

differently and you want to get around the special legislation, and those provisions that the court has previously held, then you do not want to vote for the Hall amendment because then you will be done. I strongly urge, strongly urge that you vote no.

SPEAKER BAACK: Thank you, Senator Warner. Senator Schmit's light is on, I don't think Senator Schmit is here. Senator Hall, you're next.

SENATOR HALL: Thank you, Mr. President, members. The issue that I raised with regard to Stahmer was that the court said the reasoning in Stahmer is now obsolete, period. There's a big difference between the reasoning in Stahmer being obsolete and the issue of being overruled. And it's splitting hairs, if you will. Yet the case is no longer good law, but that doesn't mean that the decision in Stahmer was a bad decision at the time it was made. And that's what, when you overrule something you mean, no, they made a mistake. And there's a huge difference in terms of how it applies to down the road, there's a huge difference. What has happened in Stahmer, they said, is that things have changed, and not at the state level but at the federal level. So, yes, Stahmer is no longer good law, but not because it was wrongly decided at the time. And that's what overruled means. It means, and we like to use that word because we know what the connotation is, is that it's no longer valid, or that a mistake was made at the time. That's not the case. The case...the court said that we conclude that our reasoning in Stahmer v. State is now obsolete in light of subsequent developments in federal law. That's what they said. And then they said, then they went on to say, yes, it's overruled, but there is...without saying that the reasoning is obsolete first, what you're left with is the belief that Stahmer was wrong to begin with, and that's not the case. You can't...it's...it's true, it's just not accurate, that's all. It's true, it's just not accurate in terms of how it's presented. And that's what needs to be clear here. It needs to be clear, because the argument is is that, on one side is that you can't exempt it all, that to exempt it all you violate the uniformity clause. Ladies and gentlemen, that is not true. Senator Landis and I had that discussion the other day when he pointed out the sentence in the MAPCO decision and said that there's only one way to read this. Well that's not necessarily true. There isn't. There's probably very little wiggle room in it as he put it, but it doesn't mean that tangible property is only the joint class of real and personal. What the court said is that both