

and makes some gross, outrageous definitions of real estate in order to try to attract more people in. You've still got the Supreme Court and the body of law that says that the Legislature can't make unreasonable definitions, that's what they did to our special session legislation two years ago. They said, nice try, but you can't do that. We have a whole body of common law that defines real property. It's occurred since they...the early times in England, where the way they delivered property was they delivered a twig or a piece of dirt from one ground to the new owner, and that's how they transferred property. That whole body of law has evolved over years. Now Nebraska has a specific statute that defines real property; that statute has not been declared unconstitutional, that statute is valid, and that is an inherent power that the Legislature has, is to define the property. So I think Senator Conway's amendment is fine. I mean, I don't have any problem with that. I think it's inherent anyway that the Legislature can make those definitions, but the real test to this is are those definitions reasonable definitions, and are they founded in the body of common law, and do they have some rational relationship to what's being defined. So Senator Conway's pipe, as disgusting as it may be, will probably never be real property, unless, of course, Senator Conway becomes a statute and gets affixed to the land, which I doubt. But the court is always going to be the protection here of the legislators' power. And that's what we're going to talk a lot about tonight is that the court ultimately is going to have the obligation to be the arbitrator of disputes. And the arbitrator of disputes here is are those classifications, and are those definitions valid, and do they have some fundamental meaning. Now if we, in the Constitution, would define something, the Legislature can't undefine it. But that's the reason you want to leave a word like real estate there, it's because it has a specific meaning, we've defined real estate way before this state was ever in the Union. And our Constitution, our Supreme Court for numbers and numbers of years have upheld that, and I don't think we ought to throw that out. So I...the Conway amendment I don't have any problem with, because I think it's inherent that the Legislature makes that definition, anyway. And the check on that, in fact, it was in this natural gas pipeline company case that just came down from the Supreme Court, they talked about definitions and they said the Legislature's power of definition can't circumvent the Constitution, and that those things must be reasonable and can't be arbitrary or unfounded in facts. And so I think the protection is there. With that, I don't know that there is any