

increases those in most cases. It increases the nonresident tuition in most cases, although in some cases, it may also decrease it, but in both situations it is unfair because some of these charges for nonresident tuition are unfairly low under the present formula. Some of them are unfairly high. By deleting the language on page 6 as the Withem amendment proposes, then there is no chance for the local district to make it more fair than it is now. And, Senator Nelson, you will remember in committee that I told the committee members that I wanted the bill advanced and I told the committee members that I am receptive to amendments, I am receptive to ideas which will make 1126 a better bill, and so that is what I am doing right now. The amendment which was prepared by the School Boards Association is in the most part acceptable to me. This one paragraph in there is absolutely unacceptable and there is no way I can accept that but, I would submit that the way to a possible resolution of the problem in part is, first of all, to adopt my motion which would reinstate the language in Section (f) on page 6 of the bill, lines 10 through 15.

SPEAKER NICHOL: Senator Withem and then Senator Vickers. Senator Withem.

SENATOR WITHEM: Yes, Mr. President, members of the body, sometimes I wish we had instant replay in here, a big screen up in front of the speakers, up there maybe where the vote board is so we could replay some good debate because what I can say about this amendment at this point really pales in comparison with what Senator DeCamp said a few moments ago when he was arguing in support of the 100 percent, and he said that would be the only constitutional way to make the per pupil expenditure pass muster is if we just did it at a per pupil expenditure a hundred percent. But when you start negotiating, when you start making the opportunities for some districts charge a little less and others a little less than that, and some others all the way down to per pupil expenditure if they want to, you get a mixed bag where you make the whole thing very iffy constitutionally. I didn't realize this until I talked to some people about this bill. I have a perfect opportunity to join with some of my taxpayers to file a class action suit against my local school district. My local school district has a Class I school district abutting it. We do have a nonresident tuition fee. I have sat on that board when we determine this and we are told you can charge up to X dollars, and we