

amounts involved. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. Discussion on the amendment offered by Senators Johnson and Byars? Senator Schmit, please.

SENATOR SCHMIT: Mr. President and members, Senator Johnson, which bill was this originally, LB 905 you say?

SENATOR L. JOHNSON: This, Senator Schmit, was 905. Yes, sir.

SENATOR SCHMIT: Mr. President and members, I know that some time ago we did reimburse the subdivisions for loss of railroad revenue as a result of the court decision. This, as Senator Johnson has indicated, is a follow-up to that kind of activity. I must object to this reimbursement. If, in fact, those taxes had been collected illegally all these years, then, in fact, those subdivisions have benefited from the collection of an illegal tax for a period of years. And it is hardly good business policy for this Legislature to continue that for another year. Also, I do not believe we can afford it, and I think it is a very, very serious mistake. It may also, and I apologize again, it's an oversight on my part. I intended to ask for an Attorney General's Opinion to challenge the constitutionality of LB 905. I do not believe that we can do that, which it is intended to do here, constitutionally. I think that the state is naturally a generous grandfather, but it would appear to me, as I have said before numerous times on this floor, that the subdivisions that have been involved here they understood, to a certain extent, the issue that was involved. If they did not, they ought to have. And I believe it is inconsistent that we continually try to reimburse subdivisions from state coffers. We are...what we are doing here is to take state tax dollars, we're taking sales and income tax dollars, and we are replacing, to the local subdivisions, property tax dollars. I don't think you can do that. I think that is unconstitutional, and I believe it's a mistake. I believe it was a mistake in the first place to do it. I believe it was unconstitutional in the second place. I believe it is unfair to the other subdivisions of government finally. I regret the situation which has caused it very much, but that is the way the system works. And to argue that we're going to hold them harmless for a year, we've heard that argument on the floor here too frequently, and it rings a little bit hollow with me at this time. I will ask for an Attorney General's Opinion on this, regardless. And I ask you not to vote for it. I hate to do