

least, at least the issue has been laid to rest and we can go about doing the other business in this body. In fact, as Senator DeCamp well knows it was I initially who suggested using the valuation formula about a year and a half ago in my office, and then upon some further reflection I thought that probably was not the better way of going, and so I have opposed it ever since then. From time to time I do make some off the wall remarks. But in all honesty I cannot today vote to support Senator DeCamp's amendment, and the reason why is I feel the need not just to be a politician, not just to be a legislator who is prepared to lay down his arms and to say, okay, the other side's point of view is going to prevail, but I sit out here with a Supreme Court that has taken a position on how we have handled the state aid issue, and that court's decision in Douglas versus Marsh is unequivocal. That court's decision is, for us to rely on historical data in the classification system is unconstitutional. Now you and I have had the benefit of several Attorney General's Opinions that deal with, (a). The valuation concept now built into the DeCamp formula, and the Attorney General has said, those provisions are clearly unconstitutional in light of the court's holding in Marsh versus Douglas. We have also had the benefit of Attorney General's Opinions in connection with the initial Schmit-DeCamp formula and the Attorney General has said, the most we can do in defending the constitutionality of that formula is maybe to convince the court that it could be upheld for a two year time period, but that is the very best. Now my feeling is this, I think we should repudiate the DeCamp-Schmit amendment. We still have 22 days left. There is no reason in my heart for me to believe that we rational people cannot construct a distributional formula which will be of benefit to virtually all of us and our constituencies in here. The problem, simply speaking, is that individual members in this body in a sense have a personal stake in having their particular point of view prevail, and sometimes our needs for vindication, our needs for self-fulfillment in a sense rise too strongly and it prevents our rational judgments from ultimately succeeding. I do believe that we commit a major error in allocating \$70 million to our local governments knowing in our minds, not necessarily in our hearts, but certainly knowing in our minds that those distributional formulas are unconstitutional, and that a few months from now or a year from now our local governments will be told the very same thing they were told this year in connection with LB 882. So I would ask you, fellow members, not to accept the second best simply because the Newell amendment lost. I would ask you to reject the second best because of its problem with