

go through that procedure they may be but right now we are only talking about whether one or two more students move into KeyaPaha County.

SENATOR NEWELL: Thank you very much, Senator Lamb. With that I would like to strongly urge the members of this body to not put on the Warner amendment. I don't think that it is going to be that great of cost to the Department of Education. If it should be for some reason, a greater cost to the Department of Education, like all departments they will come back to the Appropriations Committee and ask for additional money but it does not need to be limited here. If it is, I am fearful that we will find that in the future we will have to come back in and offer other legislation to clarify that limitation and we may only be talking about a very small amount of money. I think that Senator Lamb's point and the compromise that he has made by allowing only half the reimbursement is a legitimate one, so I strongly urge this body to reconsider their actions in regard to this and not to place the Warner amendment. I think it is absolutely not necessary and I think it will cause problems in the future. Thank you.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Thank you, Mr. Chairman. For the edification of this body this piece of legislation has been before the Education Committee for a number of years. It has also gone all the way to the Supreme Court and we are talking about the best educational interests of the child and I would remind you that I don't believe the State Board of Education is going to be awarding tuitions to certain kinds of students unless in their judgement, according to court cases which have been established, that indeed the interest of the child is being damaged by remaining in the home district. I do not foresee some of the concerns of Senator Warner and Senator Marsh that this is going to open a huge financial burden upon the State of Nebraska because it very clearly designates Class VI schools and if you look at the VI schools around the state, there are really not that many that could be affected in terms of tuition outside of the State of Nebraska. I do not determine either that the school districts we are mainly talking about, which is KeyaPaha, that they are going to have a great number of students that are all going to be wanting to go to Burke High School in South Dakota. There are presently very few of those and with declining enrollments as we know them I believe there will be fewer in the future. And again, I want you to know that there is a court case that defines beneficial interest of students that the State Board of Education will have to consider in making this determination. So I see no reason for us to adopt Senator Warner's