

from the Commissioner of the Oregon Public Utility Commission on what was going on in Oregon at the time, and Oregon is significant because that was one of the cases that really broadened the impact of the 4-R Act. I will read you just a portion of hers. "Oregon, like many other states, is affected by the discriminatory taxation provisions of the 4-R Act because of its property tax implications. However, we have an additional problem. Our ability to regulate the safety of railroads and railroad crossings is threatened by a suit filed in July '86, by Union Pacific Railroad alleging that the free public utility commission...the fee the public utility commission assesses on railroads is unjustly discriminatory under the 4-R Act." She goes on to say how much this expands the issue and stands the 4-R Act further on its head, and she says, "In Oregon, if the railroad position prevails, railroads will be the only industry which will not have to pay for the cost of this regulation." I think that that ruling...I don't have that with me right now, but I think that was won in Oregon, again, because the 4-R Act so expanded...

PRESIDENT: One minute.

SENATOR SCOFIELD: ...the impacts as the courts have pursued that. And so we have got some real problems here in terms of the kinds of intent language that isn't in there. We don't know for sure what Congress's intent was but the courts may have ruled far beyond, I think, what Congress originally intended, and that creates a lot of problems, and it does, in fact, give the courts an awful lot more to say about that than we, as states, would like to have. So I guess I would have to support Senator Warner's position and oppose the sunset language just because, given the current difficulties we face as the result of the 4-R Act, I don't think there is a whole lot we can do about that as a state unless we can get it changed. Thank you.

PRESIDENT: Thank you. Senator Haberman, please. Thank you, that won't be necessary. Senator Warner, would you like to close on your amendment, please, to the amendments.

SENATOR WARNER: Mr. President, would renew the motion to adopt the amendment. As I understand the issue itself dealing with the sunset will be addressed in another motion perhaps, but I would also argue that, and I can make that argument at that time if that motion...amendment is offered, but I also would suggest that if the four...part of the basis for the classification is