

that issue on the proper amendment.

SPEAKER BAACK: Thank you, Senator Warner. Senator Schmit.

SENATOR SCHMIT: Mr. President and members, comes right down to the bottom line, all of us know that rural people in Nebraska and small business persons were suckered into the support of certain legislation because they said this is the only way we're going to get the railroads. Ladies and gentlemen, I was never a proponent of taxing the railroads for the reasons given by Senator Warner. The 4-R Act says you're going to treat them equitably. And, under this proposal, the Governor had not even signed the bill and the railroad says, huh-uh, we're not going to buy off on it. I quote from the World-Herald article. Mr. Fisher, who I know very well, says, "If it's adopted, it won't litigate." Fair enough. Senator Warner gives some good reasons why that's the way to go. Unfortunately, the average farmer, rancher, business person is not in that position, for whatever reason, they can't afford that situation. I visited with some of the railroad people and we're talking about 4 million bucks. I've got a reputation as a gambler. I'm willing to gamble...we're talking maybe two, maybe two. I don't think it's going to be \$4 million. Why would they pay \$4 million? Because if they go to court, as Senator Warner has said, they're going to...they're going to win and they will pay nothing. Now it's okay to pay a certain amount of money to get rid of a nuisance. All of us have been in those positions. All of us have been...not all of us, some of us have been in court and it's easier to pay a few thousand bucks and not litigate. Lawyers have plenty of work to do anyway, although we do have too many lawyers and they tend to produce extra work. But the point blank truth is this, ladies and gentlemen, the railroads are going to pay what they damn well please. And if I was in their position, I would do the same thing, because the 4-R Act passed by the Congress says there have been all sorts of things out there that have not been fair to railroads. There are two types of taxpayers, ladies and gentlemen, that can be discriminated against, the very small and the very large. The very large have said, we've had enough, we're not going to be treated that way anymore. You're going to treat us equitably or else, and, in our estimation, we've paid and paid and paid for too long. So now the burden is going to shift to the other taxpayer, the small taxpayer, and I do not know how much longer the small taxpayer will accept their share of the burden. I know the homeowner...I wish Senator Lynch was here today, the