

February 27, 1995 LB 137

PRESIDENT ROBAK: The question has been called. Do I see five hands? The question before you is, shall debate cease? All those in favor vote aye. All those opposed vote nay. Please record.

CLERK: 26 ayes, 4 nays to cease debate, Madam President.

PRESIDENT ROBAK: Debate ceases. The Chair recognizes Senator Witek to close.

SENATOR WITEK: Madam Chairman, members of the body, I don't think 15 minutes, 20 minutes of time on this issue is going to be enough. I think that when people understand what you're doing here with LB 137 and when we get an opinion back in a week or so from the Attorney General's office (one way or another on this, and that starts to be more of an issue and it starts getting in more of their range of understanding and their scope of awareness, you are going to find that you have made a tremendous policy change here by inserting yourself into what the responsibilities for the Board of Equalization in Nebraska is supposed to be doing, constitutionally supposed to be doing. I believe there is a constitutional problem with putting this into statute. I don't think it's going to work. I don't think it's going to be enough. I think that a county, maybe like Douglas county who are having some problems adjusting, trying to buy themselves some time, could throw this into court cases. I understand you didn't get the letter from the lobby for Douglas County but it outlines a lot of problems that we're having adjusting to the 10 percent increase, and it isn't just in my area of Douglas County, Senator Hall. My area, a lot of my valuations went up to 110 percent, and if you give that a thought, if we're seeing 100 percent and the mien is 96 percent and you've got a bunch of people at 110 percent, does that mean that you've got a bunch of people lower on the other end to bring the mien to 96 percent, as in this law? I mean, these are all questions that I have on this bill and I think the first step, if we're going to say that the Legislature needs to be involved in this discussion, needs to insert ourselves into setting a range for the Board of Equalization, that the first thing we need to do is change the Constitution to put our name in there, or to say that we can set the range, that we can become involved in this discussion. That's what my amendment does. It says that we will change the Constitution of the State of Nebraska to say that we can do what we're trying to... what Senator Warner is trying to do with LB 137, and then we come