

you can roll those dice by voting "no" on this amendment. I think what Senator Warner's bringing to you is an amendment that will give you the opportunity to keep the tax base as broad as we can make it. One point Senator Schmit made was that, at least the way he was describing it and I don't know if he meant to describe it this way or not, it appeared as though his understanding of the amendment is the Tax Commissioner does all of these calculations and then sits down at the railroads and says, well, what do you guys want to pay, and they say what they want to pay and then the Tax Commissioner negotiates anything he wants to. As I read this amendment, the Tax Commissioner is restricted to either what the railroads would pay under a 1063 calculation or under this ratio calculation, but he certainly can't just sit down and play poker with them and make a decision...and decide with them whatever it is that they want to pay. Maybe Senator Warner at some other time can discuss that point on...

SENATOR MORRISSEY: Time.

SENATOR WITHEM: ..what flexibility the Tax Commissioner does have. I support the amendment.

SENATOR MORRISSEY: Before we go to our next speaker, would like to announce that Senator Schellpeper has some guests in the south balcony, 12 seniors from Clarkson High School, with their teacher. Would you folks please stand and be welcomed by the Legislature. Thank you for coming. Senator Lamb.

SENATOR LAMB: Thank you, Mr. President and members. Well, I...I feel...I feel that I'm forced into rolling the dice, as Senator Withem says, because I'm reading...I'm reading from the World-Herald on March 18 and that, of course, was before 1063 was passed. Nelson and other backers of LB 1063 have said that the new depreciation-based tax system could stand up against a 4-R challenge. The state would not be treating railroad property, personal property differently because all personal property being depreciated would be taxed regardless of who owned it, they said. So I voted for LB 1063. Then I'm reading, I'm reading from the...from the World-Herald dated April 2, last Thursday, after the vote on 1063, and I'll quote one little paragraph. "Nelson said he also supports an amendment to the new tax plan that will be offered in the Legislature this week that would change the way railroads are taxed." I voted for 1063 on one basis and then we're coming back saying, well, no,