

court has lost patience with us and have said say what you mean, and do what you say, and don't come back and blame us if your explanation is not complete. I have a question for someone, on line 7 of the amendment, it says "annexation to the real property or real estate or something appurtenant thereto." Would someone want to answer for me what is meant by that "something appurtenant thereto."

PRESIDENT: Senator Hall, do you wish to handle that?

SENATOR HALL: Senator Schmit, according to Black's Law Dictionary, and I thought somebody might ask this question, so I did photocopy this out of the...or asked George to because I wasn't sure I could spell it right to look it up. This is the definition of it and it says, "Belonging to; accessory or incident to; adjunct, appending, or annexed to; answering to accessorium in civil law; employed in leases for the purpose of including any easements or servitudes used to enjoin with the demised premise. A thing is appurtenant to something else when it stands in relation of an incident to a principal, and is necessarily connected with the use and enjoyment of the latter. A thing is deemed to be incidental or appurtenant to land," and this is probably the most appropriate definition, "when it is used by right...it is by right used with the land for its benefit, as in the case of a way, or water-course, or a passage of light, air, or heat from or across from another land."

SENATOR SCHMIT: Fine. Is a pump which extracts oil from the ground, is that real property or is it personal property? Do you know, Senator?

SENATOR HALL: In terms of this legislation?

SENATOR SCHMIT: Yes.

SENATOR HALL: In terms of this legislation and in terms of my understanding with regard to the current law, that would be considered to be real property. There is no change there.

SENATOR SCHMIT: Yes, but a pump which extracts water from the ground would be considered personal property. Is that right?

SENATOR HALL: For purposes of irrigation, that would be correct.