

mind that that will not take place, that unless you adopt Senator McFarland's resolution that unless you expand the call, call us into a special session that deals with the entire system, allows for the opportunity to look at other alternatives than those that have been proposed, we will be back here in January of 1990 and dealing with the issue again. My genesis in the Legislature was on this very topic. I came in in a special session that dealt with the Banner County case. The Holiday Inn issue was my baptism in this body and I have yet to come up for air. The issue here should, I think, be do we take responsibility for the tax system in this state? I say, yes. I mean, that clearly is the only question you have to ask yourself in terms of Senator McFarland's resolution. If you're for that then you say that the reason we're here is to correct the situation to the best ability that we have. Currently, we don't have the opportunity, we don't have the tools to do that. I would urge that the body support Senator McFarland's resolution. We are here. We're here for at least the next seven to eight working days and I think that during that time our time would best be spent looking at the overall system and addressing it prior .o January of 1990. Thank you, Mr. President.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Thank you. Further discussion? Senator Schmit, followed by Senator Nelson.

SENATOR SCHMIT: Mr. President and members, Senator Hall mentioned the fact that he cut his teeth on the special session as a result of the Banner County decision and many others of us remember that. We recall at the time or prior to the time that we were called into session. Governor Kerrey insisted that he did not need a session, would not have a session, could not have a session. Later on, there was an emergency and it became imperative that we have a session. Then, unfortunately, this body, following a very narrow rule and a rule by the Attorney General, chose not to address the issue, and that very decision not to hear LR 1 introduced by Senator Haberman who is with us today, DeCamp and Pappas, I believe, was determined to be outside the call, and, therefore, we did not address it. When the decision came down from the court, and I will paraphrase the language because I'm not that familiar with it anymore, it seems to me they said that the Legislature had before us LR 1 which would have repealed the uniform and proportionate clause of the Constitution. Since we chose not to address that issue, we,