

April 6, 1992

LB 719A, 1063
LR 219

the perception across the State of Nebraska will be that notwithstanding all of the other concessions that have been made, notwithstanding all of the other shifts that have been taken care of, notwithstanding all of the other taxes that have been imposed, that certain exemptions were not even sufficient in this instance for railroads and, therefore, after the fact,...

SENATOR MORRISSEY: One minute.

SENATOR SCHMIT: ...after the bill was passed and after 219 was passed, before it was signed by the Governor, the railroad said, we're not going to play in your ball park and we will take you to court, and at that time discussions again arose and a special deal was cut. Well, if I were the railroads I'd do the same thing, except that I would go to court or I would rely upon the 4-R Act and I would pay no tax. I predict the railroads will pay little or no taxes and I would believe that this will probably be challenged and the entire issue will be back before the court. Most of all, the Governor said himself this deal stinks less than the rest of them. Ladies and gentlemen, the odor continues to increase and, as it does, it guarantees the failure of Constitutional Amendment 1. Thank you.

SENATOR MORRISSEY: Senator Withem.

SENATOR WITHEM: Yes, Mr. President and members of the body, I support the Warner amendment. Believe it is the prudent thing to do. Senator Moore, you asked the question that I think is a very fair, gosh, I'm saying something nice about Senator Moore and he's not even here to hear it, I think it's a fair question and that is the timing of this amendment, and from my point of view, I'll be very blunt and honest with you, with all of the complexities that we were dealing with with LB 1063 and the constitutional amendment and all, we probably, we, collectively, the railroads, the sponsors of the legislation and the Governor's Office, probably did not give the degree of attention to the rail problem that we should have as the bill was going through. In my case, it's that simple. It's something we probably should have dealt with but we didn't. Fortunately, we have an opportunity to deal with it and I think the fact that we did not deal with it before is not a reason for not dealing with it now. As I became more and more aware of what the federal 4-R Act actually says, and that's one of the reasons, I know, I was gone on Friday and was not here as part of the discussion but I