

March 9, 1982

LB 652

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?