

tuition and it deals with it, I think, in a fair manner and if Senator Warner wants to get to the business of nonresident tuition then he should I believe go to the statute that deals with it where it says that the receiving school shall receive no less than their per pupil cost and it prescribes a formula under which you shall arrive at that cost. In fact, there was a court case in the State of Nebraska several years ago brought by the N.S.I.A. of whether or not that formula could be prescribed by the Legislature in the manner in which it was stated. The court upheld and said, yes, it can. In fact the court very simply said that the school shall charge no less than and now for us to deal with what Senator Warner is attempting to do here and I know why he is doing it and I suspect I would do the same thing. This is not the place for it. If you want to deal with it in 486 then that is the place for it because you are dealing with the section of bills that deal with accountable receipts in every aspect of state aid. We are dealing here with strictly a flat grant on a factor basis depending upon a grade level and how it is given back to the public schools in the State of Nebraska and I would think that Senator Warner would want to withdraw this amendment and try to place it on 486 because properly that would be the place for it if we want to deal with it with some degree of sincerity but 494 is not the place to add this amendment and I have to respectfully ask that we not consider it here. Senator Warner knows the state aid as well as I do, possibly better because he has carried state aid for a lot of years and it hasn't changed appreciably. So I ask you to reject Senator Warner's amendment and allow Senator Warner to try to place it on 486 when that bill gets its debate and hearing in this body. Thank you.

SPEAKER MARVEL: Senator Newell and then Senator Vickers.

SENATOR NEWELL: Mr. President and members of the body, I would like to ask Senator Warner a question if I could. Senator Warner, the rationale for limiting it to 120% again, if you could ever so briefly help me out with that. I would appreciate it.

SENATOR WARNER: The rationale is two things, Senator Newell. One is that the formula is identical to what the formula is for seventh and eighth graders so you use that formula plus 20% recognizing that there is some benefit in the long run, not some benefit, some effect, well maybe benefit too, in the long term that the district that has nonresident pupils