

# Amendments Cover Eligibility, Education Issues

**By Randy Irey  
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Ten of the sixteen proposed amendments to the Nebraska constitution which appear on the Nov. 8 ballot deal with matters other than tax proposals.

The first proposed amendment, if approved by the voters, would eliminate the present ineligibility of elective state officers to any other state office during the term for which they have been elected.

The Supreme Court has ruled that the present constitutional provisions prohibit an individual from holding another state office separate from the one to which he was elected. In addition, it prohibits the office-holder from becoming a candidate for any other state office.

The lieutenant governor is the only state executive officer, either elective or appointive, who is eligible for any other state office in the period for which he has been nominated or appointed. The lieutenant governor is eligible only to become a candidate for governor.

**Per Diem, Travel**

The second amendment proposes that the members of the Legislature be paid for their travel expenses and on a per diem basis while the Legislature is in session.

If passed, this amendment would make no change in the present salary of \$2,400 per year which provides no expense allowance during the sessions.

It would change the total payment in two ways. First, instead of receiving expenses for only one round trip to Lincoln and back during any session of the Legislature, a senator would receive expenses for one round trip once every month that the Legislature is in session.

Second, the legislator would receive a daily allowance for each legislative day served (not to be more than 120 days per session.) The amount of the allowance would be determined by the legislature.

**Enter Into Contracts**

The third amendment on the ballot would permit the state or governmental subdivisions to enter into contracts for service or train-

ing with private, commercial and vocational schools.

This amendment was proposed as a result of the Federal Manpower Act of 1965 which authorizes the states to provide vocational and similar training through arrangements with private educational or training institutions, in case that it is not available through public institutions.

If this amendment were passed, it would allow the state and its political sub-

divisions to enter into contracts with these private institutions. In addition, it then would be up to the State Board of Education to determine whether grants or contracts would be made, and to which institutions.

**Enlarge Education Board**

Amendment Four would increase the number of members on the State Board of Education from six to eight. Members are to be elected from districts of substantially equal pop-

ulation and to decrease the terms from the present six years to four years.

If the amendment is adopted, our members of the newly enlarged board will be elected in 1968, two to two-year terms, and two to four-year terms. Then, beginning with the election of 1970, four members will be up for re-election, each on four-year terms.

This would mean that in each election, there would be the possibility of four hold-overs to provide continuity on the Board.

**Bus Transportation**

The sixth amendment is to authorize transportation services for children attending any elementary or secondary school.

The second sentence of Article VII, Section 2 of the Constitution states, "Neither the State Legislature nor any county, city or other public corporation, shall ever make any appropriation from any public fund, or grant any public land in aid of any sectarian or denominational school or college, or any educational institution which is not exclusively owned and controlled by the state or a governmental subdivision thereof."

This has been interpreted in the past by the Attorney General to prohibit the expenditure of any public funds to provide bus transportation for pupils attending either parochial or private schools.

If the amendment is approved, it would remove this prohibition.

**Removal of Judges**

The seventh proposed amendment on the ballot would provide procedure for the removal or retirement of any justice or judge of any court in the state.

The only process now in the Constitution for the removal of a judge who is not fulfilling his duties is through the process of impeachment. The Constitution does not state clearly the grounds for impeachment and the procedure is complicated, involving the action of the Legislature and a subsequent trial by a court of impeachment.

In some cases, as with illness, a judge should be removed or retired but should not be subjected to the process of impeachment.

The proposed amendment would establish an alternative manner for the removal or retirement of all judges in the state.

Any citizen in the state could institute proceedings requesting the Commission on Judicial Qualifications to make the necessary investigation concerning the removal or retirement of a judge.

The commission then would make its recommendation to the Supreme Court and the court could either remove or retire the judge or reject the recommendation of the Commission.

The removal procedure would be carried out in cases alleging misconduct in office, habitual intemperance, conviction of an offense involving moral turpitude, or disbarment.

Another proposed amendment would make the Governor ineligible to the office of Governor for the next four years after the expiration of two consecutive terms to which he was elected.

If this is approved by the voters, it would limit a Governor to serving eight consecutive years in office. Then, he would have to wait four years before seeking the office again.

The eleventh proposed amendment on the ballot would provide for the deduction of costs of administering unsold school lands before distribution of income is made.

The costs of administering the lands and investing the funds are now appropriated to the Board from the State General Fund. As the constitution now reads, it is not possible to deduct these costs from the land income.

If this amendment is approved, it will enable these costs to be deducted from the income obtained through the unsold school lands.

The twelfth amendment contains two provisions. The first is that the educational funds shall be invested as the Legislature may provide by statute.

The attorney General has held that the investment of

state educational funds in securities, such as corporate stocks, would be in violation of the Nebraska Constitution. It prohibits giving or loaning of state credit in aid of any individual association or corporation. The proposed amendment would remove this restriction.

This, in turn, would enable the Legislature to authorize the investment of these funds in other than government securities if this seemed desirable.

The second part of the amendment would authorize the Legislature to provide for investment of state funds and funds of cities, villages, school districts, public power districts, and other governmental or political subdivisions as provided by statute.

This would allow the Legislature to undertake a broader and more diverse investment program for surplus state funds.

**Apportionment Methods**

The last proposed amendment also contains two parts. The first would change the method of apportionment of the members elected to the Legislature.

If this is adopted, it will provide that the Legislature redistrict the state after each federal census, the next one being in 1970.

The second part would authorize the Legislature to specify representation in districts changed by reapportionment.

With the 1966 general

election, all members of the Legislature will be serving four-year terms with approximately half of the membership coming up for re-election every two years.

At the times of later reapportionments, there could be several members with two years remaining in their terms whose districts would be affected.

Under the proposed amendment the members affected would remain in office through the remainder of their term. The Legislature, in enacting the redistricting, would specify the newly-established districts that these individuals would represent.

In order for an amendment to become part of the state constitution it must be approved by the voters at a general election in which a majority of all votes cast upon the amendment must be in favor of it, and the votes cast in favor must equal at least 35 per cent of the total votes cast in the election.

## Pros, Cons Compared In Contested Tax Issue

The following chart shows the advantages and disadvantages of the three tax systems, as explained by Clayton Yeutter of the University's department of agricultural economics.

### INCOME TAX

- | Advantages  | Disadvantages  |
|---|--|
| 1. Based on ability to pay.   | 1. The tax base is less stable than either property values or sales because individual and aggregate income fluctuates more frequently than property values. |
| 2. Convenient for taxpayer because it is based on the federal income tax.           | 2. Based on a flat rate assessment rather than a graduated one as the federal tax is.  |
| 3. Simple and inexpensive for state to administer.                                  | 3. Those with low incomes may pay nothing to support state government because of the exemptions allowed.   |
| 4. Spreads the tax burden more equitably since all citizens are subject to the tax. |  |

### SALES TAX

- |  |  |
|--|--|
| 1. Everybody pays.   | 1. Regressive "soak the poor" tax.                         |
| 2. It doesn't hurt much since it comes only a few pennies at a time. | 2. Expensive to administer.                                |
|  | 3. Inflexible.   |
|  | 4. Unfair unless production items are exempt from the tax. |

### PROPERTY TAX

- |   |   |
|---|---|
| 1. Stable base because land values stable.                          | 1. Problem with equalizing property values all over the state.  |
| 2. Flexible.  | 2. Complex and costly to have all property assessed.            |
| 3. Simple to collect, counties do all the collecting for the state. | 3. Intangibles and household goods almost impossible to assess. |
| 4. Well accepted, been the tax system for 100 years.                | 4. Burden of taxes on property owners.                          |
|   | 5. Heavy reliance on one type of taxation.                      |

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