

RECESS

January 12, 1982

LB 338, 795, 796

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Sieck, do you want to record your presence? Senator Lowell Johnson, would you record your presence, please? Senator Sieck. Okay, record the vote.

CLERK: There is a quorum present, Mr. President.

SPEAKER MARVEL: The Clerk has some items on the desk.

CLERK: Mr. President, two new bills. LB 795 offered by Senators Wesely and Warner. (Read title). LB 796 offered by Senator Koch. (Read title). (See page 245 of the Legislative Journal).

SPEAKER MARVEL: Okay, we will now discuss LB 338. Senator Cope, do you wish to speak to the bill?

SENATOR COPE: Mr. President and members, after hearing the debate this morning I firmly believe there will be a fiscal impact, now not today but in the future. We are, if we do, passing a mandatory law requiring that school districts comply with the law, and either the local school district or the state are going to pay the costs. Now I am afraid I know where the costs will be paid and that is by the local school district. The state hasn't been known too well for its way of passing a law and then not backing it up with cash. I also think that we are taking responsibility away from the Department of Education and local school districts. I, for one, certainly am not as well versed of what the school districts should teach as the Department of Education and local school boards. So I will oppose LB 338.

SPEAKER MARVEL: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker and members of the body, I want to rise in total and wholehearted support of LB 338. I want to begin by calling your attention again to the Nebraska Constitution, a document that we all ought to familiarize ourselves with as the occasion arises. Section 1 Article VII of the Nebraska Constitution says: "The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of 5 and 21 years. The Legislature may provide for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof." That provision has been in our organic law for a century. What that means very simply is that the State Legislature genuinely sits as the school board for the schools in the