

March 21, 1979

LB 403

teach the Sunday Schools, the ones who carry the biggest burden are generally the Public School teachers. They do indeed do it. I did it for years. It was thought that I should because I was a teacher, and for those people who are supporting the national schools to infer that because I oppose this piece of legislation that I am anti-God, anti-Christian, I find that very, very insulting. I find it derogatory. In fact, I find it anti-Christian on their part. Mr. Speaker, I close with those remarks and I ask the body not to reconsider the action of the Education Committee on LB 403.

SPEAKER MARVEL: Senator Landis.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, I just want to briefly address one of the concerns that was raised at the hearing on LB 403. The allegation has been made by many of the proponents of LB 403 that our system of regulation of schools is unconstitutional. To that end they provided several cases peripherally on issue but not directly on point. I guess I want to stress to this body that there is legal precedent for what we have done and for the system of certification and rule making that we have established. I would just like to divert the attention of the Legislature momentarily to the case of Meyerkorth versus State. This is a decision that was rendered in the '60's, I believe 1961 if I can recall accurate...1962. I would like to read only one paragraph of the decision to you. "The right of religious freedom is not involved in this case. The defendants do not deny these plaintiffs have the right to worship God as their consciences dictate as provided for under the Constitutions of the United States and this state. What the defendants insist upon is a qualified teacher under reasonable statutes providing for such qualifications to teach school." The statutes complained of by the plaintiffs, and they are essentially the same statutes that we would be exempting private schools out of under LB 403, the statutes complained of by the plaintiffs are not arbitrary or unreasonable, nor an invalid attempt to exercise the police power of the state, nor are the regulations governing the approval and accreditation of Nebraska nonpublic schools issued by the Nebraska Department of Education. The clear precedent with respect to the Nebraska Supreme Court then is that our system of regulation is constitutional and does not reflect a burden upon the exercise of religious freedoms. So that point, I think, has been answered by substantial case law directly on point. Secondly then, I think we also have to put the shoe on the correct foot.

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