

isn't the reason I brought my amendment. I just simply don't believe that we discriminate against the railroads by failing to tax personal property inventories in the State of Nebraska. It isn't good tax policy, it isn't good economic policy. Railroads have inventories as well as everyone else. I think that we cannot allow the consideration of the taxation of inventories to drive the valuation of the railroads' property. If I have misunderstood the effect of the main amendment that is being brought today, I'll be happy to hear about it, but I think if you work through the numbers, the effect is plain and simple. By failing to tax inventories in the State of Nebraska, if you use the ratios and the formula that is in the main amendment, it will result in a lower taxation, a lower valuation and lower taxation of railroad property. I do not and will not vote for that result.

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

Senator Warner Mr. President, members of the Legislature, I'd rise to oppose the amendment. I appreciate that the basis in which Senator Wickersham has brought the amendment and his explanation. This is an area where each of us individually have to make a judgment I suspect because there is not a hard and fast rule. As I understand it, however, as Senator Wickersham pointed out and that the language that he wishes to include is, in fact, a part of the 4-R Act but it is not a part of subsection 1(d) that defines the imposition of any other tax that discriminates against common carriers as a violation of the act and the fact is that the carlines and railroads have convinced a number of courts that the failure of the state to grant personal property tax exemptions given to other classes of taxpayers is also a violation of that subsection. Subsection (d) goes much further than the others and I am of the opinion that if we were to add this that it, based upon at least what has happened in other court cases, I think Senator Wickersham pointed out maybe that the fact has not...this specific words have not had a court case specifically on them and that alone, but nevertheless, there has been included in a number of cases that in essence the courts have found that subsection 1(d) overturns the subject to a property tax language which is what he wishes to add. And the fact that it was added at congressional level in a conference committee after subsection 1(d) was already present in the bill and is a contravention of the basic rule of statutory interpretation that statutory language should not be interpreted in such a way to