

January 6, 1982

LR 197 - 201  
LB 646 - 655

and put it in the bill books. It is not that difficult an assignment. It could be spread around as the committee chairperson desires. It is optional. It is something that can be worked out very easily on each individual case as the committee chairperson feels is most appropriate. So as far as the chairpeople is concerned, I think they aren't legitimate and I think that the rule change is absolutely well written and could handle the situation that we have had a problem with. So I ask your support for the rule change and I think we will all benefit from it.

SPEAKER MARVEL: The motion is the adoption of amendment six. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Have you all voted? Okay, Clerk, record the vote.

CLERK: 17 ayes, 25 nays, Mr. President, on adoption of the proposed rule change.

SPEAKER MARVEL: The motion lost.

CLERK: Mr. President, if I may, new bills. LB 646 offered by Senator Goodrich. (Read title). LB 647 offered by Senator Hefner. (Read title). LB 648 offered by the committee on Agriculture and Environment. (Read title). LB 649 offered by the Administrative Rules and Regulations Committee. (Read title). LB 650 offered by the Education Committee. (Read title). LB 651 offered by the Education Committee. (Read title). LB 652 offered by the Education Committee. (Read title). LB 653 offered by the Education Committee. (Read title). LB 654 offered by the Education Committee. (Read title). LB 655 offered by Senator Beyer. (Read title). (See pages 102 through 105 of the Legislative Journal.)

Mr. President, I have received from the Reference Committee a reference report on gubernatorial appointments. That will be referred to them. (See pages 105 and 106 of the Legislative Journal.)

Mr. President, I have new resolutions. LR 197 offered by Senator Koch. (Read LR 197 as found on pages 106 and 107 of the Journal.) LR 198 offered by Senator Warner. (Read LR 198 as found on pages 107 and 108 of the Journal.) That will be referred to the Reference Committee, Mr. President, pursuant to our rules. Mr. President, LR 199 offered by Senators Fowler and Labeledz. (Read LR 199 as found on page 108 of the Journal.) Mr. President, LR 201 offered by Senator Wagner and the members. (Read LR 201 as found on pages 109 and 110 of the Journal.) That too, will be laid over, Mr. President. And finally, Mr. President, I have a notice of confirmation hearing by the Banking Committee for later this week.

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PRESIDENT: The motion carried. The DeCamp amendment is adopted. Any further amendments, Mr. Clerk?

CLERK: I have nothing further on the bill, Mr. President.

PRESIDENT: Senator DeCamp. Alright the motion is to advance the bill. Any further discussion? All those in favor of advancing LB 274 signify by saying aye, opposed nay. LB 274 is advanced to E & R for engrossment. The next bill is 274A, Mr. Clerk. The Clerk will read some matters into the record and then we will take up 274A.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined and reviewed LB 692 and recommend that same be placed on Select File with amendments; 628 Select File with amendments; 630 Select File with amendments; 728 Select File with amendments, all signed by Senator Kilgarin. (See pages 564-565 of the Legislative Journal.)

Mr. President, your committee on Education whose chairman is Senator Koch to whom is referred LB 650 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 652 General File with amendments and LB 817 from the Urban Affairs Committee advanced to General File; LB 727 indefinitely postponed and LB 820 indefinitely postponed. Those are signed by their respective chairmen. (See pages 567-568 of the Legislative Journal.)

Mr. President, I have on 274A an amendment offered by Senator DeCamp to the bill.

PRESIDENT: Alright, Senator DeCamp, we are ready for your amendment to LB 274A.

SENATOR DeCAMP: Mr. President, the amendment is nothing more than the compliance with the new rules brought to me by the representative from the fiscal office or whoever hauls those things out and I put it up there. So we are going to spend the money that we are going to collect, Senator Warner says. In other words you collect money from them and then you spend it.

PRESIDENT: Any discussion on the DeCamp amendment to LB 274A? If not, the question then is the adoption of the DeCamp amendment to LB 274A. All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the DeCamp amendment.

February 18, 1982

LB 126, 421, 431, 571, 578,  
652, 658, 773, 804, 855, 941

PRESIDENT LEUDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend T. Daniel Casey, Pastor of Central Church of the Nazarene, of Omaha. That happens to be Senator Pirsch's Pastor.

REVEREND CASEY: Prayer offered.

PRESIDENT: Roll call. Senator Beutler and Senator Pirsch, do you want give us your lights? Senator Pirsch, do you want to....Senator Pirsch. Record the vote.

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

PRESIDENT: Quorum being present, are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

PRESIDENT: Any other messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and re-engrossed LB 431 and find the same correctly engrossed. That is signed by Senator Kilgarin.

Your Committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp to whom was referred LB 941 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 658 indefinitely postponed; 804 indefinitely postpone; and 855 indefinitely postponed. All signed by Senator DeCamp.

Mr. President, I have a series of Attorney General's Opinions. The first is to Senator Beutler regarding LB 126, one to Senator Vickers regarding LB 571, one to Senator Cullan on LB 421, one to Senator Howard Peterson regarding LB 652, and one to Senator Koch regarding LB 578. (See pages 735-743 of the Legislative Journal.)

Mr. President, Senator Newell would move to place LB 773 on General File notwithstanding the action of the Constitutional Revision and Recreation Committee. That will be laid over.

Mr. President, I have a report to the Legislature from the Little Blue Natural Resource Districts regarding payment of attorney fees. (See page 744 of the Journal.)

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LB 652

SENATOR NICHOL: The bill is raised. We will move on to LB 652. So that you'll know what I am doing, I am going to ask you at the time your light comes on whether you are a pro or a con so that at the time the question is called we will have an equal amount of debate on each side we hope. The Call is raised. Senator Vickers, are you going to carry the bill this morning? Just a minute, we will read it by title, Senator Vickers.

CLERK: Mr. President, LB 652 is a bill introduced by the Education Committee and signed by its members. (Read.) The bill was read on January 6 of this year. It was referred to the Education Committee for public hearing. The bill was advanced to General File, Mr. President. I have amendments by the Education Committee. I also have amendments to the committee amendments.

SENATOR NICHOL: Senator Vickers, would you like to take the committee amendments first?

SENATOR VICKERS: Mr. President and members, the committee amendments on LB 652 do basically two things. First of all it changes the requirements of the original bill as far as certification of teachers are concerned. It changes the waiver procedure so that the teacher qualification is amended to place the responsibility for determining the qualification in the hands of the lay governing board or the parents. The other major amendment that the committee adopted struck the language at the top of the page on page 3 having to do with the waiver of Rule 14 or waiver of the requirements for basic curriculum instructional program materials and so forth. The rest of the amendment is basically clarification of language and technical in nature. Now I think I need to tell you that the committee amendments were adopted by the majority of the committee obviously. The bill was advanced by a majority of the committee but if you will read the statement, the committee statement, you'll notice that there was some dissension among the members but the majority of the members felt that this issue was of importance enough that it needed to be brought to the body for its attention and, therefore, there were some people that voted for the bill, voted to advance it that perhaps didn't particularly care to support that bill once it got here on the floor. But the committee amendments, as I indicated, have the two areas, one dealing with certification and it strikes the language that talks about equivalencies and puts the control on the lay board or the parents as to their qualifications of those teachers. And the other committee amendment strikes the language that granted a waiver for certain instructional materials. That, Mr. President, are the committee amendments and I move for their adoption.

SENATOR NICHOL: Senator DeCamp, did you wish to speak on the committee amendment? Okay, Senator Howard Peterson, did

you wish to speak to the committee amendment? Senator Kahle, the committee amendment? If not, the question is... okay, we have two amendments to the committee amendment. Senator DeCamp, do you have an amendment to the committee amendment?

CLERK: Mr. President, Senators DeCamp and Howard Peterson would move to amend the committee amendments and their amendments are found on page 746 of the Legislative Journal.

SENATOR NICHOL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature, with the tightness of this session I'm going to try to be very brief on this. It's an issue that has been up two years now, received any incredible amount of attention presswise and otherwise and here in the Legislature...

SENATOR NICHOL: Excuse me, Senator DeCamp...

SENATOR DeCAMP: ...and what the amendments attempt to do.

SENATOR NICHOL: Excuse me. Senator Beutler, for what reason do you arise?

SENATOR BEUTLER: Mr. Speaker, a point of order.

SENATOR NICHOL: State your point.

SENATOR BEUTLER: Mr. Speaker, as I've looked at those committee amendments they essentially struck the whole bill and proposed an entirely separate bill so it seems to me that these amendments are germane to the bill but not germane to the committee amendments which deal only with minor portions of the bill and I would ask that they be ruled not germane to the committee amendments.

SENATOR NICHOL: Senator DeCamp, would you like to respond to that?

SENATOR DeCAMP: Yes. For the convenience of members of the Legislature, what I did with the amendments was rewrite the whole bill so you could read it, so that it wouldn't be like so many amendments that get offered here which says, change 2 to 4 in the thirteenth line, add "the", and you never figure it out. In effect, they only change three things as Senator Koch himself said, rather minor changes in some respects. The reprinting of the entire bill was for the convenience of the Legislature. So there is no question in my mind that the amendments are germane. At the same time I don't care whether we adopt them to the committee amendments or separate. I repeat again, I did that for your convenience and the convenience of members of the Legislature. I hate to open amendments and read nonsense about changing something in line something

something else without ever being able to translate it into English. This is so you can read it very clearly, the whole thing, even though it reprints the whole bill.

SENATOR NICHOL: Senator Beutler, did you wish to respond to that briefly?

SENATOR BEUTLER: Mr. Speaker, I would simply point out that Senator DeCamp has admitted that it is a rewrite of the entire bill and I would suggest to you that any fair reading of the amendments could not be portrayed as a matter of re-writing for convenience. There are a whole number of additional changes including the basics, teacher certification and curriculum requirements. So it is not at all a matter of convenience, Mr. Speaker.

SENATOR NICHOL: I'm going to rule that the DeCamp amendment is an amendment and not an amendment to an amendment. Okay, Senator DeCamp? We're now discussing the committee amendments. Senator Howard Peterson. Senator Kahle, did you wish to speak too? Senator Kremer, did you wish to speak to the committee amendments.

SENATOR KREMER: Mr. Chairman and members, I rise in support of the committee amendments for the simple reason that this committee has dealt long and diligently with this issue that has caused not only statewide, but nationwide attention. We are still getting letters from Maryland and you name it, from other states and in view of the fact that we did attempt to the best of our ability to come up with a bill amended...an amended bill that I think as I understand is kind of down the middle of the road again. That has been my policy and those on both sides of the issue as I understand it, are willing to accept this piece of legislation as amended. Therefore, without going into a lot of other fussing around that is going to cause a lot more attention, not only in this state but all over our nation, we're in the spotlight, I think we ought to adopt these amendments and adopt the bill and hope that everything works out to the best interest of all concerned.

SENATOR NICHOL: Senator Hoagland.

SENATOR HOAGLAND: Mr. President, colleagues, I think we should divide the question on the committee amendments, Senator Nichol, because there are two important concepts involved. As Senator Vickers indicated, one portion of the committee amendments, that's paragraphs one and three, shown on the committee report, strike the equivalency requirements and put control with the parents with the respect to curriculum and paragraph two of the committee amendments deal with the waiver of instructional materials and I would ask that

we divide the question along those lines.

CLERK: Senator, can you help me with that? I'm trying to figure out from looking at the committee amendments where the break would occur.

SENATOR HOAGLAND: Yes, Mr. Clerk, as far we're able to ascertain, paragraphs one and three of the committee amendment should be considered together. And paragraph two of the committee amendments deals with another issue and should be considered separately.

SENATOR NICHOL: Senator Vickers, as vice chairman of the committee, do you have any objection to Senator Hoagland's suggestion?

SENATOR VICKERS: No, I don't, Mr. Chairman.

SENATOR NICHOL: So as I understand it we're putting one and three together and number two together, is this correct, Senator Hoagland? Alright. So we will go to item one and three and discuss those at this time, Senator Hoagland. Did you wish to discuss anything further on item one and three? All right, thank you. Senator Vickers, did you wish to speak to item one and three? Okay, there are no more lights on question one and three that we are discussing at this time. So the question is for the adoption of section one and three at this time. All those in favor vote aye, opposed nay. Have you all voted? Does anybody else want to vote on this? Record the vote, Mr. Clerk.

CLERK: 19 ayes, 8 nays, Mr. President, on adoption of committee amendments one and three.

SENATOR NICHOL: They are not adopted. Now we will go on committee amendment number two. Senator Vickers.

SENATOR VICKERS: Amendment number two of the committee amendments, strike the language on page 3 at the top of the page dealing with granting the waiver for complying with rules and regulations dealing with instructional program materials and equipment. This is what is known as rule 14 in the Department of Education dealing with broad curriculum requirements that the various public schools of this state or the various public and private schools of this state have to meet. It was the belief of the committee that this waiver for the good of education and for the good of educational materials provided should not be granted. Now I think it needs to be understood that there is nothing in this requirement requiring specific curriculum or requiring specific textbooks to be used and there is certainly

nothing in this requirement against any religious materials that any of the private schools might choose to use. So it was the feeling of this committee that this waiver shouldn't be granted and that that requirement should remain in the statutes. With that I would move for the adoption of committee amendment number two.

SENATOR NICHOL: I have three lights on but it is my understanding all three of you wish to speak to the DeCamp amendment instead of this amendment number two. If anyone wishes to speak to amendment number two, please indicate so that I will know. If not, the question is the adoption of amendment number two. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: 25 ayes, 4 nays, Mr. President, on adoption of committee amendment number two.

SENATOR NICHOL: The second committee amendment is adopted. We go from here to the DeCamp-Howard Peterson amendment.

CLERK: Mr. President, the amendment can be found on page 746 of the Legislative Journal.

SENATOR NICHOL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature, Senator Vickers of course explained the committee amendments in the bill. My amendments make the following changes in the bill and the committee amendments. The Attorney General and I think a number of members suggested that a ten year limitation on establishment of a church was probably unconstitutional. We struck that. We allow the governing body, and remember we have to be talking about the original bill of course. We set up lay boards under the original proposal of the Education Committee. That body determines the qualifications under this amendment I'm offering, would allow the governing body of the church to determine the qualification of the teachers and of course we're back to the Rule 14 issue and of course there is a waiver of the requirements then on instructional programs which is curriculum. The waiver must specifically contain under my amendments, the basis for interference between religious instruction and state requirements and that is... oh, and I have a provision that for a period of six months, while this new lay board is being set up and this new structure is being organized there would be no prosecutions. In other words there would be a six month, so to speak, grace period for coming into compliance with this new system. Now Senator Koch and the Education Committee accepted the responsibility of dealing with this issue this year. This is the format they have come up with for it. I personally think our



original bill that was ready to be passed on Final, 472A, was in many ways far stricter than this proposal but this is what the Education Committee has determined that they think is the best solution to this problem and I think we would all acknowledge it is a problem whether we agree or disagree with the Christian Schools. I'm willing basically to accept the proposal of the Education Committee and correct the areas of unconstitutionality. I would urge adoption of the amendment.

SENATOR NICHOL: Senator Howard Peterson.

SENATOR H. PETERSON: Mr. Chairman, I believe that Senator DeCamp has explained quite fully the bill. I would just add that those of you who had on your desk this morning and received yesterday from the Nebraska District and Missouri Lutheran Church, their endorsement of this amendment, I think that is important because they happen to be one of the church schools that extends across this whole state and who have been in compliance but they indicate to me that there are some areas that they are not in full agreement with the State Department of Education and they say that much of their time is spent in trying to enforce rules rather than to helping education. Likewise, I have placed at your desks this morning a testimony of one of the Catholic sisters who heads the diocese in Omaha, who is superintendent there and she speaks for all three dioceses of the Catholic Church. They likewise have indicated that there are some problems and I believe that this particular amendment will solve those problems and I would just urge the body to adopt the amendments.

SENATOR NICHOL: Senator Kahle.

SENATOR KAHLE: Mr. President, members, I guess I have a number of questions to ask Senator DeCamp or whoever would be able to answer them.

SENATOR NICHOL: Senator DeCamp, would you respond please?

SENATOR KAHLE: I notice that we have the word, "waiver" in this amendment, one, two, three, four, five, six, seven, eight, about ten or eleven times and I'm a bit confused as to what is encompassed in the waiver portion and what is not. Now on the first part of it which would be Section 1 I guess or number one, you state that they must certify that they do not accept an state or federal funds and in connection with that maybe it would be easier to answer both of these questions together. What happens if the waiver is not granted and what responsibility does the Department of Education have?

SENATOR DeCAMP: The way the bill is designed and the concept embodied by the Education Committee was that if they met certain standards, then an automatic waiver entitlement would be there once the Education Department or Department of Education, whatever it is called, determined that they had met those requirements and a waiver in a very limited and very narrow area would be granted but they would have to, as I say, fill out the forms and the specific waiver area of course has to do with teacher certification. That is the heart of the matter.

SENATOR KAHLE: What happens if the Education Department goes out and tries to inspect the school or to get these answers and they don't want to give them to them?

SENATOR DeCAMP: Well they are entitled to get all this information and of course, safety, health, all of these things we're keeping in there. The waiver could never be granted until these things were complied with. That is why I had a six month period while they set up their specific lay board as designed by the Education Committee while they do all these things. I gave a grace period to get it all structured because I think there are going to be some structuring problems while they are doing this. But they couldn't have a waiver until they complied.

SENATOR KAHLE: Okay, the reason I've been asking these questions is because I want to get it in the record because these people told us all along that they wanted no oversight by the state.

SENATOR DeCAMP: Okay, I think I would like to answer that because that is a legitimate question and that is the heart of the issue. 472A you remember had complete control in terms of health, safety, testing, so on and so forth. This comes from a little different direction. Answer, a waiver in certain areas still maintains controls, health and safety and on and on. The Christian Schools people came to me and they can tell you this themselves and they sat down in my office about a month or a month and a half ago and I advised them that I couldn't tell them what would happen on this bill if they accepted everything but I could guarantee them that they would gain absolutely nothing if they decided to continue fighting unless they reached major accommodations. It was at that point that they agreed to accept completely so to speak, completely, the proposal of the Education Committee with those factors corrected that Senator Koch himself, and I'm really disappointed he's not here because it is important. He was involved in this so intimately and, okay, he is here, but he can tell you he accepts these amendments...

SENATOR NICHOL: You have thirty seconds.

SENATOR DeCAMP: ...because they're correcting some areas that he had.

SENATOR KAHLE: Well the only comment I would have with the time that I have left is that I think we have come a long way but I would hope that the people who have worked so hard on this to get the Legislature to change and get the Department of Education to change are not just putting their foot in the door and we'll be back next year for even the possibility of getting rid of the waiver situation. With that, I think I could support this legislation but I certainly want to get that on the record. Thank you.

SENATOR NICHOL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I would like to set in perspective if I could this amendment and what we are trying, what we're doing today. This amendment does not represent any kind of accommodation whatsoever. This amendment provides for the waiver of teacher certification and curriculum requirements and that is it. And that's all the argument was ever about. So don't have the question misframed for you. It is not a question of accommodation or compromise, it is an all or nothing proposition again. As I see our job here today it is basically to allow the maximum religious freedom consistent with the people's right to perpetuate the democratic society, the democratic society which is the ultimate protector of all religious freedom. How you define freedom, how you define religion is of course very important. Religion in its broadest sense encompasses of course all of life. It encompasses your church, certainly. It can encompass education. It can encompass your business interests and your daily business life. It can encompass all of your social institutions. In a deepest philosophic sense all of life is religion if you believe in God and an after life but our founding fathers did not seek and understood that you could not protect all religion in that broad sense. Why? Because they recognize that to allow religion to be recognized in the broadest sense was an invitation to anarchy, both political and social anarchy. Just to give you one example, if you allowed it to extend to business and if you said, therefore, the government has no right to tax business, then all the social fabric would come down. That is an extreme example. But there are other examples that we have already recognized in our social life, the well known example of bigamy and the Mormon's belief. Obviously we cannot at the same time have a functioning society and allow each and every individual to set up his own standards and his own breadth of definition as to what is religion and

then preclude government intervention on the basis of that individual standard. There have to be some common standards. My point is that we must perpetuate democratic society in order to preserve the protective umbrella which itself shields religious freedom from the reigns of tyranny. So the next question you get to is what is at the core of democratic society? What must we have to ensure that our system will remain strong? And most of all, in my opinion, we need a large body of citizens who can make discerning political judgments and who can man the economic machine which affords us so many alternatives, not just material alternatives but social and political alternatives. And to have that kind of citizen we must have good education, good education for as many citizens as possible and we have recognized that by the amount of money and resources that we have put into education and we have recognized that by the structuring of our education. We are not structured after the European model where only a few are educated. We are structured on a model that attempts to educate the many. This kind of education...

SENATOR NICHOL: Thirty seconds.

SENATOR BEUTLER: ...of which I am speaking is the compelling state interest. How do we in Nebraska then ensure that the citizens are educated? What legal tools have we found over time to be necessary and expedient to that end? There are three cornerstones to education in Nebraska. One is the compulsory attendance law; the second is the teacher certification law and the third is the minimum curriculum requirements law. Those are the three important laws that underpin all of education in Nebraska and today by this amendment you are being asked to allow any group who so feels to essentially wipe out two of those three cornerstones. All you have to do under this amendment is to declare that it is contrary to your religious beliefs and all of these minimum requirements, the slow thoughtful work of two hundred years....

SENATOR NICHOL: Your time is up.

SENATOR BEUTLER: ...of progress in this state can be wiped out in a.....

SENATOR NICHOL: Senator Fowler is next but prior to Senator Fowler's speaking, Senator Fowler has some guests in the North balcony. They are 16 students, juniors and seniors from the Park West Christian School in Lincoln, Bob Wineberrer, Principal and Carl Godwin, Pastor. Would you please stand and be recognized by the Legislature. Thank you. Senator Fowler.

SENATOR FOWLER: Yes, Mr. President, I would like to divide the question on this amendment. As Senator DeCamp indicated in his opening there are several distinct issues that the amendment covers and as is often the case I am more comfortable with some than others. I would like to separate out the section dealing with review of curriculum which is... would be subsection 2 of Section 2, lines 5 through 9 on I guess the second page of the amendment and then have that as one issue to review a curriculum and then the rest of the amendment as the other issue and I don't care which order we take them up in but I think they are distinct enough that they should be debated separately.

SENATOR NICHOL: Alright, so that the body will know that we are on subsection 2 of Section 2 and we will be voting on that separately. Senator DeCamp, did you wish to speak to that amendment to the amendment?

SENATOR DeCAMP: Okay, Senator Fowler, as I understand, you want to separate out the "approved curriculum issue". Right? I assume that you're insisting an approved curriculum be subject to the State Department of Education?

SENATOR FOWLER: Yes, that would be my position.

SENATOR DeCAMP: Let me ask you a question then. Would you support the proposal, the rest of the bill if that amendment that you want were put on? In effect, if curriculum were still retained for the Department of Education?

SENATOR FOWLER: Let me clarify, I'm speaking only for myself. I'm not a member of the Education Committee.

SENATOR DeCAMP: I understand.

SENATOR FOWLER: I'm not involved in this issue. I wouldn't say that I have anyone else's proxy and that in no way should the statement be indicated as any side of support on any sort of agreement. But personally the, as I have reviewed this issue, the part ...and the amendment, the part that I cannot bring myself to agree with is to remove completely the curriculum review. The other sections that you do have I am willing to go along with. I'm not totally comfortable with removal of certified teachers but that seems to be a consensus

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in this Legislature with the Education Committee and your amendment and so I would not fight that. So I guess the part that I have the strongest objection to is to remove any sort of review of curriculum from state law. If that was taken out I could support your amendment.

SENATOR DeCAMP: Mr. President, I'd be happy to divide the question then and then when we do that I would like to speak to that issue.

SENATOR NICHOL: We are dividing the question and at the present time we are discussing subsection 2 of Section 2. So I have 13 lights on and if you'd like to speak to this specific portion of the DeCamp amendment, please indicate by raising your hand so I will know if you wish to speak to this particular section. Okay, Senator Higgins.

SENATOR HIGGINS: Mr. President, I think I want to speak to that. I'm not sure. I want to speak to the amendment that I'm reading in the Journal. First, it's got #1 and then a subsection 1, subsection 2, or Section #1. Is that the one we're on now?

SENATOR NICHOL: No, go just beyond that to Section 2 which is below it and then on the next page is subsection 2, line 5 through 9, on page 749 of the Journal.

SENATOR HIGGINS: I want to speak to the beginning of his amendment, the first section.

SENATOR NICHOL: Okay, perhaps we can catch you later.

SENATOR HIGGINS: Okay, thank you, Mr. President.

SENATOR NICHOL: Anyone else wishing to speak to this particular subsection 2 of Section 2? Senator Vickers.

SENATOR VICKERS: Mr. Speaker and members, just so that everybody understands exactly what we're doing, this would be negating the committee amendment that we just adopted just a few minutes ago. We just got through adopting a committee amendment that took that section out of 652. So the portion now that we are dealing with with the DeCamp amendment would be putting back in the bill a waiver provision for curriculum. I just need to make that point clear so that everybody understands exactly what they are doing. If you believe that the state does have certain responsibilities as far as broad curriculum guidelines are concerned for all the schools of the State of Nebraska, then I suggest you vote against this amendment. On the other hand if you think that it should

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be granted so that everybody can do anything they want to, then vote for it. It's that simple but I think it needs to be clear. We just got through adopting a committee amendment and now we're about to undo that committee amendment that we just got through adopting.

SENATOR NICHOL: Did anyone else wish to speak to this particular section? Senator Fowler.

SENATOR FOWLER: Mr. President, I agree with Senator Vickers' position that this section should not be adopted and that the bill be left in the form and as far as curriculum review that the committee amendments put it in and that is that the state does have an authority and a right to review curriculum in schools. Now let me talk about how I tried to arrive at that decision because I think it is a very sensitive and a very emotional issue and many people have talked to each of us. And I decided first of all not to vote on the basis of any of the personalities and any of the publicity as far as issues in this area. Second, I decided that sincerity alone on either side or intensity on either side was really not a good foundation to make the decision. Basically I tried to look back through what are the basic principles with regards to question of freedom of religion in the United States. The contention of those supporting the DeCamp-Peterson amendment would be that in no way should they be required to be reviewed by the state in the area of curriculum because this is infringement on their freedom of religion. I certainly understand how they arrive at that position philosophically and I think I understand what they believe is their proper view...is their view of what their role should be with regards to the state. I decided rather than look at this issue from the area of schools and Christian Schools but try and put it maybe in an abstract basis and that is, what can government require people to do even if it is offensive to freedom of religion, was to look in some other areas where people in the United States have contended their religion says that they cannot take a certain action and where the state then tries to determine whether or not they should be required to take that. Let's talk about one of those, Selective Service. It has been maintained by many religious denominations that it is against their religion to be involved in war and that, therefore, they cannot be drafted and required to be in combat. Now what we have decided in the United States with regards to that issue is that, yes, they can be exempted but they have to prove to the state that, in fact, that exemption is valid. They have to basically be reviewed by someone in order to get that exemption. Their Selective Service Board, when the draft was in effect would interview them. They would have to get supporting

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witnesses. Basically there was a process that says the state does have authority to interpret whether or not this person believes as they say they do and whether or not they should be allowed an exemption from combat. At the same time we say that they must provide some sort of alternative service but the relationship there is that they must answer to the state. Now thinking through that, I decided to try and look at some other court cases where those who interpret the U.S. Constitution try and decide again when the Constitution and the Bill of Rights says Congress shall make no laws with regards to religion, what exactly does that mean in terms of implementation? And surprisingly one of the most relevant cases I guess it was, people did research for me was one that dealt with the question of polygamy in the Mormon Church, an issue that at one time was a very heated issue in the United States. And there were those who maintained that for the basis of their faith that they should be allowed to practice polygamy even though the state had laws against them. Now what was the decision in the courts? Was that, if I use the phrase right, that the freedom of religion was not absolute, that you simply could not say, my religion allows me to do this, therefore, the state cannot in any way limit my activities. It was decided that, in fact, the state did have some authority even in a question of religious belief. The distinction was you can believe whatever you want but that doesn't mean the state must give you the privilege to do whatever you want.

SENATOR NICHOL: A minute.

SENATOR FOWLER: Now that is kind of the interpretation as I have been able to determine with regards to the question of freedom of religion and the Bill of Rights. Now the people supporting the Peterson-DeCamp amendment believe very sincerely that that is not the relationship they should have to the state and I respect their right to believe that. But as I can interpret what others have said and this is not what Steve Fowler's belief is, personally arrived at, but rather reading what people have said the Bill of Rights in the United States consists of and that is that the state, in fact, does have a right to put limits on people's activities and to require standards even if people believe that their religion says they should not follow that and the question of whether we're talking about Selective Service, whether you're talking about people claiming a religious right not to pay income taxes, whether you're talking about people claiming a religious right to only have a certain diet available in public institution, whether you are talking about people who claim their religion allows them to practice polygamy. In all



cases we have decided in the United States, the state does have the power to establish standards and requirements. For that reason I think....

SENATOR NICHOL: Time is up.

SENATOR FOWLER: ....that we should maintain the requirement that curriculum be reviewed and that is why I oppose this section of the DeCamp-Peterson amendment.

SENATOR NICHOL: As far as I know, Senator DeCamp is the only other one wishing to speak on this particular division. Senator DeCamp.

SENATOR DeCAMP: Mr. President and members, a few minutes ago Senator Beutler gave probably one of the two or three best talks I've ever heard on the floor since I've been here, a very perceptive analysis, just black and white, of what the issue really is. It is a balance, a contest if you would between freedom of religion, constitutional principle over here, and the state's/country's right to maintain a democratic system. And in analyzing it, Senator Beutler gave arguments here and arguments there, but basically he said it is a close question and he comes down on the opposite side on this particular issue. Now I am going to do something here that I haven't talked over with the Christian Schools or anybody else and I'm going to do it because I think it is reasonable. I think it is workable. I'm going to personally go along with Senator Fowler's proposal and to my good friends in the Christian Schools that will say, well you don't have to do that or you shouldn't do that, I simply say, we agreed to do this last year, the curriculum approval and I've got no fears that your curriculum can live up to whatever reasonable standards are imposed. You may remember what we really wanted last year and what was a stricter proposal, was testing of the students. Make these Christian Schools students put up or close up. Make them prove that they know "reading, writing, 'rithmetic" whatever, as well or better than the public school students of comparable grade and age or close down their school. And I guess I thought that was the most reasonable thing in the world. Make us, so to speak, make us prove that we were learning or close up. The Legislature, the education industry basically said, no, we don't want students tested. Okay, we won't have that. We'll accept, or I'm saying I'm accepting on their behalf and I suppose not one in a hundred of them really wants this but I think it is reasonable of accepting this. Let the curriculum be subject to examination and approval. The real issue, the issue that has divided the state and the country over this, has to do with one fine

area with teacher certification which is a rule and that is the heart of this bill and I don't want to get you off the subject. That is where it is all at. Senator Fowler stated a few minutes ago if he received or was successful in getting this amendment, he personally could then support the bill. I'm going to ask that you follow and follow Senator Fowler on this amendment and I tell you the Christian School people who might be listening, you can meet any curriculum standards that are reasonable, you can do it, don't worry about it. You've got the six months period of time, you can do her. And the issue of teacher certification which is where the heart of the controversy is which is the conflict between religion versus a democratic society, that issue is resolved in the balance of the bill. I can say to you as honestly as I've ever said anything, I would like to see this problem solved. I would like to see you at least try out...

SENATOR NICHOL: Thirty seconds.

SENATOR DeCAMP: ...try out this bill, try out this proposal, see if it doesn't get her settled down and get people kind of halfway happy, no matter what side of the issue you're on and see if it doesn't work. I think it will. So I am going to vote with Senator Fowler to reject that particular portion and I am asking him and others of a like nature to support the balance of the bill then.

SENATOR NICHOL: Okay, the question is Section 2, subsection 2. Now for clarification, Senator Fowler and Senator DeCamp, if you vote yes on this particular portion of the bill it means that subsection 2 of Section 2 is in the bill. We are not voting on the balance of the bill at this time. So all those in favor vote yes, those opposed no.

CLERK: Senator Nichol voting no.

SENATOR NICHOL: Record, Mr. Clerk.

CLERK: 3 ayes, 30 nays, Mr. President, on adoption of that portion of the DeCamp-Howard Peterson amendment.

SENATOR NICHOL: The amendment is adopted. Excuse me, the amendment is not adopted, correct. So that portion of the bill is not in the bill, it is not in the amendment anymore. Now we are back on the balance of the DeCamp-Peterson amendment. Senator DeCamp, did you wish to make any remarks?

SENATOR DeCAMP: Mr. President, simply to say the issue before us now is the structure set up by the Education Committee. That is what it is all about and the issue of teacher certification which is Rule 14 and a system to accommodate the

Christian Schools in that. I urge you to at least try this and see if it doesn't work for a year or two or three and learn something more on it.

SENATOR NICHOL: Now I am back on the list of the Speaker's as we had them prior to our little diversion there. Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I rise in opposition to the remainder of the DeCamp amendment and I make my presentation, having thoughtfully and even prayerfully considered this issue because I am a true believer in religious freedom. I have spent a lot of hours looking at practices of the nonconformists in our society over the years, being familiar with the great struggle of the Hutterites in South and North Dakota for freedom of religious practices, being quite familiar with the struggle of the Amish in Pennsylvania, in Iowa, in Ohio and Wisconsin for the freedom of religious practices, being familiar with the struggle of the Society of Friends, that is the Quakers in England who were forced to come to our country and establish a society of their own in Pennsylvania. I have in my own heart a tremendous sense for individual religious freedom because in the last analysis one of the great strengths of a society such as ours is the ability of each member to hold a deep and abiding faith and to share that deep and abiding faith with other persons in our society, to be an Evangelist, in effect, for a cause. But as Senator Beutler so rightfully pointed out, we are engaged in a great struggle and the struggle really is between the right of the individual to pursue a matter of conscience on the one hand and the needs of a democratic society to ensure educational quality for all children. It has basically been through education in our society that we have transmitted values generation to generation. It has basically been the cause of education that we have uplifted and elevated the status of western civilization. We can go back to the Greeks and the Greeks were the first members of Western society that said, education is the basic function of the state. The state must be an educator. The state must see that all persons have the knowledge to do right, to pursue the good and to be productive members of society. And as Senator Beutler has rightfully pointed out, the way the State of Nebraska has seen fit to fulfill that obligation is to build a three-legged stool of (a) compulsory education, (b) curriculum review and (c) the use of certified teachers in the classroom. Now this piece of legislation deals finally with the conflict that can arise when a person of deeply held religious conviction and motivation says, what transpires in my classroom is a ministry. I am called by God to conduct my classroom in a certain way and

I want no state intrusion on who is to be in my classroom and for that reason I will not accept the authority of the state to have in my classroom a teacher, even of my own faith, my own personal beliefs and my own convictions, who has to be a certified teacher. Now let's talk about the whole certification function. What has the State of Nebraska been doing painstakingly year in and year out? What it has been doing is it has been attempting to professionalize and upgrade the quality of offerings in the classroom and it has used the certification process to carry out that function. It has concluded, we, as legislators, have concluded that if we require all people who perform in our classrooms to have a certain pedagogical background to meet certain standards, that we can better assure ourselves that there will be teaching transpiring in the classroom and that the kind of teaching that transpires in the classroom will carry forward this great and noble mission that has infused Western civilization for twenty-five years...

SENATOR NICHOL: Half a minute.

SENATOR V. JOHNSON: ...with true passion and that is the function of education and the function of learning. Now it seems to me that when the time finally comes and we have on the one side of the scale, individual freedom of conscience and on the other side of the scale, the societal needs to educate our children, that the societal needs in this context must prevail because we must ensure to future generations a strong and solid democratic structure with a well educated citizenry. It is for that reason I do oppose this legislation.

SENATOR NICHOL: Senator Higgins.

SENATOR HIGGINS: Mr. President and members, I do not rise to oppose or to propose this amendment but more for clarification on some of the things that have been said and some questions that I have about this amendment. First of all, we hear from the attorneys always in the Legislature, what is the definition of this and what is the definition of that. Senator Beutler said earlier, how do you define liberty. I define liberty, Senator Beutler, as freedom within the law and I define law as a rule of reason for the common good. I don't know how attorneys define it but that is my definition of it. I read this amendment of Senator DeCamp's and Senator Peterson's and it says, "the lay governing body or organization of parents of a church or religious denomination may file a notice of the right to exercise a waiver of certain school laws and rules and regulations adopted pursuant to such laws if the church or

denomination if they do not accept any state or federal funds." Today we're debating teacher certification. My question is, if you get the waiver you are going to give up state aid perhaps. My second question is, we're speaking about today's laws, those laid down by the Department of Education. I don't know what laws the Department of Education might have a year from now, two years from now or three years from now and maybe some religious denomination or church school may disagree with that law. Today I see we have something here from the Catholics saying they agree with this amendment. I wonder if they have thought ahead to how these laws change from year to year and will they agree with this a year from now or two years from now if the Department of Education comes up with some new laws? So, Senator DeCamp, I would like you to address to those two questions that I have. Number one, if I am in a church school and I am going to ask for a waiver of any kind because I'm not talking just about certification today, I'm thinking ahead to the future, my school is going to say, I'll take the waiver and I don't get any state funds or state aid anymore. That is the first question. The second question is, what about the future of the Board of Education and what new rules and regulations they might hand down? How encompassing is this bill with these amendments going to be and I am asking this purely from a neutral standpoint because I have one day been for it and the next day against it. Thank you.

SENATOR NICHOL: Senator VonMinden.

SENATOR VonMINDEN: Mr. Speaker, members of the body, I have in my hand here from my church, Missouri Synod, reasons why they support this bill. I will not take much of your time but we hire in Missouri Lutheran Church, we are the biggest parochial Protestant schools in the State of Nebraska and some of the reasons why we started parochial schools was something I think some of you people should know. We're not only interested in the academic part of our children in our schools, we're also interested in the physical part of our children, the emotional part of our children, the social part of our children and the spiritual part of our children along with our academic part. I want to ask you here today if you don't vote for this amendment, you are taking away a certain part of freedom to these people in the Christian Schools. This freedom you are taking away from them are going to hurt them immensely but it will not hurt any of you very much. I would like to ask you here today if we had a bill that would take the freedom away from one or two of you senators that would not hurt the rest of us senators, how you would vote on the bill. All these people are concerned about is what I just

read to you, the physical, the emotional, the spiritual and the social and also the academic part of teaching their children. I wish you, when you vote on this amendment, would examine your conscience and think who are you going to hurt and who are you going to save. This will not hurt the public school structure if the people here can honestly say that they are concerned about that handful of kids down there or a handful of kids in some other Christian school about their education or they're more concerned about, well after all, I went to school with accredited teachers and I think they ought to go by the same rule. I ask you again, you're infringing on a little bit of freedom if they want to keep it for themselves. Thank you, Mr. Speaker.

SENATOR NICHOL: Senator Cope.

SENATOR COPE: Mr. President, members, this is a tough spot for me as well as for all of you here on the floor. I am a Catholic. I believe, believe me I believe in religious education. I also believe in public education. I believe in all education. My wife and I support both parochial and public and do it gladly because I think education is the salvation of our country. I also believe that all schools, and I say all, should have a standard of supervision. I don't believe this bill in any form will do this. I want all children to be taught by certified teachers. I guess I want it just like it is. I don't think we have anything but minimum requirements. I don't want to change the system for any Christian Schools now, the Catholics, the Lutherans. I want the requirements the same. I think it is protection. Personally maybe it is selfish but I want the Catholic Schools to have this certain amount of supervision. It isn't that I'm particularly interested in the Christian Schools that are asking for this bill. I think they are sincere, honest and I like the bill but what worries me is what is going to happen if we open Pandora's box and that is what we are doing. I think we are buckling. I think we are opening something, setting up precedents that we are going to be sorry for. I just got to thinking. What if the Catholics or the Lutherans or any other church group in the past would come in and ask for this? We wouldn't get to first base I don't believe. So I don't like the precedent setting. I don't like the bill. I don't like the amendments. I'd certainly ask that you not support amendments or the bill.

SENATOR NICHOL: Senator Stoney.

SENATOR STONEY: Mr. President and members of the Legislature, a question of Senator Vickers if he would respond, please.

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SENATOR NICHOL: Senator Vickers, would you respond, please.

SENATOR VICKERS: Certainly.

SENATOR STONEY: Senator Vickers, we received on our desks this morning a document which I assume has been circulated by you.

SENATOR VICKERS: Yes, that is right.

SENATOR STONEY: And I'm wondering what the meaning of this document might have and how it relates to this particular issue and would like you to explain that for me.

SENATOR VICKERS: Senator Stoney, the reason I circulated this document, as you remember a while back Senator Chambers circulated a document similar to this. Since that time I have received much more of the information from this group. I've met with some of those people and if you will look at the last page of the document that I put out, there at the bottom of the page, it's talking about the bottom line solution is to pass an enclosed bill which forces every legislator, lawyer, judge, teacher and media to name which of these two opposed constitutional Gods and laws they represent. Now the reason I bring this to your attention, Senator Stoney, and to everybody else is that the door that we are opening or about to open this morning we cannot open a crack. Doors are open and open wide and I'm just simply suggesting that some group in the future that might sincerely believe something and I believe these people that put this information out sincerely believe what they happen to believe. I don't quite understand or believe with them but by the same token I'm suggesting that we need to be a little careful as to how we unregulate, if you will, people or groups of this nature in the future and that was the reason for sending this around.

SENATOR STONEY: Senator Vickers, do you know who authored this document?

SENATOR VICKERS: Well it was authored as you can tell at the bottom by the Christian Law Center and it gives the post office box of Columbus, Nebraska. I met with some of those people. Yes, I do know a couple or three of those individuals.

SENATOR STONEY: Are these the individuals who are supporting since you referred in the last page of this document to a bill? Are we talking about the Christian School issue?

SENATOR VICKERS: No, this is not the Christian School issue per se. This is a group of people who seem to believe that

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the laws of this nation are based on the wrong God.

SENATOR STONEY: Senator Vickers, that is the point that I am making. It seems that you've circulated material here giving the inference with your comments. Would you want the people who put this out, teaching your children without any oversight at all? Now I think the people that are asking for this concession or this waiver, it is my understanding that they are Evangelical, Christians, they are Fundamentalists and I don't see how you can say that the individuals who are supportive of this concept are the ones that have circulated this document. Now do you have any knowledge that they have participated in this? And the point I am attempting to make is, why was this material circulated giving the inference that these people, those that authored this document, are those that are supportive of what is attempted on behalf of the Evangelical and Fundamentalists here in our state?

SENATOR VICKERS: Senator Stoney, I didn't indicate that these people that circulated this document were in support of LB 652 or any other bill dealing with Christian Schools.

SENATOR STONEY: Well the inference is there, Senator Vickers.

SENATOR VICKERS: What I am inferring is that if we pass LB 652 and grant a waiver, these people will be able to take advantage of that waiver also.

SENATOR STONEY: Thank you, Senator Vickers.

SENATOR NICHOL: One minute.

SENATOR STONEY: Ladies and gentlemen, I am in support of the DeCamp and Peterson amendment and this is not a denominational issue whether a person be a Catholic, a Lutheran, a Presbyterian, whatever. The issue deals in essence with religious freedom and whether or not the people of this state who have the responsibility to God, not this state, to educate their children will be given that freedom. So I hope that you look upon it that way and that you search your conscience and that you prayerfully and carefully consider what you do with this vote. Ladies and gentlemen, it is very important that these people be given the right to educate their children, the children which were gifts of God given to them and I would ask that you support them in supporting the Peterson and the DeCamp amendment to LB 652. Thank you.

SENATOR NICHOL: Mr. Clerk, you have something on the desk.



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ASSISTANT CLERK: Mr. President, I have an amendment to the DeCamp amendment that is offered by Senator Koch. (Read Koch amendment as found on page 1062 of the Legislative Journal.)

SENATOR NICHOL: Senator Koch.

SENATOR KOCH: Mr. Chairman, members of the body, I apologize for being late but I have struggled with this issue for seven years. I think that I have probably given more on this piece of legislation than any one in here from an original stance which was three hundred sixty degrees away from where I am today. This morning I met with a group of people talking about collusion and bid rigging and that is why I am late. I will make that a matter of record because obviously someone took something out of context what I said yesterday and believed that I was being bought by some big people. So I lay myself before you this morning. I'm not going to get bought by the Evangelicals and Senator Stoney said it correctly. We misuse the word Christian Schools because it is a very fundamental religion which some of us may not understand. I have given a great deal of my time and effort, so did this committee. They put out a disclaimer but we promised you when we came to the floor we would bring you a bill. The bill basically you have before you is my bill drawn by my assistant Mr. Siefkes who is a former superintendent of schools who believes as much in public education as Gerry Koch does. I am going to give the Evangelical people an opportunity. As far as my vote goes I don't have many votes on this floor. I've watched them lately. They have dissipated. But as chairman of the Education Committee who has worked hours trying to find a compromise, and nothing in education is ever easy. My friends who are professionals like I am, who have got degrees, fortunately someone gave them to us or we worked for them, don't believe we shouldn't allow classrooms to be carried on without certified teachers. Now let me give you a little history. I came out of a school district called District 69 in Campbell, Nebraska. I was thinking on the way down here this morning I had six teachers in seven years and I can remember their names and none of them were certified, none of them, but I can still remember their names, can't I? And I will give you their names if you want me to. Do you know why I knew them so well? Because our farm was a quarter of a mile from that little school. They all stayed with us. They board and roomed with us. So I was fortunate I guess. My Dad was the treasurer of the school board, three member board and they held a caucus and they would hire teachers. What we're doing here today is we're probably going to go back to that day a little bit. We're going to allow the Evangelicals to hold a school and the parents are willing to

know what the school is about. So what I am saying is let's give them a chance for four years, let the Legislature review it. There is no data as far as I know of how successful they can be, none. But in four years this Legislature, whether I am here or not, can review it one more time and I think it is appropriate we allow these people to carry on an education which they think is an environment for their children that is better than the public schools. I may not agree with them but the point is, give them a chance because I think we've spent far too much time on this issue and I will go on public record. If this school drives the public schools out of business then we can't compete very well and I don't think they will. So that is why I am asking for this amendment to put a sunset on this bill. The Legislature can review it. By that time we'll have enough data to find out whether or not that school should exist. That is the end of my sermon for today. Thank you.

SENATOR NICHOL: I only have one light that came on after we have taken up the Koch amendment. Is there anyone other than Senator DeCamp who wishes to speak to the Koch amendment? Okay, Senator Vickers first.

SENATOR VICKERS: Mr. Speaker and members, this is an unusual debate today since we have members of the Education Committee on obvious opposite sides of this issue. Senator Koch just gave you some good reasons for his position as the chairman of the Education Committee. I'm the vice chairman of that committee and I put a few hours in this issue myself and in spite of what some people might think back of the glass doors or up in the balconies or other places in this state I don't consider myself the worst heathen in this state either. I don't think this is an issue of Christians versus heathens. I happen to think there is Christians on both sides of this issue and it makes me a little bit upset when some people seem to think that if you don't follow the line that is being laid out here, you must be against God and apple pie and motherhood. I don't think that is true at all. I consider one of the major portions of my job and I would hope that each of us as legislators would, protecting the future not only for those constituents who we have alive and voting for us today but also for those future generations yet unborn. I think that is the major job of any government or any legislators. Now what Senator Koch is proposing is that we are going to take four years and we are going to experiment with some young people's lives. Now I'm not ready to do that. If that is all right with you to experiment for four years then fine, but I think those young people and their lives are too important for us to decide that we're going to look at it again four years later and see whether or not it is a good idea.

Senator Koch also mentioned that we're going to grant to these Evangelicals this waiver that they are asking for. As I was discussing with Senator Stoney a little bit ago and we all know it, you don't open the door a crack to anybody. You either open the door to everybody or you don't open it at all. Now it is true and I have no argument with those people that are right now having those schools out there. They are probably real sincere Christians and they are trying to do a good job but I am suggesting to you that once we open that door and once we grant that approval of that waiver for certification or anything else, that that waiver is available to anybody under any creed. And it is not necessarily narrowed down to the Evangelicals or the Fundamentalists. It is also available to the people that put out this information whether or not you agree with it or not. We have to admit that it is available to them. It is available to anybody. Now the issue as to whether or not we should have certified teachers, it seems to me to be an issue that I just cannot understand how we in the State of Nebraska can say that the person who takes care of my lady's hair has to have certain requirements under a certain licensing system before they can do it when there is only about a two or three week difference between a good haircut and a bad one but yet we're going to open the door wide open to anybody that says that they are a teacher to form young people's lives that might affect them for the future, we're going to grant that waiver.

SENATOR NICHOL: One minute.

SENATOR VICKERS: I don't quite understand that philosophy and I don't personally buy it and I suggest to you that the majority of the members of the Education Committee doesn't buy it either. If you don't believe that, read a committee statement, read the disclaimer. Thank you, Mr. President.

SENATOR NICHOL: I have Senator DeCamp and Senator Wiitala on the Koch amendment. Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature, I think I can say and nobody would disagree that Senator Koch, more than any man or woman in this body has worked, has agonized, has tried to resolve this issue and I think he has done an admirable job. We may disagree in some areas. We may disagree as to the approach but I think it is a fair statement that nobody has tried harder than this particular individual. Senator Koch said, put a sunset on and find out if it's working. My initial inclination was to say, hey, we've given in to this, we've done that, we've waited two years, we've got people in confusion and conflict and controversy, why should

we take that additional step? But upon reflection I'm convinced that maybe that additional step is for the benefit of the Christian Schools. Yes, they will be subject to whatever examination and scrutiny and let's see where we are in three or four years, I guess it would be about four. I think in four years that you will agree completely and I think the amendment with the sunset does no damage. You may remember, however, for those of you who questioned whether my original bill was stricter, 472A had a sunset next year, half as long. So I'm plumb willing to go along with twice as long a sunset as my original proposal that you thought was too lenient. And I do believe that the opportunity for people to talk and communicate in this four years will hopefully improve the attitudes of both sides about the real intentions of the other side. Senator Vickers did say one thing that I think needs to be addressed on this subject. He said, "We're playing with children's lives." And indeed that is true. Now do you believe anyone in this body believes that parents who go to all the trouble to risk going to jail to finance a separate school system to do all the things that they are doing to make sure that their child gets a specialized, what they deem to be Christian education, do you really believe that those parents aren't concerned about their children? Maybe there is just the chance if you talk to some of them that they are the most concerned parents about their children of any parents in this state. So I go along with the amendment. I don't think it presents any problem.

SENATOR NICHOL: Senator Wiitala.

SENATOR WIITALA: Thank you, Mr. President. Mr. President, colleagues, I rise in opposition to Senator Koch's amendment that places a sunset on John DeCamp's amendment to LB 652. I feel the sunset is tantamount to placing a sunset on the long history of what this state stands for when it comes to education. Like Senator Koch I respect his point of view and what he has tried to do in addressing this issue. Many of you know that I also supported the original Christian School issue before this body. For purposes of discussion, for purposes of a fair hearing, to get about every ounce of possible insight possible I welcomed pastors into my office. I responded to nearly all their letters. I visited one of their schools and now we come down to our day of judgment. It is very easy for me to get involved in the emotions. It is very easy for me to be empathetic but I stand before you today, not representing the interests of solely public education but the interests of the state. It hurt me deeply when I went out into the lobby to talk to a supporter of public education and as I came back into this Chamber a pastor remarked,

"Well I guess I know who you take your orders from." I have not taken my orders from anyone and I tried to be as fair minded as possible on this issue. Now, colleagues, I am going to speak to you quite frankly and I am going to speak to you out of the experience that I have had in this issue. Basically Senator Koch's sunset provision which in a way puts a stamp of approval on Senator DeCamp's amendment allows his amendment, Senator DeCamp's amendment allows for striking the most essential clause of LB 652 and that is providing for some equivalent resume of information and talent in order to be qualified to teach, not necessarily going to a state university or a college system, not getting necessarily accredited hours, not getting certification but getting some modicum of knowledge and skills so that the child is not subjected to the totalitarianism of a curriculum. Now one of the fears among the Christian Fundamentalists is the totalitarianism of the state, which I quite disagree with, but to me even more totalitarian is when you take a national curriculum that hasn't had benefit of being generated by the local school board as far as the needs of their children and impose it on children with teachers that profess to teach without any requisite knowledge or skills in that field. Colleagues, if you can subject children to that kind of a process, although it may work sometimes well, other times it may not, you're going to have to reconcile yourself to the dilemma that may occur in the future and this is where the problem lays and I think it should be discussed and voted upon in that respect. Thank you, members, for listening.

SENATOR NICHOL: Is there anyone else that has a light on that wishes to speak to the Koch amendment? Senator Kremer. Senator Beutler, did you wish to speak to the amendment? Okay. Senator Kremer.

SENATOR KREMER: Thank you, Mr. Chairman and members, I'm certainly not going to take a lot of time. I stand only to say that I support Senator Koch in his proposed amendment for these reasons. First of all let me say that once you become a committee chairman by a vote of the people of the Legislature you are expected to provide some leadership and you become dedicated to provide that leadership. Senator Koch in his attempt to resolve a very, very difficult situation like we have before us this morning, I know has given much thought and much attention to what we possibly could do to some extent resolve the debate that is before us. He has demonstrated that leadership and what is Senator Koch attempting to do with this amendment? I do not think, as Senator Vickers said, that we should treat this as an experiment but I think Senator Koch is saying, let's give these schools the opportunity to demonstrate what

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they have been saying when they said that we will provide for a good well rounded education for the students in our schools. That is all he is saying. Let's give them the opportunity to prove that they can do what they said that they would do. I think we should act upon Senator Koch's amendment to Senator DeCamp's amendment and give them that four year period of time to demonstrate what they say they told us they would do and somehow I believe they are going to be able to do that. I stand in strong support of Senator Koch's amendment and then for Senator DeCamp's amendment as amended. Thank you.

SENATOR NICHOL: Senator Beutler, then Senator Remmers.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I simply wish to make one short point in opposing the Koch amendment. I really believe that as a practical political matter if you vote for the Koch amendment and if this law goes into effect for four years, it will be retained and you will have effectively done away with teacher certification. And let me tell you why I think that is true. I think there would be a contagious deterioration of the teacher certification standard. I think that the private schools and then the public schools would call into question teacher certification if you once put this law into effect. Now that sounds like a scare tactic but let me point out a few things to you and let me tell you what has happened, remind you I guess, of what has happened already. First of all, there was at least one Christian School in Omaha which had teacher certifications and abided by the teacher certifications requirements until this most recent movement began and then they, too, joined in and objected to the teacher certification requirement. So that within the Fundamentalists groups you could see more and more of them who are getting along okay with the law the way it was, now beginning to object to the law and reject teacher certification so it spread through the Fundamentalist group. Now just lately, contrary to what they did last year, the Missouri Synod has come in and said, "Yes, we need a change in the law." So we are progressing from objection to teacher certification within a small group to objection within a larger group, the Missouri Synod, and then the Catholics, and I don't know how they ever did this, one group of them says, "We don't need any change in the law." Then they sent a representative to another group who comes back and comes to the conclusion that, "Yes, we'd like to see a change in the law too." The private schools from time to time have little problems and troubles with the Department of Education as do the public schools. It is a continuing conflict, a continuing give and take. They will use this alternative to escape that give and take and the

way that the law is structured, please pay close attention to this, the way this law is worded they can do that. It says here all they have to do is declare the requirements embodied in the law constitute an interference with religious instruction. It does not say that they have to hold as a religious belief that interference in education is a violation of their religious belief. That might preclude Catholics and Methodists and all the major groups from trying this kind of waiver because their long continuing history has shown that they do not object to it as a matter of religious belief but that is not what this bill says. It says "interferes with religious instruction" and I can see where it is going to be very easy for the lay body of one of these groups to say, "oh, boy, this bickering with the Department of Education, enough of that. They're interfering with our religious instruction because they are taking our teachers time and our administrators time worrying about these teacher certification requirements and we should be teaching the kids some religion. They would come under the statute. I don't think there is any lawyer that would say that they wouldn't come under the statute. Then, once it spreads across the table to private education, where are the public schools? In what kind of position are they, vis-a-vis, the public schools? Will there then be pressure to do away with teacher certification on the public school level?

SENATOR NICHOL: One minute.

SENATOR BEUTLER: I think, in fact, that if you reverse the trend by adopting this amendment in any form, that you are inviting serious problems and at the beginning of those problems are already evident by what you have seen in the course of this debate in the last year. Thank you.

SENATOR NICHOL: Senator Remmers.

SENATOR REMMERS: Mr. Speaker and members of the Legislature, I really had not intended to speak on this issue at all because I was a little afraid that due to my experience in education that what I might say might weigh too heavily on one side or the other but my conscience compels me to speak on this thing. I want to congratulate Senator Koch for his perseverance and his efforts on this bill. Regardless of where you are on this issue I think you have to give him credit for having stayed with it and I want to say this, that I have a lot of respect for the public schools. I've spent too many years in it not to have respect for it. I don't think the public schools deserve all the criticism that they have been getting. I think basically the public school system has been

a success. I did not want to agree to legislation that would completely open the door and I've been struggling with this. I don't exactly know, part of the time I wasn't quite sure which way I was going to vote but we have been concerned about these children being subjected to all kinds of abuses such as was indicated by the flier that Senator Vickers circulated but in regard to that I would say that the people like Jones that took his congregation to South America, they are going to meet the requirements. We're not going to prevent those by insisting on certification. We will always have those and if we structure our laws so strict that everyone has to fit into a situation so that we prevent these wild eyed radicals from having a school, we're going to have a system that none of us can live under. I am going to support Senator Koch's amendment. I am going to support the bill that Senator DeCamp and Peterson are proposing. I don't think that the people that have wanted this type of freedom are going to hurt the future of this country in any way. I have said that if public education cannot stand this kind of competition then it deserves to be destroyed. I think that public education will come out of this stronger as a result of this competition. I am convinced that it will. We do need to have a look at ourselves once in a while. As regard to that three legged stool that I've heard referred to this morning, yes, those are important. Compulsory education, curriculum and the type of teachers we have, but that doesn't mean that those legs are necessarily can't be shortened or lengthened in some respect that those legs are all as strong presently as they need to be. I kind of agree with Senator Koch because I grew up in the same circumstances. I lived a little farther from school. I lived a mile from the school but the teachers all stayed at our home. It was a rural school and the teachers had the same kind of background that he spoke of. I believe the public schools are unnecessarily threatened by what they consider what is going to happen to our children. I think these people are very dedicated and they are going to see to it that their children get a good education. We haven't proven exactly and this is one of the bad aspects of public education that has always bothered me, it has been very difficult for us to prove just what good education is, what curriculum is necessary. It seemed like the only thing that we really ever come up with when we make these surveys is it is important to attend school and it is important to study but really it hasn't mattered what people have studied. I don't really mean that altogether but there is an indication that the two legs of that stool, the curriculum and the attendance are probably more important than the third leg, the certification, and we do have two legs of that stool in this bill and I would urge you to support it.



SENATOR NICHOL: Senator Haberman and then Senator Chambers. The question has been called. Do I see five hands please? I do. The question is, shall debate cease. All those in favor signify by voting aye, opposed no. Record please.

CLERK: 25 ayes, 9 nays to cease debate, Mr. President.

SENATOR NICHOL: Debate has ceased on the Koch amendment. Senator Koch, did you wish to close?

SENATOR KOCH: Thank you, Mr. Chairman. There is a neat proverb that I like very much. Many of us are very bright or consider ourselves to be intelligent. People really don't care how much you know until you show them how much you care. What we're doing here is we're saying to parents, we're going to give you the privilege of placing your child in an educational environment that you think is most appropriate. As I said before I may not agree with those parents but I'm going to give them an opportunity if I can. What we are demonstrating here today is sort of like confession. I'm not Catholic but I guess when they go to see the person in the cloth they confess whatever it is that bothers them and this body today has laid themselves on the line. I'm here to confess to my colleagues and education, school boards, administrators and teachers. I'm not a Benedict Arnold. I'm not going to sell out public education but if we're as intelligent as we say we are and as professional as we are and as empathetic as we are, then we're going to allow parents the right for at least four years to see whether or not this form of education is appropriate and I couldn't be a Christian myself if I didn't allow some people who believe a little differently than I do that privilege. We're putting those people on notice, I want you to understand this bill. We're saying you're going to have a lay board, the lay board is going to ask for certain waivers. They're going to say our teachers are competent. Now the parents go to those boards, whoever they pick, the elders or the trustees or whoever they are and we've all served on those boards, I'm sure. Now when that board asks for those waivers then they are going to be responsible for the kind of education that goes on in that school. There is a responsibility there and there is a caveat for parents. Now what is unreasonable about that? That is why I say this body needs time to see, determine whether or not this educational environment is appropriate for those children. Some of you stood here and said that we're using kids. That's not unusual for politicians. We've used kids for pawns historically. That is what they are. They are on a checkerboard and we play with them. So what we do here today won't be unique in terms of political leadership but as a professional educator and I am very proud of that, I'm going to stand here like Senator Remmers

will and I am going to vote for this and so if I don't get elected again in 1983, I made a choice. If this is what people want to test me on, one issue, then so be it. I'm laying it right out here on the line and I'm going to stand on it and I think even my mother would support it. I ask you to adopt the amendment. Thank you. Because my mother was a teacher.

SENATOR NICHOL: The question is the Koch amendment. All those in favor vote aye, opposed nay. This takes a simple majority.

CLERK: Senator Nichol voting yes.

SENATOR NICHOL: Have you all voted? Senator Wiitala requests a record vote. Have you all voted? Record, Mr. Clerk.

CLERK: (Read record vote as found on pages 1062-1063 of the Legislative Journal.) 24 ayes, 19 nays, Mr. President, on adoption of Senator Koch's amendment to the DeCamp-Howard Peterson amendment.

SENATOR NICHOL: The Koch amendment is adopted. Mr. Clerk, we have another amendment.

CLERK: Mr. President, Senator Beutler would move to amend the DeCamp-Howard Peterson amendment by deleting the word "religious instruction" in line 14 of page 46 and inserting the words "religious beliefs of a church or denomination."

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I'll be quick with this. It really addresses the problem that I brought to your attention a few minutes ago. If you are going to be allowed to obtain a waiver from teacher certification, then I think you ought to say that it is a violation of my religious beliefs or the religious beliefs of the church or denomination and not just that it interferes with the religious instruction. That is, I want to be sure that it is being requested and can only be requested on the basis of religious principle and not on the basis of institutional friction or disagreement with Department of Education requirements or for any other reason other than religious principle. And that I think is what this amendment does. Thank you.

SENATOR NICHOL: We are now on the Beutler amendment. If anyone wishes to speak on that, please indicate. Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature,

I happen to agree completely with Senator Beutler. I think this is probably the way the bill should have been worded originally. I think it may clear up in my mind, even any constitutional problems that might have been alleged. It goes directly to the constitutional question and I happen to support the amendment.

SENATOR NICHOL: Senator Koch, did you wish to speak to this amendment? Okay. Senator Beutler, did you wish to close? For those of you following in the Journal, page 746, Section 1, subsection 2, strikes "instruction" and inserts "beliefs of the church or denomination." All those in favor signify by voting aye, opposed nay.

CLERK: Senator Nichol voting aye.

SENATOR NICHOL: Have you all voted? Record, Mr. Clerk.

CLERK: 36 ayes, 0 nays, Mr. President, on adoption of Senator Beutler's amendment to the DeCamp-Howard Peterson amendment.

SENATOR NICHOL: The Beutler amendment is adopted. Now we are back to the DeCamp-Howard Peterson amendment. Senator Peterson.

SENATOR H. PETERSON: Mr. Chairman, I would call the question.

SENATOR NICHOL: The question has been called. Do I see five hands? State your point of order, Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, I don't think there has been a full and fair debate on this issue and I would like to request that the Speaker reject the motion to call the question.

SENATOR NICHOL: Senator Higgins, for what purpose do you arise?

SENATOR HIGGINS: Mr. President, I asked Senator DeCamp earlier a couple of questions and I assumed that he was going to answer them. They have not yet been answered. I don't know, maybe he is going to do it in closing but I can't vote yes or no on this bill until I get an answer. Thank you.

SENATOR NICHOL: Alright, Senator Peterson.

SENATOR H. PETERSON: (Mike not turned on.) ...on my closing and I would like to speak then for just a few minutes.

SENATOR NICHOL: All right.

SENATOR H. PETERSON: Let me say first of all, we've heard a great deal this morning about teacher certification. I don't know how many of you have studied this question. It so happens that the State Department of Education did do a survey this summer of all the states in this country and I think you should know there are only fourteen states that require certification. So we're really, you know, I think we're in a minority in Nebraska and I'm not sure that we hadn't ought to study that issue rather carefully. I, for one, would say that we certainly aren't doing something that is real exceptional in facing this in this particular amendment to the bill. Number two, I want to say a word about Christian conscience. I don't know how many of you have thought of this particular matter but I thought a great deal about it and one of the reasons why I have made this a priority bill and one of the reasons why I feel that we need to do something on this issue is that I look back to my Lutheran background and at this point I come across the Catholic background and I think of Martin Luther who said that at the time he was in the great debates, he said, "I cannot, I will not repent," and you remember that was because of his Christian conscience. And I would remind those of you who are on this floor who are Protestants in this body, we would have nothing but the Catholic Church if it hadn't been for Martin Luther really expressing his Christian conscience. For that reason it seems to me that we need to be in a position to express our Christian conscience and to let other people do the same thing. And that is the reason why I have been so strong for this particular amendment. I think it speaks to the conscience of each one of us.

SENATOR NICHOL: Mr. Clerk.

CLERK: Mr. President, Senator Beutler would move to amend the DeCamp-Howard Peterson amendment by striking the word "religious instruction in line 17, page 2 of the amendment and inserting the words "the religious beliefs of the church or denomination."

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, there were two places in the amendment where this language appears and I only picked up one of them in my first amendment and Senator Pirsch pointed out my error and I'm glad that she did. This amendment simply picks up the language and changes it in the second place that it appears in the DeCamp amendment. Thank you.

SENATOR NICHOL: The question has been called for on the Beutler amendment. Five hands please? I do. All those in favor of ceasing debate signify by voting aye, opposed nay.

CLERK: Senator Nichol voting yes.

SENATOR NICHOL: Record please.

CLERK: 31 ayes, 0 nays to cease debate on that amendment, Mr. President.

SENATOR NICHOL: Debate is ceased and the question now is the Beutler amendment to the amendment. All those in favor signify by voting aye, opposed nay.

CLERK: Senator Nichol voting yes.

SENATOR NICHOL: Have you all voted? Record, Mr. Clerk.

CLERK: 33 ayes, 0 nays, Mr. President, on adoption of the amendment.

SENATOR NICHOL: The Beutler amendment is adopted. We are back to the regular line of debate. Senator Landis, then Senator Chambers.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, speaking now to the Peterson-DeCamp amendment. One of the things that this body has shown I think in the course of last session, the interim and this session is our respect for those individuals who have brought us this question. Each of us has shown our respect for that problem and that question in a variety of ways but most of all, simply by taking the time and energy to think of what we think is right, to come to our own conclusions. I would say that it is not the only way to show your respect, to agree with an individual, but rather to listen carefully and I have made an attempt to do exactly that. Over the course of the summer I had a chance to visit the Christian School in my district and I was assuaged in many of my fears about the kinds of education that was being offered and because of the changes today on the floor, I am now in a position to support the DeCamp-Peterson amendments. I do that, having walked into the floor today with the need to find some kind of testing mechanism, some kind of continuing oversight that would tell us whether or not the situation which I am now persuaded exists and that is that quality education is being offered, will continue to exist following the passage of this bill. I am not persuaded that we simply need to make these changes and then leave them to wand their way into any one of a variety of futures, some of which might well include very poor and ideologically weighted kinds of education that simply will not suit children to meet the needs of a democracy or of adulthood or of the need to socialize into our culture. That is why we need some kind

of continuing oversight to see that what I am persuaded now exists continues to exist. But with the sunset provision and apparently with the lack of the ability of either side to draw language that would allow for a testing requirement that would be suitable for the purposes of showing whether or not these children are well educated, I will have to settle with the arrangements, the compromises that have been struck today. I do that recognizing the importance of the value choice that Senator Beutler has outlined that we all find ourselves faced with today. Ultimately I cannot find empirical data to show me that certification of teachers results in higher achievement from students. I can, however, indicate that I think the curriculum requirements are reasonable and since they have been written back into these amendments, the amendments now go a lot further towards satisfying my concerns. I also want to make one final point and that is that this body was well served by not passing LB 472A last year. How much more we know about the question, how much more study we have given this issue, how much more we have plumbed our own philosophies, our own beliefs as to what is important, how hard we have challenged ourselves has all been a product of giving this the deliberate time and energy that we have and for that reason I am appreciative of the body's delay in deliberation which has allowed me the time to further reflect on the value choices at hand and over time, strike a bargain with my own conscience, with the Constitution, with my constituents and with those of other religious feelings that allow me to support the DeCamp-Peterson amendments in the form that they now exist.

SENATOR NICHOL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I listened to some of this debate in my office upstairs and I was not going to come down here because I have very mixed emotions about this subject. I have mixed emotions about the public schools, I have mixed feelings about private schools and I am going to run you all through something today that I ordinarily would not do. I'm going to tell you a little bit about some of the experiences I had in the public school and maybe it will give you some insight as to why I'm the way that I am and why I have attitudes like I have. I was reared in a Fundamentalist home. I went to church all the time. There was a time when I called myself "saved." I read the Bible constantly looking for answers, trying to find out why somebody of my complexion, supposedly created by God in his image was treated in the fashion that I was treated in the public schools. When I attended Lothrop Elementary School there were maybe a dozen black children and when I was in the very low grades, do you know the first thing they presented to me that was supposed to show me what

my place in this society is? A degrading caricature of black people called "Little Black Sambo" and the little white children were allowed to look at this caricature, listen to the story read by a white teacher and laugh and it was not funny to me. Now this teacher was one of those people that my parents had taught me I was to respect and I was a very good child. I was very respectful. I tried to do as I was told to do, not only to please my parents and God but everybody who had authority over me. So I sat there confused as to why this teacher that my parents taught me to respect and that I was told was going to help me would let me be the subject of ridicule and when you are in that situation, a child, you can't react as an adult would react. So I sat there and thought by being very still, nobody would look at me but they looked and I remember to this day, my palms sweated, my body itched, my back especially. I wouldn't scratch. I wouldn't do anything and I suffered through that where the black family did not have a common last name. Mumbo and Jumbo were the parents and the little white children were allowed to laugh. So I survived that. Then the next time I was confronted with something that was supposed to tell me what I am in my role was in a song called "Old Black Joe." That is what they taught and the words that I'll never forget that the little white kids laughed at again was, "I'se comin', I'se comin', my head am bendin' low." That is the posture I was to assume before white people and again the children could laugh. Got a little further and they completed the story for me. I saw what the adult would be. That was "Nigger Jim" in Huckleberry Finn and that was what a black person is, "Little Black Sambo," in mid-life, "Nigger Jim." Then when the process of Americanization is over, you're Old Black Joe and everybody can laugh. But do you know what really brought it home to me how vicious this was? When they read stories about little white children they were dressed in the attire of the children that were around me in the classroom. They had a mother and a father. They all were one family and if something were read by the teacher and the little children laughed, do you know what that teacher said who let them laugh at me? We don't laugh at each other. So it was clear that I was not a part of that each other and I learned some very bitter, some very hard lessons that I have never forgotten and I am concerned about the things that are done to children in the public schools where all of my education occurred.

SENATOR NICHOL: One minute.

SENATOR CHAMBERS: Much of what I learned was in the library reading on my own because I had so much contempt and I believe

hatred as much as a child could hate for the white individuals who were putting me through this and I learned my lessons about white people and what they would do because there were occasions when my parents came to school about various things and the white teacher would lie on me to my parents and I would say in my child's way, "She can lie to my parents, she can lie to the principal but she can't lie to me. I know that she is lying." And I am a child and this woman that I'm supposed to respect is lying on me and I had no help. So my obligation and my job were cut out for me by the public school system. It was segregated to such an extent in Omaha that it took a lawsuit to even knock down the structural segregation and there is still discrimination in that system.

SENATOR NICHOL: Time is up.

SENATOR CHAMBERS: I'll speak again if I have the opportunity.

SENATOR NICHOL: Senator Hoagland.

SENATOR HOAGLAND: Senator Nichol and colleagues, I rise in opposition to the DeCamp-Peterson amendment as is currently written and ultimately in opposition of the bill if it is adopted. And let me state as briefly as I can my reasons without repeating so many of the good arguments that have already been expressed. I think the worst thing that we can do here today is write a law and then eventually pass a law that inadequately addresses a problem that is before us. I think that what Senator DeCamp and Senator Peterson are now presenting us is one-half a loaf. It is a half a loaf that is not going to satisfy the proponents of this legislation and it is a half a loaf that is going to lead to a lot of the objections that those of us who are opposing the legislation have anyway. I think the biggest mistake that we can do is to pass a law that is not going to satisfy anybody but at the same time, because we cannot anticipate how this certification requirement repeal is going to have effect around the state, could lead to all kinds of unanticipated changes. Now Senator Beutler talked earlier about the effect that might eventually spread out into the private schools because we have to understand that at root is not only a religious issue but an economic issue. It is much cheaper to run a private school whether it is a small school or a large school if you don't have to hire certified teachers. If you don't have to hire teachers that have college degrees and have otherwise met the certification requirements, if you can just bring people off the street to run your instruction for you, and if you have a small private school, obviously it is much more economical if you don't have to hire a certified



teacher and the economics could force some of the larger private schools into moving, as Senator Beutler indicated, towards a faculty of noncertified teachers. So I think when we only remove the teacher certification requirement we're introducing into the law changes or ramifications of which we don't fully understand. On the other hand, by leaving the curriculum requirements in the law where the Department of Education can rule on the adequacy of the curriculum, why we're violating many of the conditions that have been laid down by the proponents of this legislation. We're having the state indicate that it can come in and exercise a veto power in essence over what is taught in those private schools and so I don't think that is going to be acceptable to them and I think that what we are doing this morning is engaging in sausage making, you know, the old business of how the Legislature is a sausage factory and we're going to wind up passing a proposal that is not going to do anybody any good. Now the reason that I'm quite confident the proponents of this legislation are not going to be satisfied with this is because of the way many of the schools currently operate. Now Senator Wiitala visited one of the schools in Omaha that is near the University of Nebraska at Omaha on Dodge Street and came back and told the Education Committee how it operates and the way that particular school operates is that they receive these materials that are handed out in brochure form and I have a xerox of one here, from an organization as I understand it, down in Texas that writes and distributes these materials nationwide. And the children then sit at Carol's and they read through these materials which presents some text and then ask some questions about the text and they are supervised by monitors who don't really do any teaching. They simply are there to supervise the instruction of these materials. Now I've read through this particular pamphlet that Senator Wiitala brought back with him and as you would expect there are a lot of religious teachings, a lot of Fundamentalist Christian religious teachings that are incorporated in the normal teachings of history. This brochure is called "Social Studies" but there are also a lot of political teachings, I think the kind of value laden political teachings that we generally don't find in the public schools that are contained in here.

SENATOR NICHOL: One minute.

SENATOR HOAGLAND: And it's going to take me a little bit longer than one minute to be able to go through this brochure and point out some of the, not just religious, but some of the political teachings that are contained in here and why I can't imagine the State Department of Education in exercising any curriculum review would permit

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these to be taught because of the many sorts of things that are stated. And I think it is important, Mr. President, for me to have an opportunity to go through this so I'll stop speaking now and turn my light on and attempt to talk again because I think you all ought to understand some of the materials and the content of these materials that are, in fact, being taught by some of these schools in Nebraska today and how that relates to this hodge podge that we're now debating. Thank you, Mr. President.

SENATOR NICHOL: Senator Labedz.

SENATOR LABEDZ: I call the question.

SENATOR NICHOL: The question has been called for. Do I see five hands, please? I do. The question is, shall debate cease. All those in favor vote aye, opposed nay. While we are taking this vote may I announce that Senator Koch has some guests, I believe in the North balcony. They are 40 fourth graders from Ralston and their teachers are Dan Messman and Sherilee Johnson. Would you please welcome them to the Legislature. Have you all voted?

CLERK: Senator Nichol voting yes.

SENATOR NICHOL: Have you all voted? We're voting to cease debate. Record, Mr. Clerk.

CLERK: 26 ayes, 12 nays to cease debate, Mr. President.

SENATOR NICHOL: Debate has ceased. The Chair has indicated that he would like to have this brought to a conclusion by noon if possible. You've been very cooperative and really appreciate it. I think our conduct was outstanding this morning on this very important issue. With that, Senator DeCamp, would you like to close on your amendments?

SENATOR DeCAMP: Mr. President, members of the Legislature, very briefly, this is the amendment itself. Up till this point I think I've accepted every, I think, just about every single amendment that has been offered by Senator Koch, Senator Beutler, several of them, Senator Fowler. Each of those satisfied them in their own minds that they were adding, tightening up the bill if you would whether it be sunset clauses, review of curriculum, so on and so forth. I would hope that we would resolve the issue yet this morning. I think you've talked to both sides individually outside this Chamber for hours and nothing I could say additionally at this point I think is going to influence one thing one way

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or the other. I do believe it is a reasonable resolution of the problem at this time and the issue and I believe it provides an adequate balance on both sides and I would urge you to adopt the amendment and advance the bill.

SENATOR NICHOL: The question is, shall the DeCamp-Peterson amendments be adopted. All those in favor vote aye, opposed nay.

CLERK: Senator Nichol voting yes.

SENATOR NICHOL: Have you all voted please? Senator Wiitala, did you request a record vote? Have you all voted? Record, Mr. Clerk.

CLERK: (Read record vote as found on pages 1063-1064 of the Legislative Journal.) 28 ayes, 16 nays, Mr. President, on adoption of the DeCamp-Howard Peterson amendments.

SENATOR NICHOL: The DeCamp-Peterson amendments are adopted. Senator Koch.

SENATOR KOCH: Thank you, Mr. Chairman, very briefly I'd suggest that we adopt LB 652 as amended and advance it to E & R initial. Thank you.

SENATOR NICHOL: Mr. Clerk, you have a motion.

CLERK: Mr. President, the next motion I have is from Senator DeCamp. Senator DeCamp would move to suspend Rule 6, Section 3 and Rule 7, Section 3 and vote without further debate and without further amendments on the advancement of LB 652.

SENATOR NICHOL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, I had that motion sitting there in the interest of time. I know there is an additional motion now to kill. I'm going to withdraw that motion trying to be imminently fair to anybody that wants to talk. We have spent the entire morning on the issue. I would hate and feel it unfair if after going through all this and spending the morning on it, that we never ever got to a vote on the bill itself which is where we're at. But so that nobody can say I'm trying to push it too fast, I will withdraw that at this time and let what happen will happen on the motion to kill I think that is coming up from others.

SENATOR NICHOL: The amendment is withdrawn seeing no objection. Mr. Clerk.

CLERK: Mr. President, the next motion I have is from Senator Hoagland and Senator Hoagland would move to indefinitely postpone LB 652.

SENATOR NICHOL: Senator Hoagland.

SENATOR HOAGLAND: Mr. President and colleagues, as I indicated before I think the bill as now written does not make sense either from the point of view of those who would want to change the law or from the point of view of those who don't want to change the law. By taking out the certification requirements for teachers, we are erecting a situation in the State of Nebraska that could have all sorts of ramifications we simply cannot anticipate and we do not understand with the respect not only to Evangelical Schools and Fundamental Schools but also the whole range of private schools that currently have certified teachers in the state but it might be tempted to do away with them as a matter of economics because it is simply cheaper to run a school without certified teachers. And if that happens I think most of us will agree that education in those private schools will deteriorate and that might even lead to a move to get rid of the certification requirements for public schools. Now the reason that the bill as written right now is not going to satisfy the proponents of this legislation is because as I indicated earlier, I can't imagine that these teaching materials that are used in at least some of the Christian Schools around the state are going to meet the curriculum requirements of the State Department of Education which remain in existence in LB 652 as amended. Now these materials here and this booklet I have before me now is called Social Studies, do have a lot of religious statements as you would expect from a Christian School. For instance, following a discussion on the Yom Kippur War on page 9 of this particular pamphlet, the question is posed in respect to the Middle East, "The final events in world history will one day be played out in accordance to the plan of God." Earlier in the booklet they asked the question, "Are the Jews still the chosen people of God?" And these sorts of concepts and these sorts of ideas are woven through their discussion of an interpretation of recent historical events. And I think those need to concern those of us who would prefer that our children go to schools that are not value laden, either from a religious point of view or from a political point of view but I think of even more concern in these materials are a lot of the political value laden concepts. For instance, on page 9 there is discussion of Socialism and Socialists and this statement is made and I'd ask you to listen carefully to what they are saying about Socialists, keeping in mind that a number of the NATO member countries, France, a number of the Scandinavian countries are governed by what they call Socialist regimes and I'm quoting: "Socialists

speaking often of being of benefit to all mankind but in practice seem only bent on dominating all mankind. In the last two decades the tentacles of the social octopus have often entangled themselves in the affairs of North and South America." Now were they talking about the Danish and the Finnish and the Swedes entangling themselves in the affairs of North and South America? Are we seeing the French, France right now has a Socialist government, are we seeing the French entangling themselves in the affairs of North and South America? Now let me go to another passage about Rhodesia which I know will be of particular interest to Senator Chambers and I pointed this passage out to him earlier. There is a long discussion about Rhodesia and the kind of a government it has and then the statement is made, "Rhodesia has been accused of being an all white racist regime which is totally false." This booklet asserts that the accusation that Rhodesia is an all white racist regime is totally false. Now I think Senator Chambers and a lot of other black Americans would take issue with that statement. There surely is evidence that parts of the Rhodesia regime are all white and that parts of it are racist. Now I could go on and on through this booklet and point out other interpretations of recent history that it seems to me are value laden and are not objective. I think the passage about Watergate is really quite interesting. The statement is made after a discussion of Watergate and the bug-ging of the National Democratic Headquarters, "The question for future historians is whether Watergate would have ever been the national issue it was if the news media had not greatly played up the event." I mean this almost lays at the feet of the news media, responsibility for Watergate, not those principles that were involved. Now I'm sure some of you in this body may tend to agree with some of the sentiments that are expressed in this pamphlet about Watergate and about Rhodesia but the point is that we should be teaching our children neutral things, not heavily value laden things in our public schools. Now given the way a lot of these Christian Schools operate and that is, these materials are written out of state and brought into Nebraska and the non-certified teacher persons who supervise instruction don't really teach anything. All they do is supervise the children while they read these things. If the State Department of Education rules as I assume it will, that these things are not acceptable, why then where is LB 652 going to put the people that operate these schools? I mean, is it really practical? Are we coming out with a compromise here that is not going to satisfy anybody, that is going to be very difficult to administer, that is introducing a lot of ambiguity and confusion into current law, that seems to me we go one way or the other and that LB 652 does neither and I would encourage you to kill this thing or to vote against its advancement. Thank you, Mr. President.

SENATOR NICHOL: Senator Kahle.

SENATOR KAHLE: Mr. President, I move the question.

SENATOR NICHOL: The question is called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye, opposed nay. Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, just a point of order. I would remind the Chair that no one has spoken on this issue other than the introducer of the motion and I think at least five or ten more minutes of debate would be appropriate. There has been no debate at all except for the introducer's introduction of the motion.

SENATOR NICHOL: Then vote red and we will continue on with the debate.

SENATOR BEUTLER: Mr. Speaker, can there be no debate at all on a motion?

SENATOR NICHOL: On the kill motion? Well the question has been called and if I....(interruption.)

SENATOR BEUTLER: Since when in this body, Mr. Speaker, have we had a kill motion that has not been able to be debated?

SENATOR NICHOL: Then vote red.

SENATOR BEUTLER: Mr. Speaker, I don't remember a precedent for this.

SENATOR NICHOL: Then question the Speaker and challenge the Speaker and we will get it to a vote in a hurry. Senator Chambers, for what reason do you arise?

SENATOR CHAMBERS: Mr. Chairman, I was hoping that there could be a certain level of dignity accorded to the discussion of this matter and because everybody has said it is so important I don't see that the movement on the hands of the clock should determine when the subject has been exhausted. And I think it is wrong for those who favor this kind of bill to do so much talk, Senator Howard Peterson and others, about freedom of religion and the right to express yourself, to then create a situation on the floor of the Legislature where debate is cut off because you happen to have the numbers on this floor. It is as unreasonable I think for the Chair, from my point of view, Mr. Chairman, to say well vote red then on this proposition about ceasing debate as some people feel it is to say, well if these religious people don't like the current law, let them go to jail.

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What is being done here today and what are the principles? I thought the rule of the Legislature declares that if there has not been sufficient debate on an issue, the question being called would be out of order but if the rules are to be thrown by the boards, at least I've put my comment into the record. I think it is a shabby move. I think it is indicative of a lot of things that happened when being done by people who call themselves Christians. They talk all of the highfalutin, high sounding things until they get tired and it is no longer in their interests to talk those kinds of things. So I am expressing as strongly as I can without raising my voice, an objection to this tactic if the Chair does not rule the motion out of order.

SENATOR NICHOL: Because the debate has been orderly, you've been extremely good today, I think what we will do, we will adjourn and carry this on after lunch and, Senator Hoagland, did you rise for a purpose?

SENATOR HOAGLAND: I was going to suggest, Mr. President, that if the body wants to vote on advancement before lunch, I will, if that is the general sentiment and I think maybe it is, I will withdraw the motion to kill and we can take a vote on whether to advance the bill before lunch.

SENATOR NICHOL: Is there an objection to Senator Hoagland withdrawing his amendment? Senator Chambers. Okay, there is an objection. We are in the middle of a motion to cease debate so, Mr. Clerk, if you would record then we will go on from there.

CLERK: 15 ayes and 7 nays to cease debate, Mr. President.

SENATOR NICHOL: The Clerk has something to read into the record and then Senator Wesely will adjourn us until after lunch, recess.

CLERK: Mr. President, your committee on Business and Labor whose chairman is Senator Barrett reports LB 749 advanced to General File with committee amendments attached and LB 637 General File with committee amendments attached, signed by Senator Barrett. Senator Vickers would like to print amendments to LB 449 in the Legislative Journal. (See pages 1064-1068 of the Legislative Journal.)

SENATOR NICHOL: Senator Wesely.

SENATOR WESELY: Mr. President, I move that we recess until two o'clock this afternoon.



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LB 587, 652, 750, 752,  
816, 895, 915

RECESS

SPEAKER MARVEL PRESIDING

CLERK: A quorum present, Mr. President.

SPEAKER MARVEL: Okay, the Clerk has some items to read into the record.

CLERK: Mr. President, your committee on Public Works whose Chairman is Senator Kremer instructs me to report LB 750 as indefinitely postponed; LB 752 indefinitely postponed; LB 915 indefinitely postponed. All signed by Senator Kremer as Chair.

Mr. President, I have an Attorney General's opinion addressed to Senator Carsten regarding LB 816. That will be inserted in the Legislative Journal. (See pages 1068-1070.)

Mr. President, I have a motion from Senator Kremer to place LB 587 on General File notwithstanding the action of the committee. That will be laid over.

Mr. President, Senator Kremer would like to print amendments to LB 895 in the Legislative Journal.

SPEAKER MARVEL: Okay, we will return to item #5, LB 652.

CLERK: Mr. President, when we left 652 this morning there was pending a motion from Senator Hoagland to indefinitely postpone the bill.

SPEAKER MARVEL: The Chair recognizes Senator Hefner.

SENATOR HEFNER: Mr. President and colleagues, I rise to oppose the kill motion and the reason I do is because I feel that we have made a fair compromise. I think that we found a fair and just solution to the problem that we have been toying with over the past year and a half. I don't think that just because a teacher is certified that this means she or he is good. I think we can write other things into the law that would help our school system in Nebraska. We were able to get some amendments to the bill this morning that I feel are a compromise and one of those is the sunset provision. If it isn't working by the end of four years, we can take another look at it and make some adjustments then. We are also striking the section in the Peterson-DeCamp amendment that waives some of the requirements of the school. I think that Senator DeCamp and Peterson have been very fair and I want to commend Senator



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Koch for compromising on this issue. I know that he has spent many long hours on this issue and also the Education Committee has. I guess at this time I would like to ask Senator Hoagland to withdraw the kill motion and, of course, if he doesn't want to do that, why then I would urge this body to vote against it.

SPEAKER MARVEL: Senator Vickers. Is Senator Vickers here? Senator Wesely, do you want to be recognized? We are speaking to the Hoagland kill motion.

SENATOR WESELY: Thank you. Mr. Speaker, members of the Legislature, I will be brief. I haven't spoken on this issue yet today but I think in a very brief fashion I should tell you that I will support the kill motion and the reasons I will support. We have discussed this now for sometime this morning. I think that we had excellent debate. Many different Senators spoke. Many of them expressed their viewpoints and I think we all learned from it, but at this time I think the appropriate step to take is to kill the legislation and move on with other matters before the Legislature, and I say that for a number of reasons. First off I think it is clear that the direction this legislation is taking puts us in a role that we don't necessarily want to follow. To talk about the compromise and trying to work this problem out really is not looking like it is going to come to fruition. There obviously are two sides to the issue. This process in this Legislature deals in the concept of compromise. That is our political process, and to try to take two different sides to an issue, we try and come to a reasonable compromise that is fair to both sides and that is the sort of legislation that we pass. In this instance I am not sure that we are able to reach the sort of compromise we are used to reaching in different issues. Perhaps in this case there is not the room for the compromise that so many people find in most every other issue. This one may be a case of one side or the other, black and white, and the gray area that we have all been searching for, and I have to admit, I am one of those that would like to find that easy answer that will make both sides happy. If we are all reasonable I think we all feel that way, that we want to come to a solution that both sides can feel comfortable with. I am not sure that is possible under this issue, and because of that I think that it is clear that we ought to draw those lines and I personally would come on the side of those that would kill this legislation and say that we have a process that has worked for years in this state, one that has served the state well, and the effort to try and weaken that process and dilute it and change it in form that this bill has now taken would be detrimental to the

public interest in the State of Nebraska. I think it has come to that point where we draw that line in the sand and say this far and no further and I think we have a reasonable line that has worked well as I said for established religions, for established schools that have been in existence in this state and it doesn't really make, in my estimation, a strong case to make the changes that are proposed for the very, very small minority of people that are concerned with the issue at this time, and we are talking about a very small minority of people who are not willing to compromise, just as it appears that our situation is not allowing for compromise and we have to make a choice, a choice between the public who I believe strongly has spoken against the sort of legislation LB 652 represents versus those who are wanting to change the law. I have in my district talked to a lot of different groups. I asked them, how do they feel about the idea of Christian schools, should we provide exemptions? Overwhelmingly the response is, "No, we don't see the need for exemptions. We have had a pretty good situation, fine tuning perhaps, but certainly not to the extent proposed in LB 652 and by the Christian schools." Overwhelming, overwhelming I believe support for the present system we now have. Senator Beutler has talked eloquently about the long term implications and I want to talk about the past. Talking to my priest and some people in the Catholic schools, I am Catholic, I have become more aware of the situation of private schools than I had been before and the fact is that although some Catholics are in fact supporting some of these changes, I would say a majority do not, that they understand the fact that some minimum standards have served the state well. It provides a goal for our private schools to reach for and it protects the public and I would say at this time that we have been served well under the present system and there isn't a need that I think is trying to be expressed today for the changes that are sought. And we talked a bit about the fact that back about twenty-five years ago it used to be that in this state you could leave high school, go to the University for some summer classes, and go back the next fall and teach one through eight grades in a country school anywhere in the State of Nebraska. I know that for a fact because my mother did it for a while, up in our home county, Butler County.

SPEAKER MARVEL: You have got one minute.

SENATOR WESELY: Thank you, Mr. Speaker. And that, in my estimation, you know, I think that we have come a long way in the last twenty-five years and to start heading back in the direction we come from would be wrong for the State of Nebraska and that is exactly what LB 652 would say.

Think back to the days when we used to have that sort of situation and I think that our educational quality has improved markedly as the result of the sort of standards we now have. To change that has to be done with the burden of proof on those who want to change and I don't think they have met that burden of proof and this bill should be killed.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. Speaker and members, I rise to support Senator Hoagland in his kill motion on LB 652. I think a couple of points need to be made that possibly haven't been made clear enough although there has been an extended debate on this issue. The issue of teacher certification, teacher qualification, if you will, is one that I think this body should not take very lightly because we have had some sorts of minimum state requirements for teachers for years and years, and Senator Wesely mentioned that just very briefly. Senator Koch and Senator Remmers both mentioned this morning that they had attended country schools taught by people that at best weren't certified and that is probably true. I know many, many people that taught right out of high school. They weren't "certified teachers" but they had passed requirements, they had passed the old normal training courses that used to be taught in high school for those teachers. So there was some qualifications. Now if you will read the bill as it is right now, if you will read it as I read it at least, it indicates that if the lay board or the parents certify and attest that the teachers and administrators retained or employed to teach, counsel, supervise, and administer are qualified to do so, in other words they don't have to have any training at all. They could be a kindergarten graduate as a matter of fact and if the individuals say that they are qualified to teach algebra or trigonometry, so be it. Now that is a major, major change that we are making, and if you will look up the statutes, the certification statute, 79-1233, you will notice that the source starts that law as 1925. Now that has been a few years ago I suggest to you and it has served this state pretty well in that length of period of time and we are making a major change here today. I would also point out, Senator Hefner mentioned a little bit ago the work of the Education Committee, and not to take anything away from any members of that committee, but I would suggest to each of you that you watch the board on the vote on Senator Hoagland's kill motion and see how the eight members of the Education Committee vote. See where the majority of the members of the Education Committee are on this issue. If the committee structure means anything to you, to this body, then maybe you should take that

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into some consideration. Thank you, Mr. President.

SPEAKER MARVEL: The Chair recognizes Senator Marsh. Senator Koch, do you wish to be recognized?

SENATOR KOCH: Mr. Speaker, members of the body, I have been Chairman of the Education Committee for a couple, three years, four years so I have seen the body come on the floor, never as a unit, vote their own individual conscience. So I am not surprised how the committee may vote today. As far as certification goes, we are not talking about public schools. We are not going to repeal the certification nor endorsement of teachers in the State of Nebraska who work in the public schools. Someone said a moment ago, we are talking about a minority. I think Senator Wesely did. Yes, we are talking about a minority of people but that is the reason we pass laws oftentimes to provide them with certain privileges, and whether we agree with it or not, we do that. So I want this to be very clear. We are providing to a small group of people a privilege, a parent privilege, to send their children to an environment that they believe is most fitting for them. I may not agree with it but I am here to say I want them to have that privilege at least for four years. At that time the Legislature can determine are these schools indeed providing an appropriate education. Now, there are times I disagreed with my parents as I was growing up. I thought they were not correct but the older I get I sometimes look back and think I am very proud of the fact that my parents gave me some directions once in awhile. They weren't always nondirective, they were very directive, caused me to do some things that I wouldn't have done otherwise. So what this body is doing today when we pass 652 is we are saying to these parents there has been appropriate debate. It is on the record. It is on the tape. We want to advise you that your actions may not be appropriate but at least we are going to provide you the opportunity because I don't believe the law we passed in 1925 is appropriate for today in 1982. If that is the case, we would never need to change any law we passed at one time because it still should be appropriate. Whether you like it or not, we have an issue here before this body in this state that we should deal with I think in a fair manner and those who read polls only then and make actions according to polls, and I have read those polls, but if I made every decision in this body based upon a poll, I wouldn't need to be here because people who answer polls generally answer "yes" or "no", and that is on the basis of some emotion. Now we are going to deal with a bill about March 15, and Senator Chambers is going to promote it, and if you read the polls on that one, there wouldn't be a

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green vote in here, and that is to abolish the death penalty. So if we want to talk about polls, I remind you to read Don Walton's article about two weeks ago in the Lincoln paper about politicians. Do we mirror an emotion or do we represent what we feel we should do politically and in a statesmanship like manner? For us to argue any more kill motions I think is absolutely not important. We have given this bill its fair hearing, a lot of hours, a lot of debate, and I will admit it has been very fair but, obviously, there is a majority of this body right now believe 652 deserves a chance so I oppose the kill motion. I think we should get on with the business and move the bill across and see if it can work.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I have some concerns about this bill, and if you look at Section 2, it talks about the waivers being granted. It allows the lay board to certify certain things relative to the qualification of teachers, counselors, administrators and whatnot, and by the way, I am having something handed out to you that I intend to comment on during the course of my discussion that ties into the reason I raised that LITTLE BLACK SAMBO and the other related issue this morning, but before I get to that and I would like you to have an opportunity to see that handout, included in it is a very evil racially derogatory story that I wrote, to be derogatory toward white people. I want you to be aware of what it is. But there is nothing in the way of a standard in this bill that talks about how qualified the lay board is to make any of the certifications that it makes relative to the qualifications of others. It doesn't state what this qualified individual will really be qualified to do. By that I mean there is no articulation in the bill of what capabilities, talents or anything else that this supposedly qualified instructor, administrator or teacher would have to have to serve as a teacher. So in the absence of any standards whatsoever, what you are doing is abdicating the total responsibility that the state has to look out for the interest of the children in terms of the education given. That is not a compromise. That is a total abdication of responsibility. Now most of you may have received a copy of the handout that I have given you. I told you how degrading I see this LITTLE BLACK SAMBO story to be. Well, as recently as 1976 the problem arose in Lincoln Public Schools. Some parents had had difficulty with that story. When they talked to teachers and administrators, none of them could see anything wrong with it, and since a racially derogatory epithet directed to a black person didn't offend

a white person, these white teachers said it is not offensive to us. We don't see anything wrong with it. It is a delightful little children story. So, Cindy Grandberry, who is my administrative assistant, was living in Lincoln at that time and had a son in the Lincoln Public Schools and she wrote to go through whatever procedures they have to get a review of this kind of material. A meeting was set up and I was asked by some of the parents to attend that meeting and I was given a letter of notification by the public schools. When we arrived for the meeting, there were teachers and administrators sitting around a table. And at first I was going to explain how degrading the story is and I started on that tack but I could tell by their eyes and the set of their face, they were not going to respond to that so I went prepared for them. The evil little story that I told you is in this handout was called "LITTLE CRACKER PECKERWOOD" and it is a parody of "LITTLE BLACK SAMBO". In the same way that the family in the LITTLE BLACK SAMBO story were Sambo, Mumbo and Jumbo, in this story it was Ma Peckerwood or Ma Redneck and old Pa Honky. Everything that happened in LITTLE BLACK SAMBO happens in this story only the characters are white. Instead of the little boy running tigers around the tree until they turn into butter which was taken home to his parents who ate hundreds of pancakes, this was a hillbilly family and the father operated an illegal still and the "revenooers" were chased around the still until they turned into moonshine, and this little white chap took this home to his parents and they called in all the Peckerwood Hillbillies and they drank thousands or hundreds of gallons or pints, or however I phrased it in the story, of moonshine. Now when I read this story, the teachers were not grinning as they had been grinning when we were talking about "LITTLE BLACK SAMBO" that degraded black children. They didn't think it was funny. You could see those twitches along the ridge of their clenched jaws, and when I told them furthermore that I am going to make this story available to every black child in the Lincoln Public Schools so when this child is Little Black Sambo, this is Little Pecker Crackerwood or Honky or whatever degrading term they wanted to use from the story, then we could have equality of degradation since we cannot have equality of dignity when dealing with elementary school children. And after I put this on them, do you know that suddenly these people came to an understanding and realization of the truth and all of a sudden that "LITTLE BLACK SAMBO" was no longer delightful because "LITTLE PECKER"... that other little story that I wrote was not delightful because it degraded white people. Suddenly they understood and I told them when your head is not the nail to be struck

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by the hammer, don't you try to tell that nail how the hammer does or does not feel. So I had to put their head in a position to be struck by the hammer. I had to put their children in the position to be degraded as a little innocent child who has done nothing to bother anybody and it took that. It took that, my time and my effort to persuade people who should have known better in the first place that this kind of degrading material was not suitable for the children...

SPEAKER MARVEL: Your time is up.

SENATOR CHAMBERS: ...and you will see that letter that was sent that says that they reviewed their criteria and decided that after all LITTLE BLACK SAMBO was not suitable for instructional material but I am opposed to this bill and the kill motion and I didn't get a chance to tell all the reasons why. But, Mr. Chairman, let me make this one point. The reason I brought up that incident was to make this point. In the public school system as bad as that problem was there was recourse. Were this a private school then they could say any parents who have children who don't like what we are teaching, just pack their bags and get to stepping. You could go to the state and they'd say we don't regulate these schools. They can teach that if they want to. So there is a crucial difference and maybe I will get a chance to elaborate on that the next time.

SPEAKER MARVEL: Senator Fowler, do you want to speak? Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I would like to support the kill motion. The mood that the proponents of the DeCamp amendment are trying to create now is the mood of compromise. We have come all this way. Senator Hefner talks about compromise. Now we should be compromising. Now is the time for compromise. You know compromise always has a kind of political logic but sometimes it has no substantive logic whatsoever. I am not reminded often of biblical stories but one I have always remembered is the story of Solomon and the two women that brought the baby to Solomon. Solomon says, all right, I can't figure it out. We will cut the baby in half. Well, that story had a couple of points and one of the points is that half a baby doesn't do anybody any good. What we have been talking about today is teacher certification and curriculum. That is the baby and I am suggesting to you that if you cut the baby in half, it doesn't make any sense. What do you need to learn? You need a teacher who can teach. You need a solid curriculum, something worth learning, and you

need the will to learn. Now only God and good parents give you the will to learn but the state can provide you with good teachers and with curriculum. Which is more important? Kind of a silly question, isn't it? It is kind of like asking whether male or female is more important. How can you produce anything without both? If you don't have a good teacher who can teach you the curriculum, it doesn't make much sense to have curriculum standards, and if you don't have a good curriculum, it doesn't make much sense to have good teacher standards, teacher certification standards. They go together. You should have both or neither. I think that there is a general consensus in this state and I think if you talk to your constituents, whatever district you are in, that teacher certification does a lot of good. It defies common sense to suggest that if we had no certification that the overall qualities of our teachers would be as high as it is now. Oh, sure, there are bad teachers here and there. There always will be because teaching in part is a function of personality and character as well as a function of experience and education. But at least there are some minimal requirements, some bottom line that we can assure to each and every child in this state, and we owe it to each and every child in this state, if we have some teacher certification. I am reminded of that King Solomon story in another regard also. Part of the wisdom of Solomon in making the suggestion that the baby be cut was to ascertain the intention and the credibility of the two women who came before him, and he certainly found out who was really concerned and who was not. And we should be asking ourselves who here today is really concerned about education and who is not. We made some major concessions, those of us who are opposed to the bill with regard to the credibility of the people coming before us. We have been very gentle but let me point out some things to you that you can roll around in the back of your mind. The general principle that was proposed to you when they came before us last year was that the area of education is a religious area and that no intrusions upon that particular area were permissible by the state because education, per se, is a violation of their religious beliefs. And then the first thing we discovered last year is that health and safety in the area of education somehow didn't violate religious beliefs. Well, I said to myself I guess that has to do with the fact that it has to do with the physical well-being of the student, it doesn't have to do with his mind although I am not sure why the state would have a right to deal with the body and not with the mind. I don't know how you determine that one is more important than the other.

SPEAKER MARVEL: You have thirty seconds.



SENATOR BEUTLER: But, all right, we allow that distinction. So then we get into the area of the mind and we discover that the Americanism law, they are not concerned about that. The Americanism law that requires the teaching of American History and some character things and about American life, that is all right, the state can require them to teach that. Somehow that is not a violation of religious beliefs and now we come down to today and the whole area of curriculum is suddenly not in the area of religious beliefs. That is suddenly all right to compromise that. So all that is left now is teacher certification and how do you distinguish teacher certification from curriculum, from Americanism law, from health and safety, how do you distinguish? And in the area of teacher certification, one final point, Mr. Speaker, let me remind you all that the Reverend Falwell came here at the request of the proponents of this bill and he advocated and he be-railed the people of the State of Nebraska for having teacher certification requirements and for insisting on teacher certification requirements and you know that same Reverend Falwell back in Virginia has applied to the Southern Accreditation Agency, quasi federal agency, and the Southern Accreditation Agency is imposing upon his school in Virginia teacher certification requirements. He has teacher certification requirements in his own school. Well, it is a college, it is not a high school. But if it is a matter of religious belief, I fail to see the distinction between secondary and postsecondary so I think you should roll those things around a little bit also. Thank you.

SPEAKER MARVEL: Senator Wiitala.

SENATOR WIITALA: Thank you, Mr. Speaker. Mr. Speaker, colleagues, before I begin I would like to give a special word of thanks to Senator Nichol who was President of this body before we recessed for noon for allowing this debate to continue and I would like to give special thanks to Senator Hoagland for offering the kill motion, because I knew he did it not so much with the intent of killing the bill as it was to offer some discussion. I feel that very little discussion has occurred on this bill if you consider its immensity. The fact that I was only able to speak once and that was on a sunset motion and that if we had recessed for the noon and passed on this legislation we wouldn't have really had any discussion also at all on the main bill that is before us. I think this is important because I think you need to go back to the Education Committee's intent. LB 652 as it originally was in our committee was probably a bill that a good share of us could have lived with and could have advanced from the committee, but instead

certain provisions of it were struck, the most important provision, that asking for some equivalency if certification was not going to be asked for. That bill would have never gotten out of committee if it hadn't been for the goodwill of two Senators that attached a disclaimer to this bill and allowed their votes to join three others to move it from committee. If the bill hadn't gotten those five votes, I will assure you that my vote would have been there to advance it. What I am saying is that several Senators voted in favor of this bill and it was kind of a general consensus of the committee that we would bring it to the floor for purposes of discussion, and much to my horror what do I find, that we would like to move this bill just as quickly and as quietly across the floor as possible. Now, colleagues, I think we need to take a look at LB 652 as amended by the DeCamp-Peterson amendments and see what we have before us. What we have before us is a bill that is gutted of its most essential quality and that is asking that anyone who teaches a child have some knowledge, have some skills, so that when that child raises questions, that person as an individual can stand before that child, dip into their reservoir of knowledge and offer some perspective on the issue rather than taking that child and turning his mind back into the curriculum. I would like to have you recall what I mentioned earlier the totalitarianism that can exist subjecting students to a curriculum without recourse and basically that is what that equivalency asks for. Over and over again in the committee I asked people that represent the Christian schools why don't you send your instructors to any school. We are not asking for certification. We are not asking for accreditation. But go to any school and get some hours so they can profess some knowledge in the areas they wish to each in. I never got a response for that. So we have ourselves facing the future with a potential problem existing of maybe people just out of high school teaching in our schools in the state or maybe out of the eighth grade. There are no assurances. There are no oversights. LB 652 as it stands before you amended is a sham. It sets up a lay board but that lay board is not like the Board of Education that serves the public schools. It is just set up so that they can pass politely on anyone that they wish to employ.

SPEAKER MARVEL: You have one minute.

SENATOR WIITALA: Mr. Chairman, I could talk at length on this, on this issue, but I will yield on this point. Thank you very much for listening. Thank you.

SPEAKER MARVEL: Senator Vard Johnson.

SENATOR VARD JOHNSON: Mr. Speaker, members of the body, I rise in support of Senator Hoagland's motion to kill LB 652 and I have spoken once on my philosophy regarding certification of teachers and their use in all classrooms throughout our state. I want to discuss a related and similar point to the comments I made earlier this morning. It strikes me that one of the commonplace beliefs in society is this, every person can be a teacher. Now I would happen to agree with that belief because I know as a father and as a legislator and as a lawyer and as a citizen and as a member of the human race I engage in the teaching function all of the time. In one way or the other I am imparting knowledge and values and convictions. So I do believe in the concept that every person can be a teacher but I also believe very strongly that those persons that will be present on a daily basis in the classrooms in our state, whether those classrooms occur in Central High School in Omaha, Nebraska or occur in Holy Name Elementary School in Omaha, Nebraska or occur in the Faith Christian School in Louisville, Nebraska, those persons need to be trained in the art of teaching, and it is an art. The art of teaching very simply is the ability to communicate over the long pull with young minds to impart values and knowledge and to be there at the creation, to be that spark which will take the young intellect and cause that young intellect to become inflamed with a passion for learning, and for education, and for all of the principal values of western civilization, and I do believe that is an art. I do not think that the ability to ignite the fire is something that can be done by the untrained person on a regular basis. It certainly can happen but it is not done on a regular basis but rather it is the trained teacher who can take the young mind and can cause that young mind to see the full possibilities of learning. Last week I read a very...just an exciting column in the New Yorker magazine stated by a boy fifteen years old, a student at Stuyvesant (Phonetic) High School in Brooklyn, New York who was one of the forty finalists in the Westinghouse science competition and his paper is on the theory of twin primes and nobody in this body knows what a twin prime was. I didn't know what a twin prime was until I read the article but as you well know there are some numbers in mathematics that are not divisible by any other numbers except one and themselves. Three is a prime and five is a prime and because three and five are two apart they are twin primes and this boy was developing a basis for determining when twin primes would occur in the numbering system. Now why did this boy become interested in this project? Because he had a science teacher at Stuyvesant High School who suggested to him, a keen intellect, that he think about entering the Westinghouse competition

and so this young man began to think about various projects that he could do for the Westinghouse science competition and in talking to a math instructor at Stuyvesant High School, the math instructor began to talk to him a little bit about the number theory and he said, you know, nothing has been written on the theory of twin primes since the 19th century. So the boy began to think and work and he spent nine months at this. He became a soul on fire, a soul on fire for a project and this fifteen year old lad has developed a working hypothesis for the location of twin primes in our numbering system. Now I say to you that that spark, that inspiration is the very act of teaching and it occurs simply speaking when we place in our classrooms people dedicated to the profession and occupation of teaching and the way this state has traditionally insisted that that be done is to take persons who want to be our teachers, require them to acquire some learning, require them to take courses in teaching, require them to have a practicum experience and then grant them a certificate so that they can go and they can use their training and they can develop the very best in our intellectual lives. And I think it is important that you and I as a society, that you and I as a state, insist that that high commitment and that standard be maintained in every classroom in this state irrespective of where that class is located, whether it be in the basement of a church or in the finest public school that we would have in our state. We need to continue to inspire the creative genius that lies in each one of us.

SPEAKER MARVEL: Senator Labeledz.

SENATOR LABEDZ: Thank you, Mr. President. It seems like everytime we have a controversial bill we bring up religion and it seems like the Catholics are brought up more often than any, especially when it is a controversial bill, and I felt compelled to stand here and tell you that my religion, Catholic, has nothing to do whatsoever as to how I vote on this bill. I would feel very strongly regardless how the Catholic religion felt on this position because I feel very strongly on the freedom of religion. All of us read the same laws and probably the same bible but we interpret those laws differently, and because we do, we have Democrats, we have Republicans, we have Methodists, we have Presbyterians, Catholics and so forth. We should not say that because we interpret those laws differently that we are criminals and I believe you know what I am talking about. I know, and it should be that way, the state has a compelling interest in the quality of education for our children but that compelling interest should not override the religious freedom that we have that is guaranteed by the First Amendment. Thank you very much.

SPEAKER MARVEL: The Chair recognizes Senator Pirsch and then Senator Koch.

SENATOR PIRSCH: Thank you, Mr. Speaker. Members of the body, when this issue came up as LB 472A last year, I was planning to vote for it. I, too, felt very strongly about separation of church and state and religious freedom, but in the span of time since that time, and fortunately or unfortunately for some because of the constitutional provisions, that was delayed, I have thought again and some of the things that Senator Beutler referred to are very pertinent to this fact and why we have religious schools that are dealing with the imposition of the state to the extent that they are. You know public schools are a lot like government. They are only as good as the support and the attention that the citizens give it. And I support public education and I guess my biggest fear in this bill is the abandonment of the public educational system. We see this happening in the east. Early education was formed only for the rich and through the church schools. Church schools actually led the way, and when public schools were organized and compulsory attendance was required, then we started truly reaching out to all children and extending to all children an opportunity to grow and to learn and to thrive. I am a Christian and it bothers me to hear this issue called the Christian School issue. This is far more reaching than just Christian schools. If we have complete confidence in christianity as Christians, that would be fine but this is far more reaching than just Christian schools and I wish that they would not refer to it as that. Some horrible things have been done in history in the name of christianity, things which I abhor, the Inquisition, the Crusades, the witch hunts in Salem were done in the name of christianity. To withdraw and retreat for the Christians or for any other sect is to me or I fear perhaps a move to narrow-mindedness and a doctrine that is not with the world. And Jesus Christ himself said that you are the salt of the earth and the salt is the most potent when it is sprinkled evenly across the surface, and he also said that we should be in the world not of the world but in the world working and I think that if we withdraw and abandon our public schools to go into our "religious" confinement that we will be the loser, the public schools will be the losers also. I will make this short. I didn't intend to talk on it but I felt that I should explain my vote for voting against this because I very sincerely feel that religion is separate from the state, and yet as a Christian, and I assume other faiths, you carry your religion, you carry your faith into every aspect of your life. You are not just a Christian in church. You are not just a Christian

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in school but continually and in the world, not of the world but in the world. Thank you.

SPEAKER MARVEL: The Chair recognizes Senator Koch.

SENATOR KOCH: Mr. Speaker, I move the previous question.

SPEAKER MARVEL: The previous question. All those in favor vote aye, opposed vote no. Do I see five hands? I am sorry. Okay, I see them now. Record.

CLERK: 29 ayes, 0 nays, to cease debate, Mr. President.

SPEAKER MARVEL: Senator Hoagland, the Chair recognizes you to act on your kill motion.

SENATOR HOAGLAND: Mr. Speaker and colleagues, in closing, let me just make some brief remarks in support of this motion which I think we should bring to a vote, and I will be asking a record vote of the clerk when we do. I think people have addressed quite well the workability issue. I think the way this thing is amended now it really is half a baby for each side and there is no point in our passing a law of that sort. I think also for reasons stated that it is unwise public policy. I think we are further opening the door in liberalizing already very liberal supervision requirements by the Department of Education, and if this bill passes in its current form, it is going to make it even less difficult for governmental authority at any level to take a look at what is really going on inside the classroom and to protect the students that are being taught in that classroom. I think that what we are seeing, I have noticed over the last year a significant change in sentiment in this body and I think we are once again seeing...once again seeing the impact of small groups, small determined groups out in the lobby importuning week after week, month after month legislators in this body to such an extent that we really lose perspective on the broader issue and lose perspective on what is right in an area like this, a sense that we probably had more clearly in mind when we started debating the issue a year ago than perhaps we have right now. Now I am responsible for distributing a World Herald poll and I know Senator Koch doesn't approve of our taking a look at polls but I think it is important to look at that poll for this reason. You know we get caught in this hot house of debate down here with these hot lights and everything else going on and I think we really do lose perspective. We lose perspective on issues again because we become subject to the importunings of a small group of people that continually

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batter away at us week after week, month after month, and we get lost in our own sense of what we might think is right or wrong and I think it does help to step back and take a look at what the people out there generally think about this and this public opinion poll shows that at least the people up in Omaha are more than two and a half to one in support of the Department of Education's regulations and I would submit after the most recent incarceration why the sentiment out around the state is probably three, three and a half or four to one against the positions of the proponents of this particular measure. But let me leave you with one last thought before you cast your vote on this and I know most of us have made up our minds anyway but let me just state this because I think it is something that hasn't been said yet. I really have no problem with people exercising their own religious beliefs in their lives but what we are dealing with here are children who are too young to have any formed political or religious views and we are having their religious rights or their political rights exercised for them by very strong-minded, very strong-willed parent and the trouble is it is not the parents that are going to have to live with that decision. It is not the parents whose educational futures and his abilities to cope competently and effectively with a very complicated world out there, you know, whatever their chosen field or profession might be, it is not the parents whose ability to do that are going to be prejudiced by this decision. It is their children's ability to do that and it is not the children that are making the decision. It is the parents because of their strongly held religious and political views that are imposing a decision upon children seven, eight, nine, ten, eleven, twelve years old who are not capable of making that kind of decision themselves. Yet if those children are inadequately educated and inadequately trained because of the sort of stuff that they are taught, and I went over before lunch some of the things that they are taught in these pamphlets, it is not the parents that are going to suffer. It is the children that are going to suffer and the children then are going to carry that legacy with them through their lives. So I would ask you to again focus like most of us have asked you to focus on what is best for people at that age, and isn't it better if the state retains some minimal control like it has now and like it has had since 1925 over what goes on inside the classroom so that if the teaching inside the classroom is truly inadequate, is truly incompetent, and in fact is not preparing children for participation, effective participation in the world, why then we will have some check and some control over that. So I would ask you to support this kill motion to put an end to this concept today. Thank you, Mr. Speaker.

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SPEAKER MARVEL: The motion is the indefinite postponement of the bill. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Excuse me. Record vote has been requested. Okay, record the vote.

CLERK: (Record vote read. See pages 1072-1073, Legislative Journal.) 20 ayes, 25 nays, Mr. President, on the motion to indefinitely postpone.

SPEAKER MARVEL: The motion fails. Yes, go on to the next motion.

CLERK: Mr. President, I had a motion from Senator Chambers to indefinitely postpone. Senator Wiitala had that same motion. Mr. President, Senator DeCamp, did you want to offer your....Mr. President, Senator Chambers would then move to amend the bill: By striking Section 2, subsection (1).

SPEAKER MARVEL: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, and members of the Legislature, I am going to try now that I have gotten that other incident out of the way to talk about the bill itself although I think this type of bill would allow the ugliness that I talked of earlier to happen with a vengeance in one of these kind of schools which, in effect, has no state regulation whatsoever. If certification has a purpose, that purpose is not primarily to benefit the one holding the certification but to ensure that the one who is the recipient of what that person offers will receive a quality product. In other words, certification is to ensure that the children get a decent education. Merely holding the certification won't guarantee that a person is a good teacher but certification and standards are merely goals. It gives you a measuring rod. Now if we want to say that a teacher is incompetent in the public schools, we have some standards by which to judge. If they fail to meet this particular standard or the other one, we can say that that person is incompetent and therefore can be removed. If you have no standards whatsoever, anything goes and the attempt to remove any teacher would have to be considered arbitrary and favoritism because there is no standard by which to judge that individual. There are shams throughout this bill. By the way "hypocrite" simply meant an actor in the days of Greece. When the actor put on the mask, that was a "hypocrite". Something is behind a mask. Pirate ships flew false flags. They wouldn't put the Jolly Roger which is the skull and crossbones and let you know what they are until maybe you were



too close to get out of their clutches. Then you panic and they have got you but they put somebody else's flag to make you think that this is a friendly ship, one you need not be concerned about. This bill should fly the Jolly Roger. This bill is wearing a mask. This bill is a hypocrite. It is not dealing with the education of children in the way that the state should be concerned. You talk about a lay board. A lay board, all that is is two words that have no meaning based on this law. Who could be on the lay board? Dead people. They could be in the penitentiary. They could be dope addicts. They could be gangsters. They could be thugs. They could be gamblers. They could be drunks. It doesn't matter. Just so you have got some people who call themselves a lay board and I know there are people on television who would have fun making puns out of that word itself, but if we look at the way the bill itself is worded, all you have to have and the only requirements placed on this lay board based on Section 2 is that they meet the requirements of Section 1. And what does that say? That they don't get federal or state money and that to comply with certain rules of the state violate their religion. So here is what I who want to be a revolutionary can do and I know other people who feel like I feel. Ten of us get together and we set up a church. We certainly are not going to get any state money, we are not going to get any federal money, and all we say is that to comply with these state rules violates our religion. Well, what we want to teach these children is not religion. We want to teach them a form of belief that we might call religion but it is not religion in the sense you are thinking of it. So we set up our little school. We apply for an exemption and a waiver. We don't want to be certified because our people spent a lot of time in Vietnam and they had no time to go to school and learn how to be teachers but now they are ministers and they are going to teach our children. So we, of the lay board, certify that these guys are qualified. Qualified to do what? Well, they are qualified to teach. They are qualified to counsel. They are qualified to do everything this bill requires. After we make that certification the State Department of Education shall grant us our waiver and we are in business and if somebody comes trotting around from the state because rumors go out that we are teaching these kids how to use firearms and strangle people and do things that the Ku Klux Klan does in the South, then all we do is have a lookout like the gambling dens, and by the time the state person gets there, we bring out some bibles and some pamphlets and scatter them around. "Awake, repent and be saved. Repent and be converted." That is what we are talking when you come in the door and you say, "Hmm, I like this. This is religion, that old time religion." And

then you leave and we put all that stuff away and go back to the real business at hand. And do you know why this is convenient for us? Because it allows us to escape the requirement that our children be in school during school hours. Our children are exempt from the compulsory school attendance laws so we don't have to get them after they have gone to school and gotten tired and we can put anything in that building that we choose. So what if we lie? There is no penalty in the bill for lying. You don't punish me. I am not made to say anything under oath. Now other people have to offer affidavits but I don't, neither does my lay board, and we can say anything we want to say and you are powerless under this law to do anything about it and that is what you are putting here. There is no standard for these people to meet. There is no assurance that these people are qualified to teach or anything else. And now I have something else to bring to your attention. You all know what segregation is, but before I get into the segregation issue, let me make one more statement about standards. You know that most people have difficulty achieving a standard if it is somewhat high. The standard is there to weed out those who don't have the capability to do the job. Well, Machiavelli was talking and he was trying to teach an individual how to be a good prince. Not necessarily good in the sense of morally right and correct but successful in governing. That is what the good prince is, the one who maintains order, who accomplishes and works his will and Machiavelli was going to tell the person how to do this with no regard to the morality of the activities undertaken to achieve this. So he said, if you have a high standard, then the purpose for having that is to make people reach higher than they ordinarily would even if they don't achieve it. In the same way that if an archer shoots at a low target, he can point the arrow parallel to the ground and hit the target. If the target is a great way off, he has to point the arrow upward, higher than the target so that as it loses momentum it will nevertheless fall and hit the target on its way down. Well, our standards are not exactly the same way but that should get to you the idea of why we have them, to make people do more than they ordinarily would if there were no incentive. These people under this bill have no incentive to do anything. But now on the segregation issue, there are a lot of white people who don't want their children to go to school with black children. Congress is trying to carry out the will of these people now by saying that busing, which is really the only viable tool in a racist segregated society to bring children together in the same building, they are saying that that tool cannot be used which means segregation once again is sanctified by the law of America like it is in South Africa. But if you have a provision like the kind that you are putting in this bill, you can

have all of the people who don't want their children to attend school with black children to just set up their own little school, call it a religion, and segregation seems to me to violate the principles of christianity, if I understand them correctly, so lying won't make much difference to these kind of people. They call it a school and they let all of the white flight occur without going all the way to District 66 as they have had to do, which is not touched by the busing requirement of the recent federal court decision breaking up segregation in Omaha. So you have what has been called the "white flight" but it doesn't have to cause these people to leave the school district. They simply pull their children out of the public schools, and if enough of them do it, then the public schools lose tremendous numbers of students as they are doing in Omaha right now. It has been found through studies that much of the population that has fled the city proper has done so to avoid the requirements that their children attend schools with black children. So this is going to make it even easier to accomplish that goal. If you are going to have a separate segregated society, one white and one black, this is the beginning and I think the bill ought to have a proper label. Don't fly a false flag. Let people like me know what the rules of the game will be, that every stratagem will be used in order that you can put high-sounding laws on the books talking about equality and fairness while doing everything with other laws to undercut the operation of those guarantees. We have found from experience in Omaha...

SPEAKER MARVEL: You have got one minute.

SENATOR CHAMBERS: ...that when a school...I have talked nine minutes already, Mr. Chairman? Probably to others it seems like ninety. But whenever a school had only black children, the segregated condition made it possible to steer good teachers away from those schools, let the buildings fall into disrepair and do the other things that happen in a school system that led to my voting against the resolution to compliment Superintendent Owen Knutzen. Because my time on my opening has run out, I want to deal with that aspect of what happened with segregated schools in Omaha to a little greater extent and then tie that into my motion here to strike this Section 2 from this bill.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature, Section 2 is the bill. This is a kill motion and I thought we had just dealt with that. That is the entire bill. I urge rejection of the amendment.

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SPEAKER MARVEL: Senator Fowler.

SENATOR FOWLER: Mr. President, I guess I was hoping Senator DeCamp would answer some of the...I guess I will have to ask him a question or two...answer some of things Senator Chambers said about the mechanism within this bill because I think one of the flaws as it currently is written is how and who determines, how is it determined and who determines that in fact we are dealing with a religion or denomination or whether or not in fact it would be possible as Senator Chambers outlined situations where anyone who wishes to have their own school for any reason can form one. So I guess, Senator DeCamp, I would ask, under the bill as it currently is, what mechanism is established and whose decision is it that this in fact is a religious school as opposed to just a separate school that some people would like for other reasons?

SENATOR DeCAMP: Well, Senator Fowler, of course the lay board is from the religious denomination itself and Senator Chambers correctly said, correctly, why they could be murderers, whatever. You want to know something, so could exactly the lay school boards of our existing school districts. When you want to write laws that you can guarantee the perfect character of every individual, then maybe you can write the perfect law. I don't know how to do that. They are human beings with all the flaws and characters of human beings, be they public school or private. With respect to the religious denomination, the Supreme Court has put us in a little bit of a bind there, the U. S. Supreme Court, that is. They said when this court starts telling you precisely what the limits or what the definition of a religion is, then in essence they are controlling religion. So you are under the handicap that all religions are as to what is or isn't a religion. I guess we have to deal with the realities and the realities are we pretty well know what our situation is. We have sunset, it is in the bill. We are going to watch it closely. I guess I am not as concerned about the monsters that Senator Chambers raised as maybe you and he are.

SENATOR FOWLER: Okay, but who...if a group of people get together and say we are a religion and we want to have a religious school, is that sufficient under the law as it is currently written to be exempt from the standards or does the State Department of Education have to say, yes, this is a religion? Is it sufficient just to declare yourself a religion or is there going to be a standard and a burden and an approval process as it is currently written?

SENATOR DeCAMP: Well, there has been litigation as you probably know as to whether something is or is not a religion, and as I say, the Supreme Court has put us in the position of saying, by golly, they are going to be pretty careful in saying just who is or defining the limits. If a controversy actually arose, I am sure if the Board of Education felt that it wasn't a "church or religious denomination", they would challenge it and that issue probably would be litigated and settled as we settle it now. I don't see it as being a big threat or problem.

SENATOR FOWLER: What mechanism would the Board of Education have, right now, I mean, as this is written, you give notice that you want to waive or that you will have a waiver, how can that waiver be denied? How could the State Board of Education keep a school from being opened if in fact they do not think it is a sincere religious denomination? Where is the mechanism in this bill or state law to do that?

SENATOR DeCAMP: They would deny it on the grounds, I would assume, that it was not a church or religious denomination and that would be challenged and tested.

SENATOR FOWLER: Where is the power for the Board of Education to deny the waiver?

SENATOR DeCAMP: The waiver has to come from a church or religious denomination. That is self-evident, if they challenge whether it came from them, a legitimate, if you would, religion or denomination, you have answered your own question. If you want me to write a law that defines precisely what a religion is, I don't think I have the capability nor does anybody in the body of doing it.

SENATOR FOWLER: Well, I guess I still do not find in the law as it is written where the power is for the State Department of Education to deny the waiver and I think that is the point Senator Chambers was trying to make. It says if the governing board files a notice of the right to exercise a waiver with the State Board of Education, such board shall, if requested in the notice, grant the waiver. Now it seems to me that there should be the opportunity for the State Board to deny the waiver if the first two conditions, that is if they do not exist, and those two conditions were that the church not receive state or federal funds and, second, that in fact the requirements somehow are offensive to the person's religious. To use the analogy that I used this morning, you cannot simply go to your draft board and say it is abhorrent to my religion that I be drafted and serve in

service. The draft board has to concur in that before you are granted your conscientious objectors status. I do not quite see the mechanism in this bill that is equivalent to that. I think the people that have a sincere religious belief, wish an exemption, should have the opportunity to have that but I don't believe it should be an automatic right. So on the other hand, Senator Chambers does strike the heart of the bill with his amendment but I think he has raised with that I think a basic issue that exists in the bill and that is, can the waiver be denied, and I guess I do not see right now a mechanism to deny that waiver.

SPEAKER MARVEL: The Chair recognizes Senator Koch.

SENATOR KOCH: Mr. Speaker, members of the body, I rise to oppose Senator Chambers' motion. Senator DeCamp stated very correctly, he said this is the heart of the bill. That is the issue. The fact that the belief that these people hold that they do not want to be licensed by the state, those people should not be. That is the way they feel. Secondly, to settle some of Senator Chambers' arguments to segregation and other things, there is a lot of research that had been done and added to this law just the way Senator Chambers stated it. It didn't necessarily bring "white flight". That was a supposition but yet there were studies made to say that that wasn't exactly true. Secondly, to you, Senator Fowler, if you read the bill, it states there in Section 1, the lay governing body or organization of parents of a church or a religious denomination. Now if the Ku Klux Klan is a religious denomination, obviously I have misinterpreted history, or if some other group is a religious group, I have misinterpreted one more time. So I believe what we are doing is we are nit picking this bill and those of you who do not want to give it a chance, you can nit pick it all day long and there will always be those questions. I believe we should take the bill as it is and when we say "governing body or organization of parents of a church or a religious denomination file annually", that means they are a church represented by a group of parents who will then appoint a lay board which could be the board of trustees, the elders, or whoever they might be, I read that as though the State Board of Education can deny it if there is a doubt in their mind that that is not a religious group of people nor a church. So it is easy for me to sit here and read like I read in the World Herald a few weeks ago by a person I respect normally. Big headlines, KU KLUX KLAN. Anyone Else Come In And File In Nebraska, If The Present Law Is Passed. Well, that is just a good way to throw out another emotion which we all know is not accurate.

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For a little bit of history, I used to think Ku Klux Klan was always in the South but I was told by my father where I was born and raised that we had Ku Klux Klan there. It was out of my heritage, Germans, who rode and burned crosses when the French migrated there to farm. So Ku Klux Klan is not native to the South. It has been around this nation a long time all over. So for us to sit here and try to throw up all these horror stories in our interest to kill this bill, we can do it. I am suggesting let us give it four years and try it. Then if we find there are abuses, misuses, then we can change the direction and the destiny of a certain few people we are trying to protect. I would remind you also we are not talking just about the evangelicals, we are talking about the amish, we are talking about other groups of people who are also being threatened under the present law. So it is easy for us to speak only to a certain few, but you must remember as we heard in the hearing, there are others who have interest as well in this bill and they have accepted it as being reasonable.

SPEAKER MARVEL: Senator Higgins.

SENATOR HIGGINS: Mr. President, colleagues, I am getting tired of this subject. I think the rest of you are, too, but I have to address some of the remarks that Senator Chambers made about segregation in Omaha. There is no question that segregation has existed for many years in Omaha. I can remember as a young girl reading the want ads where they had houses for rent or for sale and the heading on that want ad said, "For Colored". At that time we said "colored", not "black". When I first read that as a young girl I couldn't understand. Why does that say "For Colored"? So there is no question that segregation has existed for many years in Omaha. I think in the last ten years they have made some strides in eliminating it to a degree. They have stronger laws on real estate sales and real estate salesmen can lose their license for trying to direct people into certain areas away from black dominated areas. But on the question of people leaving the public schools and going to private schools, I don't think I agree with Senator Chambers that they are doing it so much to avoid going to school with black children but it has been my experience in speaking with many Protestants that they are sending their children in Omaha to parochial schools because parochial schools still have discipline. When I was a guest on a radio talk show for about six months in 1980, I made a talk one day about education in Omaha and I said then and I say it now, I think some of the teachers in some of our school districts deserve combat pay for what they have to put up with and

take from some of these, pardon the expression, "snot-nosed kids", and if public education is worried about losing their students and their teachers losing their jobs, then I think it is time the school boards got behind the teachers and said, you will discipline these children, you will tell them they will sit in their chair, you will be allowed to teach. And when that happens, the parochial schools are going to lose all of those protestant children whose parents for the first time now are doing what parochial parents have done for years, supported two education systems. But I can't let it go by that schools are segregated merely because of race. Too many parochial schools are getting filled to where they have no more to take in. They have no more space. I don't blame the teachers. I blame the people who come forward and scream about children's rights. I have a nephew-in-law who is a dentist and his wife, after she got her teacher's certificate, taught at Central High School. And there was this one black boy in her class that stood up and talked constantly while she was trying to teach and she sat him down, I don't know how many times, and then she finally sent him to the principal's office. And then she was called in two days later, that he had filed a charge against her, Senator Chambers, of discriminating, that she only did it because he was black, and they had the hearing and that is when my niece told how she and her dental husband spent every Thursday night at a clinic on the northside treating for free black people and white poor people and my niece, who was not a dental assistant, went along with her husband and did this. And yet because the boy that wouldn't allow her to teach in class was black, she was hauled up before the principal and said, you are guilty of discrimination. Why would a woman who gave up one free night a week to go and help black people be so discriminatory in her classroom? Now I say this is part of the problem, that we are allowing children to say, "I want to file a charge against that teacher. I want to file a charge against that adult." I know Senator Chambers is going to have the last word on this but I am not buying it anymore that segregation is the cause of some schools losing their pupils. There is too much proof in Omaha of parochial schools being overcrowded. And this whole business today that we are discussing, the reason these people want to teach in their schools what they want to teach is they want to teach morality and the public schools aren't allowed to teach morality. They can send a kid to jail if he gets caught saying a prayer in school today, I think.

SPEAKER MARVEL: Your time is up.

SENATOR HIGGINS: Thank you, Mr. President, and thank you,



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colleagues, for your indulgence. I just hope you will keep those words in mind.

SPEAKER MARVEL: Before we proceed, we had members of the National Elks Association from Jackson, Michigan, Raymond B. Arnold, the Grand Exalted Ruler, were here; and guests of Senator Jim Goll, Mr. & Mrs. Jack Palmer from Tekamah, Nebraska underneath the North balcony. Will you show us where you are so we can say "Good afternoon". Senator Howard Peterson.

SENATOR HOWARD PETERSON: Mr. Chairman, I would call the question.

SPEAKER MARVEL: Do I see five seconds? Okay. All those in favor of ceasing debate vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 26 ayes, 4 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate is ceased. The Chair recognizes Senator Chambers to close.

SENATOR CHAMBERS: Yes, Mr. Chairman and members of the Legislature, since there are studies that establish what I said about the segregation in Omaha and the white flight, they have even been established by the Department of Transportation, all kinds of human relations groups, probably the U. S. Commission on Civil Rights, what Senator Higgins said she said because she had a relative who was upset about something in school and a mistake is made when you extrapolate from one situation to cover an entire spectrum, you make mistakes and your words don't have that much validity nor are they accorded very much weight. But anyway Senator Koch said that this Section 2, and Senator DeCamp said the same thing, is the heart of the bill. Do you think I don't know that? I want that heart, Senator Koch, I want that heart, Senator DeCamp, in the same way I want Dracula's heart if I put the wooden stake through it. I know what it is that I am trying to do and I don't think anybody has any doubts or questions about that. But what needs to be stated for the record clearly because those who support this bill either don't understand language or they don't want to answer honestly as their mind tells them the question ought to be answered. Under this bill, the actions by the State Board of Education are not judgmental. They are ministerial. All that the State Board is allowed to do under this bill is to act. The determination of whether it acts does not arise within any power or prerogative of the State Board of Education. The State Board's act

is triggered by something that another person does and brings to the State Board. Let's say that we have got the kind of people I am talking about so I can characterize them and separate them from all these churches, whatever they are that people like. We have got a bunch of liars saying that they are a church and they are not. They are terrorists and they want to teach the children terroristic ways. All they do is fill out the papers with these lies saying that they are a church, that they are a lay board, that to comply with state rules and compulsory attendance laws will violate their religion. They give that to the State Board of Education, file it annually, and according to the word in Line 19, Section 2, the State Board of Education "shall" act. They "shall" act. They don't have a right to determine whether this is a church. They don't even know what a church is based on this bill. There is no definition of a church. What is the difference between a church and religious denomination? Who knows? Nobody. Who cares? Nobody. Because the issue is not religion as such here, the issue is that a preacher went to jail for what he believed in which is what I might have to do on the freeway. But those of us who believe in causes know that the best thing that can happen to advance our cause is go to jail, then there might be a price to pay from those who agree with us if they see us hauled off in handcuffs. Now in the case of the minister, his people shut the church door. They locked up the church, closed the school. I don't know what would happen in another situation involving somebody else. But remember this, there is nothing in this bill at all to set any standards for the teacher, any requirements for the lay board. And Senator DeCamp, when I made my remarks about people being in the penitentiary and whatnot serving on this board, that had nothing to do with their character. It dealt only with the idea that it is totally unregulated. If you have these kind of people on the school board of a public education system, remember, those schools are regulated by the law. They are regulated. There is a limit to what they do. There are requirements as to what must be taught and the kind of people who are allowed to teach. Under this bill that you and Senator Howard Peterson have put together, there are no standards of any kind on anybody. I have said that in prior presentations and Senator DeCamp and nobody else can contradict it. There is no standard that the teacher must meet. There is no standard of honesty that the lay board must meet. There is no qualification that anybody must be shown to have. All you have to do is get a bunch of people to write some words on a piece of paper and give it to the State Board and they can know to a certitude that this is not a church,

this is not a religion, it is a terroristic organization that wants to corrupt the minds of young children and it has no choice under this law other than to grant what is being requested by those people and I defy Senator DeCamp or anybody else to show me where that is not the case. I know what words mean. I understand how to speak English and I understand English when I hear it spoken and I understand words when I read them in the law. It is no good to say to a court, we meant such and such a thing. They look at what you have said and I believe that if the State Board attempted to deny a waiver to somebody, the only issue that the court would be allowed to look at is not whether this is a church or a religion but simply whether they filled out the papers as they are told to fill them out. They don't have to say anything or give any proof of what they are. Just fill in the blanks a certain way and you get it. Just like if McDonald's tell me if I scratch something off of a card and there is a question and I give the answer I get a hamburger and a cup of coffee.

SPEAKER MARVEL: Your time is up.

SENATOR CHAMBERS: If I scratch it off and the question is there and I give the answer and they don't give me the coffee, they are wrong and I can get them. So all that I have to do, and I may do it to prove it to all of you all except that I don't want to make a lot of liars out of a lot of otherwise good Christians, set up a church and exempt everybody and come under this law and you can't touch it. That is what you are doing. I will tell you before I sit down I have one more amendment and that is all I will do with the bill on General File. That is to change that word "shall" to "may" so that you will give the State Board of Education the opportunity to do some degree of judgment making.

SPEAKER MARVEL: All those in favor of the Chambers amendment vote aye, opposed vote no. Have you all voted? Okay.

CLERK: Mr. President, Senator Chambers requests a record vote. (Read record vote. See page 1073, Legislative Journal.) 20 ayes, 25 nays, Mr. President.

SPEAKER MARVEL: Motion lost.

CLERK: Mr. President, the next amendment is by Senator Beutler. (Read Beutler amendment found on page 1074, Legislative Journal.)

SPEAKER MARVEL: Senator Beutler.

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SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I will be quick about this but I am serious about it. As you know, the teacher certification requirements require that every teacher have a college education and my amendment would require that in order to get the waiver of teacher certification the teachers that you do have should have a grade school education. It just occurred to me that if you are going to be teaching high school students up through the twelfth grade that you should at least have a grade school education and that is all my amendment does. Thank you.

SPEAKER MARVEL: Senator Howard Peterson, do you wish to speak to the Beutler amendment?

SENATOR HOWARD PETERSON: Mr. Chairman, it seemed to me that this is a rather foolish amendment. I just think that what Chris is trying to do is to delay the game. It seems to me it is time for us to get to the proper...the main motion and I just would encourage this body to vote down the amendment. Then let's get on with the bill.

SPEAKER MARVEL: Senator DeCamp. Senator Wiitala.

SENATOR WIITALA: Thank you, Mr. Speaker. Members of the Legislature, I commend Senator Beutler on his motion to amend LB 652. I think he draws down on the whole essence of what we have been debating today which is basically should any person who teaches a child have some basic requisite modicum of knowledge and I kind of disagree with the thrust of his amendment which says just a simple elementary education. Of course, I feel you know that it should direct its lines more along the lines of knowledge of the subject matter in which that teacher is going to teach but I hope you will listen to reason because although his amendment seems foolish, in perspective of what we are attempting to do today in advancing LB 652 I think it certainly is an improvement. Thank you, Mr. Speaker.

SPEAKER MARVEL: Senator Marsh, for what purpose do you arise?

SENATOR MARSH: I would like to comment on the proposed amendment.

SPEAKER MARVEL: Senator Chambers, do you wish to be recognized? You are first on the list, then Senator Marsh.

SENATOR CHAMBERS: Very briefly, Mr. Chairman. Senator Peterson, Senator Howard Peterson, I would like to ask

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you a question so I can understand what you were talking about, if possible. Will you yield to a question?

SENATOR H. PETERSON: Sure will.

SENATOR CHAMBERS: Senator Howard Peterson, is it your contention that the person teaching should have no education requirement at all, is that what you meant?

SENATOR H. PETERSON: It is my contention that those who will be teaching will be able to teach and not necessarily are we going to try to set up a standard in terms of a standard. That is one of the problems with the present law. I have had excellent teachers all through my life. I had noncertified teachers all through my college career. I didn't need certified teachers. They taught just as well or better than certified teachers. We don't have certified teachers in colleges today. I don't think we need to put a criterion into the bill. I think the parents can make that decision for their children.

SENATOR CHAMBERS: But, Senator Peterson, here is what I am asking you, not about certification but education. Do you think that a grade school education is too high a standard? Do you think it ought to be maybe three years?

SENATOR H. PETERSON: Ernie, I would like for the parents of the children to make that decision. I honestly believe they can do a better job than the 49 Senators on this floor in making that decision.

SENATOR CHAMBERS: Thank you, Senator Peterson. And on into the valley of the 18th Century rode the Legislature except that they had higher standards in some regards than what we are asking for here. Now understand that this bill should be read in the context of what is happening in education in Nebraska and I am really shocked that those people who claim all this religious concern don't look out for the future of the children. Right now UN-L is talking about admission standards which will be based on certain courses having been taken by students prior to getting to the University. So Senator Peterson is going to have some nice well-intentioned person who would think that two plus two are six but never the well-meaning well teaching that to these children and they learn a hundred percent of what they are taught but a hundred percent of what they were taught is wrong. Now Senator Peterson said he had uncertified teachers and I wouldn't argue the fact with him at all because from some of the things he says it is clear, but as far as what we are talking about here today, if you know

that the University of the state is going to place certain admission requirements that students must be able to achieve before they can be granted admission to the University, it is an injustice to these children to let them go through a school where they may not be given those essentials that the University has said it is going to require, and on that basis, I think there ought to be some kind of education requirement. I also think grade school is probably way too low. As a matter of fact, I know it is too low but I think what Senator Beutler is trying to do is show that the Legislature recognizes that in order to teach you must know something yourself. How can they learn, Senator Peterson, if they are not taught? How can they teach if they are not sent? And who sends them? Those who have taught them. I would hate to see these schools turn into situations where you have those least able to learn being taught by those least able to teach and that situation can arise if children are exposed to an enriching environment. And with the kind of thing that is being projected by this bill, I would say, "Woe upon the poor children who are victimized by their parents", and if the parents who are involved go for this bill, I will say with George Bernard Shaw who I think showed what an education person should be about, these things prove conclusively that parents are the very persons who ought not to have children.

SPEAKER MARVEL: Senator Marsh.

SENATOR MARSH: Mr. Speaker and members of the Legislature, I think the point which is lifted for us to consider is that even a grade school education might be the criteria chosen by some parents. It is a ridiculously low concern, and with that in mind, I have an amendment on the Clerk's desk...

SPEAKER MARVEL: Do you have an amendment to the Beutler amendment?

SENATOR MARSH: ...to the Beutler amendment.

CLERK: Mr. President, Senator Marsh would move to amend the Beutler amendment by striking grade school and inserting high school.

SENATOR MARSH: Even this is too low, even this certainly should be a disgrace for our legislative body to adopt but it seems the will of this body is to run with this bill today. Have at least a high school education as a requirement for a teacher of others who need to learn. I am one of the first to say that a formal education does not necessarily make one wise. A formal education should be a stepping

stone to continuing education but, please, have at least as a minimum a requirement for a high school education before that individual has the responsibility of teaching others. I urge your adoption of this amendment to the proposed amendment before us. With great sincerity I ask your help in adopting this amendment.

SPEAKER MARVEL: We are discussing the Marsh amendment to the Beutler amendment. Senator DeCamp, do you wish to be recognized?

SENATOR DeCAMP: Mr. President, I have a secret. I would like to share it with you all here, if anybody wants to listen. It is a true secret. It is how we ever got here on the Christian school bill in the first place, and Larry Stoney, if he is around somewhere, might just verify what I say, but it all started with an amendment like this one time that most members of the Legislature misunderstood, at least I think they did because it was Larry's bill as I recall, wasn't it, Larry? And a maximum that was put in the law for one purpose was interpreted by the Board of Education to be a minimum and therein lies the problem and why we are talking for hours last year and hours this year. Larry Stoney had a bill in here to set, as I recall, Larry, and you just shake your head if I am right, minimum standards for teacher certification, wasn't that what it was about, at least that was the impression we had, a few years ago. And the idea was in this minimum-maximum thing that we would make it clear that if you had a college degree, the idea being that could be the maximum required but the maximum was interpreted by the Board of Education to be a minimum and they adopted a rule like that, and in conjunction with that interpretation came the requirement that you have certain courses then in the college which might have nothing to do with reading, writing or arithmetic, quite frankly, and from thereon things started pyramiding and dominoing and that is how we ended up here today. So I am going to oppose the amendment, not because I think it might be a bad or good idea, but because the bill was designed to overcome this very problem because of a misinterpretation one time. Senator Beutler says grade school. If they followed the identical reasoning that gave us Rule 14, if you followed the identical path, then you would say by law, in effect, and adopt rules and say, now grade school education is it. That is all we are looking at. I guess I don't want to create that danger either. I think if you will take the bill in its original form, and as Senator Koch says, try the shoe on for awhile and see how it works, you might be surprised, and to those that have expressed, my friend Senator Chambers, such concern about these parents and their children being abused, I repeat once again, take the time to check some of these children and some of their

parents. I would guess you would discover that they have less crime and less problems, less disciplinary problems than just about anybody and those parents are as much or more concerned in taking care of their children as anybody. I just don't think the horror stories you raise are the ones you need to be afraid of. I am going to vote against both of these amendments, as I say because of maybe falling in that trap of the minimum-maximums and things for one purpose being interpreted as another and that is how this whole thing started about four or five years ago.

SPEAKER MARVEL: Okay, the next order of business is Senator Remmers. We are speaking to the Beutler amendment, the Marsh amendment to the Beutler amendment.

SENATOR REMMERS: Mr. Speaker, members of the Legislature, I know that when I speak in anger I am usually sorry for what I have said but I will have to confess that I am getting a little angry. We have been debating this issue for a long time. The debate was at a pretty high level but I am afraid these last amendments are the form of ridicule of those of us that did vote for the bill. Frankly, I had a very difficult time coming to a conclusion of where I stood on this issue but I think right now we are in the ridiculous and I resent it. I shall vote against the amendments.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker, I will be very brief. We are forgetting another group of people, Senator Marsh, the Amish people. I tried to say that earlier today. We are not just talking about the Fundamentalists or the Evangelicals, we are talking about the Amish people and other religious interests. This amendment you are going to put on right now puts the Amish in an intolerable position. I think both amendments are unnecessary and I agree with Senator Remmers. There are some of us who believe we ought to give it a chance and obviously there are some of you who are going to be persistent and you are going to nit pick it all day long. I am prepared to stay here as long as we have to because I am getting to the point where I feel this body must demonstrate that we do have some compassion and we are going to give those people a chance, at least for four years, to see whether or not it works.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I do not think the issue, as angry as anybody might become



and I can understand Senator Remmers' feeling, is not a matter of anger or what position somebody took or how much trouble they had arriving at that position nor is it one of compassion, Senator Koch. For if it were one of compassion and concern, the North Freeway would have been stopped by the Legislature a long time ago. So we know that those words are used and applied as we choose but on this particular amendment we have got to realize that when people take an issue like this and bring it into the Legislature, there are some people who are not going to be bulldozed into accepting those provisions regardless. So it is a touchy, sticky situation and I, for one, I don't know how others feel, will not be beaten down or made during a moment of physical weariness, which I don't feel right now but I know others do, cast a vote that I will be sorry about later. When people who have knowledge of what education is about and what it is to achieve begin to do ridiculing things like the cartoons that are hitting the President and people begin to say, well, gee, I hadn't even thought of that. The time for us to think is now. This is the time for us to hammer these things out, not give up because we are emotionally involved. I don't think anybody could be more angry about the way this bill is being handled than I have been and stay constantly about the way the North Freeway is handled but what difference does that make to anybody else. We all have an understanding of what we are to do when we are in this legislative chamber. We perceive our jobs differently and we carry them out differently. That is why the admonition was given, "The race is not given to the swift nor to the strong but to he that endureth unto the end", and the end is not yet. There is a lot to do on this bill. There are people who have worked on various Senators for a long period of time. To discuss this bill even if we have discussed it an entire eight hours today, who out there who are parts of the public would say that an issue this heavy was overdiscussed when it was talked about only eight hours and could have impact for generations? It can produce generations of uneducated children who will indeed become problems later. While people are very young and very small, they can be dominated and dictated to and made to walk a chalk line because they are under the physical dominance of parents, school or whatever, but you let them get the opportunity to kick the traces and they will show you a thing or two. They will be the ones who have the psychological problems in a society that is making such rapid technological advances. A lot of us who are adults don't even try to keep up with them. These children will have to live in that world and function in that world. You can't take them to the little Church in the Wildwood and isolate them from the rest of the world and say we have well-intentioned people, we believe

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in God and religion, and that is all that it takes us and we want to teach our children. We are going to teach them that there are no wars, so there are no wars. We are going to teach them there are no diseases, so there are no diseases. That cannot be. You take somebody and put them in my car and let them not know how to drive a stick shift and they can fast and pray forty days and forty nights and that car will not move as a result of that. You have to know how to drive that car and there are certain steps and procedures you go through to make it move. That is the way a lot of things are in this society now. You can't make it on two plus two are six, and what we are talking about now is the welfare of the children. Schools are not put there to please parents or to please legislators. They are put there to benefit the children, and if a dummy can teach in any school, then let dummies teach in all of them. If you don't need education in those schools, don't require education in any school. You should reduce apparently society to the lowest common denominator, and if that is the case and we all want the children to have the same opportunity, let's let all of the schools operate on the same basis. Since we are not going to establish a higher level, let the University get people with whatever education they can scrape together. Let the high schools do the same thing and the public elementary schools.

SPEAKER MARVEL: You have one minute.

SENATOR CHAMBERS: Why should they be held to a higher standard? Only because they are public? No, there is a goal that you are seeking to reach and that goal is the proper educating of the children. A society which is not properly concerned about its children's development I think is a society that is on the way out. So the amendment, although it might be irritating to some people, is a step in the right direction and it still doesn't go far enough. But if we really want to be an object of ridicule, let it be said that those who are going to teach high school don't even have to have a grade school education.

SPEAKER MARVEL: Senator Wiitala, do you wish to be recognized?

SENATOR WIITALA: Mr. Speaker, I would call the question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? I do. Shall debate cease? Have you all voted? Okay.

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890A, 903A

CLERK: 27 ayes, 0 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate is ceased. The Chair recognizes Senator Marsh to close on your amendment.

SENATOR MARSH: Thank you, Mr. Speaker. We have stayed pretty quiet today as we have listened to debate on this bill, and if some of you noticed, I stayed very quiet this morning. As a parent of a highly gifted student who is currently tutoring highly gifted students through the Lincoln Public Schools, I cringe at what LB 652 is attempting to do without regard to its affects in the future. I also feel that religion is a very important part of my life and those around me. Because of that, I think we need minimum in spite of what Senator Koch says that high school is asking too much of a teacher, I believe that a teacher should have completed high school. I hope that in your heart you also agree that that is a very minimum qualification. Please try to have the minimum be part of this legislation which is moving quickly now to termination.

SPEAKER MARVEL: The question is the adoption of the Marsh amendment. All those in favor vote aye, opposed vote no. A record vote has been requested. Record. All those in favor of going under Call vote aye, opposed vote no. Have you all voted? Record.

CLERK: 18 ayes, 16 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators return to your seats, unauthorized personnel leave the floor.

CLERK: Mr. President, while we are waiting for the members to check in, I have a report from Public Works regarding a confirmation hearing.

I have a gubernatorial appointment from the Governor.

Senators Cullan, Kahle, Vard Johnson, and Nichol would like to print amendments to LB 522.

Mr. President, a new A bill, 903A offered by Senator Carstens, (Read title); LB 890A by Senator Vickers and Koch, (Read title); and LB 653A by Senator Koch, (Read title). (See pages 1078-1079, Legislative Journal.)

SPEAKER MARVEL: All legislators must be in their seats according to the rules. Senator Schmit, Senator Lamb. Vard Johnson, Senator Lamb, Senator Labeledz. Senator Marsh, can we call the roll now? There are three absent at the moment.

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SENATOR MARSH: Which Senator is missing? I see Senator Lamb coming in. Thank you. We can call the roll.

SPEAKER MARVEL: Okay, call the roll, Mr. Clerk.

CLERK: (Roll call vote started. See page 1074, Legislative Journal.)

SPEAKER MARVEL: Will all legislators please get in their seats? It's part of the rules. Okay.

CLERK: (Roll call vote continued.) 21 ayes, 24 nays, Mr. President, on adoption of Senator Marsh's amendment.

SPEAKER MARVEL: Motion lost. Okay, the Beutler amendment is now before us. Okay, Senator Beutler, do you wish to close on your amendment?

SENATOR BEUTLER: Yes, Mr. Speaker, I would like to close briefly. First of all I would like to say it was not my intent to be smart-alecky or to embarrass anyone who is voting on the other side, and if you interpreted me that way, Senator Remmers, I apologize. It was my intent to draft the amendment to make a point as dramatically as I possibly could. I wanted to be sure that everybody on the floor understood that when you do away with teacher certification you do away with all educational requirement with regard to the teachers who will be teaching these children. I want to be sure that everybody understands that and I think that is going too far, and if I can repair the damage a little bit, whether it is grade school or high school education, I think that should be done and I am sorry that Senator Marsh's amendment didn't pass because high school does make more sense but I would hope that as a bare minimum that you would at least require and be sure that every high school student in the state has a right to a teacher who has at least a grade school education. Thank you.

SPEAKER MARVEL: The question is the adoption of the Beutler amendment. All those in favor of that motion vote aye, opposed vote no. Okay, record.

SENATOR BEUTLER: A Call of the House and a roll call vote please.

SPEAKER MARVEL: Shall the House go under Call? All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 18 ayes, 7 nays to go under Call, Mr. President.

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SPEAKER MARVEL: The House is under Call. All legislators please return to your seats, record your presence. Unauthorized personnel please leave. Senator Cullan, will you please record your presence. (Gavel) Senator Higgins. Senator Higgins is the only one. Shall we proceed? Senator Beutler, we have one absent at the moment, Senator Higgins. Call the roll.

CLERK: (Roll call vote taken. See page 1075, Legislative Journal.) 22 ayes, 22 nays, Mr. President.

SPEAKER MARVEL: Motion lost.

CLERK: Mr. President, the next motion I have is from Senator Chambers. (Read Chambers amendment found on page 1075, Legislative Journal.)

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, as I stated before this is the last amendment that I am going to offer on this bill on General File, but before I go into that, and maybe Senator DeCamp, if he addresses himself to this amendment, can answer what I am puzzled about. He started by saying that a bill that Senator Stoney had talked about something and then he said some things real fast and concluded by saying that is why we are here today and I missed something somewhere along the way because I don't see any connection whatsoever between what his first statement was and why we are here today. I hope that I can be a bit more coherent than that in my presentation. The word "shall" should be changed to "may" under my amendment in line 19 that deals with whether or not the State Board of Education would grant these waivers. It would allow a degree of judgment in assessing whether or not the waivers should be granted. It does not change the conditions. It doesn't change anything but it does alter the situation which now exists where once somebody presents certain pieces of paper the Board cannot look beyond the face of that paper. It must act in the way this bill said. So I am asking that you change that "shall" to "may" and it can be found on page 746 of the Journal. It is the third line from the bottom of the page so you know which line 19 I am talking about, but now that Senator DeCamp is here and he likes to tell stories, I am going to try to say something, Senator DeCamp, to lighten the mood a bit. Senator "Somebody" from Oregon was talking to the President, and he said Senator Domenici was talking to him about the \$100 billion deficit and the President told an anecdote about somebody buying vodka with food stamps

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and concluded by saying "and that is the problem with the world today". That is the kind of story Senator DeCamp told so maybe though he is never right he will someday be President.

SPEAKER MARVEL: Senator Fowler.

SENATOR FOWLER: Mr. President, I rise to support Senator Chambers' amendment, and without that amendment could not support advancing the bill. It seems to me that I certainly support the concept that people who out of sincere religious conviction feel that their children cannot be in the public schools should have that option to set up their own school system and even have their own teachers with their own requirements for those teachers but someplace in society someone has to determine whether or not that school in fact is based on a foundation of religious principles or is a school of economic convenience or a school of political persuasion. Someplace in society we have to lodge that power. It cannot be an automatic grant, and for that reason someone must have discretion. Now Senator Koch seemed to feel that someplace in the bill discretion was allowed but I think not as I read the bill and as I understand the principle behind it. Now Senator Chambers said it is a mechanical process, that is if certain forms are filled out, then the waiver shall be granted. I do not think that is satisfactory in terms of being able to determine whether or not a school should be exempt from laws that I think that we should have in place "unless they are offensive to someone's religion". Now I supported the amendments. I opposed killing the bill but I believe that unless there is discretion lodged someplace within this structure to decide whether or not there is in fact a sincere religious denominational group forming a school and asking on the basis of their religious beliefs for that exemption, unless we provide that discretion someplace in this bill, we may in fact be opening it far too wide. For that reason I support Senator Chambers' amendment. As I indicate, I could not support the bill without that discretion being lodged someplace.

SENATOR HEFNER PRESIDING

SENATOR HEFNER: Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature, if they are sincere in their goal of wanting to ensure that the criteria are met, then this amendment will not accomplish that goal. Let me repeat, if what the purpose, as Senator Fowler said, is to ensure that they are "proper

religious, denomination, or whatever", if that is what the purpose is all about, then this amendment does not accomplish it. Now I have discussed this with Senator Landis and a couple of others in here. They had some concerns about this. Fine, come up with, come up with the amendment whether it be now or on Select File on the wild assumption it gets there, that will accomplish your goals, I will support it. But this amendment does not do that. This amendment just destroys the bill by...ask Vard Johnson, I think he is a pretty bright lawyer and he will tell you the same thing...what this does is takes the whole bill out of what you have done and just says the Board of Education can do whatever they want but it doesn't say if somebody meets the requirements, they get the waiver. Now I repeat again, if you come up with the proper amendment, I will support it. This doesn't happen to be it so I oppose the amendment but I do agree with doing something on the very concern they raised. I don't think it is a concern but I can see why somebody might have reservations. If you come up with the proper language, I will support it.

SENATOR HEFNER: Senator Wesely, on the Chambers amendment.

SENATOR WESELY: Mr. President, members of the Legislature, I rise in support of the Chambers amendment. Senator Fowler said it reaches the point at which we all try and strive, the golden land of compromise where we can try and see one another's positions and come to a point at which both sides can feel comfortable with a piece of legislation. Now perhaps as Senator DeCamp says, Senator Chambers has not reached that land quite yet but it is a step in the direction that I think we are all trying to strive for. On the kill motion I talked about killing the bill and I supported the kill motion because it seemed clear there wasn't the degree of compromising on both sides and it was necessary to reach that middle ground that we are trying to strive for, and maybe they are not possible but, nevertheless, I think that is what we always try and work toward in this Legislature. But it seems to me quite clear that somehow a discretionary authority to the Board of Education is what we are looking for. Senator Landis is working on language right now. Senator DeCamp has talked about supporting it. It seems to me clear that if we are going to see that golden land we always talk about, that potential for compromise, that this is the sort of area we have got to work in. It seems to me quite clear that we have to have some discretion. We can't have an absolute grant of waiver of these sort of standards in every case where they are applied for, which is what the present bill as I understand it would have you provide. It seems clear to me that we have to be able to

separate the wheat from the chaff, that we have to be able to make a distinction between those who are legitimately striving for a waiver and those who are trying to circumvent the law and trying to lower the educational quality of our schools. So as far as I am concerned, although Senator Chambers has not perhaps got the absolute answer, he is pointing at the direction toward the answer that we probably are looking for and I would encourage again Senator DeCamp and Senator Landis and some of the others, Senator Fowler has I think also talked about this area that we are discussing at this point, that this is the area we need to work out our differences and this is the area in which there is some hope yet, that gray area that I was talking about before, that there may still be a promise of resolving the issue and I would say that Senator Chambers' amendment does point out better than any other one we have discussed today where exactly we might be able to work out some of these conflicts that we are discussing this full day today. So I do support the Chambers amendment with the understanding it probably has no chance. Nevertheless, I think you all ought to keep in mind the debate that is going on here because this is really the nub of the problem.

SENATOR HEFNER: Before we go to the next motion, I would like to introduce former Senator Murphy. He is under the North balcony. Senator Murphy, would you like to hold up your hand. We now have an amendment to the Chambers amendment.

CLERK: Mr. President, Senator Landis would move to amend the Chambers amendment: (Read Landis amendment found on pages 1075 and 1076, Legislative Journal.)

SENATOR HEFNER: Senator Landis, on your amendment to the amendment.

SENATOR LANDIS: Right. Let me do this slowly. Ernie has got his pen out. Since we are doing bill drafting on the floor, we have to go a little slow here and I do have a grade school education so I will do this very slowly for everyone. Ernie has changed in line 19 "shall" to "may". The difficulty with that is that it simply means the Board has absolute discretion to do whatever it wishes under whatever conditions for whatever reasons. His argument is if you don't...if there is no way to prove that you have state or federal funds or whether or not the law constitutes an interference with the religious instruction, so the "may" goes too far. After the new "may" you add the words may "not deny the waiver if both of the conditions stated in Section 1 are met", and those two conditions are the state or federal



funds and the declaration that there is an interference with the exercise of the religion. I then strike the superfluous language "if requested in the notice", which appears in line 19 and 20, and then to kick off that subsection (1), you have to have some language, a verb in there, so the verb reads this way, "If such conditions are met, the State Board of Education shall". In other words, it is a discretionary act to find out whether or not those conditions are met, but if they are met, it is no longer discretionary but then becomes the responsibility of the Board to act on the waiver and to grant it. You can deny a waiver then in the event the State Board finds that this school district does accept state funds, does accept federal funds, or has not made the declaration that this is an interference with their religion and the exercise of their religion. If the State Board finds any of those to be the case, they can deny the waiver. That is, however, the sum total of reasons why you can deny the waiver, if the conditions aren't met. Senator DeCamp, would you yield for a question?

SENATOR HEFNER: Senator DeCamp.

SENATOR LANDIS: Is this amendment to the Chambers amendment satisfactory, and if it is adopted, can you then support the Chambers amendment?

SENATOR DeCAMP: Senator Landis, one hundred and ten percent, if everybody is telling the truth as to what they really want, your amendment accomplishes precisely the discretion to determine conditions, the things Vard Johnson raised, everybody else. This does it, if everybody is not fibbing just a trifle. This does it.

SENATOR HEFNER: Senator Remmers, do you care to talk on the Landis amendment?

SENATOR REMMERS: Mr. Speaker and members of the Legislature, this question that Senator Chambers has addressed and, of course, now is being refined by Senator Landis has bothered me all day. I felt that if you are going to have someone make a decision on the waiver, there has to be some procedure for dealing with it and I did not see it in the bill. I appreciate Senator Chambers speaking to this and if with Senator DeCamp's assurance that Senator Landis' amendment is a little better than Senator Chambers', I am going to support both amendments.

SENATOR HEFNER: Senator Koch, on the Landis amendment.

SENATOR KOCH: Mr. Chairman, I move the previous question.

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SENATOR HEFNER: Do I see five hands? Senator Chambers, why do you rise?

SENATOR CHAMBERS: The only ones who have spoken on this amendment have spoken for it. Now if that is considered fair debate, then I know the rules we are under and I will leave it alone, but I am going to leave it to the Chair to make that determination. What I am suggesting is that there has not been debate on Senator Landis' amendment.

SENATOR HEFNER: The Chair will rule that we need a little more debate on this amendment. Senator DeCamp.

SENATOR DeCAMP: I have got nothing to say. I am just waiting to do something on the bill.

SENATOR HEFNER: Senator Wiitala.

SENATOR WIITALA: Thank you, Mr. President. I hope the body is beginning to realize that what we are playing here is a game of chess. One person is checkmating another and another move is made to checkmate the other person and back and forth we go. This bill, LB 652, should have stuck with the original compromise in committee. After all, we had three bills in committee to consider but instead the committee on weak votes decide to compromise the compromise and that is all we have done here today is compromise on top of compromise until LB 652 is becoming about as notorious as LB 472A. Really, after all the bloodletting that we have seen here on the floor today, bleeding this bill to death, I hope this body has come to realize that what we truly need is a compromise, not a bill that moves the direction of one certain group's favor or moves in another direction in another person's favor. I truly believe that what we need to do is go back to the original compromise and that does not include offering a blank check to certain schools that operate within our state and that, colleagues, is in effect what we have done with LB 652 as amended. We have not drafted only a piece of legislation here on the floor but we have drafted a blank check with no safeguards in it, with no oversight, and with a sunset provision, as I mentioned earlier, sets the sun on a long tradition of Nebraska education. I have nothing further to say, Mr. President. Thank you very much.

SENATOR HEFNER: Senator Chambers, on the Landis amendment.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I am going to try to restate what Senator Landis' amendment is for those of you who may not have picked it up

and then we can see if I understand it also. In line 19, as it reads now, the State Board, well, "such Board shall if requested in the notice", that "shall", well that would be stricken and the language would be "may not deny the waiver if both conditions are met", and then I think he added language "if the conditions are met, the waiver shall be granted". But as I read the language that says nothing any differently than what is said now only it uses more words. So maybe what I will do because it is difficult to draft things like this on the floor, and I do want the State Board to have some discretion, I can just withdraw my amendment and you can do with the bill whatever you want to at this point but I tried to do something which may have been a mistake. If what I am trying to do is successful, it may make the bill palatable and I don't think that ought to be done. I don't think these waivers ought to be granted but my feeling was that if you insist on doing this, do it in a way that will allow a shred of credibility to attach to the Legislature. We don't want what we are doing here today to be viewed as though we were at a revival talking about salvation. We want it to be viewed as though we in fact were in the Legislature dealing with legislation and I think that Senator Landis is really intending to give the Board the discretion or the flexibility to make a determination of whether the first two conditions exist that are required in Section 1, and that determination having been made affirmatively, they then are required to grant the waiver. But as I read the language that he gave, I think it says with more words what is already here. I would want it made crystal clear that the State Board of Education can go behind this piece of paper that is submitted, the piece of paper that requests the waiver, and determinations can be made of the truth or the factual underpinning of the things alleged in that piece of paper, and if the State Board finds those conditions not to be as represented in that paper, you don't prosecute the people, you simply do not grant them the waiver. If the State Board finds those conditions to exist, then as the bill is drafted and as Senator Landis wants it to be amended, the State Board at that point would be required to grant the waiver. That is what is being attempted. I think I ought not have had a part to play in it. I am trying to bring a clean thing out of an unclean thing and that should not be my role. So unless somebody would object, I am going to withdraw the amendment that I offered and give those who really want to work this thing out an opportunity to do it in a more deliberative fashion so that what is desired can really be done and so that it will be reflected in the words that are placed in the amendment. And I know with Senator Landis' amendment pending, I can't just withdraw it on my own but that is what I think would probably be the

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best thing right now.

SENATOR HEFNER: Senator Chambers, Senator Landis has to withdraw his amendment first.

SENATOR LANDIS: With the understanding that perhaps there is a more appropriate time to arrive at language a little further down the line, I will ask for the withdrawal of my amendment conditioned, of course, on the good faith that Ernie then withdraws his.

SENATOR HEFNER: Senator Landis' amendment is withdrawn and Senator Chambers' amendment is withdrawn. Senator Higgins, what do you rise for?

SENATOR HIGGINS: A point of order, Mr. President. The Landis amendment came up and we voted to vote on it and then the point was made that there had not been anyone stand up to speak against the Landis amendment. The point being this body has to always be divided and I have been standing here waiting to stand up and say I would speak against the Landis amendment. Now you are going to withdraw it before I get a chance to show the people in the gallery that we never agree on anything. Now you are withdrawing the amendment so I don't get a chance to say that I am going to speak against the amendment and I really just want to make the point, somebody has to stand up and be on the other side always. We can never agree. So now if he withdraws the amendment, I can't stand up and say I am against the amendment.

SENATOR HEFNER: Senator Higgins, we have nothing before us. We have no motion before us. I am sorry.

SENATOR HIGGINS: I think I made the point. Thank you.

SENATOR HEFNER: The motion is to advance the bill. Senator DeCamp.

SENATOR DeAMP: Nothing.

SENATOR HEFNER: The question is, shall the bill advance? All those in favor vote aye, and those against it vote nay.

CLERK: Senator Hefner voting yes.

SENATOR HEFNER: Record. Senator DeCamp.

SENATOR DeCAMP: Mr. President, I request a Call of the House as long as it has gone this far and see if we can take call ins. You never know what will happen.

SENATOR HEFNER: The question is, shall we go under Call? All those in favor vote aye, those against it vote nay. Record.

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LB 652, 568  
LR 245, 246

CLERK: 19 ayes, 0 nays to go under Call, Mr. President.

SENATOR HEFNER: The House is under Call. Everybody record their presence. Senator Wesely, would you please check in? Senator Clark and Senator Schmit are excused. A roll call has been requested. Senator Schmit, would you please check in? Would everybody please take your seats and then the Clerk will call the roll. Call the roll.

CLERK: (Roll call vote taken. See page 1076, Legislative Journal.) 25 ayes, 23 nays, Mr. President, on the motion to advance the bill.

#### SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Motion carried. Before we proceed, I received a letter a short time ago. I would like to read it to you. Dated March 9th. "The state of the economy will have a profound effect upon my decisions now being contemplated with the members of the Legislature. My message to you just sixty days ago must be amended in the light of the changing economic scene. I respectfully request permission to address the members of the Legislature on this matter at 9:30 a.m., Wednesday, March 10th, and to wait your reply. Sincerely, Charles Thone, Governor."

CLERK: Mr. President, a few items to read in. I have new resolutions, LR 245 by Senator Cope and members. (Read.) LR 246 offered by Senator Cope and others. (Read.) (See pages 1079 and 1080, Legislative Journal.)

Mr. President, Senator Sieck and Vickers would like to print amendments to LB 568 in the Journal.

Mr. President, Miscellaneous Subjects will hold an executive session underneath the North balcony, that is Miscellaneous subjects underneath the North balcony upon adjournment.

Mr. President, Senator Kremer would like to remind the membership that tomorrow at twelve-thirty the Public Works Committee will hold a hearing on LR 212 in Room 1517.

SPEAKER MARVEL: Senator Rumery, do you want to adjourn us until Wednesday, March 10th at 9:00 a.m?

SENATOR RUMERY: Mr. President, members of the Legislature, I move we adjourn until Wednesday morning, nine o'clock, March 10th.

SPEAKER MARVEL: Those in favor of that motion say aye,

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PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Roll call. Record the vote, Mr. Clerk, or the presence, I mean.

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

PRESIDENT: A quorum being present, are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal will stand as published. Are there any other messages, reports or announcements?

CLERK: Mr. President, I have a report from the Department of Roads. That will be on file in my office.

The Committee on Business and Labor whose chairman is Senator Barrett instructs me to report LB 967 advance to General File with committee amendments attached; LB 968 as indefinitely postponed, both of those signed by Senator Barrett.

A new resolution, LR 248 offered by the Administrative Rules Committee calls for an interim study into the feasibility of employing an independent hearing examiners system for state agencies in Nebraska. (See page 1149 of the Journal.)

Your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 69 and find the same correctly engrossed; 359, 428, 571, 623, 659, 705, 724, 779 all correctly engrossed, those signed by Senator Kilgarin as Chair. (See page 1151 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 652 and recommend that same be placed on Select File with E & R amendments attached; 522 E & R amendments attached; 568 E & R amendments attached. Those are signed by Senator Kilgarin as Chair. (See pages 1150-1151 of the Legislative Journal.)

Your committee on Public Works whose chairman is Senator Kremer reports LB 785 advance to General File and LR 212 advance to General File. Those are signed by Senator Kremer. (See page 1152 of the Legislative Journal.)

I also have a committee on Public Works report on a gubernatorial confirmation hearing.

And, Mr. President, Senator Beutler would like to add his name to LB 577 as cointroducer.

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LB 259, 642, 644, 652, 678, 696  
767, 767A, 775, 776, 828, 845

that's where they have the programs that count and a number of kids that need help are being taught so I think that is a little bit misleading. So I believe it is only appropriate for us today to indefinitely postpone LR 240, get on with the business because we're going to have plenty of time to debate the budget in the next couple of weeks. Thank you.

SENATOR CLARK: The question before the House is the indefinite postponement of the resolution. All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: Mr. President, Senator Koch requests a record vote. (Read record vote as found on page 1206 of the Legislative Journal.) 28 ayes, 10 nays, Mr. President, on the motion to indefinitely postpone the resolution.

SENATOR CLARK: The resolution is indefinitely postponed. Senator Lamb. He has some things to read in first.

CLERK: Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 259 and find the same correctly engrossed; 642, 644, 678, 696, 767, 767A, 775, 776, 828, 845 all correctly engrossed. (See page 1207 of the Legislative Journal.)

Senator Haberman would like to print amendments to LB 259 and Senator Slick and Remmers to LB 652. (See page 1207.)

SENATOR CLARK: Senator Lamb.

SENATOR LAMB: Mr. President, I move that we adjourn until nine o'clock tomorrow morning, March 17, St. Patrick's Day, no celebration because Tommy's not here.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. We are adjourned until nine o'clock tomorrow morning.

Edited by

  
L. M. Benischek

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RECESS

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: The Legislature will come to order. Register your presence. Have you all registered your presence? All right, we will get Senator Apking to put her light on and then we will get going. Thank you, Senator. Record the presence, Mr. Clerk.

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

PRESIDENT: Mr. Clerk, do you have anything to be read in?

CLERK: Nothing to read in, Mr. President.

PRESIDENT: We are ready then to proceed then with the continuation of agenda item #7, Select File, and we take up LB 652.

CLERK: Mr. President, there are E & R amendments to LB 652.

PRESIDENT: All right, Senator Kilgarin.

SENATOR KILGARIN: I move we adopt the E & R amendments to LB 652.

PRESIDENT: Motion is to adopt the E & R amendments on LB 652. Any discussion? All those in favor of adopting the E & R amendments on LB 652 signify by saying aye, opposed nay. The E & R amendments are adopted. Are there other amendments on the bill, Mr. Clerk?

CLERK: Mr. President, I have a motion from Senator Hoagland to...who is yet to arrive...but I do have others.

PRESIDENT: All right, let's proceed to the next amendment.

CLERK: Mr. President, the next amendment I have is offered by Senators Remmers and Sieck. It is found on page 1207 of the Legislative Journal.

PRESIDENT: And who, Senator Remmers, are you going to handle this? The Chair recognizes Senator Remmers on the Remmers-Sieck amendment.

SENATOR REMMERS: Mr. Speaker, members of the Legislature, my amendment on 652 is a simple amendment. I think that the bill needs some tightening up. My amendment simply states that a teacher teaching children in grades kindergarten



through grade nine must have sixty college credit hours, semester hours, and for teachers for grades ten through twelve must have one hundred twenty college credit hours. My rationale for these numbers are that just a few years ago if you had sixty hours you could teach in the Nebraska public schools. I think as recently as probably ten years ago. Also one hundred and twenty hours would qualify you to teach in high school. I am not satisfied that we do not have some requirements on the teachers in the bill as written right now. I think these are very reasonable requirements and I would encourage the body to adopt them.

PRESIDENT: Motion on the desk. Mr. Clerk, read the motion.

CLERK: Mr. President, Senator Howard Peterson would move to amend the Sieck-Remmers amendment by striking the word... Senator, I am not sure, are you striking the word "the"... striking the word "the"...

PRESIDENT: The Legislature will stand at ease while the Clerk checks. Proceed.

CLERK: Mr. President, Senator Peterson would move to amend the Remmers-Sieck amendment, on line 2 of that amendment after the word...well, it would read "and (b) strike the word 'the' and insert 'after 4 years' teachers retained or employed to teach kindergarten through grade nine have completed sixty college semesters, etc...".

PRESIDENT: The Chair recognizes Senator Howard Peterson.

SENATOR H. PETERSON: Mr. Chairman, members of the body, it appears to me that if we would adopt Sieck-Remmers amendment as it reads we would in effect be killing the bill. My amendment would provide so that those people who are teaching in the Christian schools would have four years in which to meet these qualifications. Number one, it would require that long in order to get the one hundred and twenty hours, and it seems to me it is only reasonable that if we have people who are teaching in these schools, and they have the desire to meet that qualification, that they have that opportunity. That is the reason for the amendment.

PRESIDENT: The Chair recognizes Senator Wiitala. Did you wish to speak to the amendment to the amendment? All right. Senator Koch, do you wish to speak to the amendment to the amendment?

SENATOR KOCH: Thank you, Mr. Chairman. Members of the body,

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I will speak to the amendment to the amendment and both amendments at one time and will not stand to speak again on this issue this afternoon. I am aware of the various amendments that probably are going to be offered. I think this body today should make one decision and make it very quickly. You either are going to accept 652 as it is and let it live for four years and see what happens or you are going to kill it today and tell these people to go out and find another way. We might as well come straight up with it and get the issue over. I will not accept any amendment on this proposed legislation. It is the same amendment we had last time. Senator Marsh, Senator Beutler, and some other people wanted to put some kind of a minimal requirement on for teachers and that is not going to work because it applies right against what the evangelicals think, certain mennonites and others. So I ask you not to accept the Peterson amendment, the Remmers-Sieck amendment, and let's vote the bill straight up or down on Final Reading or right here on Select File. Thank you.

PRESIDENT: The Chair recognizes Senator DeCamp speaking to the amendment to the amendment. All right, Senator Sieck.

SENATOR SIECK: Mr. President, and members of the body, I will support this amendment because I feel that they do need the time if the amendment does pass. I am not a strong supporter of the amendment but I see some danger, not because of the Christian schools that we are faced with now, but because what could happen with some other schools in homes which would not have required teachers and I am a little fearful of that and I thought this would protect that. I am not going to say I won't support the bill if the amendment doesn't pass but this is the reason that I put the amendment on.

PRESIDENT: The Chair recognizes Senator Remmers.

SENATOR REMMERS: Mr. Speaker and members of the Legislature, I don't believe that I could accept that amendment in the form that Senator Peterson has offered it. I think if we are going to make a four year requirement, that there should be some progress along the way and I think there should be some stipulations that they immediately proceed to get this type of training so I would oppose the amendment.

PRESIDENT: The Chair recognizes Senator Kremer.

SENATOR KREMER: Mr. Chairman, members, I think that probably the best way that I can say what I want to say is to echo

what Senator Koch said. We have dealt with this a long time. We have taken a lot of time. Our committee has worked desperately to come out with something and I would like to conclude my very short remarks by saying that we have been promised by those that are involved in the Christian schools they are going to turn out a good product and I am willing to give them that four years time to do it and I think they will prove to us they will. Now if we are going to start dilly-dallying around with amendments here and amendments there, we are going to come out with nothing and I am willing to take a vote on the bill. If it fails, it fails and we will have to take the consequences, whatever they may be, and I think you ought to vote the bill up or down just as it is. Thank you.

PRESIDENT: I believe...are there any others wishing to speak on the amendment to the amendment? I have no others wishing to speak. I think, Senator Peterson, you may close on your amendment to the amendment.

SENATOR H. PETERSON: Mr. Chairman, there are two good reasons for this particular amendment, two good reasons, Senator Remmers, for having the four year period in. As you know, the bill has a sunset on it in four years. This sets this group on notice that four years from now when we review this legislation that we would expect them to have met these qualifications. It seems to me that it is as good a notice as you can give. By the same token, it also gives them the necessary period of time in which to meet this qualification. There is nothing in it that says the State Department of Education is going to be supervising or anything of that nature. I think that is the real key, the real question, that this group of Christians have is there fundamental commitment that they cannot be under the direction of a Department of this state and, in reality, what this would be would be legislation as I see it to make it possible for them to meet the qualifications the two desire. I have no objection to it but I do think we have to be reasonable in giving them that opportunity and I think that at the end of the four year period this Legislature can take a good look at these schools and say either they are doing a decent job or they are not and make the decision at that time.

PRESIDENT: All right, the motion is the adoption of the Howard Peterson amendment to the Remmers-Sieck amendment of LB 652. All those in favor vote aye, opposed nay. It requires 25 votes. We are on Select File. Senator Peterson, what do you wish to do? Record the vote.

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CLERK: 7 ayes, 22 nays, Mr. President, on adoption of Senator Peterson's amendment.

PRESIDENT: Motion fails. We are back on the Remmers-Sieck amendment. We have Senator Wiitala who wanted to speak on the amendment.

SENATOR WIITALA: Thank you, Mr. President. Mr. President, members of the Legislature, I would like to commend Senator Remmers and Senator Sieck for placing this amendment on LB 652. I would like to recall the experiences that I had on the Education Committee. While I was in full favor of the original LB 652 but as that bill was advanced from committee a very important provision was struck. That provision called for some equivalency, some modicum of knowledge, a requisite skill in order to teach the various fields that a teacher, monitor, whatever you call them, hope to utilize in teaching students. When that area was struck, this bill was dead in committee. Except for the stewardship, statesmanship of some committee members who voted to advance that bill to the floor as long as their reservations about the bill were expressed, you can read them in your bill book. I concur with Senator Remmers and Senator Sieck in asking that anyone that teaches a child has the dignity, the independence, the proficiency of a certain given field of knowledge and skill. That is so necessary in dealing with a child. Children who have questions about life, anyone that has dealt with a child in younger years knows that that is how they learn is by raising questions. You don't respond to them by simply turning their minds back into packets, prepared materials. I am not questioning a person's spiritual development. The thing that I have always questioned as we have debated this issue is the issue of a person's knowledge in the field that they profess to teach in and I believe that this amendment is a sincere attempt, much more well thought out, much more rational than declaring that what we need is an eighth grade education or a high school education in order to teach children and I thank these Senators for it. Thank you, members.

PRESIDENT: The Chair recognizes Senator Howard Peterson speaking of the amendment.

SENATOR H. PETERSON: Mr. Chairman, I would merely point out that what is being done here is substitution of hours rather than certification and in reality what we are doing is circumventing that particular word. It seems to me that it is very unreasonable for us to do that. As I was coming to this session this afternoon, I attended the Kiwanis

luncheon this noon, the downtown club, where many of the Kiwanians who were here this morning were there. I left the meeting with Governor Thone. Governor Thone said to me, what is up this afternoon, and I said, Governor, the Christian school bill, and he said, Senator, have you read to the members of this body a section from the Nebraska Constitution, Article I, Bill of Rights, Section 4, and I said, no, I haven't. I would just like to invite those of you who have that section of the Constitution before you to open your books and take a look at it. I am going to read out of the Nebraska Blue Book that section. The Governor's opinion is that particular section applies to the Christian schools and he is concerned for what will happen if something isn't done in this session of the Legislature. Let me just read it for you. Section 4. "All persons have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences. No person shall be compelled to attend, erect, or support any place of worship against his consent, and no preference shall be given by law to any religious society, nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office nor shall any person be incompetent to be a witness on account of his religious beliefs; but nothing herein shall be construed to dispense with....essential to good government. It shall be the duty of the Legislature to pass suitable laws to protect every religious denomination in the peaceful enjoyment of its own mode of public worship, and to encourage schools and the means of instruction." It just seems to me that this is the whole crux of the matter as far as the Christian schools are concerned and I would submit to you that what is being done in this particular amendment is just the opposite of what that article states. For that reason I would rise to oppose the amendment as written.

PRESIDENT: The Chair recognizes Senator Koch.

SENATOR KOCH: Mr. Chairman, I move the previous question. I want to get on to the next amendment.

PRESIDENT: There won't be any need, Senator Koch, because the only other one on is Senator Remmers and he can close. So Senator Remmers, if you will close on the amendment.

SENATOR REMMERS: Mr. Speaker and members of the Legislature, I would have accepted an amendment of the nature of Senator Peterson if it had been a progressive thing that would have required some effort each year to arrive at the sixty and one hundred and twenty hours. In regard to circumventing the certification rule, I don't believe that this is doing

that. My amendment simply says sixty college hours which means that they can take those sixty credit hours in their own college institutions, institutions that might not be accredited to the extent that the State Department would accept those hours for a certificate. But I am willing to accept their own college hours and I think that is a long ways from meaning the same as certification. So again all this amendment does is to request sixty college hours for teaching in grades kindergarten through grade nine, one hundred twenty hours for ten through twelve. Again I recognize the difficulty of their meeting that right away and I would have been willing to accept an amendment that would have addressed a progressive approach to those hours.

PRESIDENT: The question is the adoption of the Remmers-Sieck amendment. Senator Sieck, did you wish to add anything? Since you are on the amendment, too, I would recognize you because he didn't take all your time.

SENATOR SIECK: Yes. I was going to talk but it wasn't that important.

PRESIDENT: You go right ahead.

SENATOR SIECK: Mr. President, members of the body, I added my name to this because I feel that this is an out as far as certification is. This doesn't say what college they go, and this is one of the problems the Christian schools had. They go to a college in another state and then they were required to take a course at the University of Nebraska or some of our teachers colleges and they refused to do this because they felt this was asking them to do something they should not be doing. And many of those schools do have the required college education today that are now educating their children and yet our law says that they are wrong and I felt this would correct that situation. That is why I am on this amendment.

PRESIDENT: Okay, the question before the House is the adoption of the Remmers-Sieck amendment to LB 652. All those in favor vote aye, opposed nay. Have you all voted? Right now we have ten excused, Senator, so that you are aware of where we are. All right, record the vote.

CLERK: 20 ayes, 15 nays, Mr. President, on the adoption of the amendment.

PRESIDENT: Motion fails. Any other amendments, Mr. Clerk?

CLERK: Mr. President, Senator Hoagland would move to indefinitely postpone the bill. That would lay it over unless

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the introducer agrees to take it up at this time.

PRESIDENT: Senator Hoagland moves to indefinitely postpone. Senator Koch, what do you...what do you wish to do?

SENATOR KOCH: How many people are excused?

PRESIDENT: He said ten I believe. Ten excused.

SENATOR KOCH: Ten are excused for the afternoon? For the afternoon?

PRESIDENT: Now there is nine. Three are gone for the day and then that is all he knows. Whether the rest are coming back, he doesn't know. We have nine and three are excused for the day....

SENATOR KOCH: May I ask for a Call of the House to determine how many are really absent?

PRESIDENT: Yes, you may do that.

SENATOR KOCH: I request a Call of the House.

PRESIDENT: All right, Senator Koch calls for a Call of the House so take off the board and the question before the House is shall the House go under Call? All those in favor vote aye, opposed nay. Record the vote.

CLERK: 33 ayes, 0 nays to go under Call, Mr. President.

PRESIDENT: The House is under Call. The Sergeant at Arms will see that all members who are not in here at their desks and then we will...yes, Senator Koch. Senator Koch.

SENATOR KOCH: Mr. President, valor is the better part of discreetness sometimes, I will ask that the bill be laid over and I know that Senator Hoagland is a very friendly man, he didn't want to kill this bill.

PRESIDENT: Okay, so it would lay over if you do not request otherwise so it will be laid over. There is nothing before the House so I don't know what all these lights are on for. On the next bill, we will take up then the next bill which is LB 522. Senator Wagner, for what purpose do you rise? Just a minute, Senator Wagner.

SENATOR WAGNER: I would like to have the Call raised.

PRESIDENT: Raise the Call. Okay the Call is raised. Okay, the Call is raised. I see several others wanting the Call

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LB 522, 568, 688, 652, 480,  
428, 626, 571, 573,

CLERK: (Roll call vote.) 27 ayes, 18 nays, and 4 excused and not voting. (Vote appears on pages 1311-12 of the Legislative Journal.)

PRESIDENT: Motion carries and LB 522 is advanced to E & R for Engrossment. Next bill is LB 568. Senator Nichol, are you ready? Not ready, so there are some amendments being worked on, as I understand. Do you want it just passed over until you get those amendments?

CLERK: Mr. President, Senator Beutler would like to print amendments to LB 688 in the Journal. Senator Fowler amendments to LB 652. Senator's Hoagland, Beyer and Sieck to LB 480. Senator Hoagland to 687.

Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed LB 428 and find the same correctly engrossed. 571, 626 all correctly engrossed.

PRESIDENT: Before we get started on the next bill, one announcement from Senator Lamb that we will work up till 4:00 p.m., just so you know about what time we are planning on adjourning. Secondly, Senator Wiitala would like us to greet some friends of his from Senator Dworak's district, Darrel and Judy Nelson and their son's John and Darren. They are located under the north balcony. Would the Nelson's stand up and be recognized. Welcome to your Legislature. Welcome, Nelson's. We are ready now, Mr. Clerk, for the next bill on Select File. Are there any E & R amendments?

CLERK: There are E & R amendments to LB 573, Mr. President.

PRESIDENT: Chair recognizes Senator Kilgarin.

SENATOR KILGARIN: I move we adopt the E & R amendments to LB 573.

PRESIDENT: Motion to adopt the E & R amendments to 573. Any discussion? All those in favor of adopting the E & R amendments on LB 573 signify by saying aye, opposed nay. The E & R amendments are adopted. Are there other amendments, Mr. Clerk?

CLERK: Senator's Wesely and Kremer would move to amend the bill, Mr. President. The amendment is on page 1099 of the Journal.



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LR 258

LB 892 , 743, 626, 652,  
522A, 970A

PRESIDENT: Senator Higgins, did you wish to discuss the motion to advance?

SENATOR HIGGINS: Mr. President, I want to ask Senator Haberman a question.

PRESIDENT: Senator Haberman, will you respond?

SENATOR HABERMAN: Yes.

SENATOR HIGGINS: Senator Haberman, who made the mistake?

SENATOR HABERMAN: This is an old, old law that made the mistake. I'd say to get this over with I made it.

SENATOR HIGGINS: All right, do you apologize?

SENATOR HABERMAN: I apologize.

PRESIDENT: Okay, anything further? The motion is the advancement of 892 to E & R Engrossment. All those in favor signify by saying aye, opposed nay. LB 892 is advanced to E & R for Engrossment. Now, anything to read in, Mr. Clerk.

CLERK: Mr. President, Senator Labedz would like to print amendments to LB 743.

New A bill, 522A by Senator Johnson and Cullan. (Read title of bill.)

970 A by Senator Warner. (Read title of bill.)

New Resolution offered by Senators Cullan, Wesely and Rumery. (Read LR 258.)

PRESIDENT: All right, anything further?

CLERK: Mr. President, Senator DeCamp, or V. Johnson would like to print amendments to 626 and Senator DeCamp to 652.

PRESIDENT: Anything further? Senator Lamb, do you wish to adjourn us until Monday?

SENATOR LAMB: Mr. President, I move we adjourn until Monday at 9:30 a.m.

PRESIDENT: Motion to adjourn until Monday, at 9:30 a.m. All those in favor signify by saying aye, opposed nay. We are adjourned until Monday at 9:30 a.m.

Edited by

*L M Benisch*

L. M. Benischek

9266

LR 270

LB 127, 259, 601, 611, 623, 642, 644,  
647, 651-2, 659, 678, 696-7, 700,  
716, 724, 757, 767-7A, 774-776,  
779, 784, 792, 816, 828, 839, 845,  
877, 931, 941, 951, 961-2, 705

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Mr. President, three communications from the Governor addressed to the Clerk. (Read. Re: LBs 775, 776, 601, 623, 651, 659, 697, 705, 716, 724, 774, 779, 784, 792, 839, 877, 931, 941, 951, 961, 962, 259, 642, 644, 678, 696, 828, 845, 767, 767A. See pages 1415 and 1416, Legislative Journal.)

Mr. President, I have a series of Attorney General's opinions. The first is to Senator Vickers regarding LB 647; one to Senator Wesely regarding LB 700; a third to Senator Hefner regarding LB 611; a fourth to Senator Haberman regarding LB 127; and a fifth to Senator Carsten regarding LB 816. All of those will be inserted in the Legislative Journal.

Mr. President, a new resolution, LR 270 offered by Senator Newell. (Read. See pages 1424 and 1425, Legislative Journal.) That will be laid over pursuant to our rules, Mr. President.

Finally, Mr. President, Senator Wiitala asks unanimous consent to remove his name as cosponsor from an amendment to LB 652, Request 2652.

SENATOR CLARK: Is there any objection? So ordered.

CLERK: That is all that I have, Mr. President.

SENATOR CLARK: All right, is Senator Koch here? I think we will go ahead and pass over Senator Koch's request here until he arrives. We will go to item #5 on General File, the priority bills, the revenue priorities, 757 is the first bill.

CLERK: Mr. President, LB 757 introduced by the Speaker at the request of the Governor. (Read title.) The bill was read on January 11 of this year, referred to the Revenue Committee for public hearing. The bill was advanced to General File, Mr. President.

SENATOR CLARK: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, in the absence of Senator Marvel I suspect that I should take the bill. The bill is very straightforward. There is no committee amendment. It is in its original form to reduce the minimum of the overlevy or cushion from 3% to 2%. It was a recommendation from the Governor in a bill that he had introduced by Senator Marvel and I would move that it be moved from General File to E & R Initial.

SENATOR CLARK: We have a motion on the desk.

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CLERK: Mr. President, if I may right before that, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 754, 952 and find the same both correctly engrossed. Those are signed by Senator Kilgarin.

Mr. President, LB 652 was considered by the Legislature last on March 19th. At that time the E & R amendments were adopted. There was a motion offered by Senator Hoagland to indefinitely postpone the bill, Mr. President. That laid the bill over. That motion is now before the Legislature.

SENATOR CLARK: Senator Hoagland.

SENATOR HOAGLAND: Mr. President, colleagues, this is no doubt one of the most difficult issues we have confronted this legislative session and will continue to be, and it is with a great deal of diffidence and hesitance that I raise this motion to kill because I know how strongly people feel on both sides of this issue and I certainly respect the feelings and the convictions of those advocates of this particular piece of legislation but I do think it would be a mistake for the Legislature to pass this bill at this time and let me briefly outline my reasons why. As the United States Supreme Court taught us years ago in the case Wisconsin versus Yoder, the First Amendment, the religious guarantee, freedom of religion guarantee provision of the First Amendment does indeed offer protections to truly unique religious groups, and in Wisconsin versus Yoder, the United States Supreme Court said that if we have a truly unique religious group whose religious convictions cannot be questioned and which represent a unique mode of life which is threatened, which is seriously threatened by a sharp conflict in state rules and regulations as existed in the Wisconsin situation where the mandatory school age of sixteen threatened to destroy the Amish culture in that case, why in that kind of a situation that truly unique religious group was entitled to an exemption from the operation of state rules and state regulations. And it seems to me most of us agree that in a unique situation involving a religious group like the Amish, again people who are truly unique and who are beneficial and whose religious conviction goes back generations and cannot be questioned, and where the application of a mandatory school attendance law or a teacher certification law would truly tend to destroy their fundamental mode of life or their fundamental style of life, an exception ought to be granted and that exception was granted by the United States Supreme Court in Wisconsin versus Yoder, and that continues to be the law of the land. And if religious groups can satisfy the criteria set out by the

Supreme Court in the Yoder case, they will be entitled to exemptions as well from the certification provisions of Nebraska law and I don't think any of us here in this body would argue that they would not be entitled to such an exception. So the question that we have before us here today is, do we have that kind of a situation with the kind of religious groups, the so-called Christian Schools from Louisville and elsewhere, that have come down to the Legislature seeking relief from the teacher certification requirements of Nebraska law? Now I think that group, the Louisville group particularly, is a beleaguer group. I think it is a group that find themselves alienated from the American culture of the 1980s for political and social reasons as well as for religious reasons and I think we can see the depth of their political and social as well as religious alienation when we take a look as we did the last time this bill was extensively debated at their teaching materials and we see the extent to which those teaching materials are laced, not just with religious dogma but with political dogma, and I think we have to ask ourselves, are these particular people, these particular alienated people, alienated politically and socially as well as religiously, entitled to the First Amendment religious protection the Wisconsin versus Yoder offers? And I think this is the kind of question all of us have to ask as a legislative policy matter in determining whether or not by means of LB 652 we should grant those Christian Schools, those religious groups, complete exemption, not only from the curriculum requirements of state law but also from the teacher certification requirements. And after considering this question seriously, as I know all of us have, for twelve, thirteen or fourteen months now, my opinion is, no, they should not be entitled to that kind of an exemption. Now I am more than willing, as I have indicated before, to honor their right to practice their own religion. I have no quarrel with that whatsoever. But I am also concerned about protecting their children so that their children will be adequately prepared to meet all of the complexed demands of this modern world and I, personally, have no hesitancy in saying that I think that the state can require that those children spend forty hours every week in an accredited school, whether it is a private school or a public school, so that we can be sure that they are going to receive the kind of preparation that is needed so that they can meet the demands of our life and I, personally, don't think it is too great an infringement of their religious or social freedoms to say to those children of school age that we, the state, are going to require you to spend only forty hours each week attending an accredited public or private school and, of course, we have a lot of excellent accredited private schools, not only

the catholic parochial schools but schools that are accredited of a number of other religious denominations and I, personally, have no difficulty making legislative judgment that it is not beyond our power and authority or it is not a wise matter of public policy to require those children to attend those schools even though their parents have strong objections to their attending those schools because our first obligation it seems to me as a legislative body is to the future of those school children. Now there is also a judicial question involved. Under the doctrine of Wisconsin versus Yoder, under the First Amendment to the United States Constitution and the religion guarantees of the State Constitution can we require those school children to attend state accredited schools. And I think it would be beneficial for this Legislature to hear the opinion of the federal court on that issue, and coincidentally the church in Louisville has now filed an action in the United States District Court asking the federal courts in Nebraska to interpret the case, Wisconsin versus Yoder, and to see if the Faith Baptist Church in Louisville is entitled to the same protections of the United States Supreme Court granted the Amish in the Yoder case. And I, for one, am content to let that opinion, to let that lawsuit work its way through the federal courts here in Nebraska and the Eighth Circuit Court of Appeals and perhaps the United States Supreme Court to see what the federal courts have to say on this issue bearing in mind, bearing in mind that the federal courts have in the Amish situation granted relief under the First Amendment to the United States Constitution. So I say let's let this lawsuit proceed. In my legislative judgment we should not grant relief. If the federal courts disagree with that legislative judgment on constitutional grounds, we will no doubt hear from them perhaps before the next legislative session begins. I say that the groups that have been the proponents of this bill have taken that issue to federal court, let's leave it in the federal courts for the federal courts to decide, and take this bill up again after we have had that federal judicial input. In the meantime we have six days left in this legislative session. We have dozens of bills that are crowding our schedule, demanding our time, not only on Select File but on General File, and I say let's vote to kill this bill now, let's wait the outcome of the federal decision, let's put an end to this issue right now so we can reach the many, many other important issues that yet are to be heard on our agenda, and have time to consider those issues many of which I think are indeed more important than this issue before us today. Thank you, Mr. President.

SENATOR CLARK: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I've had a lot of people ask me how it is that I can support 652 in the stage that it is in now and I intend to use this motion as a chance to talk about my perceptions on this issue at this time. Peter Hoagland asks us to wait for a court decision as to whether or not there are protectable interests here and I, as a civil libertarian, need not wait for a federal court to tell me that religious freedom is important nor do I have to find out that the rest of the first amendment is important and for that reason then, support a strong open meetings law, support a strong accountability and disclosure law and support many other legislative protected political and constitutional values. It is entirely possible that we have the power to govern in this area and to coerce uncooperative parents into sending their children to schools with certified teachers. I'm not saying that we do not have that power constitutionally. What I am saying is that we should not exercise that authority. Senator Beutler on General File talked about the necessity of balancing between various interests and an exact case that Senator Hoagland cites, that test is laid out. "The state's interest in universal education," said the Wisconsin versus Yoder case, "however highly we rank it, is not totally free from a balancing process when it impinges on fundamental rights and interests such as those specifically protected by the free exercise clause of the first amendment and the traditional interests of parents with respect to the religious upbringing of the children." Now the question is, and Senator Beutler didn't answer it on General File and Senator Hoagland didn't answer it now on Select File, what is the evidence in that balancing test? How do we balance, not just the interests, but the proof that those interests apply? Well so far we have a couple thousand Nebraska parents who are sending their children to these schools and whom in my own communication with them, I am satisfied do that out of genuine religious conviction. Are there any of us in this body who doubt the religious convictions of those people? If there are, I want to hear it. That is in one side of the scales. Now what is in the other side of the scales with respect to teachers certification? What evidence do we have of the interests at play? Well I have looked kind of hard for that because that is an interesting question to me. I've looked at the Supreme Court case. I've looked at all of the evidence before the district court that heard the case. I've looked at the Whisner versus State case, the Wisconsin versus Yoder case, all of the legislative testimony on LB 403 three years ago, all of the testimony on 472 on the floor last year and in the interim study and on the Education Committee this year and there isn't a

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single piece of evidence that says teacher certification proves or creates higher achievement for children. Now I wish it did, I wish it did, but it doesn't. In fact, the only piece of information from an impartial source that I can find is from the Commission of Education, the Education Commission of the States, pardon me, is a compilation of national statistics. And in a report on private education it states, "The scant amount of testing evidence thus far suggests that the underground alternatives are educationally adequate."

SENATOR CLARK: You have one minute left.

SENATOR LANDIS: "In two litigated cases before and after, in a Nebraska case, 'In re Rice' and the State versus Shaver case the children did better in an unauthorized school than they did in public schools. Prove up, Senator Beutler. Prove up, Senator Hoagland. Make the balancing test and show us the evidence. You have forty some states upon which to draw us that children are prejudiced by honoring their parents' religious convictions and their desire to exercise first amendment rights and privileges to religious freedom. As far as the idea of certification goes, I wonder if those who defend the freedom of the press would submit that to certification or would submit any of the other parts of the first amendment to the kind of balancing test we do here and allow only the hypothetical claim that the state's interests are vindicated..."

SENATOR CLARK: Your time is up, Senator.

SENATOR LANDIS: ...to justify a piece of legislation. We certainly don't with respect to national security. We want to prove those cases out. We should in this case as well.

SENATOR CLARK: Senator Newell.

SENATOR NEWELL: Mr. President, I'd like to call the question.

SENATOR CLARK: All right, the question has been called for. Do I see five hands? I do. All those that wish to cease debate will vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted on ceasing debate? Have you all voted? I'm going to call the vote. Call the vote. Record it.

CLERK: 22 ayes, 7 nays to cease debate, Mr. President.

10073

SENATOR CLARK: Debate is not ceased. The next speaker is Senator Remmers.

SENATOR REMMERS: Mr. President, members of the Legislature, this is not an easy question for me. A year ago I would not have guessed that I would be speaking in this manner on this issue. In fact, I had decided I was going to sit along the sidelines. I also assure you that my former colleagues in the school business haven't taken very favorably to my position. I speak against the kill motion because I would like to have the amendment that we have in the Journal given some consideration. Maybe some of you have already given it some consideration but my position has changed since a year ago. I guess maybe something about responsibility, making one feel more responsible and I feel I have a responsibility and the thing that has probably changed my mind as much as anything is the statistics that I have read in regard to states of the fifty states, what they are doing in regard to certifying the teachers in church schools. When I find that only eight states require certification of Christian schools and when I find that most of those are not enforcing the law, in fact, it seems to me that Nebraska was probably the first to aggressively pursue this, to enforce the law, it caused me to wonder just a little bit, are we on the right track. Out here in Nebraska we realize Nebraska is number one in a lot of things but I'm not comfortable in being number one in all things and I'm not comfortable in being number one in our pursuit here of trying to require the Christian schools to have certified teachers. I agree with Senator Landis, that I think those people are sincere. As much as ridicule and scorn as I have heard heaped upon these people, I believe that they are sincere. They are sincere in their beliefs as any of the rest of us are in ours. The bill as it stands now does give the State Department some control of the curriculum. I think the amendment that I had suggested once before and has been written up again in the Journal with some help from some other senators will tighten up the restrictions on the Christian schools. I'd have to agree with some of the comments that Senator Landis has made in regard to what certification indicates. On the other hand I would say that I am in favor of certification for public schools. I am in favor of teachers having advanced degrees because I think the good teacher is improved with an advanced degree so I cannot accept the fact that preparation, formal education should not make better teachers and I think it does. Education is very difficult to test. It is very difficult to know just what good education is but those of us that have been in it for years maintain that better preparation is an important item. But I hesitate to enforce this on everyone who does, those that do have some strong religious beliefs, some strong concerns



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about what their children are doing. As I said, a year ago I would not have thought that I would support them and I can't agree that we should just let them have anybody teach. I don't believe in the blind leading the blind and for that reason I have taken part of the responsibility to introduce the amendment that is in the Journal. I think there should be some restrictions...

SENATOR CLARK: You have one minute.

SENATOR REMMERS: ...but I would hope that we would not kill at this stage.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Speaker, I move the previous question.

SENATOR CLARK: The previous question has been asked for. Do I see five hands? I do. Those wishing to cease debate will vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted on ceasing debate? Record the vote.

CLERK: 27 ayes, 1 nay, Mr. President, to cease debate.

SENATOR CLARK: Debate has ceased. Senator Hoagland, do you wish to close?

SENATOR HOAGLAND: Just to close briefly if I might, Mr. President. I know most of us have made up our minds on this particular issue and we have feelings one way or another about this bill. I think, however, that Senator Landis' proposition that having certified teachers does not have an impact at all or does not improve people performance is nonsensical on its face, at least in my opinion. If we look at the method by which these children are taught in many places around the state, there really are no teachers at all. There are only monitors. There are only people that prowl the aisles and be sure that the students are reading these materials that are furnished by these groups in Texas and elsewhere. Now I think to say that it makes no difference that teachers are certified or not as Senator Remmers argues, if we apply that argument, why why do we need to have teachers certified in the public schools, why do we have to have them certified in the presently certified private schools? To take it a little further, you know, teachers are professionals. They practice a profession. They practice a skill. If requiring that they go to school and attain certification makes no difference in the teaching profession, why would it make any difference in the medical profession or the legal profession or in the accounting profession, and I don't think that Senator Landis is suggesting that we not require that our doctors obtain medical degrees or that our lawyers obtain legal degrees. Now I know that is not entirely fair to Senator Landis' argument but he at least, I think, sets himself up for that counterargument, but in any event, I think all of us are and ought to be most concerned about the students because if we pass this bill we are going to take state government and city government and county government out of the classroom entirely. If we pass this bill, no government at any level is going to have any authority to take a look at what is going on inside that classroom to be sure that something is being taught, and that I think is the greatest danger of all. We have to have some governmental supervisory authority in place, in existence, to be able to assure us, to assure the parents, and to assure everyone else in or society that something of substance is being taught. And I am not convinced that in every basement of every church if there are no certification or curriculum requirements of any kind, why we are going to know that substance is being taught and the children are genuinely being prepared to the best of our ability for participation in this complex world. So I would ask you to vote against this kill motion so we can get onto other matters this session, and with that, we will just turn it over to a vote.

SENATOR CLARK: The question before the House is to indefinitely postpone LB 652. All those in favor vote aye, opposed vote nay.

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LB 652, 879A

Have you all voted? Senator Hoagland.

SENATOR HOAGLAND: I am going to ask for a record vote, Senator Clark, so people will know to get their votes out. I'd like to have a Call of the House and a roll call vote, Mr. President.

SENATOR CLARK: A Call of the House has been requested. All those in favor of a Call of the House will vote aye, opposed vote no. Record the vote.

CLERK: 19 ayes, 2 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. All legislators will take their seats and record in, please. If everyone will just poke their green button we will know who is here. Will everyone record in, please. We have three of them excused. Senator Rumery, Senator Goodrich, Senator Kahle. Senator Goodrich, Senator Rumery and Senator Kahle, that is the three of them that are absent. One of them is here. There he is, Senator Kahle. Are you ready to call the roll? The Clerk will call the roll on the indefinite postponement of LB 652. Call the roll.

CLERK: (Read roll call vote as found on pages 1642-1643 of the Legislative Journal.) 19 ayes, 24 nays, Mr. President, on the motion.

SENATOR CLARK: The motion failed. The bill is not indefinitely postponed. The next motion on the bill.

CLERK: Mr. President, right before that if I may, study resolutions, LR 310 offered by Senator Kilgarin calls for a study of the current issues concerning Nebraska's Workmen's Comp Law. LR311 by Business and Labor Committee calls for a study to examine current issues concerning resolution of public employ disputes in the Nebraska Commission of Industrial Relations. LR 312 by Business and Labor calls for a study of the issues concerning Nebraska Unemployment Insurance law. LR 312 offered by Senator Marsh. (Read LR 312 as found on page 1645 of the Legislative Journal.)

Mr. President, a new A bill, LB 879A by Senator Johnson. (Read title. See page 1645 of the Legislative Journal.)

Senator Beutler asks unanimous consent to add his name to the Schmit amendment to LB 547, Mr. President.

SENATOR CLARK: No objections? So ordered.

CLERK: Mr. President, the next amendment I have to LB 652 is from Senator Fowler. Senator Fowler's amendment is on page 1314.

SENATOR CLARK: Senator Fowler.

SENATOR FOWLER: Mr. President, this amendment really is I guess a small one but it tightens up one section of the bill and that is which schools are in and which are out. It kind of deals with a legal fiction, if you will, that is created to deal with religious schools and providing assistance and it is a construction or fiction that is set up in order that aid can go to students in religious schools and not violate those sections of law that the constitutional prohibitions of state support for religion so that we have financial support tax dollars, state, federal and local, going to services that are provided in religious schools and the claim is that the service is provided to the student and not to the school and, therefore, it does not violate the prohibition of state support for religious instruction. Now examples of this would be the school lunch program, access to school buses, special education services provided in the classroom. All of those, the argument is made, are not provided to the school, it is not financial support to the school, it is assistance, educational assistance or support for the student. What my amendment would say is that if the school or the students accept this assistance, for example if you have a federally funded school lunch program in your school, if your students are taking public school bus transportation to get to your school, if special education services are provided in the school for students or any other educational services with tax funds are provided there, if any of that happens, then that facility must meet certification standards. What this is to say is that if the school wishes to reject all federal, state, local funds or all, what the amendment would add, all state financed, federally financed, locally financed services, educational services to the students in that facility, that they would be free to accept a lesser standard for certification. It is to tighten up the bill and to address some of the concerns of people who believe that on the one hand certain religious schools will come and say, we don't want to be certified, and then turn around and say, that our students should have these types of tax supported services and claim that that shouldn't mean that they would have to follow certification. I don't think we should allow those who wish this exemption to have it both ways and also then get tax support for their students. So I would move for adoption of this amendment.

SENATOR CLARK: I've got Senator Stoney, Senator Landis, Senator DeCamp and Senator Koch. Senator Stoney is next. Senator Landis. Senator DeCamp. Senator DeCamp, did you

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want to talk on this?

SENATOR DeCAMP: Mr. President, members of the Legislature, the amendment as it reads is, I think, overly broad at a very minimum because I can't think just reading the amendment and, Senator Fowler, you correct me if I'm wrong, I cannot think of any person in the State of Nebraska that doesn't receive, whether they be one year old or ninety years old, some service from the state in some manner and yet that is the way that the amendment reads. I can see possibly supporting it if you would make it abundantly clear that you are talking about services for the school or in the school or something like that but it really doesn't say that at all. Would you yield to a question?

SENATOR FOWLER: I will yield, yielding. Did you have a question, Senator DeCamp?

SENATOR DeCAMP: Yes. Would the Clerk just read the amendment as it reads right there? Listen carefully and see if you don't think it's quite broad.

CLERK: Mr. President, the amendment would read as follows: (Read Fowler amendment as found on page 1314 of the Journal.)

SENATOR DeCAMP: Would you be acceptable to adding some words at the institution or at the school or something like that in there?

SENATOR FOWLER: I guess the only service that then would exclude is the transportation to and from the school. It says educational assistance or services and that means educational assistance or educational services so that it is not any other types of services. We're talking about, you know, the three examples right now that I can think of are, requests to use publicly funded school transportation, school lunches and special education services that are provided at school.

SENATOR DeCAMP: Okay, then with that understanding in this legislative intent I think I have no opposition to it. Does that mean then you'll support the bill once this is adopted?

SENATOR FOWLER: Well there is one other amendment, right?

SENATOR DeCAMP: With Wiley Remmers amendment then would you support it?

SENATOR FOWLER: Sure.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Chairman, I move the previous question.

SENATOR CLARK: The previous question has been asked for. Do I see five hands? I do. All those in favor of ceasing debate will vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted on ceasing debate? Record the vote.

CLERK: 25 ayes, 0 nays to cease debate, Mr. President.

SENATOR CLARK: Debate is ceased. Senator Fowler, do you wish to close?

SENATOR FOWLER: To establish again the intent of this amendment, it is to say that if you are a religious school but you have or request services, educational services for your student such as, that are funded by tax dollars, such as a school lunch program, such as use of the public buses, school buses for your students, such as the special education services that are provided in facility. If you are asking or accept for your students those services, then you also must accept the state's standard of certification. That is what the intent of the amendment is. That is what it does. It would mean that only those religious schools that do not accept either funds or taxpayers supported services would be able to ask for a lesser standard from the state. I move for its adoption.

SENATOR CLARK: The question before the House is the adoption of the Fowler amendment. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: 31 ayes, 0 nays on adoption of Senator Fowler's amendment, Mr. President.

SENATOR CLARK: The amendment is adopted. The next amendment.

CLERK: Mr. President, the next amendment I have is offered by Senators, Remmers, Landis, DeCamp, Sieck and Peterson. It is on page 1328.

SENATOR CLARK: Who wants to take it? Senator Landis, did you want to take the amendment? Senator Remmers.

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SENATOR REMMERS: Mr. President, members of the Legislature, the amendment that I have proposed tightens up the restrictions considerably. There has been some concern about the blind leading the blind and I share that concern.

SENATOR CLARK: (Gavel.) Could we have a little quiet and give him a chance, please.

SENATOR REMMERS: My amendment is addressed to that issue. The rationale for my amendment is that just a few years ago we did have certified teachers in the elementary grades with sixty hours credit and with a hundred twenty hours you could teach in high school and, in fact, right now a degree, a hundred twenty, hundred twenty-five hours will get you certification. It is true that these people probably will not have the same hours that the public school teachers would have but at least they will have training. Now there is no restriction in this amendment as to where this training is received except in a college. It can be their own church college and I know there is some concern that maybe they will not get good training in their colleges but I really don't share that concern. But I am concerned that we do tighten up the rules, that we do require some preparation from these teachers that teach in these Christian schools and again, I base my amendment on the requirements that recently we did have an elementary and still have in the secondary or very similar that. Now there was some concern about those schools being able to have their teachers prepared to that level by next fall and of course that would be impossible for them to do but I did not want them to wait four years and then come up with the same situation we have today. So there are some definite restrictions in this amendment that would require progress each year towards the achieving of this goal of sixty hours for elementary and a hundred twenty for secondary.

SENATOR CLARK: Senator DeCamp. Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, this amendment is an attempt to draw a centerist position on some of the issues in 652 and let me tell you that I come from the political left to this language. I am prepared to support LB 652 without this language, without these standards because simply speaking I am prepared to adopt the position that unless the state's interest can be shown to outweigh the first amendment right to religious freedom, I'm going to side with the traditional value of religious freedom. However, there are those of you who do not share that civil libertarian position and because of that we have to arrive at a political majority. Now one need not look far beyond the vote of a last amendment, the kill motion, to see that

there were nineteen votes to kill and only twenty-four votes not to kill, less than a majority, less than the twenty-five that are needed to move this bill to Final Reading. The hope here is that this language will satisfy those critics of the concept in 652 that there are sufficient standards to allow them to support the notion. I suppose this can then be attacked by opponents as some kind of act of bad faith that, in fact, they haven't told a lie, that they are caving in on their position. This, I think, would be the cruelest of all arguments. Apparently, having discussed this with some of my colleagues previously, the position should be that those who are out in support of LB 652 should be willing to draw lines which cannot be met for which political majorities cannot be found and then suffer the consequences so that they can remain conceptually pure. This is the last final measure of compromise that has been made by a group of people who want desperately to have their religious convictions exonerated by the state. Who has compromised at all in this bill? The school systems? No. The teachers? No. Those of you in this body who are opponents of 652? No. All the compromise have come from the other way and perhaps they have been justifiable and reasonable and this is the last of those but it seems to me that some place you have to deal with these people in good faith and this is an attempt to do so. Now I think it is unfair for Senator Hoagland to absolutely misrepresent LB 652 as he did in his closing in the previous motion to tell you there is no one in basements checking up on these children and their curriculum. If you will recall on General File curriculum standards equivalent to public schools are now in 652 it is an absolute misrepresentation to say that any different standards of curriculum approval exists between these kinds of schools and other private schools or other public schools. As far as state law is concerned, they are all equal under 652 as a part of the compromise that have been made under this bill. So let's not talk about lax curriculum standards because the curriculum standards are the same. With respect to the issue of certification which is the only question which is left, you either have to believe and honor the religious conviction these people have that teachers are ministers and that you may not certify the ministers of their religion or you have to say, I'm sorry, but we choose not to honor that religious conviction on the basis...

SENATOR CLARK: You have one minute.

SENATOR LANDIS: Thank you, Senator Clark. Either you have to honor that religious conviction or you do not and you have to fly in the face of it and overrule it by a legislative majority. Perhaps we're ready to do that. I am not.



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The Supreme Court language in this case is clear. The state should be neutral, it should not prefer any religions, it should not disparage any religions and what we essentially do in this body by failing to pass LB 652 is to disparage a particular portion of the spectrum of religious thought in this state. And to say your convictions, because they contradict my own perception of what we should do to children, do not merit being honored, do not merit legislative recognition and we're going to overrule you by simply throwing down the gong on the teachers certification...

SENATOR CLARK: Your time is up.

SENATOR LANDIS: ...absent proof that that certification does the children any good.

SENATOR CLARK: Senator DeCamp is next. The question has been called for. Do I see five hands? Senator Vickers.

SENATOR VICKERS: Mr. Chairman, there has been one speaker speaking for the amendment. You haven't had anybody speak against it. Now I don't think that is quite fair to call the question. I think you should reject this motion.

SENATOR CLARK: I don't think it is fair either but I didn't call the question.

SENATOR VICKERS: But the rules say you have the power, Mr. Speaker, to not, to reject the motion.

SENATOR CLARK: We won't call the question. Senator Koch.

SENATOR KOCH: Mr. Chairman, members of the body, I agree completely with Senator Landis in his analogy of what we are doing. The compromises that have been reached have been primarily in behalf of those who believe the Christian schools should be able to operate. When I first saw this amendment I had some concerns and the reason I had the concerns because I also am concerned about other private denominations of education such as the Catholic schools, Lutheran schools and others but with the amendment offered by Senator Fowler, now the amendment offered by several senators, I understand the people who want to operate the private schools are agreeable and believe they can meet these standards and for those of you who have read the amendments on 1328 you should read it completely because it does provide the lay board shall have to furnish the State Board of Education and verify the qualifications of each teacher retained or employed by that board and there is indeed a check to see whether or not the schools are living up to this amendment. I support this amendment and hope the body would too.

SENATOR CLARK: Senator Wiitala.

SENATOR WIITALA: Thank you, Mr. Chairman. Mr. Chairman, colleagues, when this amendment was first proposed I signed onto it for a whole host of reasons but largely because when 652 originally lay in committee and the equivalency provision was stricken from it, I couldn't accept advancing it from committee to this floor. On first notice when I took a look at this amendment it did provide some equivalency over a four year stretch, sixty hours for elementary teachers and a hundred and twenty hours for basically high school teachers. And so I felt that that put some teeth that were missing in LB 652 but on further consideration of this amendment I feel that it was poorly drafted, maybe hastily drafted. It was almost drafted on the floor that day and that there are all kinds of weaknesses within it that I think that you should be notified of. First of all, there is no enforcement provisions in the bill that provides a plan but no penalty, no enforcement for complying with that plan. Another problem is that in two years time a high school teacher or one who is aspired to have some equivalent hours to teach in a Christian school, it would take them to achieve those forty hours they would have to do it in one year. It is an impossibility and as you go down the plan you're going to see that it would be highly impossible for any teacher to get those hours if they were to continue teaching as I suppose they presently were. There is also some other difficulties, difficulties for the Catholic schools in that we're creating a two tier accreditation process here, two different types of schools. There are some fears among Catholic administrators, laymen, parents. The schools may opt for the lesser of the two standards largely because of reasons of economy and that is a problem, at least for the high standard that our parochial schools have maintained in the state. There is no definition in this amendment for equivalent or accredited hours, nothing whatsoever. What does it mean to get an equivalent? They don't mention credited and so it could probably be in anything. It could be in basket weaving, it could be in physical education, it could be mail order hours or any type of hours. Aside from the fact that this is going to be a very difficult amendment to comply with and really, isn't that what we are striving for? As I listen to debate on the floor largely we are trying to resolve the issue, not so much for the fundamentalist as it is for the Amish and the Mennonites. This amendment is not going to cure the problem of the Amish and the Mennonites. In fact, it heaps misery on the dilemma that they are faced. Now I have heard talk that the Christian fundamentalists are in favor of this amendment but I haven't heard anything about it. In favor of this amendment? No one has written to me about it and hardly anyone if anyone

has talked to me stressing that they favored it. Where are they today as we gaze our eyes around if they so nearly and dearly appreciate this amendment? I agree with Senator Landis that this is really too much of a compromise.

SENATOR CLARK: You have one minute.

SENATOR WIITALA: It is a compromise that does not satisfy those that are strong supporters of public education who work in public education and it certainly doesn't look on the surface as if it will satisfy all the needs of the Fundamentalists' churches that we have argued before on this floor. So with that, I would hope that you would defeat this amendment. Thank you, colleagues.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, the first thing I want to say is that for my part no one religion ought to be favored over another, that the Amish or Mennonites or any other group should be given a greater standing than Fundamentalists, Holy Rollers or whatever anybody would choose disparagingly or descriptively to refer to any denomination, sect, cult or whatever as being. When Senator Landis couches this discussion in civil libertarian terms it could make it difficult to speak against or in opposition to the position he has taken but I don't think it boils itself down to an issue of freedom of religion as protected by the first amendment. We know that there are laws right now that will allow a teacher in the public school to stand in the place of the parents. If the teacher can do it, the teacher does so only because the state cloaks that teacher with that power. If the teacher can be granted that power by the state, the state certainly has the right and the authority to stand in the position of parents when trying to determine what is in the best interests of the children. I don't see a dichotomy between the physical and the intellectual. These two combined to make one entity, one entity. It is not like dealing with being and nonbeing. So if the state can require the invasion of a child's body with substances that its parents' religion might prohibit such as vaccination of various types, fluoride in the water and things of that nature, if the state can require that physical invasion then certainly it can protect the intellectual well-being of the child also. I don't see this question in the sense that Senator Landis has described it. If I did, he would have my vote. If we were talking about granting all religions the same status he would have my vote but there are religious denominations that have compliance with the certification requirements already. But in looking at the DeCamp, Peterson amendment we should keep this one point in

mind when we talk about the Bill of Rights. Those amendments do not grant rights to people. Those are not rights granted by the Constitution. Those are rights protected from infringement by the state. Those are rights that should exist independently of a Constitution, state or whatever and the Bill of Rights protects those rights against infringement by legislative bodies. I don't see this educational question as one of practicing religion. If we are talking about religion then it is not education. If it is not education there should be no involvement by the state of any kind. Now when we talk about these kind of matters I think some of the best discussion occurs on the floor of the Legislature. These issues will force people to think. Some think better than others. Some express their thoughts better than others but nevertheless, there is a thinking process which occurs on these issues that may be lacking on others. One other point that I would like to make crystal clear. I think a person can believe whatever he or she chooses as wrong or lame brained as it may seem to me. Religion is a very personal private relationship between the individual and whatever or whomever it is that individual worships but I notice something when we talk about granting the power of adults to impose religious ideas and practices on their children. Let's take for example a Christian Science believer. Now the Christian Science believer may believe in Christian Science for his or her child but when it comes to his or her own health, he or she may go to the doctor or to the Mayo Clinic. So self-preservation, self-survival becomes very, very important and paramount when time comes to apply these things to ourselves if a detriment can result. I have to be concerned about the welfare of the children and I don't think that even the best of...

SENATOR CLARK: You have one minute.

SENATOR CHAMBERS: ...intentioned parents will always be aware of what is best for their children because they may not be well educated themselves. They may not be aware of the types of things that are needed to make it in this world. So although this amendment may be a step in the direction that these schools ought to go, it is not far enough and this is what I will say. If this amendment is adopted and there is a propensity on the part of the Legislature to accept LB 652, I have an amendment up there to do away with the requirement of certification for any teacher in any school and I'll explain why when that time comes.

SENATOR CLARK: Senator Vickers.

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SENATOR VICKERS: Mr. President and members, I rise to oppose this amendment and in doing so I'd like to outline a little bit of the reasoning behind my opposition and the thinking that I have come to that regards this Christian school issue. First of all, as Senator Landis pointed out a little bit ago the interest of the state as far as education is concerned is a decision that each of us have to make individually as to what we believe is the correct and the appropriate interest or the way to meet that interest. Now as to whether or not the state has any interest in the education of its citizens I have come to the conclusion that, yes, the state does have some interest and I can tell you that as a member of the Education Committee for the last four years I have felt that interest very strongly and very sincerely. Now that interest, I believe, is to make certain that our young citizens have an opportunity to become better educated to be better citizens, to contribute more to society by being more productive and to contribute more to their country and their state by being able to participate better in the governing process that we as a democracy enjoy. So I believe it is important that the state does have some interest in protecting the educational interest of all of its citizens and I emphasize the word all. I think that interest, once you have determined in your own mind that the state should have an interest, should apply to all of its young citizens. You know we talk many times in this body about how we can't pass laws or shouldn't pass laws for specific circumstances and I suggest to you that that is what we are attempting to do here today. When I serve on the Education Committee and each of us that serve in this body, when we deal with education interest, I think what we should be doing is looking at that from the perspective as how does it affect all of the young citizens or potential young citizens of the State of Nebraska and to set up a system where we've got a dual type of provisions. If you go to one school you're going to have teachers that have been certified or some equivalent of certification based on certain criteria. Yet if you go to another school those same criteria are going to be different, I believe is fundamentally wrong. If this body in its wisdom should decide that a mechanism such as the amendment we have before us is the appropriate way to go, then I suggest to you that we should have that apply to all the schools so that all of our young citizens would be protected in the same manner and I can assure you that there are many of those smaller schools be they public or private that would like to go to this system. You know it hasn't been that many years ago since we did have a system similar to that. Now perhaps that is what we should go back to but to have two separate systems is contrary to what I believe our responsibility is. Now I can't go along with the thinking and the idea that this

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is abridging their freedom of religion. Now perhaps, as Senator Landis indicated to you, he believes that it does but it seems to me that that point hasn't been made in any court that I'm aware of. I haven't seen an Attorney General's opinion that says that...

SENATOR CLARK: You have one minute left.

SENATOR VICKERS: ...it is unconstitutional. I haven't seen anybody go to court and prove in court that our simple mechanism of attempting to get certain criteria in regards to quality of teachers or any other quality of education is abridging anybody's constitutional rights to freedom of religion. Now until that is done, I cannot support setting up two separate systems, one for so-called church schools and one for the public schools. I think those young citizens out there deserve to have our protection from this body no matter what school their parents choose to send them to. Thank you, Mr. President.

SENATOR CLARK: Senator Kremer.

SENATOR KREMER: Mr. Chairman, I call the question.

SENATOR CLARK: The question has been called for. Do I see five hands? All those in favor of ceasing debate will vote aye, opposed no.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted on ceasing debate? Record the vote.

CLERK: 27 ayes, 1 nay to cease debate, Mr. President.

SENATOR CLARK: Debate has ceased. Senator Remmers, do you wish to close? Senator Landis, go ahead.

SENATOR LANDIS: Thank you. First of all I want to tender an apology to Senator Hoagland. I didn't mean to imply that there was a purposeful misrepresentation. I perhaps was more than carried away by the rhetoric of the moment and these bills are difficult to follow and the terms that are in them are difficult to follow and I offer that as an apology. Secondly, I want to deal with the question that Senator Chambers brings before us as far as physical well-being and mental well-being. It draws an analogy between what the state can do to a Christian Science educated child and the fact that they can be given medical treatment even though their parents object. That is true. They can. And what happens is they are taken into court, a judge makes a

finding based on the evidence, the child's welfare requires that medical treatment and there is a weighing of evidence that the child will be benefitted and in those cases when the evidence is in and the judge is satisfied, the religious conviction takes a back seat to the child's best interests. And I would suggest to Senator Chambers that he stand up and do the same thing and make the same showing and give us that kind of evidence which has to be in there when you override a parental decision that is clothed in religious conviction. That is not what is being asked here. Secondly, the other way to look at that argument is to say, "Well, I know you think it is your religious conviction but I don't think it is a religious conviction. It doesn't comport to my religion, therefore, it is not religion. I see it as education. I don't care if you think it is a matter of religion. I see it as one of education, therefore, since I am the decision maker and I have the power, my definition will be the one that carries the day." That is simply a fallacious argument based on equivocation claiming by definition that which the opponent says is true. As in *U.S. versus Ballard*, the Supreme Court said it is crystal clear that neither the validity of what a person believes nor the reasons for so believing can be contested by an arm of the government. Men may believe what they cannot prove. They may not be put to the proof of their religious doctrines or beliefs. Religious experiences which are as real as life to some may be incomprehensible to others and I would suggest to Senator Chambers that perhaps what he finds as incomprehensible is very real to those who claim that it is their religious conviction that teachers are ministers and that they will not subject their ministry to the certification of the state. Now what about the argument that this is the floodgates? If it is good enough for Christian schools why don't we rip off certification for everybody? Certification does not violate the religious standards of the vast majority of the public. It certainly does not violate mine. I'm glad we have certification. I'm glad to send my children to schools where they have certified teachers and that is consistent with my religious convictions and my educational principles. In a public school system it is reasonable to exact quality control and teacher certification is a reasonable mechanism to do that. I hope we put that question to the trial because I intend to support teacher certification in public schools. What I am saying is, however, that those people who genuinely believe teacher certification to violate their religious convictions should not have those religious convictions contravened unless we can show that the children will suffer otherwise. We have forty some states that do not have certification standards for privately educated children and I have had no evidence given to me that those children suffer by achievement, by entrance into college or

by any other measure and until I have that evidence I am not going to overrule the religious convictions of those parents. This amendment is an attempt to be as yielding as possible and yet honor those religious convictions in an attempt to satisfy those of you who want evidence...

SENATOR CLARK: You have one minute left.

SENATOR LANDIS: ...of the ability of those teachers. It seems to me a reasonable attempt to make. I support the amendment.

SENATOR CLARK: The question before the House is the adoption of the amendment. All those in favor vote aye, opposed vote nay. Have you all voted? Once more, have you all voted? Then I'll call the vote. Record.

CLERK: 25 ayes, 14 nays, Mr. President, on adoption of the amendment.

SENATOR CLARK: The amendment is adopted. What is the next amendment on the bill?

CLERK: Mr. President, Senator Chambers would now move to amend the bill.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I will ask the Clerk to read the amendment and then I will tell you what it does because what will be involved are a number of sections of statute that will be repealed but I would like them read into the record. So I will ask the Clerk, would he read the amendment as written?

CLERK: Mr. President, Senator Chambers would move to amend the bill. (Read Chambers amendment as found on page 1646 of the Legislative Journal.)

SENATOR CHAMBERS: Thank you, Mr. Clerk. Mr. Chairman and members of the Legislature, we, from my point of view, are talking about what is good for children. Now either teacher certification serves a purpose in benefitting children or it does not. If a policy decision is to be made that because I go to church then certification suddenly has no significance and somebody who doesn't go to church must be certified, then I would say that is beginning to confuse the issue of what role religion plays or the idea of the separation between church and state. Senator Landis, when he was talking earlier, misunderstood some of what I said. I wasn't talking



about the state taking the child of a Christian Science parent and ministering to that child, I was showing how many Christian Science parents or some Christian Science parents will take themselves to the doctor but make sure that the child adheres very strictly to the requirement that no medical attention is to be given in case of an ailment. So I was talking about how religious principles have great sway when they are applied to others. Now when we talk about teacher certification I want to go into the issue of what has been stated on this question so far. Those who support 652 have said that certification of a teacher does not ensure competency. On the other hand, they say that lack of certification does not indicate or demonstrate incompetency or lack of competency. There are a lot of people who feel that teacher training schools are dumping grounds and regardless of whether it says it has certified a teacher or not, the person coming through that educational process is not fit to do anything except be a teacher. And that brings us to what many people feel about teachers. I think it was George Bernard Shaw who said, "Those who can, do. Those who cannot, teach." And those people like myself who was a consultant at one time for the U.S. Department of Education went to colleges and universities all over the country to examine their teacher training schools and programs added a third proviso. "Those who can, do, those who cannot teach, teach teachers." A lot of these teacher training colleges are staffed by individuals who went to school to learn a certain discipline and realized somewhere along the way that he or she could not cut the mustard as far as practicing that discipline so lacking the ability to be a practicing physicist, I teach physics. Lacking the ability to do research or go further in the study of zoology, I teach zoology. As a student, if other disciplines seem difficult I can go into the fuzzy realm of the teacher colleges, thus I am acknowledging in a lot of senses that I am not able really to cut the mustard in a regular academic course of study so I take the easy way out and go to a teacher college. And another principle can be developed from that situation. In the teacher colleges in a lot of instances you find those who are least able to teach, attempting to teach those least able to learn and as a result you come up with LB 652 where these people say the public schools are in such a shambles, they are presided over by such incompetence, that it would be better to start your own school and teach your own brand of miseducation rather than have your children away from you before these people, being taught by them or mistaught by them, things that the teacher does not understand himself or herself. So if the state of public education is in such a shambles, then do away with all certification, take away the shams and place the responsibility on parents to monitor the classrooms and see what their children

are being taught by whoever happens to stand before those children as a teacher. And if an individual does not have the capability, then let their be picket signs, picket lines and other protests of such nature aimed at removing that person from that classroom as a teacher. That gets us away from all of this talk about having the state intrude into somebody's religious belief. Certification, I think, has been fairly well discredited during the discussion of these religious schools. Now if a teacher were to be considered ignorant, I don't think it makes too much difference whether that teacher is teaching children in a religious school or in a public school. If we are not really concerned about what the children learn but are mainly concerned about keeping the teacher colleges functioning, keeping a place to employ those who can't cut the mustard and other disciplines, providing an easy job for retired public school administrators, providing a job in the classroom for people who can't make it any other way, let all of that continue to be but let us remove the sham and the hoax. Let us stop deceiving parents into thinking that state certification of teachers has anything to do with the quality of education or the capability of the one having the certification. Some schools are considered to be so low academically that a diploma, if it is a high school, or a degree if it is a college, is considered to be nothing more than a certificate of attendance. You went there long enough or you paid enough money for somebody to give you a piece of paper with their name on it saying you'd been there this amount of time. There are many people who trust public schools. There are many people who acknowledge that they don't know how to go about teaching their children to read, write and work with numbers. There are people who will acknowledge that they've been out of school a long time and the world has changed, that what they have learned in the classroom is not suitable as an educational diet for the children of today, that a gap, in fact, does exist between what they know and could offer their child and what the child needs to make it successfully through this society, to jump through the hoops that are put there for a person to jump through in order to be a success. Maybe what has to be done is to start at ground zero for everybody and let us reevaluate the entire system of compulsory public education. If it has no value, then discard it and save money, reduce the property taxes and let everybody rear their children the best they can with what they know. On the other hand, if it is determined that there should be a minimum amount of education that the state ensures to all of its citizens, certain standards would have to be set and a child ought not be deprived of that beneficial effect simply because his or her parents would cleave to a given religious doctrine. So if you want to be consistent, not just for the sake of blind, unthinking consistency, but consistent in a

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philosophical sense, then you must do away with certification for everybody. I know Senator Landis said he wants certification in the public schools. Either it should be everywhere or it should be nowhere. So my amendment is very simple in what it does. It repeals...

SENATOR CLARK: You have one one minute.

SENATOR CHAMBERS: ...those sections of statute that relate to teacher certification. There is one provision that may not be totally repealed and it makes a reference to certification but if we abolish the statutes requiring it then that does not impose any requirements on any parochial, private or other school. However, should a determination be made that certification is of value, any standards imposed would apply to anything calling itself a school. I ask you to adopt the amendment.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I haven't spoken on this issue, I don't recall, either last year or this year but every once in a while, you know, things rub you wrong a certain length of time and you have to say something. We passed an amendment a little while ago that said, teachers, you have to do something. You have to get a few hours now and then and over a four year term I believe it was sixty hours you should have or whatever the number. Okay, you think that is going to work? No. That is not going to work. Why isn't it going to work? Because many of these schools have told us, we don't want any regulations and that includes the regulation we just thought we passed. How are you going to make them do it when they don't want to and they are not going to. What we are doing is prolonging the agony. A few made the mistake of last year of saying to some of these schools, we'll try to work with you. That meant, we're caving in to you, to them. That's what it meant. There is no compromise with some of these schools and the sooner we realize that the better off we are going to be as a body. Many schools, I'm not afraid of religious schools that are in existence. Many of them have been abiding by the minimal requirements prescribed by this state and have had no problems. Now some of them are saying, oh, this is a good deal. If they let down the bars for them, they'll let down some of the bars for us and it could possibly be that this would be a way for them to lower their standards. Whenever we start to compromise our standards I think we're in trouble and that is what we have done on this issue. I have been around this body too long watching people like Senator Koch fight for the good parts of education, fight for the minimal things that should be done to see something like this happen to this body now and to the State of Nebraska. It is time we say to ourselves, this is not a religious situation. This is an educational problem and say it to ourselves and mean it and say it to the people who are attempting to push us around. When a few people say that this is what we believe and we expect you, Legislature, to change all of the laws across the state in education just to accommodate a few of us who believe a certain way because we want to believe. In religion you can believe anything you want and it is all right and in your churches the state says believe anything you want in your church and we won't bother you one whiff and we don't. But when any church goes into a business other than religion they are in a business. I don't care what it is, if it's a parking lot you have some regulations and some laws that you must obey. If you buy a liquor store you're certainly going to be regulated. I think that the few of these schools have really taken advantage of this

Legislature and we have bowed to them and we're in trouble. We think we're going to amend this bill? Baloney! They're going to say, nuts to you. When we go away from here and we passed the law, they will say, we're not going to do it, we're right where we are today. What happens if they say, our teachers are not going to go to school? Well, are we going to put them in jail? No, we've said we don't want to put you in jail so we're soft again. It's time we get some backbone about this thing. You know, every basement in every church in this state is a potential school. It may have stale air in it, it may have no curriculum, teachers may not be certified, may not know anything about what they are teaching but it is all right with this state. It's all right with this Legislature. I don't believe in granting every school basement school authorization to teach whatever they darn well please. I know their hearts are in the right place, I know they don't mean to be wrong...

SENATOR CLARK: One minute.

SENATOR NICHOL: ...but I think it is time for us to say there should be some minimal standards to schools and we're going to enforce it. Unless we put an amendment on the amendment we passed a while ago that says we mean what we are saying, we're going to enforce it, we're just as dead as we are right now.

SENATOR CLARK: Senator Lamb.

SENATOR LAMB: Call for the question.

SENATOR CLARK: The question has been called for. Do I see five hands? I do. Shall debate now cease? All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 26 ayes, 4 nays to cease debate, Mr. President.

SENATOR CLARK: Debate is ceased. Senator Chambers, did you wish to close? Did you have any closing?

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I made a couple of references to Senator Landis and I think this issue is so broad and has such significance that I'll yield my closing time to him because he did not have the opportunity to address anything I said.

SENATOR LANDIS: Thank you very much, Senator Chambers. I want to point out that this is not an extension of the

doctrine that I tried to annunciate earlier in talking about 652. Senator Chambers' argument is, if we see value in certification of one context, shouldn't we see it in all and in the reverse, if we do not see the value of certification in one context why should we impose it in all? I think that that simply belies our ability to make reasonable distinctions between factual settings. Now certainly there is a reasonable state interest in drafting soldiers in time of war and yet this nation even in those dire times understands the distinction between individuals and allows for a conscientious objector status and the distinction is the religious conviction of that individual and whether or not it is truly held. You simply can't say that one situation or one policy that is true or applicable in one context has to be seen as meritorious and applicable in all contexts. I'm glad that this amendment was offered because it allows me to state that I do not hold teachers in contempt. I do not hold certification in contempt. I believe in certification as a reasonable quality control measure. I'm looking forward to the chance to vote against this amendment but certification for those of us in the general public as a tool to see that our public schools are well run and well staffed should not be the sword with which we impose on an unwilling populace who hold a different religious conviction from our own and deny them the genuineness and the efficacy of those religious convictions. I am not willing to replace their perceptions of their religious dictates with my own as an individual or as a legislator. I support certification and I support it in all contexts other than those in which first, there is a genuine religious conviction to the contrary and second, where there is no evidence to show that the children of those parents would be better off with certification. I do not hold the same standard for myself. I don't have to have evidence for the value of certification. I believe that it is valuable and I believe it is reasonable and I send my children to schools where they are certified and I'm glad for that, but I am not willing to outweigh religious convictions without evidence in hand and that is what we are called to do under the current situation unless we make the reasonable attempt in 652 to alter the picture. I oppose the Chambers amendment and yield the remainder of the time which I have not used to the introducer of the amendment, Senator Chambers.

SENATOR CLARK: All right, the question before the House is the adoption of the Chambers amendment. All those in favor vote aye, opposed vote nay. Senator Rumery, do you want the amendment read? All right, read the amendment.

CLERK: (Read Chambers amendment as found on page 1646 of the Legislative Journal.)

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SENATOR CLARK: Have you all voted? Record the vote.  
A record vote has been requested.

CLERK: Senator Stoney changing from yes to no. Senator Kilgarin voting no. Senator Wagner voting no. (Read record vote as found on pages 1646-1647 of the Legislative Journal.) 6 ayes, 32 nays on adoption of the amendment.

SENATOR CLARK: The motion lost. Senator VonMinden, would you like to recess us until six-thirty? Then we have a point of personal privilege coming up.

SENATOR VonMINDEN: Mr. Chairman, I move we recess until six-thirty.

SENATOR CLARK: We have to read in one thing here first.

CLERK: Mr. President, very quickly, the Appropriations Committee will meet in Room 1003, at five o'clock, Mr. President.

SENATOR CLARK: All right, you heard the motion. All those in favor say aye, opposed. We are recessed until six-thirty. Senator Wesely has a point of personal privilege.

SENATOR WESELY: Mr. President, members of the Legislature, if I could have your attention for just one minute. As a former member of the UNL Innocents Society I am pleased to introduce members of the 1981-'82 Innocents Society who are here today to bestow a high honor on our own Senator Steve Fowler. He has been selected by the Society as an honorary Innocent and they are here to present that award.

Edited by:

  
Mary Truner

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The Legislature reconvened at 6:30 p.m., Senator Lamb presiding.

SENATOR LAMB: Please record your presence. Have you all recorded your presence? Record, Mr. Clerk.

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

SENATOR LAMB: Next amendment on LB 652.

CLERK: Mr. President, the next amendment I have is offered by Senator Newell.

SENATOR LAMB: Would the Sergeant at Arms try to find Senator Newell. The Chair recognizes Senator Newell to present his amendment to LB 652.

SENATOR NEWELL: Will the Clerk read the amendment.

CLERK: Read Newell amendment.

SENATOR LAMB: Senator Newell.

SENATOR NEWELL: Mr. President, members of the Legislature, the amendment that I offer is an amendment that I think will provide this Legislature with some understanding of whether this issue in fact, the religious issue that the proponents have argued that it is, or whether it is an economic issue, which I believe is the primary purpose for LB 652. There has been much said about the various compromises which have gone on into LB 652, but those amendments and those compromises which have been adopted really are not amendments or compromises, they are only attempts to make LB 652 more politically palatable. In fact, the bill, as it is presently written, does not make any great change in the issue of certification other than to significantly reduce the requirements that are applied statewide to church schools or non-church schools. This motion would. . . this amendment would probably be better presented before we adjourned for dinner than it is after we adjourned from dinner. With that in mind, I will withdraw it, although I think the point ought to be made, it seems like very few people care at this hour and maybe that is the best time to try and advance the bill.

SENATOR LAMB: The motion is withdrawn. The next amendment on the bill.



CLERK: I have nothing further on the bill Mr. President.

SENATOR LAMB: The motion is to advance LB 652. Any discussion on the bill? Senator Wiitala, your light is on.

SENATOR WIITALA: Thank you, Mr. Speaker. Mr. Speaker and members of the Legislature, most of you will probably identify with the fact as we go through history there is a pendulum that swings. It swings left and it swings right. It wasn't so long ago, ten-fifteen years ago when we were a nation of very rapid change during the 60's and early 70's that parents asked to teach their own children their own curriculum, give them their own schooling. There was some dissatisfaction with public schools or schools period. That was generated by a whole host of authors that laid out alternate ways of teaching children. But you know, back there when parents were suggesting this, society really didn't tolerate giving a child up to a parent, a parent being responsible totally and entirely for a child's education. There is no doubt in my mind that many of those parents could have done their children well but it would have been a very narrow, well a very narrow standard of excellence. We take a look at LB 652 I want you to understand the pendulum has swung the other way, far to the right. I'm asking you each individually how many of you have had a chance to visit a fundamentalist school, have had a chance to peruse through the accelerated christian education packets? How many of you have contemplated the fact that this curriculum represents an attempt to standardize children's education, a national curriculum, if you will? Now there is nothing wrong with a church school that attempts to teach the theology of its professed beliefs. But, when they attempt to teach a precise, a well defined ideology, it is an entirely different story. I commit to you that we vote for LB 652 that to a certain extent that we are allowing certain schools to operate as store front entities for ultra right extremism represented through a standard curriculum an attempt to nationalize a curriculum. Every child, unless you come from one of the unique religions, that has developed its own culture through the centuries, deserves to mix with all the personalities, with all the experiences that are within our society. What we are dealing with is a group of schools that are not separatist like the Amish or like the Mennonites. Those children will grow up in our society and they will mix with everyone else in our grand public.

SENATOR LAMB: One minute, Senator.

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SENATOR WIITALA: . . . To give them a separate standard and create a two tier school system. To give up on our heritage of accreditation that we have accomplished through steps over the last century or so, I believe is a mistake and moving in the wrong direction. Thank you, colleagues.

SENATOR LAMB: Amendment on the desk.

CLERK: Mr. President, Senator Landis would now move to amend the bill.

SENATOR LAMB: The amendment is withdrawn. Senator DeCamp, did you wish to close on the bill? The motion is to advance LB 652. Those in support say aye, . . .okay, okay, those in support of advancing the bill vote yes, those opposed vote no.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Senator DeCamp.

SENATOR DeCAMP: Yes, I suppose, Call the House.

SENATOR LAMB: Those in support of a Call of the House vote yes, those opposed vote no. Record.

CLERK: 21 ayes, 1 nay to go under Call, Mr. President.

SENATOR LAMB: House is under Call. Please record your presence. All unauthorized personnel please leave the floor. Please proceed with the roll call, Mr. Clerk.

CLERK: Roll call vote. 20 ayes, 23 nays, 4 present and not voting, 2 excused and not voting. Vote appears on pages 1647-48 of the Legislative Journal.

SENATOR LAMB: The bill fails to advance. At this point I would recognize Senator Carsten for a point of personal privilege.

SENATOR CARSTEN: Mr. President and members of the Legislature, only for a moment. I want to draw to your attention the passout that we just this evening placed on your desks and it is a report from the Department of Revenue to Senator Warner and myself as chairmen of the Appropriations and Revenue committee, for your information as to the present status of our economy and the receipts of revenue thereto. I would hope that you would read it, analyze it for your consideration and decision later on. Thank you very much, Mr. President.

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LB 652, 761

SENATOR CLARK PRESIDING

SENATOR CLARK: Prayer this morning by Senator Rumery.

SENATOR RUMERY: (Prayer offered.)

SENATOR CLARK: Thank you, Senator Rumery. Roll call. Could we all get checked in please so we could get going on the bill? I will do that as soon as everyone checks in. We have to have at least 30 to get the suspension of the rules to read the bill. Senator Nichol, for what purpose do you rise?

SENATOR NICHOL: Mr. Chairman, would you tell us, are we going to read the long appropriation bill first and will you call us in about five minutes before we are through and that sort of routine?

SENATOR CLARK: "Si", that means "yes" in Spanish.

SENATOR NICHOL: "Gracias".

SENATOR CLARK: Okay. Do we have any messages, reports, anything this morning to go on while he gets going?

CLERK: I have a quorum, Mr. President. I have one correction to the Journal. (Read correction found on page 1799, Legislative Journal.)

Mr. President, Senator DeCamp and Landis would like to print amendments to LB 652.

And, Mr. President, I have a Reference Report on the interim study resolutions.

SENATOR CLARK: Senator Lamb, you had a motion.

SENATOR LAMB: Mr. President, I move to suspend whatever rule that is so that we can read the bill.

SENATOR CLARK: Have you got the rule? The question before the House is the suspension of the rule to read LB 761. All those in favor vote aye, opposed vote nay. Yes, 30 votes.

CLERK: Rule 6, Section 7(b). Senator Clark voting yes.

SENATOR CLARK: Have you all voted on the suspension of the rules in order to read the bill? When we read this bill, we are not going to require that you be exactly in