

April 21, 1971

PRESIDENT: We're ready to take up LB1002. The Clerk will give us the condition of the bill.

CLERK: The title was read. The amendments (committee) were considered on April 19 and are still pending.

PRESIDENT: Chair recognizes Senator Stahmer.

SENATOR STAHMER: Mr. President, Members of the Body, I would call to your attention the opinion of the Attorney General handed out to you when this bill was first brought up, namely the one supplied by Senator Whitney and because of the letter from the Attorney General stating that the distribution of funds under this bill would not be in agreement with the Constitution, I'm going to ask that the committee amendments not be adopted. This would put us in defiance with the Constitution as interpreted by the Attorney General. I move that the committee amendment not be adopted in view of this letter.

PRESIDENT: Is there any further discussion of the motion. All those in favor of rejecting the committee amendment, say aye, opposed say no. The committee amendment is rejected.

SENATOR STAHMER: Mr. President, Members of the Body, I'd like to move for the advancement of LB1002 without the amendment to E & R initial. I'll explain the bill briefly again and I'd call your attention to the letter from the Attorney General that I passed out this morning for your pursual. At the bottom of the page, quoting from this letter, "heretofore it has been applied on the basis of these funds touched upon in LB1002 namely the monies coming from the school land. It has been applied on the basis of the school fund should be distributed to the several districts in proportion to the school children enumerated and living in the district." It is very clear what the intent of the letter is from the Attorney General that namely those monies coming from the rental of school land should be distributed on the basis of children living in the district and that in effect is what this bill in its current form now would do and also applying the letter of the Attorney General it would in effect cause the distribution of these funds to be made in compliance with the Constitution of the State of Nebraska. I move for the adoption of this bill without the amendment.

PRESIDENT: Any further discussion. Chair recognizes Senator Whitney.

SENATOR WHITNEY: Mr. President, I'm going to speak against the bill. As I handed out to you the other day, a map of the state of Nebraska showing that when we include the effects of this bill plus the present state aid bill that you will funnel the state aid per pupil from 73 counties and into the smaller number of counties. To me, this is undesirable. What this bill will do will be to prevent what has been done for many, many years in the state