

March 5, 1992

LB 1063
LR 219

into the Constitution? My thought is that, because I don't think railroads will be paying tax, I think you are going to have a problem, and this probably makes some sense to put this in, because with LB 1063, railroads will go to court and the Attorney General will spend whatever money he has at this point in time to do that, to defend that, and the railroads, in my opinion, are going to win and at least we will have this amendment to save it. But it is just one of those things that if the supporters of LB 1063 are so sure, it is intriguing to me why they want to put this in the Constitution. Having said that, I am more comfortable with the "may" language in there in its original. I guess I am a little...the "shall" once again leaves the Legislature no alternatives, and I guess if we were dealing with state statute, it would be one thing. But we are dealing with the Constitution. I know the federal government may do things in the near future that don't make a whole lot of sense, but, you know, this language has been there for 70 years and the next 70 years they may want to do something, and that "shall" takes all of our ability to react to that away. You know, and who knows? Maybe the federal government will do airlines, maybe the federal government will do something with pipelines, I mean I don't know that. With this amendment, you are saying "shall", whatever we do by Constitution we give to them. At least with the "may", its original form, it gives the ability to do that but, I mean, we are not require to do that and just roll over when the federal government does something. We can react to it. Maybe we do not want to separate that out, and I guess, you know, the amendment by itself, I could probably, the original amendment by itself, but I am intrigued as to why it is there, I could vote for it. The "shall" I do have a problem with and I do oppose.

SPEAKER BAACK: Thank you, Senator Moore. Senator Hall, you are next.

SENATOR HALL: Thank you, Mr. President and members. Senator Warner, would you respond to a question?

SENATOR WARNER: If I can.

SENATOR HALL: The provision Senator Moore talked about a little bit with regard to how it would operate, just by the adoption of this section, do we place the railroads in a separate class?

SENATOR WARNER: No, we do not, but...now we are arguing over,