

April 6, 1992

LB 719A, 1063

more open, then I would share your concern but I believe it's restrictive enough that the guidelines are definitive enough that it does not become a constitutional problem.

SPEAKER BAACK: One minute.

SENATOR MOORE: Thank you, Senator Warner. I guess I don't necessarily share your opinion on the last. I think there is still a problem but nevertheless, as I mentioned on Friday, I respect Senator Warner. He is basically saying we can get them to agree to \$4 million. If we do nothing they may litigate \$5 million and we may lose it all. Obviously the prudent thing to do is to get \$4 million supposedly in taxes paid by the railroad and get the lawsuit to go away and I respect him for that and from a budgetary perspective I guess I probably support that. But I guess the bigger problem I have as I articulated the other day is that what this is a shiny example of the problems I have with LR 1 and LB 1063 and that someone breathes the fire that we're going to sue you, the state has the flexibility in its new Constitution to make adjustments. And Senator Warner did not like the word preferential, but I guess he'd have to agree that a certain different treatment than anybody else and now the only people getting different treatment are certainly the corporate jets, the main frame computers and now the railroads. And the constitutional amendment that this body put forth to the voters, supported by the administration, is one that allows this Legislature to do these type of things. That causes me great concern. This is just a, like I said, just a shining example of the type of chicanery that I think is going to be allowed and encouraged by threat of a lawsuit and at this point I'd like to make it clear to the voters that we're not going to do that...

SENATOR MORRISSEY PRESIDING

SENATOR MORRISSEY: Time.

SENATOR MOORE: ...we're going to stand our ground. I'd prefer to litigate than to roll over like this amendment to LB 719 proposes to do.

SENATOR MORRISSEY: Thank you, Senator Moore. Senator Schmit.

SENATOR SCHMIT: Mr. Speaker and members, a question of Senator Warner if he would yield, please.