

SPEAKER WITHEM: I am not going to support the amendment. A very similar discussion I think to what we had last night when the goal was to strike language from the intent section, this language I think applies some of the same, or doesn't apply some of the same standards, it's there for some of the same reason and that is what we are doing and, admittedly, and we've said this all along, is we're taking a provision in the Constitution and we are now in the process of applying it in a different Legislature was aware of what it was doing, and that's what Senator Wickersham by bringing this to our light is making us even more aware of it, and that we, in our judgment, feel that this application of tax-increment financing, it does, in fact, comply with Article VIII, Section 12 of the Constitution of Nebraska. Taking that language out would be the judgment of the Legislature, might be interpreted as a judgment of the Legislature feeling that it is not in compliance with the Constitution. So for that reason my preference is certainly to leave this language in and leave the statement in that we were aware of what we were doing and that we do, in fact, feel that it complies with the Constitution, therefore, I'm not voting for the Wickersham amendment.

PRESIDENT ROBAK: Thank you, Senator Withem. Senator Chambers.

SENATOR CHAMBERS: Madam President, members of the Legislature, Senator Withem, I address these remarks your way. The Legislature sometimes can get the court to adopt its view of a bill by stating its findings and its intent. But the Legislature, by stating the way it hopes the court will rule, cannot dictate to the court how it will rule. This kind of language is put in because the drafters of this legislation knew that defining blighted and substandard in the way that these terms are ordinarily understood, this bill cannot pass muster. So they created an artificial definition and they're telling the court, when you read this bill, do away with the rules of construction that you ordinarily apply and the rules are simple, that words are taken to mean what they ordinarily mean, and blighted and substandard are words, which when put together in a phrase or expression such as in this bill, do not ordinarily have the meaning that this bill is giving it. So when you put a provision such as the one that Senator Wickersham is trying to remove, you don't even give the court something which is intelligible. This, Senator Withem, are you still here?

PRESIDENT ROBAK: Senator Withem.