

time now. I have to say that I am one of those people who have had some concerns about it, but I think that there has been some real effort to try to work this out and I'm not supportive of saying if one part of this is found not to be constitutional, we throw the whole thing out, where are we going to be then? Can you answer me that question?

SENATOR COORDSEN: We'll be where we are today.

SENATOR SMITH: Which is what? At the end of...if nothing happens with this piece of legislation, what will happen ultimately?

SENATOR COORDSEN: Ultimately, I would imagine, Senator Smith, that there will be other efforts put forth, but what is existing currently in the state would be the same as it was before 940 was enacted.

SENATOR SMITH: Thank you. Senator Withem, could I ask a question, please?

SENATOR WITHEM: You certainly may.

SENATOR SMITH: Senator Withem, can you tell me if, in fact, we end up doing this, if there were enough support for this request, the whole thing is thrown out, 259 is not with us any longer, what will happen? I thought we were under some sort of mandate basically to get something...you know, to make some changes here. What would happen? Where will we be then?

SENATOR WITHEM: Senator Coordsen...you're correct and Senator Coordsen is correct also, that currently we are under some sort of a mandate because we have repealed nonresident tuition effective in '91. But what this bill says now is if the bill is declared unconstitutional, that we don't go back to waiting for nonresident tuition to go out of existence. We go back before that to the law as it currently exists today is my understanding, the way it is being operated today. In other words, if this is unconstitutional, we go back to our current nonresident tuition formula.

SENATOR SMITH: In other words then, Senator Withem, in your opinion where will be with this whole problem that we've had in dealing with this issue? Where will they be, the Class I's be?