

property that was acquired the last seven years, nor did they include any agricultural equipment or livestock in their numbers so that it just simply is inaccurate. I want to address the issue again. Yesterday I was asked whether or not LR 219CA was constitutional and I said, no. And then I went back and explained in more detail when I had an opportunity to speak on my own. Actually, as of today, when it was passed, it is constitutional, no act is unconstitutional until declared so by the court, in a very technical sense. But those portions that you may question, which is the net book value, does not become a part of the law unless the constitutional amendment is approved by the voters. So when I said, no, it wasn't constitutional, my reference was solely to the fact that the part that we talk about all the time, the depreciable value, was contingent upon approval of the voters of the constitutional amendment. If the constitutional amendment is not placed on the ballot in 1992, then that part is ineffective and has no change. Again, those who say that if you do not pass this, all they have to do is pass something else to exempt all property, some of you may believe it. But if you look at the court cases that have consistently come down, if you look at what was done in July, together with the March case in 1990, in my opinion, there is no way that you can exempt all personal property without amending the Constitution. But assuming you could, as the amendment is proposed, it shall be exempt, if you believe that the question will not be raised as to where do you replace the revenue, that was the whole issue early on to exempt all where do you replace the revenue. We dealt with broadening the sales tax. We dealt with a whole series of amendments as to how that property would be replaced. And the only thing you could assume with the amendment here, since there is nothing that replaces that lost revenue, business equipment, the \$100 million, is that it would move to real estate. And that's something that I don't believe is what the voters want. The court held in the case on exemptions on the uniformity clause, coupled with the 4-R Act, was the reversal for the 1974...

PRESIDENT MOUL: One minute.

SENATOR WARNER: ...decision. Things have occurred since then and the uniformity clause, and I don't know how Senator Moore has his amendment written that he says is an alternative. I assume that he still separates that real and personal tangible property as the court made it very plain that we could not subdivide income producing property, meaning real and personal.