

court's years? No, the words in the document are the same. What's happened? What's happened is that judges have taken those words and gotten two completely different results. You see, very few times do you write it in the way, although you really have to work at it, to excise judicial discretion, because judicial discretion is usually very great in the interpretation of language, as we know by a document that is so different between the Warren court and the Rehnquist court. What does that mean to us with respect to special legislation? It means that if you give a court with a very long activist tradition of aiming towards a particular form of public policy and you leave a tool in their back pocket to use, you can at least contemplate the fact that they will get into that pocket and use that tool. Senator Hall made a point that I think may be fair. He says, you know, we may wind up with this constitutional amendment, with a Constitution that doesn't read like other states, that we'll have a very unique set of legal principles on tax policy that other states don't have. And that's true, we probably will, and it's because other state's courts have not taken the tack that our court has. We are forced into this uniqueness by the longevity and judicial activism of a line of thought in our Supreme Court unique to state courts. There was an analysis, about two years ago, by a national expert in state constitutional law, that said the Nebraska Supreme Court has an unyielding 30-year, 40-year obeisance to the idea of uniform and proportionality which is unlike the other state courts in this country. If we have a unique set of language here, it's because our court forces us into doing this to excise judicial discretion and to take it away from the judiciary and to return it to the Legislature. If we leave this tool in their back pocket, I think they'll use it. And if they use it we will be forced into the same kind of dilemma we are today, to tax personal property in ways we do not want to tax personal property, or, as I think I heard Senator Hall saying his favorite choice, which is not to tax personal property at all. And that line would be open to us with this body of language that Senator Hall puts before us. That...that route, I think, is available to us in this language. What I don't think is available in this language is taxing personal property in a manner that the Legislature...

SPEAKER BAACK: One minute.

SENATOR LANDIS: ...would like to tax personal property, or at least I think that's at risk, at significant risk. And, in that