

March 6, 1992

LB 1063
LR 219

of 1063 will prevail and you would have personal property either exempt as it is now, those things that are by statute, and you would be able to tax other personal property, would be taxing other personal property at a depreciated value as proposed in 1063 and that property was not depreciable, but obviously it would be at zero so it would not be taxed, but essentially that's...

SENATOR SCHMIT: Would the Legislature in 1992 be able to come back and repeal the personal property tax on plainly livestock, farm machinery, business inventory, business equipment?

SENATOR WARNER: As the amendment is now written, the answer to that is 1993, I think. Did you say two? '93 as the amendment, yes, they could and the amendment that Senator Lindsay was just discussing that he indicated he will bring back would prohibit any future Legislature from excepting, but as the amendment now stands, the Legislature has three options, taxing it at depreciable, taxing personal property as depreciable, taxing personal property at value, at valuation method which means market price by the courts or exemption. Those are three options.

SENATOR SCHMIT: Well, Senator, I see the first two. I do not see the second one.

SENATOR WARNER: That's in the law, it's in the Constitution now, Senator Schmit.

SENATOR SCHMIT: I understand that...

SENATOR WARNER: It's not stricken.

SENATOR SCHMIT: ...but that is what the big fight is about, is it not?

SENATOR WARNER: No. Well it may be a misunderstanding which on the amendment that we just had I suspect there is. The provision for exemption is the third option. It's in the Constitution now for personal property. The reason we have the problem is because it still is tied back to the uniformity clause and special legislation clause and that's why we can't implement it because of...by the court decision.

SENATOR SCHMIT: Senator, thank you very much. Ladies and