

considered irrigatable...irrigation property, which is the way it is. I am told by the Department of Revenue, when they do land comparison sales, as is required by statute to determine ag land values, as the current law provides, that, as you know, there are sales reported that are then reviewed, and there is a process as to which sales are to be used. And if there have been sales recorded in which the selling price did not indicate subtracting the pivot from the price of the land, then the department, in making those land sale comparisons, goes out physically, looks at the property, puts a value on the...for the pivot as far as part of the sale price, irregar...regardless of what may have been reported by the person making the sales and what kind of a split they made between the land and the pivot. And the reason for doing that is that the seller or the buyer may have divided the pivot valuation and the land valuation, for income tax reasons, totally different. As I pointed out, the addition of this amendment will add nothing or change nothing from the way it is now. But there have been people who rationalize that somehow or other the existence of a pivot, as personal property, was going to be taxed twice. And that just simply is not how it is; that it was going to affect the value of ag land, that simply is not how it is. But the purpose of the amendment is to make it clear for that understanding, and I move its adoption.

SPEAKER BAACK: Thank you, Senator Warner. Senator Moore.

SENATOR MOORE: Mr. Speaker and members, I understand what Senator Warner was trying to do. And technically, in a legal sense, he's absolutely correct. But it's one of those things I don't care how many lawyers it takes to explain something to me, or how legally correct something is, the fact remains that pivot, in many instances, is what makes the land irrigable. And without the pivot the land could not be irrigated, therefore it would not have increased valuation. Once again, from the area where I come from, where land is somewhat level, and it's all nice, level...nice half-mile rounds, arguably the well is what makes it irrigated and raises the valuation. But in many parts of the state it's the pivot, not the well, I mean, the well the water comes from, but the pivot is what allows you to irrigate that land. And so what Senator Warner is trying to say in statute is probably in a sense correct, that that pivot is not being taxed on the real estate side, though common sense, and I...I hesitate to go away from legal terminology and go to common sense in this debate, but the common sense is very