

the front and solve problems but it takes it upon itself after a rather long period of misdirection and lack of guidance across administrations, I would argue, to seize the reins and to direct the ship of state out of those shoals that we find ourselves in. For that reason, I oppose the Lamb amendment; I support the original amended version of LB 59 which is now on Final Reading and need not be brought back for this amendment.

PRESIDENT: Chair recognizes Senator Newell.

SENATOR NEWELL: Mr. President and members of the Legislature, I rise, not particularly surprisingly, to oppose the Lamb amendment and I guess I would kind of echo what Senator Morehead said. I have this letter from the Attorney General's office which states empirically something different than what Senator Lamb indicated. Now I, I just like to tell those of you who are readers of Attorney General's opinions that usually the real meat of things is toward the end of the Attorney General's opinion. I mean we all have read them and we tend to see the real meat is in the back and basically it says, you know, it says finally you ask whether the Legislature may if they have not successfully succeeded through the passage of 59 in compelling the Board of Equalization to set tax rates. Basically the Attorney General says, yup, yup, plenary power, the Legislature has plenary power over the taxation and may tell the Board to do that and in fact will tell the Board to do that and they'll have to do that. Goes on to the very last paragraph and it says something like this, now the Board of Equalization does have some authority to make some decisions but on the half cent don't have any power or any authority to make any decision. That they are mandated to do by law. Now with that said, I'd like to deal with the issue itself on whether this is good public policy or whether this State ought to be relying on State Board of Equalization which has an excellent track record, I want to tell you, on setting tax rates. Now remember some of you will harken back to the last Board of Equalization. That was, there hasn't been one since this Governor's been in office but there was one just prior to that and it was kind of an interesting Board of Equalization. I was there and it looked a little political to me and I thought it was kind of interesting but the key thing is is that they decided to use a great deal of discretion, more discretion than they traditionally have used and they just ignored a number of things and that's why LB 59 was introduced. But now that LB 59 is before us, it is in a fashion that is intended to achieve one specific purpose and that is to recognize this State has a severe, not kind of, not a little bit, not partial, but a severe cash flow problem. It is our intention with 59 as it reads today to mandate some