

departure from status quo. That is why I am not a big supporter of it, or any type of supporter of it. But at least the term "rational" provides some protection, and now we are removing that. So it is a departure from status quo, and should not be argued that it is not simply because the word "rational" does not appear in the Constitution at this point.

SPEAKER BAACK: Thank you, Senator Withem. Senator Chambers.

SENATOR CHAMBERS: Mr. Speaker and members of the Legislature, the Federal Constitution supposedly consists of a grant of power to the federal government from all of the states. That Constitution was created in order to take priority or precedence over anything that a state might enact. Certain rights of citizens were protected by the U.S. Constitution so that the states could not take those rights from the citizens. Those are called federal rights because they are protected by the Federal Constitution or are given support, and in some cases some rights are created by federal statute. But whether a federal right is found to exist in the Constitution or from a Congressional enactment, there is nothing that a state can do in its Constitution, through its statutes, or through its court pronouncements to override anything that is federal in nature relative to the law. An attempt could be made to authorize this Legislature, through an amendment such as this to the Constitution, to pass any kind of classification of property for the purpose of taxation that it chooses. The State Constitution puts restrictions on the Legislature. What is attempted here is to remove any restriction from the Legislature as far as requiring a rational basis for classifying this property for the purposes of taxation. I don't know what direction people are going in their discussions this morning, but there is nothing we can do in the State Constitution or by statute to take away people's right to equal protection under the Federal Constitution. You cannot have your property taken in a way that is unequal to the same type of property being taken away from other citizens if the taking of that property is allowable under the law anyway. Legislatures could attempt but they could not succeed in saying that the property of poor people can be taken for a public purpose but the property of rich people cannot. That would be struck down as unconstitutional discrimination on its face. You cannot do by indirection what you cannot do directly. So despite the fact that the Legislature would try to remove this term "rational", the State Supreme Court, first of all, is not going to allow the kind of situation that I