

example, a year ago a Class I had merged with a Class II district, and they had made their agreements and whatever their agreements were they were there, is the effect of your amendment to say with regard to that merger that the attendance center, the Class I attendance center, has to be kept open except for a vote now?

SENATOR SCHMIT: Yes, that is correct. If it is open now it has to be kept open, unless they vote otherwise.

SENATOR BEUTLER: Okay, thank you, Senator Schmit. With that admission, I think that everyone can see that this would be a very, very unfair amendment because essentially what we are saying, to all of these Class II's out there, and all these school districts out there that have participated in a merger is that now the Legislature is going to go back on you and say whatever agreements you may have made there is one more agreement we are adding on top of it. I think that this kind of an amendment is fundamentally unfair and is probably constitutionally suspect. If Senator Schmit would like to do the research on that, and come back with it next time around, I think it would be fair for us to consider it. But I think first of all we should be aware of constitutional problems. But beyond that, it strikes me as simply a very unfair amendment. It is like a retroactive law. We are going back and imposing, on the Class II's and on the Class III's that have taken in Class I school districts, we're going back and imposing a requirement that none of them could reasonably anticipate it at the time they reached their agreements. I suspect that many, many of your people out in your districts are going to be very unhappy about that kind of an amendment. I would ask you not to adopt the Schmit amendment.

SPEAKER NICHOL: Senator Remmers, please.

SENATOR REMMERS: Mr. President, members of the Legislature, I'm going to have to rise to oppose my good friend Senator Schmit's amendment. I would like to address a question to...is Senator Johnson there?

SPEAKER NICHOL: Senator Vard Johnson, would you respond, please.

SENATOR REMMERS: Under 662, as it stands now, we cannot