

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

January 20, 2000 LB 182

that you previously mentioned, obscenity, libelous material, and that kind of thing. Then Section 6 says that a school board may adopt written rules setting forth a publications code, including, but not limited to, provisions for the time, place, and manner. As I read these two sections, would you explain to me how far a school can go, in your opinion, under this act, in setting up the code? I, when I first read it, and I had to go back and read the entire act, I thought, basically, they were being somewhat limited to the procedural aspects of publications, but apparently they can include in those codes items that are permissible under Section 2 to prohibit certain kinds of publications. Could you elaborate on that a little bit what your intent is.

SENATOR BEUTLER: Yes, my intent, Senator, is not to limit what they can put in those codes by Section 2. Section 2 is intended to reflect subsection (2) of Section 4, which is the rule that would apply if there is not a code. So, I view Section 4, subsection (1) as being the only provision that generally applies to the making of a publications code.

SENATOR BROMM: Would you repeat that last sentence. You view...

SENATOR BEUTLER: I would view Section 4, subsection (1) as being the provision that's applicable to the option of adopting a code.

SENATOR BROMM: Okay

SENATOR BEUTLER: And, if that needs to be made clearer, Senator, I would be glad to it.

SENATOR BROMM: How does this act strengthen the ability of students to have freedom of expression versus what the law is right now?

SENATOR BEUTLER: What, the law right now, essentially, and oversimplifying somewhat, as I understand it as a consequence of a 19 I think it's '89 or '90 Supreme Court case, essentially allows school districts to have whatever rules they want, and they can articulate those rules and put them down in writing,