

April 27, 1981

LB 284

amendment is found on page 1576. It is printed separately. You will find it in your bill books. It is Request 2341.

PRESIDENT: All right, Senator Newell.

SENATOR NEWELL: Mr. President, members of the Legislature, LB 284 is one of the most significant issues that we have dealt with this session, and last session, and the session before that, and for many years the question of distribution of the \$70 million has been before this Legislature. Very briefly, I would like to explain a little bit of the history that we all recognize and that is that we have concurrently passed 518, which was constitutionally suspect, later amended by LB 882 which was constitutionally suspect, and later declared unconstitutional, and now we are in the process of dealing with LB 284 which in its present form the Attorney General says is constitutionally suspect. Now this Legislature which usually is very concerned for the Constitution and is usually very concerned for the oath of office that we have taken, when it comes to \$70 million of state aid money it has not been quite as diligent, and is concerned about the Constitution and the opinions of the Attorney General which have so far been proven to be correct, and basically have taken the advice of various interests and moved these bills ahead without really analyzing whether or not they would be court challenges and whether those challenges would be upheld. We have today I think a very simple choice, a choice that basically offers two proposals, one is the Schmit-LeCamp proposal which I think is clearly clouded constitutionally, at least, the Attorney General has made it ever so clear that that is a problem, or that he believes it is a problem. The proposal that I am offering today is one that I think will stand the test, will be a long term solution, one that won't come back to this Legislature just next year and basically is organized in such a way as to provide an honest and sincere attempt to try to find a long term compromise solution to this problem. I want to say that the idea that I have in this amendment which I am about to explain really came from a series of proposals that Senator Schmit offered. The similarity is very, very close. The difference is that my proposals, believe it or not, are weighted more towards the rural areas than Schmit's proposals were. It is quite a unique situation in itself. Basically, we are talking about an aid formula that would use the Schmit proposal for the distribution of the \$70 million on the current fiscal year and that formula basically provides \$38 million based on agricultural land values, 31 based on commercial industrial property values, and 1 million