

introduced, and I believe it is necessary to make a stronger case for the justification of the exemption. Lines 22 to 24, the top, lines 1 and 2 of page 6, again goes back to the wording or the concept of the whole bill, and the concept of the whole bill is that part of the problem, probably the problem with the court decision in the pipeline case was that there were two types of property by statute contained in the same class, part of which was taxable, and part of which was not, and that makes that separation clear. There is some minor word adjustments on item 3 of the amendments. Item 4 is bill drafting. Item 5 is some language that incidentally was offered by me and also by the railroads which clarified, struck the words "carrier by railroad" and just merely says "in railroad transportation" which is a more accurate description. The other important thing that the bill does is or the amendment does is strike all the sunset provision for the classification. The reason for doing that is, in my opinion at least, that there will be a stronger case to go to the courts, should that be necessary for the other cases that are pending. There will be a stronger case if that classification is recognized as permanent and not a temporary matter of two years. A matter of state policy that this exemption in recognition of the 4-R Act and the importance of the railroad to the economy of the state, those two things combined do cause, I believe, a constitutional provision that is justified; also concurring with the Attorney General's Opinion that it would be a distinct and separate class that can be done under our Constitution. So I would move adoption of the amendment to essentially return the bill back to the form in which it was originally introduced.

PRESIDENT: Thank you. Senator Hall, please.

SENATOR HALL: Thank you, Mr. President, and members, I rise in opposition to Senator Warner's amendment but only the portion of it that deals with the sunset and, actually, it is very difficult because of the way that he has divided the amendments to deal with that, and that is what I tried to do earlier by pulling out subsection (3), and I also wanted to look at subsection (2) but it wasn't clean enough to do it because it does run across a number of different sections. So should he be successful because of some of the other things he wants to put in, I will bring an amendment to the committee amendments to, excuse me, to the bill when we have it in front of us, to put the sunset back in because I do believe that the sunset provision should be voted on separately and distinctly, and we