

total property, real and personal, that would be paid as opposed to having to take the chance of a lawsuit that may fail. And, finally, in response to the last comment, that LB 1060 (sic) could stand up to litigation, let me say that with adoption of this amendment it could stand up better, and I think that's an improvement and I would hope the body would adopt the amendment.

SENATOR MORRISSEY: Thank you, Senator Warner. Senator Hefner.

SENATOR HEFNER: Mr. Chairman and members of the body, I have a question for Senator Warner, if he'll yield.

SENATOR MORRISSEY: Senator Warner, would you respond?

SENATOR HEFNER: Senator Warner, the other day the body approved Amendment 3777. This would take...this would strike the four dollar per ton on soil conditioners. Okay, and then a little further on down in that particular section, and if you want to follow me, on page 260, line 16, subparagraph (3): For the purpose of this section, gross tonnage shall not include water or other carriers added by the retail seller of the fertilizer and shall not include sales of packages of fertilizer containing ten pounds or less. Was that left in there?

SENATOR WARNER: Yes, I checked this morning, Senator Hefner, and, if you will recall the conversation we had when your first amendment was up, I indicated that the AM that you mentioned also included your language plus some additional language dealing with water. What the Legislature did was adopt your amendment, it adopted Senator Lindsay's amendment, and it adopted the amendment that I had offered. Your, the amendment you offered and the one that I offered, your language was included and repeated in my language. I believe it was the same and, as I understand it, this morning the amendments dealing with the fertilizer then is all inclusive. It has the clarification of soil conditioners you suggested. It has the 3 percent...or the...the sales tax as one of the conditions, as offered by Senator Lindsay, and then finally it has the clarification of water being added as not part of the weight that was described by Senator Schrock on the floor prior to the vote on 1063. All those items were...are now a part of LB 719A.

SENATOR HEFNER: Okay, thank you, Senator Warner. I just wanted that in the record on this floor debate, point of clarification. And, Senator Warner, I do have another question for you. Will