

April 14, 1981

LB 392, 478

PRESIDENT: LB 392 passes with the emergency clause attached. The next bill on Final Reading is LB 478.

CLERK: Mr. President, I have a motion on the desk.

PRESIDENT: Read the motion, Mr. Clerk.

CLERK: Mr. President, Senator Landis moves to return LB 478 to Select File for a specific amendment. The amendment is found on page 1427 of the Journal.

PRESIDENT: The Chair recognizes Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, we have before us at a little later date the issue that I understand is percolating in the body with respect to whether or not the Peterson-Landis amendment should be struck from the bill and that was the amendment that you will recall applied the need standard found in the elderly homestead exemption sections to the homestead exemption sections with respect to the disabled and veterans' widows and the like. That is not the issue before you right now. This amendment is strictly technical in nature. At one point in the amendments that were adopted, we changed and applied the need standard idea to a section of law with respect to the sale of homes purchased by VA benefits. However, that section of law is also mirrored with parallel language in the Constitution so that to amend the law would be for naught, that, in fact, the constitutional language has written, perpetually I guess until a vote of the people declares otherwise, that benefit or that special perquisite into our Constitution and we as a Legislature cannot change the terms of that benefit, therefore, the amendment that I have previously offered with that one respect would be ineffective and there was no reason to add that language to the law when, in fact, the Constitution restricts our options. I would urge the body to adopt this amendment because simply it takes out language which cannot be put into effect by the Legislature since it violates the Constitution and then as I understand it, we will be faced with the further policy decision after this motion of whether or not we want to strike the Landis-Peterson amendments, and so I hope we do not embroil this amendment with the issue that we will be faced with following the disposition of this amendment and for housekeeping purposes I would urge the adoption of 478 amendment offered at this time and then shortly will be debating the merits of the previously adopted Landis-Peterson amendments. So I hope that you will vote, at least in this case, and then we can set the stage for the debate on that policy choice just a little bit later.