

way and make very good arguments that it has no impact because we are going to endorse, basically, what has happened in the past. I guess the argument there could be made that what has happened in the past has led us to where we are today and it may be a very good argument for adopting the committee amendment and opposing Senator Warner's. Thank you, Mr. President.

PRESIDENT: Thank you. Senator Schmit, please.

SENATOR SCHMIT: Well, Mr. President, and members, Senator Hall doesn't have to apologize for changing his mind because Mr. Boehm changed his mind from six months ago, and I guess my question and concern is whether or not he will change his mind again in three or four months. I am not going to mention the other people who have changed their minds. But, anyway, I think I should tell you that as I understand the railroads have paid several million dollars on those back taxes but the question as I see it boils down to whether or not the...whether the Legislature should decide whether we use book value or actual value and the percentages, or whether you want to let the Tax Commissioner, the Revenue Department do it. I believe it is more appropriate for us to do it. I am sure that we'd know how to do it at this time but I don't think they do either and I can assure you that if it is left up to the Department of Revenue that we will have the same situation we have had in the past. If our friends from the railroads get a favorable decision, they will go along with it. If they don't, they will go back to court and thrash it around some more, and it looks like a guaranteed annual income for some good people. I am not sure what it does relative to the state or relative to our own situation. But I think we ought to continue the discussion but I would like to have more input from the body here relative to whether or not they feel they want to deliver to the Department of Revenue the decision-making authority. I think that if you will read the comments on pages 1, 2, and 3 that I handed out to you, Mr. Boehm's testimony before the Revenue Committee on February 8, 1989, on LB 497, you will see that Mr. Boehm has some very deep concerns about the tax of the property, the classification of the property, identification of the property, and some other questions; has some concerns about their own ability to determine the valuation; and Senator Warner has given you accurately the information relative to the court's point of view relative to that valuation. I think we ought to take our time here, proceed very deliberately, and hopefully we can accept our responsibility. I still think that eventually there