

March 5, 1992

LB 1063

LR 219

SENATOR MOORE: Well, Mr. President, and members, I guess in some ways I don't really oppose this amendment, I just...the trouble is I don't think you can do it. I mean, we've all probably read some of the memos written about the possibility of passing a law contingent upon the Constitution passing after the fact and, as Senator Warner discussed in his opening, there is two different points of views of that, but it's just one of those things, once again we're leaving to chance whether or not we can accomplish our goals of passing LB 1063, yet for the '92 tax year when, obviously, the most prudent thing to do...and if we really wanted to make sure that business in the State of Nebraska knew exactly what we were doing, I have always advocated that what we need to do for '92 is exempt property for '92 and if the constitutional amendment does pass and if we do want to pass LB 1063, that cannot go into effect till next year. I think what...I think it's just a hope and prayer that this is going to work. And I guess it's better than nothing, Senator Warner, but I guess you're not going to convince me that we can actually do it. And there's been several cases ruled where, you know, legislation passed prior to the Constitution being changed has been thrown out. I don't know about the possibility of making a constitutional amendment retroactive. That's a concept that may have precedence but I'm not aware of it and it's causing me a great deal of concern. And I think, once again, even if you don't buy into the fact that you really need...that you can't do what you want to do for '92, I think, once again, the safe thing to do and at least save us a little bit of litigation would be to scrap this portion of the Constitution...constitutional amendment, adjourn on the fifty...recess on the 58th day and come back and pass whatever, whatever oompah we're going to pass on this issue and come back after the fact, after the constitutional amendment has been dealt with by the public, if it's in May or whenever. I think that's the...if you really want to concern about doing something, that's probably the only way you can be sure. And I guess, once again, being an opponent of both measures, I'm sure few people are going to listen to me, but I think what we're trying to do with this is making a constitutional amendment retroactive so we can pass this bill and not have to come back in July, that's certainly much more convenient. I don't think it's possible but, nevertheless, this amendment, you know, is a stab in the dark to make that work, but I think you're running the chance of, once again, that LB 1063, even if it is constitutional after the constitutional amendment because of the