

April 10, 1980

LB 964, 768

SPEAKER MARVEL: LB 964, constitutional amendment. The Clerk will read.

CLERK: Mr. President, before I do that I have a communication from the Governor addressed to the Clerk. (Read communication regarding LB 768 as found on page 1811 of the Legislative Journal.)

Mr. President, LB 964 was introduced by Senator John DeCamp. (Read title.) The bill was read on January 23 of this year, referred to Constitutional, Revision, reported to General File. There are committee amendments by Senator Reutzel's committee.

SENATOR REUTZEL: Mr. Speaker, members of the body, it is with great pleasure that for the last time this year we ask for the adoption of the committee amendments. The committee amendments to 964, Senator John DeCamp's bill, are rather extensive and I would ask that you follow along. The original language of the bill refers to the state's responsibility to provide a fair and adequate public education system. Now the committee amendments impose a higher standard and require the state to provide maintenance and support of a thorough and efficient system of common schools. Comparable language appears in several state Constitutions and it has been used by the courts to strike down school finance laws which rely too heavily upon the local property tax support. The committee amendments strike subsection 2 which would have required the Legislature to enact a funding system in which the public schools derive not more than 45% of their support from property taxes and the committee did so because it was considered improper to place such an artificial percentage and a figure in the Constitution and that it makes little sense for the Legislature to place a measure on the ballot requiring to enact a law it already has the power to pass and thus the level of the property tax support will be left to the determination of the Legislature, subject to the directives of subsection 1 that the state provide a thorough and efficient education system which does not impose an unfair and excessive burden on the property owners. The technical changes are changing public schools to common schools to conform with other statutory language and the ballot language is changed to read, "that the Legislature shall enact a method of financing public education in order to meet the state's responsibility to provide maintenance and support of a thorough and efficient system of common schools and the method of financing the common schools shall not rely on the property taxes to such an extent that an unfair and excessive burden is imposed on the state's property owners." I move the adoption of the committee amendments.