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FLOOR DEBATE

March 31, 2004 LB 1090

organized primarily to provide electricity or irrigation and electricity shall annually make the same payments in lieu of taxes it made in 1957. The school district argued that the state had plenary power over a public corporation, and could require a public corporation to expend its funds for a public purpose. The court disagreed, and said that the constitution provides that the in lieu of tax payments authorized by this section shall be in lieu of all other taxes and payments in lieu of taxes, with specified exceptions. Senator...or, excuse me, Attorney General Bruning did acknowledge the Hershey case in his decision, but he said, unlike the mandatory payments public electric...

SENATOR CUDABACK: Time.

SENATOR BOURNE: ...utilities were required to make to school districts under the statute held unconstitutional in the Hershey case,...

SENATOR CUDABACK: Time, Senator.

SENATOR BOURNE: ...the electricity surcharge...(laugh) thank you, Senator Engel, for the time. Thank you.

SENATOR CUDABACK: Thank you, Senator Bourne and Senator Engel. (Visitors introduced.) On with discussion of the Beutler amendment to LB 1090. Senator Mines, followed by Senator Hartnett.

SENATOR MINES: Thank you, Mr. President, colleagues. My position is...I'm not interested in the solution that's proposed by AM3474. There are two points that stick in my mind. The first is the comment made by Senator Baker that it may be November before we understand the full impact of the judgment and/or settlement, or whatever the outcome might be. That being said, the other point that sticks in my mind hasn't been said yet. And I expected "King Cobra," Senator Chambers, to make this point. A tax on public power, on your power service, does in fact hit the lowest-income families the hardest. As a marketing guy by trade, I'm into...I love comparing statistics. So I took the opportunity to review the...let's see, this is the