

look at 775. We already have LB 270, which was passed and introduced and passed as a smaller business incentive act. It does not apply to personal property. It applies to sales tax primarily, but still that was the companion bill with 775 that was intended to create incentives for and exemptions from tax for smaller businesses. Fourthly, my...I am not...I can't tell exactly what the shift is with the Wickersham amendment, but there would be a shift to real property tax, obviously, in this amendment, and I'm not sure that...or I'm not sure, I'm sure in my own mind that the justification that Senator Wickersham gave does not justify that shift. In my own mind it doesn't, in any event. Again, it is a straight exemption. It is not performance-based. There is no recapture provisions as there are in LB 270 and LB 775. Again, when we adopted those bills, we adopted a total tax package for job creation and job growth. There's a rational basis for those types of measures. That rational basis, I believe was, in my opinion, and Senator Moore and I disagree with this, but in my view the Supreme Court recognized those differences when it did not deal specifically with 775 property and hold those exemptions to be unconstitutional. Granted, Judge Shanahan has a strong dissent. Judge Shanahan is an extremely qualified jurist and a judge I respect very, very much. I just don't believe or agree with his analysis...

PRESIDENT MOUL: One minute.

SENATOR ASHFORD: ..on that particular point. So for those four reasons: one, there's a shift that's not justified for public policy reasons; two, LB 270 is a small business job creation bill that is a companion bill to 775; thirdly, this amendment does not mirror the federal law; and fourthly, I guess as I said before lunch, if we're going to deal with exemptions and compare them to 775, they ought to have job creation incentives with recapture provisions so that we can compare apples with apples and not apples and oranges, which is what I think we're doing when we keep throwing out 775 as an analogy. Thank you.

PRESIDENT MOUL: Thank you, Senator Ashford. Senator Warner.

SENATOR WARNER: Madam President, members of the Legislature, I just want to again repeat three or four things that would seem to me that's appropriate. One is that, as has already been discussed, seems to me that this results in an additional rate of acceleration, thus, giving it an expansion of a single