

that.

SPEAKER BAACK: Senator Kristensen, you're next.

SENATOR KRISTENSEN: Senator Wickersham, if I could continue on with just what you were talking about because when you talk about giving it away, as I understand the Warner amendment it allows the state the opportunity to sit down with the railroad and say here are the methods that we can live with and agree to towards settling what your valuation will be. Would that be a statement that you'd be comfortable with?

SENATOR WICKERSHAM: Yeah.

SENATOR KRISTENSEN: It gives you that opportunity.

SENATOR WICKERSHAM: Yeah, the amendment is discretionary, however, I think discretion translates into do it.

SENATOR KRISTENSEN: But I mean it is discretionary.

SENATOR WICKERSHAM: That's correct.

SENATOR KRISTENSEN: And we're not mandating here's how you must value rail property.

SENATOR WICKERSHAM: That's correct.

SENATOR KRISTENSEN: And so if you follow that logic, if it is discretionary, your statements that why give them the issue, you're not giving them that issue really.

SENATOR WICKERSHAM: Oh, you're certainly giving them the argument in state courts that because of the discretionary...potentially discretionary on the part of the tax commissioner that it should have been done and that the tax commissioner abused his discretion if he did not do it.

SENATOR KRISTENSEN: But if they go to court they're going to throw this negotiating point out anyway. I mean this is really a tool of settlement. This is not a tool of law, right? I mean if the railroads walk off and say we're done, we are done dealing with the State of Nebraska, we're going to court, the Warner amendment never comes into play.