

SPEAKER BAACK: One minute.

SENATOR WARNER: ...on the constitutionality of whatever we do. And there will not likely be any more or any less cost to this solution or any other solution that we make. And I suspect the only way you can avoid any court costs, based on current decisions, is to do nothing. Put everything on and I think you can probably guarantee that you will not have a court case. But do nothing and you still might have a court case, because I could see where someone would come back and say, as we had discussion the other day, household goods and personal effects. The court, two members suggested that might not need to be taxed, really wasn't addressed, and you'll never really know without a court case. I guess the bottom line of it all is that there is going to be some court costs, but it would be totally erroneous and inaccurate to suggest that 1063, as it is currently,...

SPEAKER BAACK: Time.

SENATOR WARNER: ...would cause court costs as compared to other solutions which would have an equal cost, if not greater.

SPEAKER BAACK: Thank you, Senator Warner. Senator Schmit, you're next.

SENATOR SCHMIT: Mr. President and members, it's easy to be casual about such things as the defense of this bill by the Attorney General. The facts are that it is a serious business, and the Attorney General will be in court before the ink is dry on the Governor's signature if that unfortunate occurrence should take place. And, of course, the railroads will be there with their very able and eloquent attorneys. And it may very well be that we think that, and I do not fault the Attorney General's staff, but I can tell you very frankly in my opinion Attorney General Spire gave away the "trail car" case when he stipulated to the fact that 75 percent of the personal property in Nebraska was not being taxed. What he did not point out was that the farm equipment was paying sales tax, which is not true of the railroad equipment. Might very well have been that had we had a different individual in the Attorney General's office, or had all of those many rural farmers and cattle feeders had someone assisting the Attorney General, which is what happened in the coal slurry pipeline case, we might have had a different kind of reaction from the Supreme Court at that time. And the