

Senator Schmit indicated, this mandates the fact that there cannot be a penalty assessed for this year. The argument that we used before, that I used before in opposing it, which I do again, is that under existing law the county board, in fact, does have the authority to weigh those penalties in which they can make judgments whether or not it is...was intended, that the filing was one of intent to defraud the state or local government, in fact, of necessary required taxes or if it was out of a lack of understanding. I'm concerned if you put this in as mandatory, it simply becomes an incentive to those who intend to defraud. I appreciate there are...it may be a help to those who unintentionally find themselves in violation. As I stated earlier on LB 1063, I'm willing to trust the local county boards to make those decisions. And, of course, obviously, if they decide wrong in an individual case, and I appreciate the fact that going to court is expensive but if you found county boards that were unreasonable, and I don't believe they would be, but if you did, obviously, you could attempt to show that...that their failure to weigh the penalty had not been appropriate. But I do not think it would be wise since the vehicle is there now for someone who accidentally did not file properly. I do not believe it would be wise to put in virtually an incentive to avoid paying and filing those necessary papers, and I would be opposed to the amendment as it is outlined, just as I was opposed to it on LB 1063.

SENATOR CONWAY: Thank you, Senator Warner. Senator Schmit, please.

SENATOR SCHMIT: Mr. President and members, I hope now that you will read the other half of the article which I have sent out. It says, "Union Pacific likes the fine-tuning of the tax plan." This is the major reason for my offering this amendment. If the Union Pacific or any major corporate structure or any large individual taxpayer fails to meet the deadlines, there isn't any doubt about the fact what's going to happen. The county boards will not assess the penalty. They have marched into the Governor's office, along with members of this body, and had negotiated their own tax structure. And I want to see how those of us who have opposed this plan can go back and explain the equity of that. They have said, in effect, we're going to let the Union Pacific attorneys, and several have worked for me, were trained in my office, and many others who have even more experience are going to sit down and negotiate with Mr. Balka how much tax will the railroads pay. The same thing is going to