

I'm on the...looking on the down side. Go through the scenario, again, of what...how you feel, if we would adopt this amendment and then go home.

SENATOR MOORE: Well, if you would adopt this amendment I mean you've basically done nothing. I mean the question is going to be 829 for 1991, does that work? That's anybody's guess, I don't know, you know. I mean some people can say very strongly that 829 is perfectly constitutional. I know Senator Schmit has found language on page 14 of the opinion that says all taxable property, if you don't tax it, they're not talking about it there. That certainly is his opinion, but it's not necessarily mine. And, if you do this, you're doing the same as doing nothing. And we don't know. I argue you're just at the mercy of the courts for another year. We're not making tax policy at all.

SENATOR ROGERS: Yeah, I understand. Senator Hall, I don't know if you were here when I first started. I mean I guess what I wanted the body to say, and you and I don't agree on some of these. I mean I guess I'm still basically supporting LR 1CA, but I'm at the impasse that I have my doubts whether that's going to make...I mean that's...my second alternative is then Senator Schmit's amendment. What's your reaction to that? Is it any different than Scotty Moore's, I mean is it worth a chance? If we don't do anything now, we know what's going to happen, that we know, Senator.

SENATOR HALL: That's right. If you adopt Senator Schmit's amendment it would be, I guess, and you don't adopt any constitutional amendment, you're...what you have is a proposal that's on the statutes. In other words, you have 829 that, in effect, is good until you change it, or until it's challenged, the constitutionality of it is challenged. And that will happen, you're guaranteed of that. What you may be doing is nothing more than just delaying the ultimate, which would be you put it off until the court decides the issue of its constitutionality. So you're still in a little bit of a state of limbo, but really what you have is you have no personal property tax, you have the funding mechanism that we put in 829, and you're doing all of that knowing full well what the MAPCO decision says, and you still have not separated real property from personal property as it relates to the uniformity clause.

SENATOR ROGERS: But would you not admit that if things did go