

If the allegation is made that this is an unconstitutional incursion into the rights of citizens, and I personally find that a persuasive and compelling topic, the appropriate body to deal with that issue is the federal court system. The people in support of LB 403 are saying exemptions from certain of your state regulations because they are unconstitutional will continue to abide by the compulsory attendance law even though that probably is as well unconstitutional but will accept that particular law although he will not accept the existing ones. It is sort of like being a little bit pregnant. If our laws with respect to the accreditation and approval and regulation of nonpublic schools are unconstitutional, I am the first to see that those interests be protected. This Legislature, however, with a bill that distinguishes between certain of those regulations and strikes those down but leaves some others that potentially are constitutionally invalid from that point of view, is not a bill that warrants our attention. If our system of regulation is unconstitutional, the federal court system should be called upon to make such a ruling. Our state court system has addressed the issue and found that we are acting reasonably. Absent a court decision that is of persuasive and telling pointedness on this issue, I think we can stand by what the Supreme Court said in Meyerkorth vs. State and allow the option of a federal court suit to address this issue and to bring to a head the issue of state regulation of nonpublic schools. I, too, urge that we not reconsider LB 403 and recommend to the proponents of that bill that their matter actually belongs in front of the federal bench and a claim should be made of unconstitutionality although I am secure in the fact that our state laws will be upheld. We should not attempt to deal with them in the form of LB 403.

SPEAKER MARVEL: Before we go to the next speaker there were in the South balcony from Senator Johnson's district, nine senior high students from Benson High in Omaha. While they are gone we do welcome them and will put it in the Journal. The Chair now recognizes Senator Beutler and then Senator Venditte.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I, too, oppose raising 403 out of committee and I would like to make a couple preliminary remarks so that it can be quite clearly understood that I am a supporter of private education. I was educated in St. Bernards Grade School in Omaha. I was educated at a private college. My education has been primarily in private schools and I have a very good and a very strong feeling about private