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LB 478

Killing me softly. That's what Senator Cornett and Senator Landis are doing--killing me softly. But I shall not die. My example is Dracula. Members of the Legislature, Senator Landis has correctly stated what the law is, as articulated by the courts rendering the decisions he talked about. Senator Cornett accurately stated what the law is in the case she cited. But our inquiry does not stop there. We have to now apply the law. This is why each case is handled on its own merits, because the facts that make up the case are what determine whether or not the law that has been articulated by the court or written by the Legislature will apply to the circumstances of the case before us. So what Senator Landis wants to do is jump from an accurate articulation of what the court said the law is, to the conclusion of his, that Senator Cornett's bill and the classification established in it will fall within that law, as articulated by him. I say it does not. And those differing opinions are what constitute the basis for litigation. He is telling you that the court will say, if you take similarly situated people and treat them differently for tax purposes, that's all right. He gave you a case that dealt with old or existing taxpayers, and that dealing with new taxpayers, and they're treated differently. That can happen. You know why I wouldn't call that a violation of equal protection? Because when the Legislature will enact a bill and it deals with an area where white men did not have to have the qualification and got the job, and now they're going to put qualifications in, they say, those white men who have these jobs don't have to meet the qualifications; they are white-grandfathered in. And everybody from this point on must meet these qualifications, but these white guys who got white men's affirmative action do not have to meet those qualifications. And that has been allowed. You know, they never call it "grandmothered" in. Right, Senator Howard? Because women have never been given those benefits where they were given significant jobs for which they were not qualified, jobs which, if qualifications were imposed of a higher order, those women could not meet or would not be required to meet. So that's why they say the "grandfather" clause. Now...and that has a history. And by the way, it stems from slavery and racial segregation and discrimination in this country. So much that's in the law is based on policies of governments to discriminate against my people. Always those