

SENATOR HALL: So, Mr. Clerk, if that would be all right and there would be no objection, we would substitute Senator Landis's AM1597, that it was handed out. It is not printed.

SPEAKER BAACK: Any objections? If no objections, so ordered.

CLERK: Mr. President, Senator Landis's amendment is AM1597. I believe copies have been distributed to the members. (See pages 2547 of the Legislative Journal.)

SPEAKER BAACK: Senator Landis.

SENATOR LANDIS: Thank you, Mr. Speaker, members of the Legislature. I am sorry. I should have had this published and handed it in, but I don't think I gave specific instructions to have it published and that is why I have had to pass it out to you. It looks like this. It is about half a page long. It is AM1597. It does several things. I had a consultation one afternoon with the legal counsel in the property section of the Department of Revenue, and I told them that I was concerned about the rumors that I had heard as to whether or not 320 was or was not constitutionally defensible, and I got some rather blank stares coming back. On the other hand, we went through the bill, and they said, look, if you want to do the things which we think will put it into better shape with regard to the Supreme Court, these are the things you ought to do. First, you have got an adjustment factor in there, and that adjustment factor takes the value of agricultural land from 100 percent of actual value down to 80 percent of actual value. But you name that factor the risk and partialization factor. We might be able to justify it on that basis, but we might have other justifications that we could use to justify that variation from actual value as well, and if you name it that, we won't be able to use any of the rest of our arguments. Fair enough, one of these provisions strikes the reference to the name, therefore, allowing the Department of Revenue the maximum flexibility in justifying that variation. Secondly, they said it looks like this factor is open-ended, that the discretion could become absolute, and depending on what happened, we might move further and further away from a number which the court might accept. And so I said, all right, if we put a floor on that discretion, if we name the adjustment factor and its target, will that help? They say, yes, it would. So now we name the target of the adjustment factor and it is 80 percent of market. One of the key things is that it stays at 80 percent of market over time,