

SENATOR HALL: That is correct.

SENATOR CHAMBERS: Now, when you say except and you base the definition on the use of property rather than the nature of property, is that a valid basis for making a distinction as to what constitutes real property?

SENATOR HALL: Senator Chambers, it...the question that you ask is one that the very...I think strikes at the heart of the whole issue that we have before us, and that is what the intent, the question of intent with regard to personal property, is all about. The reason for spelling out the definition of what is real and what is personal property as we do in subsection (2), and now it is going to take me a minute to answer this question, if you don't mind.

SENATOR CHAMBERS: Go ahead because I can turn on my light again.

SENATOR HALL: But we talk about the fact that it has to be actually...if there is actual annexation to the real property, all right, which means affixed, attached, however you want to define annexation. That is the definition used so that you take the issue of intent on the part of the property owner out of statute. Your point that you make is that we do that in the first half, but then by saying, except that the terms real property and real estate shall not be construed to mean...all I see that as doing is spelling out that that is not the intent of the definitions of the terms real property to include center pivot irrigations if they are used for agricultural or horticultural purposes.

PRESIDENT: One minute.

SENATOR CHAMBERS: Would this, otherwise, this center pivot and other irrigation equipment, fall under the definition that has been given by being attached to the real estate or something appurtenant thereto?

SENATOR HALL: I think one could make a very strong argument to the fact that it was annexed to property because one of the specific definitions for being annexed to property is that it is attached, for example, the utilities.

SENATOR CHAMBERS: Okay, one other question and then I will have