

March 10, 1992 LB 1063

one, if the court hasn't said anything or, two, if the court between now and then says it is constitutional to exempt all personal property, this Legislature could, in fact, if there's the votes to do it, exempt all personal property and not have a commutation of tax problem because the reporting does not occur till June 1.

SENATOR WARNER: I believe that is the feeling. I want to put a condition on it. We believe that the...I would believe that would be the case because of the one Supreme Court decision which indicated...

PRESIDENT MOUL: One minute.

SENATOR WARNER: ...that since a statute was changed after November 1, that that constituted, as I recall, a computation of taxes and so there is a presumption that anything before November 1...you know, this is not to conclude that an earlier date would still be viewed as a computation of taxes by the court. We do know that anything that would be later than November 1, based on one decision, was...was a problem.

SENATOR MOORE: Okay,...

SENATOR WARNER: I can't tell you what date a court might select but I think it's generally recognized that you could not...certainly, you would no doubt have a problem trying to do it after levies were set.

SENATOR MOORE: Well, obviously, the drafters of this measure...

PRESIDENT MOUL: Time.

SENATOR MOORE: Time? Thank you.

PRESIDENT MOUL: Thank you, Senator Moore. Senator Schmit.

SENATOR SCHMIT: I yield to Senator Moore.

PRESIDENT MOUL: Senator Moore.

SENATOR MOORE: Well, as I said, obviously, the drafters of this measure refused to adopt Senator Hall's amendment last week which would have said that if the CA fails, all property is exempt for '92. As in my dialogue with Senator Warner, I'm