

SENATOR HOAGLAND: Mr. President, colleagues, I'd like to arise to oppose the DeCamp amendment. I am tempted to call the question but I think it is probably too early in the debate to do this and I know other people want to speak. Let me keep my arguments brief. Others have discussed I think quite well the substantive issue of the LB 816 formula from the point of view of Omaha, Lincoln and other urban legislators along the Platte River and I won't repeat those arguments but I think they are valid. Let me talk instead about the fundamental policy problem I have with John's amendment in that he would, in effect, delegate this very important substantive issue to the Nebraska Supreme Court. You know so often in the four years that I have been in the Legislature I have heard legislators complain about the courts usurping legislative prerogatives and usurping legislative authority, really deciding more questions than they could or than they need to. I think in most cases those arguments are spurious but nonetheless I think there is a feeling in the Legislature and in certain areas outside the Legislature that the courts really get too involved in making policy and too involved in legislative decisions. Now the problem, one of the fundamental problems with John's amendment is here we are relinquishing the very important legislative policy decision to the Supreme Court. We're asking them by way of ruling on a constitutional question of the constitutionality of the current formula to essentially make that decision for us. Now this is clearly a legislative decision, one that is appropriately decided by the elected representatives of the million and a half people that reside in Nebraska and I think it is important for us to make that decision right here where it belongs. These policy decisions in this particular milieu, in this particular area are really not appropriately delegated to the courts and I don't think we should do that by way of John's amendment, simply bucking it over to the court so that they can make these tough decisions for us. Now in addition to that, I know that Senator Newell and others are going to talk about how absolutely essential it is that the political subdivisions, at the very latest by August 15th for their internal budgeting purposes, know exactly how much state aid they are going to receive. Others will argue that the political subdivisions of course in developing their budgets no later than August 15th if they have not heard from the Supreme Court under Senator DeCamp's amendment will have to assume the worst and have to assume it will get the least amount of money available under the two formulas. A lot of political subdivisions are going to raise property taxes in order to take care of assuming the worst case in order to make up the revenue difference. Now we also know that the Supreme Court is probably going to have a very difficult time making this decision by July or August. The May call in the Supreme Court has already been published. It was published yesterday, dated