

SENATOR MORRISSEY: Thank you, Senator Hefner. Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. Speaker, members of the body. I recall quite vividly as a new member of the body coming into special session to address the beginnings of the railroad versus State of Nebraska dispute over property taxes and, at that point in time, I listened quite attentively to the more senior members of the body and their comments relative to the rightness of what we were doing. The previous Administration's tax experts/railroad law experts, whatever, said this is the way to do. It was wrong. Somehow or the other this debate on the Warner amendment follows, in my mind, the same line of thinking. If you purely look at the language in the 3-R Act...or 4-R Act relative to discriminatory taxes, you can see a possible relationship between the Warner amendment and what is currently existing in federal statute. However, the Constitutional Amendment number 1, as it's become, and the underlying supportive statutory language in 1063 says to the people of Nebraska that what the Legislature is trying to do is create a fair and equitable method of valuing for tax purposes commercial and agricultural property in the State of Nebraska. I'm concerned that with this amendment that, while we may well be averting a lawsuit by the railroads, are we going to be averting lawsuits from other entities, be they centrally assessed or other classes of taxpayers who are going to be called upon to pay a sum of personal property taxes based upon the method in LB 1063 with the authorization in Constitutional Amendment 1, if that passes? I suspect that that will probably happen. Whether or not that will be successful is no more predictable than whether or not a law...a railroad suit over the current language in 1063 would be successful. I think rather than trying to second-guess what a future court may do, either on the federal level or on the state level, that we would be pursuing the wiser course if we use the language in 1063 provided the uniform method, the uniform mechanism of determining of value for the...for the assessment of personal property taxes on those applicable classes of property and address this concern if and when a court did in fact find that to be discriminatory against a railroad. So, for those particular reasons, I find this morning that I cannot support the Warner amendment. It may well be that that could, in some future point in time, be the method forced upon the body of the Legislature in the State of Nebraska, but we cannot predict that. We're trying to second-guess something that we really don't know what the end