

must be equalized. We may change the State Constitution under CA 1, get out from underneath that, and we may not. And there is still some federal equal protection problems we still have to have. But, nevertheless, if you sit here today and look at our present State Constitution, the court has said time and time again, you have to treat these people alike. And they have done that under the guise primarily of the State Constitution. We are going to change the State Constitution, there still may be a federal district court challenge, obviously, and that's not why you need to adopt my amendment but, nevertheless, if it is fair to treat all the people alike, you can say, and Senator Warner says, the railroads don't get special treatment. They get, you should refine it and say that they get mandated special treatment as opposed to everybody else that depreciates their property. It is not our fault. It is not his fault. It is the federal government's fault, even though, time and again, the administration and the tax commissioner have said don't worry about bothering our representatives back in Washington about the 4-R Act, it is not part of our problem. Yet what I hear today is exactly what our problem is if we discuss this, and I can't say much more. As I said before, if you are going to vote against Senator Warner's amendment, don't vote for mine just to be hostile. But if you really think you want to go down the path of treating people alike, which I think is something that is imperative that we do do, I would ask the body to adopt my amendment so all centrally assessed utilities are treated the same, and treated, in my opinion, at least preferential to anybody else that has just straight depreciated property.

PRESIDENT MOUL: Thank you, Senator Moore. We will now vote on the Moore amendment to the Warner amendment. All those in favor please vote aye, opposed nay. Have you all voted on the Moore amendment? Senator Moore.

SENATOR MOORE: I would ask for a record vote.

PRESIDENT MOUL: A record vote has been requested on the Moore amendment to the Warner amendment. Have you all voted? Have you all voted? Please record, Mr. Clerk.

CLERK: (Read record vote. See page 1935 of the Legislative Journal.) 12 ayes, 14 nays, Madam President, on the amendment.

PRESIDENT MOUL: The amendment fails. I would like to call the senators' attention to the area under the south balcony.