

March 5, 1992

LB 1063

LR 219

time when it's passed and enacted prior to the constitutional amendment being voted on by the people, if it gets approved, it may be too late at that point in time and I, once again, applaud Senator Warner for trying to minimize the litigation. I just have my serious doubts on whether or not it will...it can work.

SENATOR CONWAY: Thank you, Senator Moore. We'll move to Senator Hall, please.

SENATOR HALL: Thank you, Mr. President, and members, again, you know, the entire proposal is drafted to supposedly fend off any legislation except for this provision. This one begs for a lawsuit. That's all it does. It just stands out there and says, sue us over this provision. The case law is lined up. We can get it for you that shows that this just is more than likely not going to happen. It's...it's like the other day with the germaneness rule. You know, go ahead and suspend the rules. If you've got the 25 votes to override the Chair, why not just suspend the rules and do it the right way. You've probably got the 30 to do it. I mean, it's going to happen. But don't bank on the fact that this will keep you from having to come back into a special session and worry about what could or could not happen during that special session. If nothing else, you take away one of the arguments from the detractors of the Constitution...the constitutional amendment, that you can't do this and we're going to sue you. And I guarantee you that the folks who are going to be hit by LB 1063 are going to just take up that gauntlet and they're going to hit you over the head with it when it goes out on the road this summer. They're going to just say, hey, that's not what we're going to do, we're going to sue you and here's the provision we're going to do it over. It just makes very little sense to go looking for a fight if the arguments behind exempting all of these provisions in the Constitution as they relate to personal property is one that you want to make. This screams for a lawsuit and I guarantee you there are folks that are out there just waiting to see if this stays in LR 219 so that they can file it because it is, I believe, a slam dunk in terms of the case law that supports that you can't do it.

SENATOR CONWAY: Thank you, Senator Hall. Senator Kristensen, you're next.

SENATOR KRISTENSEN: Thank you, Mr. President, and members of the body, Senator Hall, I'm not real sure I know what case law