

January 19, 1982

SENATOR CLARK: The motion lost. The next amendment is amendment number two of Senator Vickers to Section one. He wants to read a few things in first.

CLERK: Mr. President, very quickly, new bills: (Read by title for the first time, LBs 895-914 as found on pages 343-347 of the Legislative Journal.)

Mr. President, I have a hearing notice from the Public Works Committee for January 29, February 10, 11 and 17. That is signed by Senator Kremer as Chair.

Mr. President, Retirement sets hearings for Wednesday, January 7 and Revenue sets hearings for January 25, 26 and 27, signed by the respective chairmen.

I have a reference report referring LBs 848 through 880.

Mr. President, your committee on Enrollment and Review reports that 511 be reported to Select File with amendments, 192 Select File with amendments, 231 Select File with amendments, 454 Select File, 304 Select File, 69 Select File with amendments, 139 Select File, 139A Select File, 305 Select File, 239 Select File with amendments, 410 Select File with amendments, 278 Select File with amendments, 126 Select File with amendments, all signed by Senator Kilgarin.

SENATOR CLARK: We are now ready for the second Vickers amendment to Section one.

CLERK: Mr. President, the amendment reads as follows: On page 2, line 13, strike the word "life" and insert "safe yield."

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. President, since that is more of a technical one there the following amendment on Section two would be more applicable to take up and I think the Clerk has other amendments on Section one so if you would want to skip over this and go to the other amendments that are on Section one, that would be fine with me. You have other amendments and I think Senator Beutler and some other people might have amendments on Section one if you want to go ahead and take those up at this time.

CLERK: So are you withdrawing. . .you don't want this one then, Senator?

SENATOR VICKERS: That one is more of a technical one. It

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LB 215, 304, 353, 408, 431,
608, 641, 653, 688, 702,
852, 873, 896, 938, 953, 969

if it readvances we will be done with the issue for the day. To reacquaint the members, this is where we allow... the District Court does not appeal the issue of whether or not it is the appropriate forum on child termination cases as described earlier in today's session.

SPEAKER MARVEL: The motion is to adopt the Landis amendment. All those in favor of that motion vote aye, opposed vote no. Record the vote.

CLERK: 39 ayes, 0 nays on the motion to adopt the amendment.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. Okay, the motion is to readvance the bill to E & R for Engrossment. All in favor of that motion say aye. Opposed no. The motion is carried. The bill is readvanced. Senator Nichol has a meeting underneath the south balcony, and the Clerk has several items to read in- to the record.

CLERK: Mr. President, Senator Newell would like to print amendments to 702 in the Journal. (See pages 879 and 880 of the Journal.) Senator Beutler to print amendments to LB 852. (See pages 878 and 879 of the Journal.) Notice of hearing from Public Works for LB 969 set for Thursday, March 4. Your committee on Education whose Chairman is Senator Koch reports 653 advanced to General File with committee amendments attached; 688 General File with committee amendments attached; 896 General File with committee amendments attached; 938 General File with committee amendments attached, and 641 indefinitely postponed. (See pages 873. (See pages 873 and 874 of the Legislative Journal.) Your Enrolling Clerk has presented the bills passed on Final Reading this morning to the Governor. LB 608 offered by the Public Works Committee has been advanced to General File. Senator Chambers would like to print amendments to LB 408. (See pages 875 and 876 of the Journal.) The Ag and Environment Committee reports LB 953 advanced to General File with committee amendments attached. (See page 876 and 877 of the Journal.)

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign engrossed LB 304, re-engrossed LB 353, re-engrossed LB 431. This announcement from the Nebraska Livestock Feeders Luncheon at the Airport Inn. Transportation for those who have made reservations will be at the west entrance. Senator Marsh, do you want to adjourn us to

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LB 688, 408, 835, 896

SENATOR CLARK: The House is under Call. All senators will return to their seats. All unauthorized personnel will leave the floor. All senators will be in their seats, please. Sergeant at Arms, will you get all senators into their seats, please. Everyone record in. Senator DeCamp, Senator Peterson, Senator Johnson, all record in, please. We're looking for Senator Schmit. Is Senator Kremer excused? Do you want to go some place, Senator Newell? Not yet, we're going to get everyone in their seats first. Senator Hoagland. Senator Wesely, did you want to take call in votes?

SENATOR WESELY: Yes, please.

SENATOR CLARK: Alright, call in votes will be accepted now.

CLERK: Senator Dworak voting yes. Senator Goodrich voting yes. Senator Duda voting yes. Senator Lowell Johnson voting yes. Senator Newell voting yes. Senator Marsh voting yes. Senator VonMinden voting yes. Senator Hoagland voting yes.

SENATOR CLARK: Record the vote.

CLERK: 26 ayes, 9 nays, Mr. President, on motion to advance the bill.

SENATOR CLARK: The bill is advanced. We will now go to 896.

CLERK: Mr. President, right before that if I may, Senator Chambers would like to print amendments to LB 408 in the Journal; Senator Schmit to print amendments to LB 835. (See pages 1193-1196 of the Legislative Journal.)

Mr. President, LB 896 is a bill introduced by Senator Koch. (Read.) The bill was read on January 19, referred to the Education Committee. The bill was advanced to General File, Mr. President. There are Education Committee amendments pending.

SENATOR CLARK: On the committee amendment, Senator Koch.

SENATOR KOCH: Mr. Chairman, I move the adoption of the committee amendments.

SENATOR CLARK: Did you want to explain them?

SENATOR KOCH: I'll explain them when they are adopted.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Is there any reason why we can't have the committee amendments explained now?

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SENATOR CLARK: Not that I know of.

SENATOR NICHOL: I would like to have them.

SENATOR CLARK: All right, Senator Koch, explain the amendments.

SENATOR KOCH: Mr. Chairman, the committee amendments do one thing, two things. One thing, the program shall be designed as needed, as needed, Senator Nichol, and the second portion is a definition of handicapped and the community college asked for that definition and that comes from the adult education section of our present law.

SENATOR CLARK: Any further debate on the committee amendments? If not, all those in favor of the committee amendments vote aye, opposed vote nay. Have you all voted? Record the vote.

CLERK: 26 ayes, 1 nay on adoption of committee amendments.

SENATOR CLARK: Committee amendments are adopted. Now on the bill, Senator Koch.

SENATOR KOCH: Thank you, Mr. Chairman, members of the body. As you know this state has been involved in education of the handicapped for a good number of years. In fact, we are recognized as one of the model states. Several years ago this body saw fit to develop a role and missions for the public institutions of higher learning. So this bill deals with the role and mission of the community colleges. And very briefly, it says that they shall provide programs for handicapped after age 18. I believe that if we give the obligation of programs to the community technical colleges that the handicapped are deserving of programs as well and that is the reason I introduced this bill. I want to remind you that these programs will be developed as needed. That is based upon the number of participants that might be eligible after assessment and testing, and then the program would be charging tuition for those who attend, and that is the way the program would be developed. In any case, the Board of Governors would be the ones who would have to give the final approval to any program developed by the community college for the purpose of educating the handicapped children in terms of vocational skill. That is the bill. I ask for the adoption of the amendment and the bill to be advanced to E & R Initial.

SENATOR CLARK: Senator Nichol.

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SENATOR NICHOL: Mr. Chairman, I would like to ask Senator Koch a question or two.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Yes, sir.

SENATOR NICHOL: Senator Koch, what is the difference between a course offered for someone who is not handicapped and one that is handicapped? Could you give me the name of a course or two that might be put in the curriculum that wouldn't be put in for somebody that wasn't handicapped?

SENATOR KOCH: Well, first of all, we are talking about handicapping, Senator Nichol, if you will read your amendment, it talks about certain disabilities. There would be mental disabilities which restricts one or more major life activities, seeing, speaking, working, and learning. It also includes mentally retarded, hearing impaired, deaf, speech impaired, visually handicapped and emotionally disturbed, orthopedically impaired. Those are the kinds of handicaps that we are identifying and what we are saying is that where there is a possible skill that can be provided to these people the community colleges would have the supervision and direction of that program.

SENATOR NICHOL: And the board of the community technical college has absolute authority as to whether they have these courses or not?

SENATOR KOCH: That is correct. The Board of Governors, as is now seen in the other amendment says "as needed" and the Board of Governors will make that determination.

SENATOR NICHOL: As needed or as they choose to think are needed. Is it mandatory?

SENATOR KOCH: No, it is not mandatory because first of all you have got to prove that there is sufficient need, that there is a job skill out there that can be taught to these people so that they can be employed.

SENATOR NICHOL: And the cost for these various programs falls a hundred percent on the technical college?

SENATOR KOCH: The cost would be on a tuition basis plus whatever state aid we give the community college in terms of weighting programs that are difficult possibly to develop.

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SENATOR NICHOL: Are there any of these courses that would be mandated if this law were to pass?

SENATOR KOCH: Only based upon the need of certain people, in other words, if the class can support itself, first of all in terms of tuition plus state aid which we provide plus some local property tax which we also provide the community college.

SENATOR NICHOL: Would there be any requirements in addition to this for changing of buildings, building of rampways, accessibility to the....?

SENATOR KOCH: Senator Nichol, we all know that 508 applies to all schools right now for ramps and things of that nature. We already have those in place because of, I forget what the act is, but it is 508, that is the number.

SENATOR NICHOL: So for the record this bill would not have any bearing on that whatsoever?

SENATOR KOCH: None whatsoever because these schools already have those provisions.

SENATOR NICHOL: Very good, thank you.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, Senator Nichol asked, if I understand correctly, would this be a voluntary thing on the part of the board and the bill says the technical community college area individually and collectively shall, shall provide the following instructional and service priorities. Then it changes it to include programs specifically designed to meet the needs of handicapped persons over the age of 18. It says it shall provide. It does not say "may". It says "shall". Also not only is speech impairment, the visually handicapped, emotionally disturbed, orthopedically impaired or have exceptional learning disabilities, now that is pretty broad, and the reason I am standing up and speaking against this is I have counties at the present time without this addition that costs these counties \$30,000 a student to go to the voc-tech schools in taxes. They had five students at \$150,000 which is over their road budget and in some cases these taxes are half of their entire budget or some of these counties and this is going to make it worse. I do not feel that we should say to these people you "shall" provide this and then not provide the funds from the state. We are mandating that the voc-tech schools shall

do this and then they are going to raise the real estate taxes to pay for it and the people cannot stand an increase in the real estate taxes. If you want to add things like this, find the money on the state level to finance it. We cannot stand to have some of these schools spend more money, think of that, \$30,000 per student to go to a voc-tech school and this is going to make it that much worse. I don't think this is the time, the year, that we should add something like this on top of the voc-tech schools education and, Senator Koch, I am sorry but it does say "shall" provide the following instructions on the page 2 of the bill. It does not say "may" provide, and even if you said, "may" provide, a lot of the voc-tech schools are going to add it to get more tax dollars so they can build more buildings, hire more people, and thereby it is going to cost more and more and more. So I am going to have to ask this body to say "no" this morning, that we do not add this to the voc-tech schools. Let's wait and see if the economy gets better next year and try it next year. We have gotten along this far without it. I think we can wait another few months until the next session and see how things turn out, because my counties, and there are many, many Senators here in the same position that I am, cannot stand an increase to send their students to voc-tech schools and this is going to raise that increase a tremendous expense. Thank you, Mr. President.

SENATOR CLARK: Senator Dworak.

SENATOR DWORAK: Mr. President, colleagues, I will try not to be as emotional as Senator H~~ä~~berman was, I mean "Häberman", excuse me, but I think I would like to call your attention to what we did in the special session as far as the technical colleges were concerned. We cut their budget by three percent as far as state aid is concerned and now with the most recent Appropriations Committee revised budget we are increasing it 3.75% which is a net .75 of a percent over the past two years. Now this is tight, and to put on them this kind of a mandate, to expense this kind of program to them is going to have some pretty drastic effects on the local property tax. I don't think there is any question about it. Now this is not a bad idea and I certainly sympathize with the intent of what Senator Koch is trying to accomplish with this piece of legislation but I think in all fairness with the seven percent lid tech schools are now living under, and I support that, to mandate additional expensive programs on them without following with the dollars is really not fair to those people at this time. I am not going to support this bill at this time and, you know, .75 of a percent increase is not a very substantial increase. In fact it is almost a decrease in these

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budgetary times.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I don't like to talk twice on one item but I want to alert you what I think this says, and I would like to have you think about this in the future. What I think this says is that if any member in a community can prove that there is a need for a course in a technical or community college, they can demand it. If the Board of Governors does not put it in, they have legal course to force them to do it. I hope you will look into this carefully in the future to see if this is not correct. If this is not correct, I would like to have someone stand up and say so.

SENATOR CLARK: Senator Richard Peterson.

SENATOR RICHARD PETERSON: Mr. Speaker and fellow colleagues, I rise to oppose this bill. I have a resolution that was just passed by my technical college up at Norfolk and they strongly oppose this. I have got to go along with...echo the words of Senator Don Dworak. I think he put it better than what I can say but I don't think this is the year. I think it is a good concept. I think maybe in the future we could be looking at this but right now with the economy and that there is no way that I can see that we can afford it. So I would oppose this LB 896.

SENATOR CLARK: Senator Howard Peterson, we have less than one minute on this bill.

SENATOR HOWARD PETERSON: Mr. Chairman, it seemed to me that Senator Koch, as often as he speaks on this floor for local control, would oppose this bill himself. I know that the Central Area Technical College is opposed to it because they believe they can make the decision on their own and I personally believe that is true. And I think Senator Nichol is absolutely right, we are mandating an expense here that most local technical community colleges cannot afford and they ought to be able to make the decision on their own.

SENATOR CLARK: The time is up on the bill and we have additional speakers on it so we will go to the next bill. But I would like to introduce Bill Martin from Denver and Bob Kutz from Grand Island, friends of Senator Don Wagner. They are under the South balcony. Would you stand and be recognized please. Welcome to the Legislature. #799.

ASSISTANT CLERK: Mr. President, LB 799 (read title). The bill was referred to the Banking, Commerce and Insurance