

SENATOR MORRISSEY: Senator Schmit is our next speaker.

SENATOR SCHMIT: Mr. President and members, there's always something good in everything and I appreciate Section 170 of this amendment which clarifies that a person who has paid accelerated property taxes this year shall be eligible for refund of the amount paid which exceeds the amount that subsequently will be determined to actually be due for this year. When I offered that amendment of 1063 it was repudiated by the same people who are offering it now. The wisdom always comes later in life, they tell me. In my case, my life is getting pretty well down the western slope and so I better learn pretty quick. Also, it helps if you have learned to read and then remember to read and I like to go back and read what the World-Herald said on 3-18. It says the Union Pacific says it's likely to challenge the property tax plan, and then there's a whole lot of other conversation in there, and says Kim Robak, Governor Nelson's legal counsel, said Nelson's been working with the railroads and senators to see whether common ground can be reached this session. Senator Jerome Warner of Waverly said he is willing to listen to what the railroads want because the railroads likely would prevail if they took the matter to court. I don't know if that's accurate or not, but I have a hunch it is or else Senator Warner would have issued a disclaimer. I've said on this floor time after time the railroads would not pay taxes under 1063 because of the 4-R Act. Didn't have to challenge the constitutionality of any of what we are doing here. The 4-R Act lets them out of the gate. Now someone, Senator Withem, my good friends, Warner, say Schmit ought to be happy, he stood on the floor and said they wouldn't pay, now we've cut a deal, they have agreed to pay. When Senator Hefner said, will they pay four and a quarter million, Senator Warner says, obviously, we can't guarantee that. Obviously, we cannot. I had a little conversation with a railroad lobbyist which we attempted to settle on some kind of a figure and I can tell you very frankly that it is not the intention of the railroads to pay four and a quarter million. They don't have to pay four and a quarter million. They're going to pay whatever is an amount that is convenient that will preclude the little problem of going to court, but they know if they go to court they'll prevail. And so it would...this is not the first time in politics or in this Legislature or in court that someone succumbed to blackmail and we have a little bit of blackmail going on in the case of the railroads, so if it's less