

amendments.

SENATOR DECAMP: Mr. President and members, I hope this doesn't take but a couple of minutes. I'll be real brief here. U.S. Supreme Court, a couple of months ago, gave a ruling in a case involving Alabama and the way they were taxing insurance companies. They said it was discriminatory and in violation of the Equal Protection Clause, then they remanded the case back to be restudied and redone based upon their ruling. The discrimination was that they taxed foreign, in other words out of state, insurance companies at one rate. They taxed in-state insurance companies at another rate. Interestingly enough, that is exactly what Nebraska does. Implications, or potential implications are that, depending upon what happens now, there could be a possibility, and I'm only using the word possibility because we never like to think in terms of probabilities or certainties or anything like that on tax reimbursement, but the possibility that we could be forced, depending upon, of course, the outcome of circumstances and court cases, but we could possibly be forced to reimburse up to \$120 to maybe \$140 million. In other words, a situation similar to the bank case where the Supreme Court ruled that a taxation system was discriminatory and a violation of the Equal Protection Clause. Then, of course, we have the Nebraska Supreme Court case and the whole system. We had to reimburse the \$25, or \$30, \$35 million. We, in fact, had to change our whole financial system on taxing banks. That is part of the controversy going on today. What I am trying to do, with this bill very simply, is to make certain that there is no reasonable possibility that there would have to be any reimbursement of any \$100 million, or \$130 million, or even \$10 million, particularly because it involves the municipalities, local governments, cities and counties for half that amount, as well as the state for the other half because it is premium tax and rather than give a long explanation of that I'll just say half of it goes one place, half of it goes another, therefore, the reimbursements would have to come half and half. What I am asking you to do is what we call cutting off the tail. Cutting off the tail simply means repealing, literally putting out of existence those provisions of law which appear to exist in Nebraska statutes now, which would allow them to go back six years, potentially, and get reimbursements if things turned out the wrong way in the court cases. So, with that said, I'd ask you to adopt the emergency clause which I am adding as an