

think that that type of a decision would come forward calling rail personal property, but I want to be on record recognizing that it could.

PPRESIDENT MOUL: Thank you, Senator Hall. Senator Morrissey.

SENATOR MORRISSEY: Thank you, Madam President and members. This, too, concerns me as I made, I think, clear in the debate on LB 1063 when I asked about the 4-R problems, and when I heard the statements made that the change in the Constitution would protect us from...was attempting to protect us from the pipelines if the railroads got off, and I, then, again as Senator Moore mentioned, I sat down and wondered if, indeed, we were trying to amend the U.S Constitution at the same time because that still caused me concern, and the pipeline's ability to go to the equal protection clause. As far as the question on real property, it is a question, and it is a real puzzler. The definition of rail and ties as real property has always been confusing to me. The actual structure of the rail and the ties from, say, Lincoln to Kansas City will exist, and that structure will always be there, but the components that make up that structure are continually changing, the rail and the ties. Three men and one minor piece of equipment can move a quarter mile of rail, take it out of the track in Elk Creek today, move it up to Lincoln the next day, and install it the third day. Those three men can pick up a quarter mile of rail and do that easily. They have a machine called a PALL that can go out in one day and remove 3,000 ties, and 16,000 feet of rail, and in one day they can have that removed and loaded and shipped wherever they want. They can sell the ties or they can ship the ties from Falls City, Nebraska to Crawford, and install them on a backtrack in Crawford. They can take the 16,000 feet of rail, take it out one day, load it up on a flatcar the same day, have it shipped out to Colorado, sold to another railroad, or laid on their own road again within a week. So they can take over a mile of rail on both sides, mile and a half, load it up, move it out of state, sell it. They can pick it up and we do it continually. You can take a large switch, which is the turnout portion where you go into a siding, you can pick that up and move it out, go in, grade the land, pick it up, put it back in, load it on a flatcar, move it to Crawford, move it to Louisiana, move it to Colorado, however you want, so what is the definition of a permanent fixture, and what is the definition, and the definition of whether the rail and ties are real or personal property is very confusing, and should cause everyone at least