

March 12, 1992

LB 1063  
LR 219

because what our own Supreme Court has said. You cannot pass a law, make it retroactive and then go to the people and ask for a constitutional amendment to allow what you did to be law. It does not work. It will not stand up. It means we will be back in court. And this whole process, the argument for stability is a fallacy. What you are doing is asking for instability to reign. You are asking for continued lawsuits, for continued uncertainty, for continued, if nothing else I guess, anger on the part of the citizens. They do not want a constitutional amendment before them that allows the same discriminatory tax policy to be put in place because what you have before you in 1063, what we have just passed, is a tax system that taxes 35 percent of the people for 100 percent of the revenue raised. That's exactly what it does. It is the same system we had before in a different form and fashion, but the same system nonetheless that's already been ruled unconstitutional, not by our own Constitution but by the Fourteenth Amendment to the U.S. Constitution. We didn't change that in 219CA. We're not about to. We can't and we can't put an unconstitutional law in place. Whether you vote to put 219 out there or not, it will not work. It makes no sense to go about the charade of saying, this fixes the system.

PRESIDENT MOUL: One minute.

SENATOR HALL: It does not fix the system. It does not solve the problem. It does not bring to an end the issue of personal property. It continues the fight, it continues the argument and perception becomes fact. Perception becomes fact many times in tax issues. The perception will be that all personal property goes back on. The perception will be that this helps residential property owners. The fact is all personal property doesn't go back on, only 30 to 35 percent does. We haven't fixed the system and the residential property owners in my district, in the metro Omaha area, are going to pay more in property taxes on their homes. That's the fact for me. This is bad tax policy. This is bad politics in terms of 219CA.

PRESIDENT MOUL: Time. Thank you, Senator Hall. Senator Schmit, followed by Senator Moore, Haberman, Schellpeper, Warner, Morrissey, Robinson, and Hall.

SENATOR SCHMIT: Madam President and members, this may be my last speech on this issue. As far as I'm concerned, maybe my most important...and I want to just point out this morning here