

March 11, 1992

LB 1063  
LR 219

discuss even if Nebraska's present classification of property as exempt and not exempt was found valid under the Nebraska Constitution, the system could not withstand muster under federal law. So in other words, we change the Constitution to make LB 1063 fit within the framework, it still might not withstand muster under federal law as they stated, our existing system with relationship to MAPCO. And I'm still waiting for that answer and I just want to know who or what you think those percentages are and if you think the percentage of personal property off the rolls that will be off the rolls is just in inventory alone or if you figure other things, if that is a problem. Goes on to say federal law has eviscerated the portion of Nebraska Constitution, Article VIII, subsection 2, that they discussed in the Stahmer v. State. Accordingly, Stahmer v. State is overruled. But again, they went to federal law and it's a question I still have in my mind and have had all along and I wish I had asked it earlier, but I didn't. They go on to state that it's obvious that in order to reach any meaningful resolution of the problem presented to us, this court must address the legality of the exemptions of three-fourths of the commercial and industrial property of Nebraska and they don't go on to say what would be all right. They don't do that and that's my question, and I don't know what it is. What is the number that gets us out from underneath 4-R concerns? What is the number that makes changing the Constitution and passage of LB 1063 the process that gets us out of this heartache of discussing this year after year, listening to the courts discuss it again, listen to the courts, discuss it again? Is this a solution, this getting out of our state Constitution problems and 4-R problems and equal protection problems? Is this a solution, yes or no, if yes, how, if no, how come? Thank you.

SPEAKER BAACK: Thank you, Senator Morrissey. Senator Withem.

SENATOR WITHEM: I would call the question.

SPEAKER BAACK: The question has been called. Do I see five hands? I do. We will now vote on ceasing debate. All those in favor vote aye, opposed vote no. There is a request for a call of the house. All those in favor vote aye, opposed vote no Record, Mr. Clerk.

CLERK: 15 ayes, 0 nays to go under call.

SPEAKER BAACK: The house is under call. All members please