

that system should be willing to carry some of the financial responsibility for those who do not share that same cost. And there are those of you sitting in this body who know that that cost is higher. So there may be a few cases in this state where the nonresident tuition student fee may be higher than it should be. But I submit to you that is primarily in the smaller high schools where they are charging what might be costs beyond what they can truly justify. Senator Lamb mentioned the present law we have. That's right, it was passed about 1969, which said that the receiving school cannot charge less than their per pupil cost. In fact, there was a court case on it and the court upheld the law as being correct and appropriate. So if there are certain schools in the State of Nebraska who charge nonresident tuition fee beyond the higher cost, those people who send those children can look to other high schools to take those children at a cheaper cost. They are not bound to go to that high school. They can send them to other high schools. I know high schools in the eastern part of the state have taken children from Cass County, from various counties that are a considerable distance from where their schools are located, but that was the choice of the parent to send them there. So we are not saying that children are bound to one system. They can go to any other high school system and for those children for an agreed figure whether it is 2 thousand, 3, 4 or 5, or the high number which was quoted earlier of 6 or 7. So I am saying that the committee saw fit...we could not satisfy the Class I schools and some of the Class IIs and IIIs who take nonresident tuition students by providing a formula. And I suggest that we allow the local Board of Education who is the receiver of those children to arrive at a figure they think is appropriate in terms of cost and indebtedness which has been assumed by that community in order to carry out a high school setting. I suggest to you that were it not for that high school setting these people would have had to invent themselves some place to build that same system to provide for education through age 16 which is mandatory by constitutional law.

SPEAKER MARVEL: Your time is up.

SENATOR KOCH: So I oppose Senator Lamb's amendment which would reinsert the stricken language, Section 1 and 2, the formula for nonresident tuition students for the high schools in the State of Nebraska.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. Chairman and members, I would have