

April 27, 1981

LB 284

think that we achieve a major purpose. In addition, I think we have something that is constitutionally sound and that obviously has been a problem. We would not be here on April 27th continuing to debate this issue if we were not continually running into constitutional flaws. I think that rather than risk any further constitutional jeopardy with this fund, we should go with something like Senator Newell proposes, something that is established, something that is sound, something that is simple and something that is understandable. For those reasons I support the Newell motion to return LB 284.

PRESIDENT: The Chair recognizes Senator Beutler. Senator Beutler. Senator Beutler calls for the question. Do I see five hands? I do. The question then is, shall debate cease? All those in favor vote aye, opposed nay. Have you all voted? The question is, shall debate cease? Record the vote. Cease debate. Everybody is supposed to be at your desks anyway. You can't have a Call of the House, they are all supposed to be here. Record the vote.

CLERK: 17 ayes, 9 nays, to cease debate, Mr. President.

PRESIDENT: The motion fails. The Chair recognizes Senator Clark. All right, do you want to call the question again? I thought maybe that would bring somebody to their desk. You pass then, Bob? You pass then? Okay. The Chair recognizes Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker and members of the body, we apparently are down to two alternates to deal with the 284 problem. The one is that which has been proposed by Senator Newell and which we are now discussing, and the other is that which has been proposed by Senator DeCamp and signed by a significant number of members in our body, and I assume if the Senator Newell amendment fails, we will take up the Senator DeCamp version next. This weekend I spent considerable time reading the Attorney General's Opinions that have been issued over the last several years on the state aid formula and in addition rereading the Nebraska Supreme Court decision in Douglas versus Marsh, which was a decision that held LB 882 unconstitutional. I think what impressed me as I read the several documents again and again and reread and reflected on them was the realization, the realization that our continued insistence on attempting to return to local subdivisions monies that the local subdivisions have lost by virtue of our exempting business inventory, farm livestock and farm equipment from the total property