

city, and you subdivide, you pay this recapture provision, you lose your agricultural zoning, and that's how the land goes into production as housing or whatever. If you don't want to subdivide, and you want to keep it as a farm, you get your greenbelt recognition by having your property zoned agricultural. That's the only way you get greenbelt provision. The agricultural definition means that Senator Hall's example, of the little machine shop, doesn't occur, it doesn't occur. I'll tell you why. If that machine shop is built on what is otherwise a farm in a county that is not zoned, greenbelt doesn't apply, so there is no greenbelt preference. If the machine shop is part of what would otherwise be a farm in a zoned county, the machine shop is going to be zoned separately than the agricultural land. The machine shop will have a commercial zoning, the agricultural land will not. You can mix those two, and that's why that will not occur as a problem. But I'll tell you the problem with Senator Chambers' language. What if you give an easement to a utility for one of those high wires crossing your agricultural land. You get income from the...the payment for the easement, but it goes right through our cornfield. Now your cornfield is being used for corn. You've got this utility line running through your property, is the land exclusively agricultural now? Well, I'm not sure. Is it actively devoted to agriculture? Yes. Does it have another purpose? Well, it is allowing this utility to cross the property, and there is an easement, and you are getting money. Are you being unjustly enriched? No. Why? Because the easement payment is taxable as income. You'll get the money from that, and you'll put that in your pocket, and the farmer will pay...

SPEAKER BAACK: One minute.

SENATOR LANDIS: ...tax. The land now, although actively agricultural, has this slight variation. Under our existing law it's actively devoted, it's zoned agricultural, it is in a zoned county, it's subject to the recapture, it's okay. If you pass Senator Chambers' language, that kind of land might fail, even though it is zoned agricultural and in active production as a farm. There is a definition of agricultural land, it's in your statutes, you can find it in your Volume 4(a), you'll find it on page 764. It's the statutory definition of agricultural land, and I think you'll find it's sufficiently broad, it's sufficiently valuable to serve our purposes. We have no history of abuse and there is a potential for mischief here by mixing in