

May 9, 1979

LB 363

SENATOR KREMER: Senator Koch, I support the concept of the council as the result of the interim study but I would like to ask you a question. You are aware, like I am, that LB 3⁴⁴ carried the same idea. It was challenged in court and it lost.

SENATOR KOCH: That is correct.

SENATOR KREMER: Under this concept, what, will you explain to all of us, now what is the difference between the council as set up under 3⁴⁴ and under your amendments? If you will?

SENATOR KOCH: Thank you, Senator Kremer, I am happy that you asked that question because as this bill was being developed there was a concern about whether we could develop a council so it would not run into the same problem we had before. This has been reviewed by those who would offer the decision and we have been advised that we feel we have developed a mechanism that would safely stay away from another constitutional question and if you want me to between now and Final Reading, Senator Kremer, I will get that in writing.

SENATOR KREMER: Okay, it is your opinion then, Senator Koch, that the council under your amendment will stand the test of court.

SENATOR KOCH: Yes, it is and I will get it in writing specifically for the body.

SENATOR KREMER: Senator Koch and members of the Legislature, I feel exactly the same way and I believe this council is going to be effective. I think it will work. The technical community colleges are scattered all over the State of Nebraska. We have six of them and it is imperative that there is not an overlapping of services and courses offered and it is my opinion that the way this is set up it, too, will stand the court test and I believe it will be effective. I think it will solve some of the problems that we have been experiencing in the past year, so I do support it.

SPEAKER MARVEL: Senator Lamb, do you wish to be recognized? Then you, Senator George.

SENATOR LAMB: Mr. President and members of the Legislature, I rise to oppose the Koch amendment to the committee amendments. We discussed this very thoroughly in committee and