

might make a big difference in a year when you had a substantial amount of income. It does not leave to the taxpayer the discretion, does not leave to the rural taxpayer that kind of discretion. Again, I come back to the amendment relative to the broilers. You would not believe that it would be necessary to have an amendment that exempted broilers from a tax on depreciation because a broiler normally is looked at as an appreciable item. You buy it at a few ounces and it grows to four pounds and you market it. Should be nothing there. But it will be a very strange situation if someone on this floor doesn't decide that there is a major loophole and if we're going to tax laying hens, we ought to tax broilers. It's not fair to the laying hen man to tax those laying hens and not tax broilers. After all, a chicken is a chicken, be they male or female. They all look alike and they ought to be taxed and treated alike. And that's exactly what will happen. We are moving, ladies and gentlemen, as Senator Warner has indicated, this body cannot bind a succeeding Legislature. And so the reason for this amendment is very simple. When some succeeding Legislature says, I guess the courts are out, the depreciable basis...

PRESIDENT MOUL: One minute.

SENATOR SCHMIT: ...therefore, we have to find some other scheme, some other nefarious method whereby we can tax those chickens. Thereupon we will have to go back to market value. And since January 1st is the reporting date, and the Kosch Brothers have several hundred thousand broilers out there, I'm going to have to tell the young men, sorry, I goofed up, I exempted laying hens but I didn't exempt your broilers. Therefore, ladies and gentlemen, I believe the amendment is necessary. I believe it is equitable, I believe it makes sense and I ask you to support it.

PRESIDENT MOUL: Thank you, Senator Schmit. We will now vote on the Schmit amendment to LB 1063. All those in favor please vote aye, opposed nay. Have you all voted? Have you all voted? Please record, Mr. Clerk.

CLERK: 11 ayes, 15 nays, Madam President, on adoption of the amendment.

PRESIDENT MOUL: The amendment fails. Items for the record, Mr. Clerk.