

state, that is the net book value under the system in LB 1063, is to be determined and then the actual value, market value, not the tax value, but the actual value of all commercial and industrial personal property, which includes inventory, that ratio would be determined. The handouts you will shortly receive, perhaps some have seen, would indicate that to be 29 percent. Then a separate calculation is made in which all of the railroad personal property that would be taxed under personal property, excuse me, under net book value, would be compared to the actual value of all railroad personal property at what ratio that would be, and in the handout that you will receive it is 41 percent. In other words, the amount of all personal property taxed at net book value compared to actual value commercial and industrial property, including inventory, is 29 percent. Under the provisions of LB 1063, and this particular railroad, all railroads' personal property tax net book value's ratio to the total value, actual value, which comes out at 41 percent, under that calculation as required by the 4-R Act, railroads would have to be taxed, to be taxed at a comparable ratio at 70 percent of their amount required under LB 1063. And that then would become the taxable value of railroad property, personal property in the state. In my opinion, there is basically one issue that we are talking and that issue is whether or not the body feels that LB 1063, as it stands, would be in sufficient compliance with the 4-R Act that you would not have a rail suit, a railroad suit filed by one of the car lines, or one of the railroads objecting to the level of valuation that is required from them as far as LB 1063 is concerned. Under that situation, if the lawsuit is filed and the state would lose, as if the court would determine that the percentage of property that railroads were paying on their personal property was 5 percent greater than the percentage of all market value of other commercial industrial property, then the court would come down and say zero because as you read Judge Urbom's decision and one that you would anticipate to be the case in any event, the courts are not going to tell you what are the tax, they will only make a judgment as to whether or not the system you have complies, in this case, with the 4-R Act, and if it does not, they will not adjust it down to where it will, but they would put it at zero and you'd have to come back and readjust the law in order to comply, but for that year, you would be out of compliance and probably have no source to recover it. My concern is that it seems to me a much more prudent route to go ahead and place into the statute a methodology that appears to me, at least, to be in compliance