

back based on commercial lands and right up down the line. The courts may be somewhat puzzled as to why this body used the kind of arithmetic and the kind of valuation schemes encompassing those first two years. I think that the point is well delineated in the Attorney General's opinion #62 appearing at page 1247 of the Legislative Journal. In that opinion the Attorney General says quite simply that this particular formula is one that is still married, so to speak, to the 1975, 1976 and 1977 reimbursement formula. In fact, what Senator Schmit is doing according to the Attorney General through the formula that he is now proposing to use is to continue to try to replace taxes lost by local subdivisions by virtue of the repeal of the tax on business inventory, farm equipment and farm livestock. Now I want to call attention to the language of the Supreme Court in Douglas vs. Marsh where Judge Krivosha writing for the bench says, "We fail to see how it can be argued that there was any reasonable classification when the classes in the first instance are based upon historic facts alone." I make this point again because under the first two years of the DeCamp amendments, the methodology used to send money back to local subdivisions is based totally on historical facts alone and those historical facts are 1975, 1976 and 1977 data, data which is now four years old. It is my opinion at least that that methodology of sending the monies back is likely to be found unconstitutional. Now as for the third and subsequent years, the method for sending the money back is the valuation concept and one of the things that Senator DeCamp has done is he has said, "I am placing in Section 8 of the amendment, what I call an intent statement and the intent statement tells the courts what it is that this Legislature intends in establishing a classification system of sending monies back based on valuation." He says, "We intend to some extent for our distribution of monies in accordance with evaluation to be need based. We intend to some extent for our distribution of monies based on valuation to be in the form of basic property tax relief." Now frankly, it is not my opinion that the valuation scheme reflects that intention because some counties may have lots, may have high valuations and other counties may have low valuations...

SPEAKER MARVEL: You have one minute left.

SENATOR V. JOHNSON: ...and yet counties with high valuations have little property taxes because they have low mill levies and counties with low valuations have high property taxes because they have high mill levies and accordingly sending money back simply on the basis of valuation is not designed to provide property tax relief. It is my opinion also that to send money back to enhance the valuation concept is counter-productive when we have in our state school aid formula to wit,