

you know it. We haven't got the courage. We talk about it. Oh, yeah, we talk about it. We put a lot of bills out here but there's no money in the bills. Enough for that. Let me read you, ladies and gentlemen, from the opinion of Mr. Spire dated March 15th. It says, "(b). The law is well settled. A grant by Congress of land to a state for the benefit of common schools is an absolute grant", etcetera. "Hence, Section 7 of the enabling act and Section 9, Article VII of the Constitution of Nebraska mandate that income from unsold school lands be exclusively used for the support and maintenance of the common schools in each school district in the state. As noted in your inquiry, some school districts do not receive funds pursuant to the equalization portion of the School Foundation and Equalization Act and, therefore, your above described amendment to 807, would, in our opinion, be unconstitutional." Very simple. Some schools do not receive money from the in lieu of tax payments. I consider that to be unconstitutional. We can continue to hide our heads in the sand, as someone said yesterday. It's not going to go away. It is here and Senator Warner says he is not uncomfortable with letting the court make the decision. Ladies and gentlemen, that's a very profound statement, of course, but it does not address the fact that we know, we know, and I think Senator Warner knows, as do most of you, that the in lieu of tax funds will not held to be constitutional. I can be sympathetic with those of you who don't get the funds today. I am sympathetic. That's why I voted for the bill in the first place. I think it's unfair that you have all the land out there and you do not receive anything to compensate you for that loss of income. We tried to do that. The counties don't receive anything from it now. The cities don't receive anything from it now. The NRDs don't receive anything from it now. And there is a point which Senator Warner makes which says the money still goes to schools. Fine, but it does not go equitably. He raised another good point as to whether or not money is being distributed equitably now under the Constitution. Maybe we ought to take a look at some of that. It would not be a bad idea, in my opinion. That's not the issue here. I want to emphasize once again what we discussed earlier and I have, I believe, cleared up the problem with Senator Haberman. LB 807 does address the issue of the sale of school lands. LB 188 did the same thing but the reason I want to bring the bill to the floor, along with Senator Withem, is because then we can use it as that bill which would then be the vehicle which would carry the amendment to sell the school lands. That's why we do need 188 on the floor if you are