

April 6, 1992

LB 719A
LR 219

call. The house is under call. All members please report to the Chamber and record your presence. The house is under call. Senator Pirsch, would you record your presence, please. We need Senators Chambers...we are waiting for Senator Chambers. All members are now present and a roll call vote has been requested and we are voting on the Wickersham amendment to the Warner amendment. Mr. Clerk, call the roll.

CLERK: (Roll call vote taken. See page 1952 of the Legislative Journal.) 17 ayes, 20 nays, Mr. President.

SPEAKER BAACK: The amendment fails. The call is raised. Mr. President, the next amendment I have is by Senator Moore, AM4021, Senator.

SPEAKER BAACK: Senator Moore.

SENATOR MOORE: Mr. Speaker and members, you may recall on Friday I had an amendment that was defeated by the body which would have...treated all centrally assessed companies including all public utilities the same as the railroads. That motion was defeated and the major thrust of the argument against that besides its cost was the fact that since we're using a prospective constitutional law here in LR 219 and the amendment was now amendment 1, that particular amendment would, in many people's minds, have been unconstitutional. And if you look at page 2 of LR 219, Section 1, subsection 7 where it talks about, well I will call it federal preemption for lack of a better term that allows, where the federal...if the federal law would guide our tax policy, that is a separate class protected under the Constitution as it would be changed, changed in our LR 219. Well the amendment I filed, since my amendment last week was unsuccessful, hearing those arguments this amendment simply would treat the airlines the same way as the railroads and the reason I do that is because it...the constitutional argument put forth last week goes away then because the FIFRA act, the airport and airway improvement act from 1982 says there will be no discriminatory property tax since airlines, the airlines are arguably have the same protection the railroads do and given the constitutional change in amendment 1, this amendment is certainly in order. It actually, the cost I'm going to use the term minimal, there's not that much airline property in the State of Nebraska. I imagine...I hope what is is depreciable. I hope not all the airlines' property is depreciated. I'll be a little worried if it is, but that's besides the point I guess,