

November 14, 1989

LB 1, 3, 6
LR 6

need to be clarified, and I guess they would be the ones that would have to clarify it, because, in my opinion, the way it is currently drafted, it goes to the intent of the amendment that was offered, and it exempts the irrigation systems from being called real property, which means they are classified as personal property. Thank you, Mr. President.

PRESIDENT: Thank you. Senator Ashford, you are next but I understand we have an amendment to the committee amendments. Mr. Clerk.

CLERK: Mr. President, if I may read some items for the record.

PRESIDENT: Please.

CLERK: Mr. President, I have a confirmation hearing report offered by the General Affairs Committee, signed by Senator Smith as Chair. A new resolution offered by Senator Abboud, Mr. President. That will be laid over. (Re: LR 6. See pages 100-102 of the Legislative Journal.)

A motion by Senator Warner with respect to raising LB 6. Enrollment and Review reports LB 3 to Select File, Mr. President.

Mr. President, Senator Schmit would move to amend the committee amendments. Senator, I have AMO28S in front of me. (On file in Clerk's Office.)

PRESIDENT: Senator Schmit, please.

SENATOR SCHMIT: Mr. President, and members, I have just been handed letters from two county assessors in which they say that LB 1 clearly defines real and/or personal property and outlines why they support LB 1. That only leaves 91 more county assessors to get their letters into Mr. Larry D. Worth, Administrator of the Property Tax Division. I would suggest they also send copies of these letters to the Supreme Court because that is where we are going to be again, and I am sure they will be most impressed with these two letters. Anyway,...and I mean they mean well, they mean well. Senator Hefner said that the pump, the irrigation pump is real property. Senator Hall said the irrigation pump is personal property. Ladies and gentlemen, you don't need to point the finger at me for raising the issue. You have got two members of the Revenue

course, trying to do our best to serve the state and many times we receive some recognition for that but there are others trying to serve people and Ernie was one of those individuals who, in his own quiet, friendly way, did a lot to better life for a lot of people and certainly made life pleasant in the Capitol for all of us that got to know him. So I am very pleased that Senator McFarland took the time to do this and I certainly hope all of us will send our regrets, in voting for this resolution, to the family for the loss of somebody we will all miss.

PRESIDENT: Thank you. Senator Warner, please.

SENATOR WARNER: Mr. President and members of the Legislature, I rise to also support the resolution. However, I do have an amendment on the desk, or rather a motion to suspend the rules and permit the resolution to be taken up. Under Rule 9, Section 2, it states bills and resolutions shall be introduced only the first three days of the session and I think it would be in keeping with any further action that might come up during the course of the session that that rule be suspended so that the precedent is there and I would be certainly in support of the resolution, its formality, so that we are consistent with the rules. That's all.

PRESIDENT: Thank you. It would probably be well to vote on the suspension before we finish the speakers. There are only a few left, but perhaps we should do that. Is there anyone else who wishes to speak on the suspension of the rule? If not, the question is, shall the rules be suspended so that this may be introduced? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 30 ayes, 0 nays, Mr. President, on the motion to suspend Rule 9, Section 2, so as to permit consideration of LR 4, LR 5 and LR 6 this morning.

PRESIDENT: The rule is suspended. Senator Elmer, do you wish to speak on the resolution.

SENATOR ELMER: Thank you, Mr. President. I assume we're talking about the resolution Senator McFarland had offered.

PRESIDENT: Yes, sir.

SENATOR ELMER: Thank you. I, too, want to commend Senator

CLERK: Mr. President, LR 6. The first item I have on it are a request by Senators Lynch and Hartnett to add their names as co-introducer. Mr. President, LR 6 offered by Senators Abboud, Lindsay, Hartnett and Lynch, found on page 101 of the Journal. (Read brief explanation of LR 6.)

PRESIDENT: Senator Abboud, please.

SENATOR ABOUD: Yes, Mr. President, the resolution honors Creighton Prep's football team which won a fifth consecutive Class A state championship, as well as winning the seventh state championship in the past decade. I think, at a time when a lot of the focus is on the problems with youth in society and the State of Nebraska in recent years, I think it's important to point out achievements that occur in the youth of Nebraska and I view this as an achievement. I would urge the body to adopt the resolution.

PRESIDENT: Thank you. Senator Crosby, please.

SENATOR CROSBY: Thank you, Mr. President. I rise to support the resolution but I do want to point out...and I know that Chris Abboud knows I'm being charitable, Lincoln Southeast is the team that Creighton Prep overcame to win this championship, happens to be in District 29. So I want you to know that I am being charitable in supporting the resolution and I want it to be on record that those of us who support Lincoln Southeast are good losers. But also I will mention and echo what Senator Abboud said. In this day and age when we do hear so much about the bad things that young people do, it's wonderful to see them work hard in school and I know that at Creighton Prep and all these high schools they work with the athletes to be sure that they are doing well in school and that they keep up academically. And, in that regard, I will mention, without going into detail, that Lincoln Southeast has had academic honors again this fall and were...a team went back to Washington to receive those honors, as they had done last spring. So I do support the resolution. I just want Chris to know I am being charitable. Thank you.

PRESIDENT: Thank you for your charity. Senator Abboud, did you wish to close? The question is the adoption of the resolution. All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

November 15, 1989 LB 7
 LR 6

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of LR 6.

PRESIDENT: The resolution is adopted. Do you have anything for the record at this time, Mr. Clerk?

CLERK: Not at this time, Mr. President.

PRESIDENT: All right, we'll move on then to General File, LB 7.

CLERK: Mr. President, LB 7 was a bill that was introduced by Senator Warner. (Read title.) The bill was introduced on November 8, Mr. President. At that time, it was referred to the Revenue Committee. The bill was advanced to General File. I do have committee amendments pending by the Revenue Committee, Mr. President.

PRESIDENT: Senator Hall, are you going to begin the proceedings on this bill?

SENATOR HALL: Yes, Mr. President.

PRESIDENT: You're all right?

SENATOR HALL: I'll survive.

PRESIDENT: Okay.

SENATOR HALL: I have asked...the Page is handing out to you a brief summary of the committee amendments but probably as good a summary as you can find in your bill book with regard to what the changes that the committee amendments provide for with regard to LB 7. Just a very brief history. The issue behind LB 7 is because of the Trailer Train and other cases that had determined that personal property tax on railroads violated the 4-R Act. Approximately 75 percent of that property that the railroads had, made up their personal property, in their estimation, and approximately 75 percent of the personal property within our personal property system has been exempted from property tax. Thus the argument on their half for the personal property tax exemption based on the 4-R Act which says that you need to treat railroads equitably with regard to taxation. You cannot discriminate in taxing matters from state to state. We dealt with that issue after the courts determined that we could not tax the railroads. We just, basically, went

November 16, 1989 LR 4-6, 8, 9

PRESIDENT NICHOL PRESIDING

PRESIDENT: (Mike not activated immediately.) ...the George W. Norris Legislative Chamber. Would you please rise while Senator Wehrbein offers our invocation.

SENATOR WEHRBEIN: (Prayer offered.)

PRESIDENT: Thank you, Senator Wehrbein, we appreciate it. Roll call, please.

CLERK: I have a quorum present, Mr. President.

PRESIDENT: Thank you. Do you have any corrections to the Journal?

CLERK: No corrections, Mr. President.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 4, LR 5, and LR 6. Do you have anything for the record, Mr. Clerk?

CLERK: Mr. President, Senator Baack would like to make an announcement that the Government Committee will meet in Room 1117 as opposed to 2102 today for their meetings. I have a confirmation report from the Agriculture Committee, signed by Senator Rod Johnson. That's all that I have, Mr. President.

PRESIDENT: We'll move on to LR 7, please.

CLERK: Mr. President, prior to consideration of those resolutions, Senator Hefner would move to suspend Rule 9, Section 2 so as to permit consideration of LR 8 and LR 9 today.

PRESIDENT: Senator Hefner, please.

SENATOR HEFNER: Mr. President and members of the body, I move that we suspend the rules so that we can take up several resolutions, particularly LR 8 that Senator Wesely has introduced and LR 9 that I have introduced. So I would just ask your support to suspend the rules at this time. Thank you.

PRESIDENT: Thank you. Senator Haberman, please.

SENATOR HABERMAN: May I ask a question of Senator Hefner,