

CLEPK: 27 ayes, 0 nays to cease debate, Madam President.

PRESIDENT MOUL: We have ceased debate and call on Speaker Baack to close.

SPEAKER BAACK: Yes, Madam President and colleagues, this has been an interesting debate. It's been interesting from the standpoint that I don't think that there are very many people that do...that have really looked at the deseg. plans as they are. We don't look at those very much in this state, because we only have one school district that has one. And it's something that is very complicated as to how they implement this in Omaha. And that's why when I first started to write the open enrollment bill that's one of the things I looked was Omaha's desegregation plan and how I could write into my legislation things that would allow Omaha the flexibility they needed to participate in choice, yet not harm their desegregation plan. And I think that I did that originally. And this...this would go counter to that, there's no doubt about that. This would kind of go counter to that because you are talking about a very minute group, a very small group, it is a very specific class, a special class of people that no one else can get into at this point because they were not paying tuition back a couple of years, so you are talking about some special class legislation. Senator Chambers brought up that point. I really hadn't even thought about special class legislation at that point, but it is a point well taken. And it is one that I don't want to see open enrollment thrown out in this state because we have a piece in it that may be unconstitutional and we have a problem with harming the desegregation plan of the City of Omaha, of the Omaha Public Schools. I don't want that to happen. So I think that in order to prevent that from happening, what we need to do is we need to return this bill to Select File, we need to strike the Horgan amendment. I wasn't nearly as convinced of that at the beginning. I thought maybe if we had enough intent language on the floor of the Legislature we might be able to preclude having to do that. But I'm not sure that we can. And should I be unsuccessful in returning this, I will...or Senator Lindsay or I will be offering a severability clause to try and take care of that, in case we are passing something that is unconstitutional here. But I would certainly urge my colleagues to return this at this point. I think we need to do this. It seems to me that we're getting into an area here that we are...that the courts are going to look at very, very carefully, if any of this is challenged in court. And the courts are going