

May 7, 1973

SENATOR DUIS: I would ask too that if the people who have had rules changes introduced please take a special note of this.

PRESIDENT: Now, Senator Carpenter, for what purpose do you rise?

SENATOR CARPENTER: The Executive Council will meet tomorrow at 1:00 in the usual meeting room.

PRESIDENT: Thank you.

CLERK: Reads resolution.

PRESIDENT: Referred to the Executive Board, thank you.

CLERK: That's all, Mr. President.

PRESIDENT: All right, ready for the General File, at least for the beginning of the General File discussion of LB 358. Will the Clerk read the title, please.

CLERK: Reads title of 358. There are no committee amendments, Mr. President, there are lengthy amendments offered by Senator Fellman to LB 358.

PRESIDENT: All right, the chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, I'd move that LB 358 be advanced. A brief explanation of the bill. A session ago or so the law was enacted which would permit the loaning of text books to students who attended private or parochial schools and the state would reimburse the local public school district under a formula prescribed in the bill as introduced, it was restricted to grades 7 through 12. Now the reason that this was done was that the original statute was a part of a law suit in New York State in which these were the grades that were tried in that particular case and as I recall upheld by the federal Supreme Court and it was thought at the time when the original act was passed here that there may have been some significance relative to those grades. As a matter of fact, it was because of the particular organizational method that is used in New York State and had apparently, there was no significance to the constitutionality of the act because of the grades involved. Presently the Nebraska statute is pending, as I understand it, before our State Supreme Court. The bill as it was introduced was intended to only affect this expansion to include K through 6th grades as well as 7 through 12. There has been concern, there was discussion of further amendments to the bill but there was concern that no other amendments other than this one should be attached that would affect this section as long as the present case was pending. There has been an understanding, at least on my part, there is no A-bill with this bill. It is my understanding that if the Nebraska Supreme Court would uphold it that there would be no attempt to use the present statute and that there is some general agreement that rather than have a local school district administer the funds that they could be directly done by the State Department of Education and that the local district would not be involved, although a final decision whether that route is acceptable would have to in part depend upon the outcome of any court case here. That, Mr. President, is briefly an explanation of what the bill does and was intended to do as it was introduced.

PRESIDENT: All right, Senator Warner, are you through with your explanation now? All right, Senator Fellman, we have your amendments now to the bill.

SENATOR FELLMAN: Mr. President, members of the Legislature, the amendments add a provision to the present law involving school bus drivers, their licensing and the inspection of school buses. During the last four or five weeks, it has been brought