

session. We're here, we've got the issue at hand, and I think the corrections are slight. With that, I know there's a couple other people who want to speak, and so I will leave this on. I will probably wait and see how the discussion of the body goes, but I think it's in our best interest at least in my perception that, if we know we violate the 4-R Act, why do we want to go ahead and pass the piece of legislation.

SPEAKER BAACK: Thank you, Senator Kristensen. Senator Hall.

SENATOR HALL: Thank you, Mr. Speaker, members. I rise in opposition to Senator Kristensen's motion to return the bill for specific amendment. You're having handed out to you the summary of what LB 829 does do. The argument that... You got that same summary, I think, yesterday in your boxes. But just for purposes of redundancy I'm passing it out again. The argument that Senator Kristensen makes with regard to whether or not the additional 2 percent surcharge and depreciation violates the 4-R Act, I guess the tougher act, you know, the whole issue of the pipeline case that he talked about yesterday is, I guess, an argument that could be made. I don't know that the issue of whose integrity in raising the argument is properly placed. I would argue that very likely the centrally assessed properties, who raised that as a specter to bring down LB 829, or at least hold it up, I would question, I guess, their integrity, not Senator Kristensen's clearly, but those folks who have been saying that this is a problem. What does the 4-R Act say? You know what the 4-R Act is? It's a piece of legislation that was passed in the 1970's, and the only line in it that deals with the issue of the railroads, and how they're treated, and which causes us all our problems as it relates to the taxing issue, is a line that reads like this, it says, the imposition of any other tax which results in discriminatory treatment of a common carrier by railroad, subject to part, period. That's all it reads. That's all it is. That's all it says. And Senator Kristensen says today that we are going to violate that because of the imposition of this surcharge depreciation, additional scale. Well, ladies and gentlemen, the cases that we have talked about, that we have dealt with don't have anything to do with this surcharge on depreciation. At best a case of this type would be a case of first impression, in other words, there wouldn't be anything else out there on which to build your case on. The pipelines, the railroads, the airlines know that. They would be starting out down a new path on this issue, and they would have nothing to lay that on, because there would be no