

March 12, 1992

LB 1063
LR 261

back on is not leveling with the public. Secondly, LB 1063, as I've said before, is unconstitutional. Everybody in this room knows it's unconstitutional. Everybody in the lobby knows it's unconstitutional. Every attorney in the state knows it's unconstitutional. Everybody that reads the paper knows it's unconstitutional. That's why we're changing the Constitution. I'm certainly of the opinion, and I'm not assuming here, I'm stating it's only my opinion, you cannot pass a bill that's unconstitutional. I've also introduced LR 261 which says that, if it does go in the ballot in May and it does pass by the voters, this body will come back in, as I have said, in seven days in May and reenact this legislation to make sure it's not unconstitutional. Once again that lies in that we don't need to suspend the rules today and pass this bill because we have to pass it after the constitutional amendment passes, if indeed it does. So there's no reason to pass the bill today. I mean, if you want to pass it, you know it's no good, you've got to come back in, in May, and do it again, I think... I hope at some point in time the body goes on record admitting up, owning up to that fact that if we pass this bill now, for whatever reason the CA does get on the ballot and passed by the voters of the State of Nebraska, we must come back in, in May, and reenact this legislation 'cause you can't do it prior to the passage of the CA so, once again, there is no reason to pass this bill today. If you want to pass it today, that's fine. Obviously, there's several problems with it and we'll certainly be coming back in May and correcting those problems as well as correcting the major flaw, that is passing the bill after the Constitution... You know, it's oddly enough you have a constitutional enacting clause. I mean, you change the Constitution to enact this legislation. You can't do that.

PRESIDENT MOUL: One minute.

SENATOR MOORE: The Constitution must be changed. We must come back and reenact LB 1063 in special session this summer. With that, rise to oppose to again suspend the rules.

PRESIDENT MOUL: Thank you, Senator Moore. Senator Haberman.

SENATOR HABERMAN: Madam President, members of the body, it disturbs me that some people are in such a hurry to suspend the rules to pass a bill that's going to cause a tax increase. Everyone who supports suspending the rules and supports 1063E are supporting a tax increase for the citizens of the State of