

rules and regulations, you lose all control over everything they do. This body then has nothing to say about those rules and regulations. I want you to remember that, Senator Lamb, if this passes because if a rule and regulation is put out that doesn't do what you want it to do, you are through, absolutely finished. We have passed legislation to give us a look at rules and regulations and the Governor vetoed it. I had a bill this year to have it come back to the committee before the hearing so we could have some input and the committee holds it, they are holding the bill. So I want you to remember, everybody on this floor, especially you, Senator Lamb, if this passes and if there are rules and regulations that you don't like or that harm what you are trying to do, you just plain had it and it is going to rest upon your shoulders. Thank you, Mr. President.

SPEAKER NICHOL: Senator Beutler and Senator Hoagland. Okay.

SENATOR HOAGLAND: Mr. Speaker and colleagues, there have been raised this morning I believe already on the floor questions, two separate constitutional questions about Senator Lamb's amendment. The first, as I understand it, deals with a problem of a Class I district having levied upon it taxes by a board to which the electors of that Class I district had no input; and the second, as I understand it, Senator Haberman's observations had to do with the Department of Education, through rules and regulations, imposing on a Class II or Class III school district certain taxation decisions. And I would like to ask Senator Lamb, if he will yield, what his opinion is based on his knowledge in this area as to whether his amendment might be unconstitutional under either of those two grounds?

SENATOR LAMB: Well, Senator Hoagland, I think the overriding factor here is that there is a choice, that the Class I has a choice. They can merge, they can merge with this district and have all the voting rights of everyone else. They have that choice but this is an additional alternative. If they want to keep their local school out there, if they want to have their own board, run their grade school, and pay the levy, that is the other choice that those people are free to make, and I think that is the overriding argument in support of the amendment. And as far as the rules and regulations from the State Department of Education, that is kind of a formality. You know, somebody