

that whole scenario of the Legislature passing a bill defining something that is a county expenditure as not being a county expenditure for purposes of levy limitations?

SENATOR KRISTENSEN: In terms of is this clearly constitutional, there is not a case on point. In other words, we have not done that. Is it clearly unconstitutional? No, I don't think it is...

SENATOR WITHEM: Because there is not a case on point.

SENATOR KRISTENSEN: Right. I think that the two, the two ends of the spectrum are there, so by definition I think the answer to your question is, are we a little in unchartered waters? Yes, perhaps so, but the county budget is not necessarily the county's budget. In other words, the operation of that medical facility is not within the county's budget. They have a separate...they have their own board of directors. They have their own source of revenue, that being fee generated, all sorts of things.

SENATOR WITHEM: But they do levy a county tax for purposes of running a hospital?

SENATOR KRISTENSEN: They can, now not all do.

SENATOR WITHEM: But the purpose of this amendment is to allow them to...the county to levy a tax that might be in excess of, what is it, the 50...

SENATOR KRISTENSEN: Yes, exactly, the 50-cent levy limit.

SENATOR WITHEM: Okay.

SENATOR KRISTENSEN: Right.

SENATOR WITHEM: Okay, I guess I don't have any major problems with what you are doing here, other than a little red flag, a little light goes off here, because I know we are going to be having some problems in a number of counties, particularly if we adopt a solution to the personal property tax situation taking personal property tax off the tax rolls, of bumping a number of counties, probably a number of other subdivisions up against statutory limitations. So I thought it important that we at least discuss that point. Thank you. Ah, yeah, Senator