

November 17, 1989 LB 1, 2, 7

involved with it in the Special Session by virtue of the Attorney General's opinion. I would have introduced the bill in any event in a regular session, that was my intent, but when the Attorney General said that it probably needed to be enacted in calendar year, 1989, I am sure you have all read the opinion, it became clear that it would be desirable and a better opportunity to get clarification, and I would hope that that position which, as I recall, represented 37 members of the body...

SPEAKER BARRETT: One minute.

SENATOR WARNER: ...signing that brief was for further clarification, that is exactly what this does, LB 7 does. I believe it will be expedited in the sense there may be a few days difference, I don't know that. In any event, the court would determine it, not this legislation. So I would urge that the amendment be rejected and allow a process that has been underway for some months to proceed and one which others, who have some reluctance on the bill, nevertheless acknowledge other tax experts seem to believe it has merit.

SPEAKER BARRETT: Thank you. Senator Schmit.

SENATOR SCHMIT: Mr. President, and members, I would rise in opposition to the motion. Senator Withem said he didn't know how he was going to vote this morning coming down on this bill, and he doesn't need to feel bad, the Revenue Committee voted against it in February. They all voted for it two days ago, and so I would suggest that we have an option of changing our mind. I think the bill was necessary back in February. I think it was probably a better bill in February, a more timely bill, than it is today, but for purposes of classification of property, I believe we still need the bill. I have no doubt that there is going to be a court decision, a court determination on some other aspects of the bill at this time, and that is what we expect and anticipate. My principal concern is not with LB 7. My principal concern is with LB 1 and to a lesser extent with LB 2. You know, the Legislature, we were told many times, came down here to deal with a \$30 million problem, a \$30 million fly which I shall call personal property tax. That fly has been buzzing around our nose for sometime, and out in the pasture we have a billion dollar milk cow, which I am going to call real estate. Now unfortunately, the \$30 million fly landed between the eyes of the billion dollar milk cow, and the Legislature with the passage of LB 1 swatted the fly and killed the milk