

not adopt this amendment, you don't impact in any way what we currently do and, frankly, the court would now look toward what we do in terms of definitions as it relates to real estate in the statutes. That's how they would examine it right now if the proposed constitutional amendment were in place. The reason for making a separate and distinct class as it relates to personal property is that I think we all know that we want to leave no doubt in the court's mind what it is the intent of the Legislature to do here by offering this amendment to the voters and again, this is something that we don't have the final say on. This goes to the electorate. They deal with it and they are the ultimate decision makers here. I think by leaving real estate in what would be, I guess, a common law definition that the court could deal with and also look to the statutes as well, we don't bind ourselves to any specific statutory definition that itself may not be complete. I don't know that the statutes spell out the definition of real estate that would encompass everything that...every question that the court may face. It could cause as many loopholes, or create as many loopholes as it might attempt to close. So it's I think just a case where leaving it open-ended may very well be the best course and that's what I would urge the body to do. I think the issue on the specific grant for the Legislature to determine what personal property is exempt or not exempt only stems to clarify what we have done traditionally and to also spell out that there is a distinct difference between real and personal that we intend to treat them differently,...

SENATOR MORRISSEY: One minute.

SENATOR HALL: ...we're going to treat them differently and we do so by laying that out in statute as we currently do various definitions of real estate. With that, I would urge the body to oppose Senator Conway's amendment.

SENATOR MORRISSEY: Thank you, Senator Hall. Next speaker on the Conway amendment to the committee amendments is Senator Kristensen.

SENATOR KRISTENSEN: Thank you, Mr. President, members of the body. I don't believe that the Conway amendment really has any bearing on whether this constitutional amendment will work or not, because the power to define real estate is going to be inherently with the Legislature, anyway. And let's say the Legislature, like Senator Hall has suggested, gets carried away