

case history to back them up, not on this specific tax, it isn't there. There isn't another one like it. And what they're asking you to believe is that they're going to do that for a 10 million dollar hit spread out over one year. They're going to walk through the process and say that this is something that we are going to do to fight this. They did not fight the 4-R Act issue as it related to personal property for probably about the first five years that that one line was put into federal statutes. And they want you to believe that now we're going to coming in, and on this issue, which has no correlation, I argue that it has no relationship to the issue, the personal property tax that clearly was found to be unconstitutional and in violation of the 4-R Act. When Senator Kristensen read from the pipeline case, the other day, he read this statement, he said that the Legislature stated justification is illusory. We fail to see any real and substantial difference between personal property used for income production by one type of business, and the same type of income producing personal property used by another type of business. And he argued that you cannot do this, the court, in that opinion, says you can't do this. Well, the only problem with...And he's right in that when he read that statement, that's exactly what it said,...

SPEAKER BAACK: One minute.

SENATOR HALL: ...it came right out of the case. But go down to the next paragraph and read the next paragraph. The next paragraph says this, it says, the Legislature's effort to exempt railroads is not based on a reasonable classification, and violates both the proportionality and special legislation requirements in the Nebraska Constitution. There is no reasonable basis for treating railroads differently from other common carriers, and therefore the distinction is a classification and basis for an exemption from personal property tax reflected in LB 7, results from special legislation prohibited under the Nebraska Constitution, Article III, Section 18, and violates the Uniformity Clause in the Constitution. The issue here, ladies and gentlemen, is that we're not treating railroads differently, we're treating them the same as all other centrally assessed property. They're all being treated alike. We don't break from the classification. And it's a very reasonable, very rational classification that we have here.

PRESIDENT MOUL: Time.