

(start belt #7)

the book but it is the last, next to the last one on page 6 line 5 insert (6) change the zoning to other than agricultural use, and that is one of the basis of which you can remove land from qualifying or prohibit land from qualifying.

SENATOR LUEDTKE: Now this not only includes that within a city but also within a cities jurisdiction.

SENATOR WARNER: The county jurisdiction?

SENATOR LUEDTKE: The county jurisdiction which would be the 3 mile limit.

SENATOR WARNER: We speak frequently, at least I have on the fringe or urban areas and it is also true that you could have a comparable situation clear across the state and every interchange. At one point is there a 20-40-80 acre potential for development, and really it extends to where you have a filling station, a motel or a shopping center.

SENATOR LUEDTKE: Well this is exactly my point and I share with Senator Nore the fear that we would not a want anything to pass that would completely cut off at certain areas the orderly development out in a given direction and perhaps send that maybe miles further so that you could get away from that fringe area completely and then you would have a disjointing spreading effect.

SENATOR WARNER: I would concur with you entirely that that would be bad and I believe that the bill was designed to do just the reverse of that.

SENATOR LUEDTKE: Would you have any objection, and if so why, to making this 3 years rather than 5 year restriction or pay back since I know too that in other states where they have this this usually always 3 years. Why did you pick 5 years, lets put it that way?

SENATOR WARNER: Well purposely to make the application of the law more limited less of a preference if this is what it wants to be called. Personally I would not object to 3 but the reason I offerred 5 or had it written as 5 was merely to make the law more restrictive.

PRESIDENT: Chair recognizes Senator Dickinson.

SENATOR DICKINSON: Senator Warner will you yield to some more questions? I have a question on page 6 line 15, paragraph A maybe I have missed some of this but how would this land be valued then for the retroactive tax based upon the sales price for the whole five years retroactively?

SENATOR WARNER: No, the assessor would run each year a dual evaluation one which would show in their judgment what the potential value and the other one would be the value for agricultural use. The sale price would not be applicable probably until the year that the sale took place, if then.

SENATOR DICKINSON: Would it be difficult in your opinion for the assessor to go back 5 years and determine what the value was at that time? What are you using for criteria? What the value might have been?

SENATOR WARNER: It is on an annual basis. On the card where they, under the current law the assessor is supposed to annual