

PRESIDENT MOUL: Thank you, Senator. Senator Warner.

SENATOR WARNER: Madam President, members of the Legislature, I rise to oppose the amendment. I'm not going to go into, I've...technical problems, there is another technical problem that if you're going to redo this you want to be sure that you put into the constitutional language which amendment prevails in the event they both pass. There's a statutory provision but not a constitutional provision which would be needed so whoever is working on straightening it out, they better add that provision as well. But I rise to oppose the concept in any event. Presentation is made that we're given a choice. Well if you have two proposals plus what is in the Constitution now, you have three choices. The odds of any one choice receiving 35 percent, well two of the choices have to receive 35 percent of the voters who went to the polls voting yes and that yes, of course, has to be a majority. So I assume what this amendment really probably does, it guarantees a third choice which is no change. And I keep hearing people repeating and repeating that it is 1063 or this constitutional amendment that puts personal property tax on the rolls. I don't know how many times one has to keep coming back with the fact that it is on now at market value and has been since January 1 by order of the courts. I understand as some of you who believe that under the existing Constitution you can exempt all property and not have a problem with the uniformity clause. I do not share that viewpoint nor do I think a number of others, but I know some of you do. Well the facts are that even if this constitutional amendment is approved as it now stands, the option of exempting all is in it. It's in it without a question if you've got the votes to do it and you can find the replacement money so it's not shifted over on to the public generally although some would like to see that done as well. The arguments that there is no protection for the public left in 219CA as it stands are not true either. As I've said again time and time again, there are three methods, one of which requires all depreciable property to be depreciated with one method, there's no flexibility there. The second method is the one that exists now that the court has ordered to be implemented which is valuation, which means market value, uniform and proportionate to all property and there's no flexibility there. And then there's the exemption which, in fact, doesn't exist now unless you would argue that it exists for all and that is not changed in the constitutional amendment as proposed. That option is still there, but more viable than