

statutorily and I don't think that we need a constitutional amendment to deal with that problem. Finally I am a little concerned when the constitution, if this is passed, when it says, "the Legislature shall provide the necessary funds," and what concerns me is who decides who the necessary funds are. It says "shall". It is a mandate. It is a constitutional mandate to all of us on this legislative floor to provide the necessary funds. Now this seems to me that if we did not agree with say what the schools say they need for Special Education or if we did not agree with what the counties said they needed for a program such as Aging Services, they say they need \$10,000,000. We say you only need \$7,000,000. They could take us to court under the constitution and say, we need \$10,000,000. That is the necessary funds and we would have to pay that. We would be under a constitutional obligation to accept what the local subdivisions say is the necessary funds. We would, within this Legislature, have surrendered the appropriation power that we have through a constitutional mandate and we are all obligated under the oath that we take to follow that constitution and it will be the Supreme Court that will be deciding the necessary funds and not this Legislature. It sounds like a good idea but I think Senator Newell is making the point that when you write things into the constitution you write an obligation that lasts for decades and you had better be very very sure of the legal implications of that and I think that the subdivisions would learn very quickly how to manipulate this to get us to pick up their costs. I would again say that a number of political subdivisions have supported efforts to ask them to expand their powers and I don't think that we should freeze local government as of January 15, 1980, and says that is all local government can spend with their local money. Local government, if it is to survive, must be vital, it must grow and I don't think that we should have to fund every program that they ask us to require. So I agree that this should not be in the constitution. I do not believe the bill should be advanced.

SPEAKER MARVEL: Before we take up the next motion, underneath the north balcony is a guest of Senator Cope, Mr. Dick Poston of Kearney. Would you rise so we can say hello. The motion on the desk, the Clerk will read.

CLERK: Mr. President, Senator Newell moves to indefinitely postpone LB 324.

SPEAKER MARVEL: The Chair recognizes Senator Newell.

SENATOR NEWELL: Mr. President, members of the body, in