossed LB 158, engrossed LB 158A, engrossed LB 253, engrossed LB 253A. Before we begin with some other bills, it is my privilege to introduce a number of visitors from Senator Cope and Kahle's Districts, ten students, 1st to 10th Grade, First Church of God Christian Academy, Kearney, Pastor Larry Lautaret, Jane Perry, teacher and Chester Trew, sponsor. In the north balcony. Will you hold up your hands so we can see where you are? Okay. From Senator Howard Peterson's District, eight students K through 12th Grade, Calvary Academy, Grand Island, Nebraska, Agnes Rich, Louise Bonne and Bonnie Skala, teachers. Where are you located? Okay. From Senator Chronister's District, eleven students from District 9, District 43, Wisner, Nebraska. Miss Koester and Miss Kansier, teachers. North balcony. Where are you located? Okay. From Senator Dworak's District five students, 3rd and 7th Grade from Christian Liberty Academy, Leigh, Nebraska, Susan Turvy, teacher, also Barbara Hall, in the south balcony. Are you in the south or north? From Senator Beutler's District sixteen 4th Graders, Hawthorne Elementary School, Lincoln, Nebraska, Mrs. Stephenson and Mrs. Anderson, teachers, in the north balcony. Where are you located? From Howard Peterson's District seven students K through 12th Grade, York Christian Academy, York, Nebraska, Edward Moray, Irene Moray, teachers. Where are you located? Okay. From

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LB 22, 22A, 144, 144A, 157, 157A, 158,
158A, 168, 168A, 188, 188A, 197, 197A,
204, 204A, 207, 207A, 243, 245, 245A,
317, 317A, 253, 253A, 292, 292A, 427, 427A

Mr. President, your committee on Enrollment and Review respectfully reports....your Enrolling Clerk reports that she has presented to the Governor those bills that were read this morning on Final Reading. (See page 1977 regarding LBs 207, 207A, 188, 188A, 144, 144A, 204, 204A, 197, 197A, 245, 245A, 168, 168A, 157, 157A, 427, 427A, 292, 292A, 317, 317A, 22, 22A, 158, 158A, 253, 253A, in the Legislative Journal.)

SENATOR CLARK: I would like to announce the guests of Phyllis Todd from Senator Beutler's District, Mr. Kim, Mrs. Kim and Mrs. Bae-Pusan from Seoul, Korea. They are under the south balcony. Will you stand and be recognized, please? They are in the south balcony. Welcome to the Legislature. LB 243.

CLERK: Mr. President, LB 243 was a bill introduced by Senator Schmit. (Read title.) The bill was first read on January 16, referred to Ag and Environment. The bill was considered by the body on April 10, Mr. President. At that time the committee amendments were adopted. There was an amendment from Senator Schmit that was adopted. The bill failed to advance on that date, Mr. President. I have nothing further on the bill.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I am going to ask you once again to consider LB 243. The bill was heard and discussed and debated at length. The previous time it was up it received 23 votes to advance on a Friday afternoon with about 27 or 8 people on the floor. I think that the fact that we have discussed the bill should perhaps wipe out any reason for a lot of lengthy debate. I know there are a lot of other bills that you want to get to today. I just want to say in reply to a piece of material that is lying on your desk, two and a half pages in length, which casts serious doubts about the problems that LB 243 can cause, I want to say this. You will recall that Senator Kremer and myself and along with several...at least 23 others in this body successfully added about \$2 million to the water development fund. There are rumors now that they may want to cut that back in the Executive Office to \$3 million from 4. That means that we will have about an additional \$800,000 in the water development fund, 50 cents per capita. Not exactly an overwhelming amount of public support I would guess for water development. My concern as I have indicated many times on this floor is this, if we are going to use funds that have been generated by a subdivision of government for

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LB 523, 317, 317A,
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are guests of Barbara Hovland and Mathew Stacey and Vicky Wiese. Would you please stand so we may recognize you. Welcome to the Unicameral. Senator Schmit, will you please record your presence. Senator Wiitala, will you please... Senator Maresh, will you please record your presence. Senator Vard Johnson. Senator Chambers, will you record your presence please. Senator Pirsch. Mr. Sergeant at Arms, Senator Pirsch is the only one who is absent at the moment. Let's proceed with the roll call, Mr. Clerk.

CLERK: (Read roll call vote as found on page 2082 of the Legislative Journal.) 25 ayes, 23 nays, Mr. President, on adoption of the committee amendments.

SPEAKER MARVEL: The motion is carried. The committee amendments are adopted. Now the motion is the advancement of the bill. All those in favor of that motion vote aye, opposed vote no. Okay, record the vote.

CLERK: 30 ayes, 8 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Now go to the next item. The Clerk has a message to read and then we will go to LB 352.

CLERK: Mr. President, I have a message from the Governor. (Read message from Governor as found on pages 2083-2084 of the Legislative Journal: Re: LB 317, 317A.)

SENATOR NICHOL PRESIDING

SENATOR NICHOL: We will move on to LB 352. Mr. Clerk, do you have anything?

CLERK: Mr. President, LB 352 was introduced by Senator Koch. (Read title.) The bill was read on January 19. It was referred to the Revenue Committee, Mr. President. The bill was advanced to General File.

SENATOR NICHOL: Senator Koch, would you like to explain the bill and then I understand we have an amendment here, too.

SENATOR KOCH: Thank you, Mr. Chairman. I think many of us have been in a position where we have expected legislation to occur and peaked too soon. Right now as a former athlete I feel rather flat and I don't see much sense of humor but when this body enacted LB 285 in a special session that was called to change one date in the Criminal Code bill, at that time we thought it was necessary because there was an effort to provide initiative referendum on the Constitution. I would remind you that in the past two years we have seen

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LB 252, 317, 317A, 512

Mr. President, Senator Koch moves to override the Governor's veto of LB 317, and a motion to override the Governor's veto of LB 317A.

Finally, Mr. President, Senator Warner would like to print amendments to LB 252. (See pages 2144 and 2145 of the Legislative Journal.)

Mr. President, Miscellaneous Subjects will have an Executive Session today at 4:00 p.m. underneath the north balcony.

Mr. President, with respect to LB 512, I have a series of amendments, the first I have E & R amendments to be adopted.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 512.

SPEAKER MARVEL: All those in favor of that motion say aye. Opposed no. The motion is carried. The E & R amendments are adopted.

CLERK: Mr. President, then I have a series of amendments. The first is offered by Senator Peterson, on page 12. I understand you wish to withdraw those, Senator.

SPEAKER MARVEL: Are they withdrawn?

CLERK: Yes, sir. Mr. President, the next is an amendment from Senator Peterson, 1355. That is to be withdrawn. Mr. President, I now have one from Senator Goodrich that is on 1595. I understand he wishes to withdraw that. Mr. President, I now have an amendment from Senator Vickers and Goll. It is on page 1668 of the Journal.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. President, I would like to just lay that back until the last one, if I may lay it over for a moment.

CLERK: I then have an amendment from...again from Senators Peterson, Nichol, Sieck and Johnson. That is to be withdrawn as well, Senator? Okay. Mr. President, I then have an amendment from Senator Burrows. The Burrows amendment is on 1897. Senator, did you wish to withdraw that? You did? Okay. Mr. President, the next amendment I have is then offered from Senators Pirsch, Kilgarin and Beutler.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature,

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LB 317

CLERK. Mr. President, I understand Senator Chronister wishes to withdraw his motion on 529.

SENATOR NICHOL: Is that correct Senator Chronister?

SENATOR CHRONISTER: Yes, Mr. Speaker, I ask unanimous consent to withdraw my motion.

SENATOR NICHOL: Any objection? It is withdrawn. We will move on to LB 317.

CLERK: Mr. President, Senator Koch would move that LB 317 become law notwithstanding the objections of the Governor.

SENATOR NICHOL: Senator Koch.

SENATOR KOCH: Mr. Chairman, members of the body, we have a handout coming out on 317. The purpose of that handout is to try to correct some, I think, misunderstandings on the part of the Legislature. I want to explain to you what 317 does. We have mental retardation regions and they are specifically charged with providing residential care for handicapped people. However, the retardation districts or regions have been very selective about the types of people they are willing to consider. Since we place the burden of education of the handicapped upon the public schools in 403, we also placed the burden of the handicapped residential care upon the public schools. A year ago we passed the coordinating commission for agencies that work with handicapped so they should work together. This is an additional step which would state very clearly that if there is a youngster who is being provided education by a school system and if the appropriate residential setting can be provided for by the mental retardation region, then that would be the case. That is where that child would reside because they have the staff and they have the facilities. An example I bring to mind, and the Education Committee knows this because we went through this, out in central Nebraska there is a school system who has a child that they are educating. However, even though they selected and with the parents consent that the region there would provide residential care, the region refused. As a result of that that school system has had to pick up a cost in excess of \$260,000 in terms of the resident, the auxiliary help that is needed for the 24 hour care of this child except for when the education process is being carried out. So, when you look at the A bill which is \$373,000, that A bill is not new money in reality. That

money is presently being spent by the public schools for residential care. What we are doing is we are saying we want to appropriate that money that is being spent from taxes and property taxes that money should come to the General Fund and should be appropriated in the Mental Retardation Regions budget and all six of them have that budget and it was increased according to what we felt the numbers might be. One other thing, the Governor's veto discussed the fracturing of responsibility, I submit to you that with the coordinating commission in place, the Department of Institution and the Department of Education and others that that memorandum agreement will be forth coming to us as you all know in December, and they are working on it, and this can be resolved by a memorandum of understanding among those agencies. It is time we bring in these regions into this business of the total population, not just 21 up, but we are talking about zero up. I think this is appropriate. I know and you know that education is the responsibility of the public schools in the private sector. But, I don't believe that we can consciously say that the public schools from tax payers dollars should provide for residential care when there may be an appropriate setting that is available. Now there is one more position in LB 317 and that is if the region feels that this is not appropriate and they can justify that, there is a hearing process where they can object and there is a hearing and possibly they would be exempt and some other agency would have to provide it. So, I want to clarify, what I think to be misunderstandings, even on the part of the Governor, in terms of what we are doing. I would submit to you that some school districts are being heavily burdened because they have a larger population of handicapped than others. I also submit to you that in small school districts if this were to happen to them it would put them so far above 7% that they would be forced to go outside to try to retrieve that. So, I want to lay it straight up to you, as candidly as I can, you have the explanation before you, you have a letter from the superintendent of schools at Millard written to the Governor and you also have a letter from the school boards explaining their position. I ask that you would reconsider our action, or the Governor's action on 317 and then act favorably on 317A which provides the money and shifts that cost originally from property tax and schools to the mental retardation regions and give them a responsibility in taking care of all of the handicapped, not just those they select to care for. I think this is not unreasonable. Therefore I request your consideration and favorable vote on LB 317.

SENATOR NICHOL: Senator Vickers.

SENATOR VICKERS: Mr. President, members, I rise to support Senator Koch and this motion. As he so eloquently pointed out if you are in favor of holding down the cost to the property tax payers in the State of Nebraska, if you are in favor of not causing duplication in the delivery of the services mandated by this legislature to the schools, then you certainly should be in favor of LB 317. 317 sets a procedure up so that duplication will not take place in providing a . . . or residential services for these...for this program, and it also puts a procedure in place where the small school district, and there are some of those out there, and I have one or two in my district, that find themselves in a position with one or two handicapped children in their boundaries, they have a tremendous cost to try to provide the services mandated to them by us, but at the same time not mandated to the OMR's. So the OMR can hold a school district up for any amount they want to and the local small school district has to absorb the cost and I think that is fundamentally wrong. I agree with Senator Koch. I don't believe the Governor understood the ramifications of LB 317. It is not necessarily new dollars, it is a shift of dollars. I urge this body's adoption of Senator Koch's motion.

SENATOR NICHOL: Senator Higgins.

SENATOR HIGGINS: Would Senator Koch please yield to a couple of questions for clarification.

SENATOR NICHOL: Senator Koch, would you respond please.

SENATOR KOCH: Yes.

SENATOR HIGGINS: Senator Koch, how much money was supposedly in LB 317?

SENATOR KOCH: \$383,000.....\$383,510.

SENATOR HIGGINS: Well I am sympathetic with your problem. But, if I understand you right, if we override the Governor's veto that....\$383,000 would then go to mental retardation.

SENATOR KOCH: It would go then only based upon the fact they house certain kind of students and could verify it. Then they would receive that for residential care.

SENATOR HIGGINS: See Senator Koch the reason I would have to oppose it is, yesterday the Governor vetoed over \$700,000

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LB 317

for mentally retarded. So, this would put them even farther behind. I mean, if they pick up \$300,000 in additional work or responsibilities, I don't know.

SENATOR KOCH: Senator Higgins, I. . . .

SENATOR HIGGINS: I would like to override the veto, believe me.

SENATOR KOCH: I think we are talking about general operational finances of those regional centers though weren't we, and this is projected upon what the cost would be to them if certain number of children were placed under their residential care.

SENATOR HIGGINS: Only the ones. . .

SENATOR KOCH: Each region receives an increment based upon the projected placements.

SENATOR HIGGINS: In other words the region that got the biggest cut, that has the most children would get the most money out of this.

SENATOR KOCH: Well, Region VI, if I recall the bill correctly, was one of the smaller amounts because the Omaha Public School system in many cases handles this individually. One of the largest regions was the one out around Hastings in terms of where the major problems may be.

SENATOR HIGGINS: Thank you Senator.

SENATOR NICHOL: Senator Koch, would you like to close please.

SENATOR KOCH: Thank you Mr. Chairman. As I have stated before, if we want to prescribe by policy, and I think that it is important that we do, since we have these regions and they were our creatures just like schools are, we expect schools to educate handicapped and that is their responsibility and nobody is going to argue about this. But what they will argue about is what is education. Is residential care and housing and the human resources that are needed, is that the responsibility of the local tax payers or is that a state responsibility. While I am at it, we also, as you know, have court cases regarding Beatrice. We are supposed to bring individuals

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from Beatrice into the community and naturally most of us want to carry this out. Now the other recourse you have is that certain times youngsters may be referred to Beatrice simply because we haven't provided a step where there may be one other alternative. I submit to you that if we are going to carry out the intent of the court decree, then this is one step to place it there. I also submit one more time that it is not right for the public schools to have to take from the property tax base in times of 7% lids and ravaging inflation, this kind of money and provide residential care. I have before me, in case you want to see it, a case in point out around Hastings where the start up costs itself for one child was almost \$50,000 and the estimated cost for the care of that child in relationship to the education provided by the school would reach a point of nearly \$295,000 and that money be borne by Class VI school systems, Adams Central. I'll rest my case on that and there are others that I could bring to your attention. If regional centers are there to provide for handicapped then it ought to be all the way. Not just on a selective base at their convenience.

SENATOR NICHOL: The motion is to override the veto on LB 317. It will take 30 votes. All those in favor signify by voting aye, opposed nay. There are two excused Senator Koch.

SENATOR KOCH: Are we under Call?

SENATOR NICHOL: No.

SENATOR KOCH: I'm going to ask for a Call of the House and a roll call vote. I'll tell you why. I saw an agency member over here lobbying, I don't like agencies coming in this place to lobby. That was a point of view and I do not think it is fair. That is the reason I'm going to do this and I want it on the board because I'm just a little bit upset about this flimflam.

SENATOR NICHOL: The question is shall the House go under Call. All those in favor signify by voting aye, opposed vote nay. Record Mr. Clerk.

CLERK: 17 ayes, 2 nays to go under Call Mr. President.

SENATOR NICHOL: The House is under Call. Will all of you please take your seats. The Sergeant at Arms, will you please round up those who are not here and as soon as you come, please indicate your presence. While we are

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LB 317, 317A

waiting for some to come in Senator Wesely has some special guests under the north balcony towards the east end and they are guests here of Dr. Warren Sahs of the University of Nebraska. They are all from the Ukrain in Russia. They are Mr. Rakutin, Zayery Juhdkin and Yereshanko. Would you please rise and be welcomed by the Legislature. Thank you for visiting us. Please indicate your presence or I'll embarrass you by calling your name. Senator Koch, we are missing Senator Schmit only. Do you wish to go ahead or wait.

SENATOR KOCH: I'll proceed Mr. Chairman.

CLERK: Begins roll call vote.

SENATOR NICHOL: Excuse me Mr. Clerk, in case you are wondering, we are voting to override the Governor's veto on LB 317. Okay, Mr. Clerk.

CLERK: Continues roll call vote. 17 ayes, 29 nays, 1 present and not voting, 2 excused and not voting. Vote appears on pages 2192 and 2193.

SENATOR NICHOL: The motion fails. While we are waiting to go to the next one, may I announce that Senator Lamb has some special guests under the north balcony. His son and daughter-in-law, Mr. and Mrs. Dave Lamb and son Jason. Under the north balcony. Would you welcome them please. He doesn't really like that grandson. We will move on to LB 252. Motion to override the Governor's veto. Before we do that, Senator Warner, we need to recognize Senator Koch for 317A.

SENATOR KOCH: Mr. Chairman, I am very serious about pursuing this but in respect to the Speaker and members of the body, there is another bill I can make the remarks I want to make now which are appropriate and that has to do with the lid. We will be dealing with that a little later on. I'm going to give to you some of the disparaging increases that we provide in certain agencies of state government, and yet we expect the public schools to operate on the same squeezed dollar with no relief. Thank you. I'll withdraw that for the time being.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: 317A has been withdrawn?

CLERK: Yes sir.