

see that it does date back to 1971. I would urge, though, that you probably, to bring you up to date to the most recent issue, if you would take a look on the second page there beginning with 1986 where we, the second 1986 that is listed on that page, where we start out with LB 5...excuse me, 757, where we change the textbook loan program, and what this provides for is that the students who are in nonpublic schools that are accredited and meet all the requirements that the State Board of Education lays out for those schools, they are functioning schools, private schools, have the ability to, when there is an individual request, loan books to students in those private schools. The issue is the funding must be there so that there is no encroachment on the funding of those public schools. So that there has to be a direct appropriation from the Legislature to provide for the program to work. In 1986, there was a written request to the Lincoln Public Schools for the loan of textbooks. The Legislature appropriated \$100 specifically for the purposes of setting up the test case in the courts. On April 7th of this year, the test case was decided by the Supreme Court and they unanimously ruled that there was, through the passage of LB 757, no violation of either the Nebraska Constitution or U.S. Constitution with regard to the issue of separation of church and state, and whether or not this violated any other provision of either the Nebraska Constitution or the U.S. Constitution. What I do here is offer an amendment that would allow for the program to function. The \$150,000 is a figure that I use. The Appropriations Committee did increase the funding from \$100 to 850 this year and I, frankly, don't know the reason for that, and I appreciate it, but I would offer this amendment to increase it just slightly a little higher to \$150,000. With that, you can clearly read the history of the background on the issue. The statutes as they are in place state that it must be a specific appropriation to fund this. That is what my amendment would offer. It would offer it at a level that I think would allow for a sufficient appropriation or a sufficient level of use within the program. Clearly, it is not a magic number by any means but I think that to provide for use of the program makes good sense, especially when we don't have any idea with regard to the numbers that would be using the program once it was funded to some sort of legitimate level. So I would urge the adoption of the amendment to LB 813.

PRESIDENT NICHOL PRESIDING

PRESIDENT: Thank you. Senator Warner, please, followed by