

students. When we passed LB 183 we put, as a legitimate reason not to accept students from the outside, is the fact that you're full; that area taxpayers should not have to build new buildings and hire new teachers to accommodate parents in neighboring districts that want to send their kids in, via the choice plan. It's not true with District 66. District 66 is in an opposite position. It is...has lots of room in its buildings, and they have, through participating in the choice program as a receiving district, have declared their district to be open. They've said they have the room. So that's one distinction. Another distinction is the status of the neighboring district, the sending district. Those districts around Lincoln, I assume under the facts as I understand them, those neighboring districts are participating districts as sending districts. They are...they are allowing their students to leave. District...Omaha Public Schools, the one district in the state that is not an open district in terms of sending, because they have to, not because of anything we did to them, but because of what the courts have done, they have to stick within their desegregation plan. So the two situations are not analogous. I think the rationale for, and I'm not saying whether I defend or oppose what's in the bill concerning Lincoln. But the rationale for treating that type of situation, a district that is closed because they're full, different in dealing with these tuition students is in defining whether or not they were full, they count the numbers of students that attend. And those students that attend include some of those who have been paying tuition to come into their schools. So I think that is the reason why there is a distinction in the bill. And I don't think that where I see the debate flowing is you have to treat Lincoln and District 66 the same. But the facts are not the same, as I see them. So, hopefully, and again that's not to argue whether or not the Lincoln situation is justifiable and ought to be retained, but it is just to point out that there is, in fact, a difference between the two.

PRESIDENT MOUL: Thank you, Senator Withem. Senator Chambers, followed by Senator Morrissey.

SENATOR CHAMBERS: Madam President and members of the Legislature, I think the issue is a very serious one, if you want this bill. If 207 is unimportant, then you can put anything into it that you want to knowing that it's probably unconstitutional, because you have reasons other than good legislation for doing this. I talked to Senator Horgan, and he,