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bogeyman. Taxes are paid by individuals, and it seems again to me to be somehow not good policy to penalize people because of their choice of how to invest their property. If two people had, by some means or the other, acquired an extra \$50,000, one of those people elected to purchase a CD, to go to the New York stock exchange and buy some shares in some of our companies, they would have no personal property tax. But if another of those individuals...

PRESIDENT MOUL: One minute.

SENATOR COORDSEN: ...went to...took their \$50,000, went to the bank and borrowed the other person's \$50,000 and invested that in some industrial machinery and hired two people to run those, they are going to pay a depreciation surcharge, they are going to pay property tax based upon that value. Why invest in Nebraska? Thank you, Madam President.

PRESIDENT MOUL: Thank you, Senator Coordsen. Senator Lamb.

SENATOR LAMB: Thank you, Madam Chair and members. I rise to support the amendment. I think there have been a number of good reasons for why the amendment should be supported and I would just like to add a bit to it reading from the Attorney General's Opinion dated May 20th, 1991, which Senator Owen Elmer has referred to. And, of course, I am taking this out of context, but let me read what the Attorney General said. Well, before I start that, let me just mention that there have been people who say that if this bill passes, the surcharge will be challenged in court, and I really believe that will happen. So let me read part of what the Attorney General had to say about this surcharge from the constitutional position. "Our Supreme Court has repeatedly admonished that the Legislature may not circumvent the Constitution by attempting to do indirectly what it may not accomplish directly. It is not inconceivable that the court would view legislation of this nature to be in substance and affect an indirect attempt by the state to impose a tax on the value of property prohibited by Article VIII, Section 1(a)." So you know there is a very good chance that it will be challenged in court, and also a very good chance, in my opinion, that the challenge would be successful. So if we adopt Senator Coordsen's amendment, what we are doing really is adopting half a bill, half a bill. Now maybe half a bill is not better than no bill, but I think a half a bill is better than no bill at all. So I would urge people to support Senator