

has had some positive economic impacts on the state. There is no question but what that is true. But the constitutional basis, as I understand, which would differentiate that from livestock and that was made reference to by Senator Conway and the difference is two things. One is performance based. Number two, if the industry fails to meet that performance, then it is recaptured and they again owe those taxes that were exempt under and all of it is encompassed in this broader issue of a public purpose that the courts from time to time have held to be constitutional. There is a distinct difference...

SPEAKER BAACK: One minute.

SENATOR WARNER: ...in the legal requirements of 775. If you are arguing just a question of equity or fairness, I wouldn't disagree with you a whole lot but that's not the issue that we're dealing with, unfortunately, I wish it was. What we're dealing with is what the Constitution will permit or what it does not permit and under the provisions it's my opinion that the public purpose that was included in 775, legislation that I opposed, but nevertheless, I believe that provisions which are repeated in 1063, as they were in 775, meets that constitutional test and should not be rolled into the argument at this point as being similar to other property because as a legal matter it just most likely...

SPEAKER BAACK: Time.

SENATOR WARNER: ...is not.

SPEAKER BAACK: Senator Schimek, you're next.

SENATOR SCHIMEK: Yes, thank you, Mr. President, members of the body, Senator Moore, I just have a quick question of you. Just for clarification, this AM3296 has not been passed out, is that correct?

SPEAKER BAACK: Senator Moore.

SENATOR MOORE: It's the same as on page 1120 in the Journal, I believe, but it was drafted, technically changed to match the Select File amendment version of the bill. So, I mean, the same...

SENATOR SCHIMEK: Page 1013, would that be the page, Senator