

April 16, 1981

LB 284

CLERK: Mr. President, Senator Schmit moves to overrule the Speaker's agenda so as to consider LB 284 today.

SPEAKER MARVEL: The Chair recognizes Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I think we are all aware of the opinion of the Attorney General that places LB 284 under suspicion. I believe we are all aware also of the fact that at this point in time we have two major problems to resolve, one is the question of distribution and the second is the fact that we are racing against time. I am sure that this Legislature does not want to go back to our respective districts after the session without having a formula which we can use to distribute the \$70 million which the subdivisions have been expecting, and I am sure also that even before this Easter recess is to begin that we want to have some idea of what we are going to do. As I have pointed out to you and I have suggested an idea as an amendment to LB 284, the portion of that that we know is constitutional, at least which the Attorney General says he can defend is that portion of the formula which divides the revenue based upon several formulas, one, the amount of rural real estate and, two, the amount of urban commercial valuations that we have. I recognize that there are others that will need to be discussed and debated, but we recognized also the futility of doing something which could be suspect. That has especially reinforced my way of thinking because of the fact that after I announced that I would like to use a 90-10 formula for the third year distribution, I have been told that the Attorney General may not be able to defend that plan. So that adds to the problems that we have, and I am sure that all of us recognize that we are not here to necessarily defend our own turf and see who can get the most out of the \$70 million pot but to do what is as nearly equitable as we can. I recognize and respect all of the various proposals. I am sure the Revenue Committee will be working very diligently during this interim period and I think that we should all address ourselves toward that end. We should give Senator Carsten and his committee any assistance, any suggestions that we might have. I have said before that I will look at any plan, and I am sure that all of you will be glad to do the same, that can distribute these funds as rapidly and as equitably as possible. I know that when we come back we are going to be under a lot of pressure. Budget bills will be before us. I wish it were possible to take this action today and do something constructive. But since the motion