

SENATOR WARNER: Mr. President and members of the Legislature, I am going to try to talk about this on a different basis than what I think if the amendment stays or doesn't stay, as a matter of fact, what the constitution will say and what will not be changed even if you leave this in. There is one thing those of you who are interested in income base, you can forget that because you will have locked in to the constitution that ag land will be 80 percent of actual market value, period. So that possibility will be gone, but what's more important is that those that think they are protecting themselves, the ag land with this amendment, not so. The constitution now permits ag land to be classified differently. There is absolutely nothing in the constitution, in fact, historically until a few years ago, assessed value was not market value. We were 50 percent of market value. As, if you would adopt this amendment, there will be absolutely nothing in the constitution that would prohibit the Legislature, if agriculture is going to be short of votes, that we could...there is nothing in the constitution that would prohibit the Legislature in the future to have an assessed value for all classes of property, other than agriculture, at 50 percent, but ag could stay at 80, as required by the constitution. You are not gaining what you think you are gaining, and I would think seriously those who want to explore the possibility, then come. And we tried it once, and as I recall, the court threw it out, the approach that was used. But you'll never look at it again, if there is a way devised, because you will have locked in 80 percent of market value. So I would urge that you would seriously forget the property tax package for a moment, think about what is good constitutional law. What's good constitutional law is not to lock it in, to give the Legislature some flexibility in the future to adjust for things, that 292CA, as it is drafted, places tremendous responsibility on the Legislature for implementation, so that it is done fairly and correctly. But if we leave this here, don't think that you have blocked out the possibility that other property, all property, other than ag, can be assessed at something different because it can, and it can be assessed, the only thing that the constitution requires is that value be market value. Then you could assess that at any level you want, and with the constitutional amendment, you can leave ag highest. I would trust the Legislature in the future not to do the wrong thing. I think the amendment, as it is now in the constitution best meets that requirement and I would hope that you would