

Senator Hall would move to bracket LB 7 until 12:00 p.m., November 17.

SPEAKER BARRETT: Senator Hall, please.

SENATOR HALL: Thank you, Mr. President. Now at the appropriate time I would stand and only offer the motion to get some things in the record. The personal property tax issue that we dealt with has been around for a number of years. We have not dealt with it, I don't think, during this Special Session in an appropriate manner and it is the reason for my opposition to all three of the bills that we have before us today. The history goes back to, the most recent history, at least to 1982 and what the court said in that case, which was Konicek v. Board of Equalization was basically that...and the case dealt with different methods being used to assess land and was being used with regard to assessing improvements to those lands, and the court said at that time that "The effect of the system of assessment used to value farm real estate was to create separate classifications of unimproved farmland and improved farmland with no correlation between the classifications. This method of assessment is not permissible under the constitutional requirement that all tangible property be valued uniformly and proportionately." In other words, basically, what the court said is that we can't classify land and then treat it differently. In 1984, we had the Kearney Convention Center, the Board of Equalization for the state. What they said there was that, basically, we had a case that 44 percent was valuation purposes for ag land whereas 100 percent of valuation was being used in the case of the motel. The court said, "We reiterate that it is possible to reasonably classify property for tax purposes and to use different methods of determining property for tax purposes, determining assessment values for different classifications of property. To comport with our Constitution's requirement that 'taxes shall be levied by valuation uniformly and proportionately upon tangible property,' however, the results obtained by such permissible different methods must in some way correlate so that the results reached shall be uniform and proportionate and shall not exceed actual value.", "...and while such properties may be appropriately classified into logical methods of determining values of such subclassifications may be utilized, the answers obtained as to the values of the various subclassifications of property must be correlated so that all tangible property shall be assessed uniformly and proportionately." After that, we dealt with the issue of