

SENATOR KRISTENSEN: Because I think what you want to do is that you say those...in Article III, Section 18, for example, is the special legislation, that that is not going to apply. The word "notwithstanding" means not taking into consideration those phrases.

SENATOR SCHMIT: In effect then are not we repeating those sections of the Constitution? We're saying, after all, don't pay no attention to it.

SENATOR KRISTENSEN: No, I don't believe that we are, Senator.

SENATOR SCHMIT: Well, then how do you...why do we have it in there?

SENATOR KRISTENSEN: Well, because I do not believe that you want to have the taxes levied by uniform and proportionate on real property and the methods we have for personal property I don't want that special legislation clause to come in and destroy that system of taxation. If I wanted to do away with the special legislation clause, I could do it, but it still has other valuable purposes in our Constitution. But for this...for revenue purposes, I think you can fairly answer yes to your question.

SENATOR SCHMIT: Well, Senator Kristensen, you mentioned casually for revenue purposes. That is probably the backbone of the system. For revenue purposes, if we...if we repeal the special legislation type, if we repeal the special immunity and the privilege and if we...if we wipe all of that out and we say notwithstanding that language, we can do this or we can do that, does not that give this Legislature an arbitrary power to confiscate property by virtue of unfair taxes?

SENATOR KRISTENSEN: Absolutely not. Because you have...

SENATOR SCHMIT: And why?

SENATOR KRISTENSEN: ...you have other protections.

SENATOR SCHMIT: Name them.

SENATOR KRISTENSEN: You have the Fourteenth Amendment in the United States Constitution, right?