

SENATOR F. LEWIS: Senator Simon.

SENATOR SIMON: Mr. President, that is hard to say, members of the Legislature, Senator Murphy, we have discussed this matter at great lengths and I think the subject matter is important enough and I am somewhat versed having talked to you but I am going to give you some of my time and I wish you would relate to the members of the Legislature some of the past history in terms of the offenses that have come about because of this bill because I think it is important to share those with the members so that they can more fully understand the whole ramifications of the bill.

SENATOR F. LEWIS: Senator Murphy, do you yield for those comments?

SENATOR MURPHY: Certainly. The reference being made is to, as I mentioned earlier, the fact that numerous Senators have suddenly discovered that acts that are on the statutes books are simply being ignored by agencies. Senator Simon had an experience in the Revenue Committee when he found that the head of the Revenue Department simply was ignoring a statute that said he would not return state funds to the counties unless they complied with the assessment requirements in those same statutes and he implements it whimsically, if at all, and to my knowledge never and yet you went through a great deal of an ordeal in order to put that statute on the books. Senator George was involved in the passage of an act that said that the State Highway Department would install certain signs which would be provided for them but the State Highway Department says, well, we just never seem to get around to that. I became quite seriously involved in what has to be a classic. We passed LB 43 and the law states specifically that this state shall pay the tuition for the ward of any court placed in a school district other than that from which he originated. We provided power or rule and regulation and the Department of Education issued a rule which said that the state will pay for the tuition of any ward of any court. I tried to debate with them, to reason with them, to get them to accept forms that were submitted to them under that statute for wards of an Iowa court and you will forgive me, I think an Iowa court is a court, and I know that the burden on that school district is not a bit different than the burden on the Alliance School District from wards of a court. I thought we had reached a point of some kind of reason a year ago when LB 755 was to be heard. The State Department of Education had come up acknowledging the discrepancy and were going to insert the word "Nebraska" in that statute. On 11 o'clock on the day that bill was to be heard, the Department of Education leaned back in its chair and said, well, really the Attorney General kind of supports our position. We don't have a written letter of his opinion but we think we will just withdraw that bill. We are just not sure what we want to do with it and you and your law can go fishing. Now I had a particular district with two percent of their population involved. They complied with the law. They submitted the forms. The Department of Education simply ignored them and they actually did not even respond to the fact that they were not going to comply with their request for funds under that statute. In a subsequent opinion from the