

are. If this amendment gets adopted or if other provisions that repeal all personal property tax, particularly with no replacement revenue and the shift is onto the already overly burdened real estate owner, whether that be ag property or residential real estate or business property, if that shift occurs, it is far more detrimental to the state and to my support for any measure than allowing MAPCO to continue to take effect. If the game is to force us into the two extremes, I know which corner I'm running to, and I think a lot of other people do too. I'm not saying that as a threat or as a negotiating point. It is a fact. It's a fact I have been comfortable with from the general session to the special session all of the way through, despite the fact that I have been working for a middle ground approach. LB 1063 is now a middle-ground approach that I can support. It goes further than I would like it to. People start asking me to defend the depreciation methodology of valuation, you're not going to find a strong defender of it. I would prefer an ad valorem method. But I support the depreciation methodology as a way of solving the problem and finding a solution that will...will bring us to a middle ground. This amendment that has the effect of moving us toward a continuation of not taxing personal property and shifting that to real property is not a viable option. If it gets adopted, 1063 is not a viable option, the constitutional amendment is not a viable option, and then we have wasted a lot of time. The other thing I want to comment on is the constitutionality of it. I have read MAPCO and I assume everybody else has read MAPCO. I read MAPCO as a very strong, direct statement. As a matter of fact, when the Supreme Court was asked to have a rehearing to clarify...

PRESIDENT MOUL: One minute.

SENATOR WITHEM: ...their ruling, they said, what, you dummies, can't you read? I mean, they didn't say it in necessarily that language but that's what they were saying. It's very clear that the Constitution says all tangible property must be treated the same. If we don't amend that, we can't exempt personal property despite what the bill says. We might as well repeal the law of gravity in here as to try to change our Constitution through passing a statute. You can buy time. You can avoid the issue. You can go home to your constituents and say, yeah, we saved you another three or four months from the inevitable, but the inevitable is out there. If we don't repeal...if we don't change the uniformity clause of the Constitution, everything is