

March 12, 1992

LB 1063
LR 219

the ballot in May, it has to pass today. It has to be before...be to the Secretary of State so they can put it on the ballot in May. I think it's...I would urge the body to support this suspension. I hope that the debate just takes place on the suspension of the rules and we can...I am certainly not going to cut off the debate on this. I think that people ought to be allowed to talk and get their say in again on the constitutional amendment, but at that point then I think we should, when everyone feels like they've had their say or debate is finally cut off, then I think we should proceed forward and vote on LR 219 today. Thank you very much.

PRESIDENT MOUL: Thank you, Speaker Baack. Senator Hall, followed by Senators Schmit, Moore and Haberman. Senator Hall.

SENATOR HALL: Thank you, Madam President and members. I rise to oppose this suspension motion, although I have no problem with suspending the rules and dealing with LR 219 today. The issue in LR 219CA is one of changing our Constitution to allow us to put in place 1063. (LB) 1063 is unconstitutional. It is an unconstitutional bill that we just passed and enacted into law that the Governor will sign. What we have done is turned the system on its head. We have said, after the court has told us time and time again that our personal property tax system is unconstitutional, we have enacted another unconstitutional personal property tax system and now we are going to take LR 219 to the voters and ask them to approve that. Ladies and gentlemen, that is the wrong way to proceed. What we should do is build a tax system that fits our Constitution, not every time we have a problem and, granted, this has been an extended problem over a number of years, but when we're talking about \$100 million and a \$3 billion plus tax base in this state, at both the state and the local level, we are going about this in the wrong way. I would ask you to go in and read the mantle over the fireplace in the Senator's Lounge. Go in and take a look at it. Here's what it says. It says, the basis of our political system is the right of the people to make and to alter their constitutions of government, but the Constitution, which at any time exists till change by an explicit and authentic vote of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government. In other words, ladies and gentlemen, we don't have the ability to pass 1063, not because of what the mantle says, but because of what case law says in this state,