

April 13, 1982

LB 816

April 12, and on the call of cases that are going to be heard in May this case is not listed. Indeed, John has indicated that the briefing schedule has been postponed. The case cannot be called for argument until the briefs are completed and the briefs haven't even been completed yet. Also yesterday there was published the proposed call for the month of June and this case was not listed on the proposed call. We know from Senator DeCamp's conversations with members of the court that it will take eight or ten weeks after the case is argued before it can be decided. If it were argued in May, and it is not on the May call, it couldn't be decided until July. If it were decided in June, and it is not under the proposed call for June, it couldn't be decided until August and we know that the political subdivisions have to have an answer by August 15. So practically speaking...

SENATOR CLARK: You have one minute left.

SENATOR HOAGLAND: ...practically speaking I just don't see how the court is going to be able to get to this matter on time. If they do, it will only be because they are feeling tremendous pressure and I think we're probably somewhat less likely to have a truly sound decision by the Nebraska Supreme Court if they are fighting a deadline and if they do, in fact, decide the case under tremendous pressure. So for these reasons, these procedural reasons alone, I'd ask that you vote against the DeCamp amendment. Thank you.

SENATOR CLARK: Senator Fenger.

SENATOR FENGER: Thank you, Mr. President, fellow members, a year ago when we discussed LB 284 I think I was one of the most ardent proponents of the DeCamp formula of distribution. As a matter of fact I felt so strongly that the record should show that I was one of a few people who voted against 284 on Final Reading in order to show my support for Senator DeCamp. Today, however, I have to oppose this amendment because now, a year later, in essence the DeCamp proposal says three things. Number one, it says the Attorney General's opinion of the third year distribution in LB 284 is wrong. Number two, it says the district court decision of Lancaster County is wrong. Thirdly, it suggests that the Supreme Court of this state will affirm Senator DeCamp's opinion at some future time. Now after two sessions of sitting in the back of these chambers I've gained a rather healthy respect and admiration for Senator DeCamp's ability and his expertise but, ladies and gentlemen, in my humble opinion this proposal is carrying "trust me" just a little too far. You know the biggest fault of the DeCamp proposal at this time is simply this. Every school district in this state, every city, every village and every county is