

exemptions. We are going to allow those exemptions to continue and the courts will deal with those eventually. I...I think that we are...since we are in special session, these are extraordinary circumstances, I think that we should only deal with those things that we need to deal with at the present time rather than getting involved in another debate on whether or not the 775 exemptions need to continue, whether or not the dirt moving exemptions need to continue. I think we need to just deal with the issues that are before us from the court decision. And, as you know, I was not a supporter of LB 775 when it passed. I did not support those exemptions and I...I probably, if we had to make that decision again, I would not support them again because I don't think that that is good tax policy. But they are in place now. I think they have done a number of things that have been...that have probably been beneficial for the State of Nebraska but I still would not support them, personally, but I think in this case where we are in special session under a limited...limited time frame and such we ought to only deal with those things that we need to deal with at the present time. And so I would offer this amendment which would...which only deal with the exemptions that were dealt with in the MAPCO decision as handed down by the Supreme Court. With that, I would be happy to answer any questions or...and then I will listen to the debate. Thank you.

PRESIDENT MOUL: Thank you, Speaker Baack. The speaking order is Senator Hall, Moore, Haberman, Warner, Chambers and Hefner. Senator Hall.

SENATOR HALL: Thank you, Madam President and members, I rise to oppose the amendment. The issue with regard to the addition of 775 in the earthmoving equipment that Senator Baack correctly relates to the LB 6, the revenue version of the bill, there was remember two versions brought in, one the Revenue Committee's, the other the Governor's. Both bills contain the earthmoving equipment. Only the Revenue Committee's provision contained the 775...only the personal property tax exemption, and that was on a prospective or going forward basis. There was no intent nor would there be any ability, I do not believe, for this Legislature to go back and deal with the issue of the personal property tax exemptions that were put in place in 1987 under the Investment Growth Act. I just don't think we would have the ability to do that. If the argument is made that it was constitutional at the time, could you grant an unconstitutional tax? It's not unconstitu...or exemption...it's not