

SENATOR CHAMBERS: Can you show me...oh, first of all, do you have a copy of this page from the statutes...

SENATOR KRISTENSEN: One minute.

SENATOR CHAMBERS: ...that I handed out?

SENATOR WICKERSHAM: Yes, I do.

SENATOR CHAMBERS: And it defines property.

SENATOR WICKERSHAM: Yes, for purposes of Section 76-101 to 76-123, which are real property statutes.

SENATOR CHAMBERS: Now, can you show me anything in this definition which, based on the way LB 168 is drafted, would not be affected?

SENATOR WICKERSHAM: Excuse me.

SENATOR CHAMBERS: Can you show me what that is contained in the definition of property that I handed you, which would be excluded from the term "property" in LB 168, as LB 168 currently is drafted?

SENATOR WICKERSHAM: I think that powers of appointment, particular a power of appointment to benefit yourself, your estate, your heirs, or your creditors would be a kind of property that would not be included within the definition.

SENATOR KRISTENSEN: Time. Senator Wickersham, your light is on next.

SENATOR WICKERSHAM: Thank you, Mr. President. I appreciate Senator Chambers' efforts to enlighten the body, however, I think we're going slightly askew. It is true that I can't stand here and tell you what a taking is, nor can I tell you what property is for purposes of this specific statute that is being proposed, because those are essentially constitutionally determined. They will be ultimately determined by a court. Now, the real thrust of this is not to define property, not to define taking today, because even if we attempted to do that, we ultimately wouldn't be successful. The thrust of the proposal is that there be an examination of that issue when a rule or