

SPEAKER BAACK: Thank you, Senator Landis. Senator Kristensen, you're next.

SENATOR KRISTENSEN: Thank you, Mr. President, members of the Legislature. Senator Hall, I just have a brief question. I'm sorry I missed two of the speakers here, but I...My question, and I believe as you introduced this amendment, you do separate real property from tangible property and take out that word that's caused us a lot of trouble, and I do think that's good. So you set up a system for real property. If I have a computer and that becomes the subject of analysis for the Supreme Court on how to tax personal property, what language in the Constitution, and what...how does the Supreme Court deal with personal property under your amendment?

SENATOR HALL: Thank you, Mr. President.

SPEAKER BAACK: Senator Hall.

SENATOR HALL: Senator Kristensen, they would deal with it the same way they do income tax and sales tax.

SENATOR KRISTENSEN: In that...in...

SENATOR HALL: In that there is no mention of them in the Constitution either.

SENATOR KRISTENSEN: Well, but I...I think that there is another section mentioning other sources of revenue. One of the problems I have is one page 998 it says that no property shall be exempt from taxation, except as provided in this Constitution. To me we say that you've got to tax personal property, unless it's exempt. And then my question is, if you're forced to tax it, how do you do it? Current LR 219 talks about that you have your options of doing it under the depreciation scheme, or under a uniform and proportionate scheme, if you choose to do that. My...my reading of this is that if you take out the words "personal property" and how to deal with it in the Constitution, the court has no direction, and then you leave it even wider open for the court to make their own determinations, and that's what scares me is the court will even get more flexibility. You understand the point I'm making?

SENATOR HALL: Oh, I understand clearly the point you're making.