

March 11, 1992

LB 1097
LR 219, 264

Journal.) 20 ayes, 25 nays, Mr. President.

SPEAKER BAACK: The amendment fails. The call is raised. Mr. Clerk, items for the record.

CLERK: Mr. President, thank you. New resolution by Senators Abboud and Chizek. (Read brief description of LR 264. See page 1293 of the Journal.) That will be laid over.

Transportation reports LB 1097 to General File with amendments attached, signed by Senator Kristensen.

An Attorney General's Opinion and a report from the Department of Roads. (See pages 1293-96 of the Legislative Journal.)

Mr. President, the next amendment I have to the constitutional amendment is by Senator Schmit. Senator, this is AM3414. (Amendment appears on page 1296 of the Legislative Journal.)

SPEAKER BAACK: Senator Schmit.

SENATOR SCHMIT: Mr. President and members, I'm only going to speak briefly on this because I want to make a point and then I have another amendment which I would like to offer. AM3414 is the amendment which I addressed earlier in my conversation with Senator Kristensen. The language in the Constitution that says notwithstanding this, notwithstanding that, notwithstanding something else, the reason that I offer this amendment is that I do not believe that that is a kind of specific dedicated language that leaves no room for doubt. When you use that kind of language and I know my attorney friends will disagree with me, I believe it clutters up the Constitution and provides for more debate as to what the Legislature and what the people actually mean when they, if they were to adopt 219CA in that form. I have read and reread and reread those amendments and I can see that I do not have the level of understanding that some of you do, but I would hope that I would understand it as least as well as the average citizen and I do not understand the clear implications of that language coupled with other language. Now I note that when the authors of 219 wanted to be specific, they could be that way. They said very simply all inventory shall be exempt from taxation. They didn't say notwithstanding this and notwithstanding that and so forth and so on. They said inventory shall be exempt from taxation. That is the kind of language, I don't approve of that situation, but that is the