

totally irresponsibly. If we pass a bill because the lobbying efforts have got the votes tied up that are going to tie it right back in court and probably be defeated. I wish the senators would read that opinion on the bill that we are looking at right now with no substantial changes. I think it clearly reads that the problem deals to uphold it in the courts and the law suit is out there and will be amended or reinstigated to stop the distribution of that 70 million dollars. Then it either goes back on property tax, on the real estate or else we have a special session and work it out here, unless it can be delayed until next year. I just urge the body to look at the facts, the arguments and weigh them in their minds, and support this amendment of Senator Newell's. Thank you.

SPEAKER MARVEL: Do you wish to speak on the Newell amendment? Senator Koch, do you wish to speak on the Newell amendment?

SENATOR KOCH: I move the previous question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? All those in favor of ceasing debate vote aye, opposed vote no. The motion is shall debate cease. Have you all voted? Record.

CLERK: 25 ayes, 8 nays to cease debate, Mr. President.

SPEAKER MARVEL: The motion is carried, debate ceases. Senator Newell.

SENATOR NEWELL: Mr. President, I have the amendment to be distributed, but since I am closing I won't have much of a chance to do that. I would like to reiterate what we are doing with this amendment. Very simply this amendment puts 691 into 882. What we allow here is we allow those people who feel a great pride of authorship, those lawyers who worked diligently to try to make 882 constitutional and were unable to do that, and those special interest groups that feared that maybe if the Nebraska Legislature writes their own tax law, on personal pay back formula, that it will begin a precedent that would be long remembered here in the halls of the Legislature and have been afraid of having 691 be that vehicle but would prefer to see the letters 882 passed the Legislature, we can satisfy all of those peoples desires by putting 691, a bill that is constitutional a bill that has a reasonable formula, a formula that will not be constitutionally suspect, to put 691 into 882 which will basically resolve this issue of pay back formulas for a long time to come, not just a one year solution, until the Supreme Court