

have said, oh, we want to be good neighbors, we want to be nice guys, let's charge less than that. When you do that what you do is you make the taxpayers that live in the district bear a disproportionate share of the cost of the education of those young people. It is not fair. If you believe that tuition transfer, excuse me, tax equity is the right way to go as I hope you will when you adopt this amendment, then it has to be that way. You leave this arbitrariness, this ability to make these capricious sorts of decisions, you really are taking a risk with constitutionality, and Senator DeCamp, even though I didn't like the idea of the 100 percent for per pupil expenditure as a basis for determining this, I think he was right in saying if you shift away from a set formula and allow the negotiations to take place with the local school board, then you run the risk of being constitutionally vague. Secondly, it is just not right. How many of you in here that live in Class III, Class IV, Class V school districts have the right to go to your board of education and negotiate your tax rate? What Senator Lamb is suggesting by leaving this language in the bill is that Class I school districts can go to their local school boards and negotiate what their tax rate will be. Say, well, we don't really like that dollar amount that you say the formula says, we urge you to lower that, and you put the school boards of the receiving districts under incredible political pressure to lower that amount and to sell out their own residents. I think this is an excellent change we need to make in the current procedure is to mandate that this fee will be charged. I don't accept that this is just a simple small amendment. I would ask you to reject it.

SPEAKER NICHOL: Senator Vickers, please.

SENATOR VICKERS: Mr. President and members, this issue is one that I think we all ought to recognize is part of the reasons that 662 was passed last year because it is difficult to figure out a mechanism to charge somebody for their high school education when they are really not part of that high school district. And if you look at this particular statute, you will notice how many times it has been amended over the years, and I think that just points it out. Now what the issue of 1126 is to begin with is a philosophy and we have talked about that, the philosophy of a per pupil cost. On the other hand, the philosophy that we currently have in the statute and the one that Senator