

night, I believe it is 1253 of the Journal. The amendment last night that was adopted will strip the date from that amendment, so that it now reads "so long as the classification or exemption is made in conformance with Article III, Section 18, of this Constitution." The reason for offering the amendment is to put some restraint other than federal equal protection, of protection, put some restraint on the Legislature, so that we can't run wild with exemptions, not have any purpose or reason for exempting any personal property from taxation. After the session last night and then for a couple of hours this morning, a couple of the members of the...a few of the members of the Legislature got together seeing if we could work something out. We are going to propose an amendment which would put a...require that an exemption be reasonable, and the language is hopefully going to be coming down fairly soon. Basically, where we stand now, I know I talked to Senator Wehrbein last night and he suggested that before we get to a vote on this, that there has to be some explanation of some of the constitutional standards that exist now in the law. Right now, the basis, as the amendment is now drafted, as LR 219 is now drafted, the basis that the Legislature would have to follow is simply federal equal protection. Federal equal protection means that the state...that the exemption would have to be rationally related to a legitimate state purpose. The definitions of that kind of standard vary a little bit but it is basically the lowest standard that is possible. Nine times out of ten, if there is 25 votes here in the Legislature, the courts are going to find that it is rationally related to a legitimate state purpose. What the amendment seeks to do is to raise that standard, and that would be to the special legislation standard. Now, remember that the Nebraska Constitution does not have an equal protection clause. Basically, what operates as an equal protection clause in the Nebraska Constitution is the special legislation clause. That has been interpreted to basically act in that manner. The special legislation standard would be that there can be no unreasonable or arbitrary classification. An unreasonable classification means that there has to be a substantial rather than a rational base, there has to be a substantial basis for the classification to achieve that state interest. It is a higher standard. It is...it puts more constraints on the Legislature than does federal equal protection. If we do nothing, as I mentioned, the only constraint is federal equal protection because the initial language of the LR sets forth that this language prevails, notwithstanding any other provision of the Constitution. So the