

March 29, 1982

LB 208

SENATOR CLARK: All right, Senator Koch.

SENATOR KOCH: Mr. Chairman, before I get into the remarks I want to make I am going to yield to Senator Warner who knows the Constitution better than most anyone else. He has a little tidbit that might clarify the question Senator Chambers just put to you, Mr. Chairman. Senator Warner. You maintain, Senator Warner, that it is an Attorney General's Opinion, that even if the Governor on a veto returns it to us that we can change certain language in the provision?

SENATOR WARNER: That is the contention of Senator DeCamp, I believe, as I recall, that he had an Attorney General's Opinion to that effect. Did he not? I just made the comment as I recalled that Senator DeCamp used to say he had an opinion that a bill that was brought back from a veto could be amended and changed. I don't particularly agree with that as a philosophy but if that is true why either way we could take up LB 208.

SENATOR KOCH: Mr. Chairman and members of the body, I disagree with Senator Chambers' interpretation because as I read our rules and the Supreme Court has stated and the Attorney General has stated at least that the Legislature establishes its rules and they live by those unless they are blatantly unconstitutional, and that rule has been in our rule book for quite some time. I will state very quickly to you why I would like to have this reconsidered and it takes 30 votes, so that I can suspend the rules to bring it back and then 25 votes to return it to Select File for a clarifying amendment, and the clarifying amendment which I would offer would be that since the subject has been raised that unless we allow the State Board of Education some flexibility in determining the best educational needs of a child, that for all practical purposes 208 does not establish any kind of evidence that would give them that flexibility they need. And I have talked to you before about accreditation. Accreditation is granted to schools throughout the state but I want you to know it is not always on the same level nor the same caliber. And the amendment that Senator Beutler and I offered the other day was to try to place into law the fact that there would have to be a substantial difference in the curriculum that is offered before that transfer could be made as far as a freeholder is concerned. I would remind you also that schools can have several significant violations but still be accredited and so the State Board would be powerless to effectively rule that there is a difference that exists between and among the schools. So this in turn as you see could cause