

the Constitution provides that you must have uniform distribution for every school district, that is each common school, the question would come into my mind, does that raise the question of using census for distribution as opposed to average daily membership? Is that...does that create a problem? I'm not suggesting it does. It's uniformly applied but it certainly does result in different amounts of per student aid to individual school districts by virtue of the formula and it's historically been the formula for many years. But it seems to me that there could be a number of other issues here that are not answered and I'm not uncomfortable to allow this to proceed this through the court system for a final analysis in the event that some change is necessary. But I find it very hard put to suggest that either of these two opinions in themselves would rule that in lieu of tax going only for school purposes is in violation of the Constitution. Most certainly, the one that was handed out this morning just clearly states that you could not exclude a school district in its entirety from some portion of those funds.

SPEAKER BARRETT: Thank you. Senator Withem, followed by Senator Dierks.

SENATOR WITHEM: Yeah, Mr. President, one more time for Senator Haberman's benefit, what it is we're doing here so that he, hopefully, will understand, because I thought I explained this before what our rationale was. We're not this morning debating the sale of educational lands and funds. That is not the issue. The issue is the in lieu of taxes. LB 807 doesn't deal with in lieu of taxes. LB 188, as introduced, did not deal with in lieu of taxes. Senator Schmit suggested to the Education Committee using that bill as a vehicle to deal with in lieu of taxes. What we are suggesting, what Senator Schmit and I are suggesting is that you bring 188 to the floor to deal with the in lieu of taxes issue so it does not cloud the discussion on 807. LB 807 is to sell the school lands. Frankly, I don't know where I stand on that issue. I am yet to be decided. I'm a blank slate on what Senator Schmit and others can work their will on that particular issue of selling the school lands. What we're talking about is the distribution of the dollars. That's why we need to bring 188 to the floor. We are not debating the sale of educational lands and funds. I think Senator Schmit may have mentioned a couple of arguments in one of his arguments but that is not the thrust of what we're doing here. Senator Warner, just to respond to what Senator Warner had to say, that he does