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**Capitol View
Commentary by J.L. Schmidt**

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**One Good Idea and a Couple Bad Ones**

If lawmakers want to change the Nebraska Constitution, they submit a proposed amendment to their colleagues, which, if approved, is placed on the next general election ballot for voters to decide.

There’s a number of those measures up for grabs this year and at least one which is a great idea with a couple of clunkers thrown in. Three proposals were heard recently and are awaiting committee action, which, if favorable, will send them to debate by the full Legislature.

The good idea is embodied in LR268CA from Sen. Tom Briese of Albion to let voters decide if the Governor or members of the Legislature could be subject to recall elections. If approved by voters, the Legislature would have to adopt enacting legislation to establish criteria for the recall and procedures for the process. Current state law already allows only for the recall of local elected officials.

While he thinks it would be rarely used, Briese said a recall would give citizens a chance to remove a corrupt official without having to wait for the next election. Doug Kagan of Nebraska Taxpayers for Freedom said he supported the measure because it would engage more voters and encourage elected officials to follow through on campaign promises.

No one testified in opposition to the resolution, which I happen to think is a good idea. In recent years there have been a handful of state senators and a Lieutenant Governor who should have been recalled for matters of conduct unbecoming the office. Perhaps having that stick available would be a reminder of the value of good conduct.

Now to the absolute clunker of the bunch, Sen. Steve Erdman’s LR264CA which the lawmaker from Bayard says will fix the state’s “broken” tax system. He’s calling it the consumption tax. When it first reared its ugly head years ago it was called the transaction tax.

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Explained simply, it would do away with Nebraska’s current system of sales, income and property taxes and place a tax on all retail sales. Erdman says it would somehow be fairer, boost employment and investment and bring in the same amount of revenue as the current tax system.

Perhaps consumption is the better name for it given that the disease – now known as tuberculosis – has been one of the biggest killers throughout history dating back to the ancient Greeks who named it owing to the rapid weight loss that appeared to consume the individual as the disease progressed.

Proponent Kelley Hasenauer of North Platte told the Legislature’s Revenue Committee the state’s current strong fiscal position makes this an opportune time to change its tax system which is an incredible burden for small business owners like her. Other supporters said it would eliminate the burdensome property tax system.

Here’s the downside, according to the OpenSky Policy Institute. Spokeswoman Tiffany Friesen Milone said a Nebraska consumption tax rate would need to be at least 20 percent to generate the same amount of revenue as the current tax system. Additionally, a consumption tax would fall disproportionately on middle income Nebraskans and leave local governments entirely dependent on the state for funding.

A spokesman for the Nebraska, Omaha and Lincoln Chambers of Commerce, Bryan Slone, said to raise the same amount of revenue, as the repealed taxes would require the consumption tax to apply to services such as health care and education. A 15 to 20 percent consumption tax rate also would drive retail businesses to neighboring states, Slone said.

He noted that 45 percent of our economy is within an easy drive from state borders; the measure would be an economic development act for Council Bluffs, North Sioux City and other communities on the border.

The committee took no immediate action on the proposal and will hopefully let it die in committee as the transaction tax did years ago.

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Finally, there was far more opposition than support for Sterling Sen. Julie Slama’s LR282CA which would allow voters to decide if they want to do away with the current practice that allows state senators to be nominated and elected on ballots that do not list their political party affiliation.

She told members of the Legislature’s Executive Committee it’s a simple transparency measure that would prevent candidates from deceiving voters about their political affiliation. Slama, one of many Republicans in the officially nonpartisan Nebraska Unicameral, said voters are often confused by the lack of party labels.

Testifying in support of the proposal, Charlotte Ralston said she was confused when she moved to Nebraska from Kansas and didn’t see the political party affiliation of legislative candidates listed on the ballot. Voters deserve to know that information when choosing their state senators, she said.

Several former state senators from both political parties testified in opposition to the proposal, including former speaker Galen Hadley of Kearney. He said leaders from other state legislatures often were surprised to learn that political party caucuses do not have the power to control committee chairperson selection or committee membership in the Nebraska Legislature.

“Right now, the emphasis is on you as an individual senator, it’s not the party,” Hadley said.

Westin Miller of Civic Nebraska also testified in opposition. Nonpartisan ballots encourage voters to learn about individual candidates without the assumptions that come with party labels, he said.

“This resolution would, objectively, make us look a little bit more like Congress which … ought to be a red flag for all of us at this point,’ Miller said.

 Well said.

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*J.L. Schmidt has been covering Nebraska government and politics since 1979. He has been a registered Independent for more than 20 years.*