

SENATOR HALL: ...Congress level or in the federal courts?

SENATOR WARNER: Yes.

SENATOR HALL: Okay. Thank you, Senator Warner. Mr. President and members, I rise to oppose this amendment and I rise to oppose the CA, in general, but I think we need to look at this provision especially hard because it is a provision that...it is a delegation of authority, if you will, although it may be indirect and we may want to put it in the Constitution, or ask the people to put it in the Constitution. It clearly raises a real question about who is making the decisions with regard to tax in classes of property or entities that fit in different classes, because what we do by adopting this, at least with the permissive language that was in there, there was a bit of an out. Now that it becomes mandatory, that "shall" is put in there, the trigger is not any act on the part of the Legislature. The trigger is an act either at the Federal Congress or in the federal court system, and that clearly, I think, raises real problems. And whether it is in the Constitution or not, I don't believe that the courts in this state will look at that and argue that someone else, say, for example, the pipelines in the case of the 4-R Act may not be subject to the same benefits, if it is the same type of property, that the railroads would be allowed...

SPEAKER BAACK: One minute.

SENATOR HALL: ...the same benefit, and that being their property is exempt. I question (a) whether this will work, and I question whether it is the kind of thing that belongs in the State Constitution, that we, basically, abdicate our authority for the creation of classes to the federal government based on acts that they have done without any kind of proactive movement on the part of the Legislature toward that end. And I think it has real problems. I am sure that there aren't a lot of people listening, but I think that this is a critical issue that we are placing in the Constitution, or asking the people to, and I would urge you not to do that.

SPEAKER BAACK: Thank you, Senator Hall. Senator Schmit, you are next.

SENATOR SCHMIT: Senator Warner, a question, please.