

April 27, 1989

LB 807

because he knows there is going to have to be a fence around it, and he knows that I'm going to have to provide him access, and he knows there's got to be a road to it, and he knows that there is no way...listen, there hasn't been a fence around this land for 100 years, therefore why should there be a fence now?

PRESIDENT: Time.

SENATOR SCHMIT: Well, there will be a fence if it is sold, there will be a fence and there will be a road, there will be access, and it will draw taxes, Senator Haberman, and it will be a benefit to all of the people of the State of Nebraska, but most of all it will be a benefit, a maximum benefit to the school children of this state, and that's what we ought to be looking at, not does it benefit me personally, or you personally, or the entity of government, how does it impact upon the school children? Now we can argue...

PRESIDENT: Time.

SENATOR SCHMIT: ...that we ought to hold the valuables. Am I out of time, Mr. President?

PRESIDENT: Yes, sir.

SENATOR SCHMIT: Thank you, Mr. President.

PRESIDENT: Senator Withem, please, followed by Senator Lynch.

SENATOR WITHEM: Mr. President, members of the body, I am going to make a number of different types of comments on this bill, try to get them all in in my five minutes. Number one comment I want to make on deals with the in lieu of taxes, I know that is not the direct issue that is being debated, but it's been debated enough around this issue. And Senator Warner filed an amendment, and then he withdrew it, that dealt with the in lieu of tax issue. A couple of weeks ago we had a motion to bring a bill to the floor that would have dealt exclusively with the in lieu of tax issue. Much has happened on that issue since then, and I'd like to at least give the body my perspective on what I'm thinking about that in lieu of tax issue now. Keep in mind that when we spoke the other day we had two separate Attorney General's Opinions that led us to believe that a court would rule the in lieu of taxes unconstitutional. We may have represented on the floor what was our misunderstanding, at that