

March 12, 1979

LB 425

if we take them off and make it voluntarily we just put them in an untenable position. I don't think they can say no, and so I think without this kind of restriction in this statute, we're going to open up some cost here to local school boards that are going to have very direct and adverse effects on the taxpayers of that district.

PRESIDENT: The Chair recognizes Senator Marsh.

SENATOR MARSH: Mr. President and members of the Legislature, I rise to support the move to return LB 305...LB 425 for a specific amendment, and it should say 425 up there. I was interested to note, that board of education is not capitalized so it only refers to local boards of education, because if it referred to the State Board of Education, it would need to be capitalized in the sentence, so no clarification needs to be made, Senator Lamb, and I also would like to point out that this is permissive legislation only, therefore, I feel confident that each board of education, each local board of education, is perfectly capable of making this decision for that local area, and with those reasons I would support the return of LB 425.

PRESIDENT: The Chair recognizes Senator Nichol.

SENATOR NICHOL: One question of Senator Simon.

PRESIDENT: Senator Simon, will you respond?

SENATOR SIMON: Yes, Senator Nichol.

SENATOR NICHOL: Senator Simon, what keeps school boards from doing this now, if they want to do it?

SENATOR SIMON: Well, my Superintendent out in Elkhorn tells me that, and I also checked on it, Senator Nichol, and according to state law, the interpretation is because it talks about for only one child they cannot pay for each additional child. That was the interpretation of a number of people.

SENATOR NICHOL: The second question is, was this discussed in the hearing on the bill?

SENATOR SIMON: No, it was not. It was brought to my attention that there is a problem, and again let me...after the hearing took place.

SENATOR NICHOL: Okay, thank you, sir. With those two answers, I tend to think that Senator Dworak hit it right on the head.