

agricultural land must be treated the same way as members of that class. But since those are the two that are mentioned, there could be other types within the class that are not mentioned. So, if this drafting of the amendment is to be taken as an itemization or listing of what is to be considered and covered by this amendment, then whatever is not mentioned specifically is not going to be covered. And that's the risk you take in a Constitution and a statute when you begin to itemize. If you make a general, all encompassing statement and leave it to the Legislature to fill it in, then at least in applying the Constitution, you don't run into the problem that I'm mentioning. But, if you itemize in the Constitution, whatever is not mentioned in that list is not covered. So, if the class that is being covered consists of agricultural property and horticultural property, then there could be an ambiguity created by the language being offered. Maybe so and maybe not. But I believe these issues ought to be raised here on the floor so that if somebody wants to address them...

PRESIDENT: One minute.

SENATOR CHAMBERS: ...and try to make it clear what the Legislature at least intended when it presented the language to the people, it might help in a court interpretation. The court has indicated that when the public, by initiative, presents a constitutional amendment and it is adopted, you have to go exactly with what the words are that are contained in the language, in the amendment. If the Legislature offers it, you can go to the debate on the floor of the Legislature to try to find an interpretation or a basis for resolving what might appear to be an ambiguity. Maybe there is no problem here at all, but if there is, I at least want to point attention to the possibility of it.

PRESIDENT: Thank you. Senator Wehrbein, please.

SENATOR WEHRBEIN: Mr. President, members, just to briefly say I support the amendment. It clarifies, I think, what we're trying to do. I'm not a constitutional lawyer, whether it's necessary or not I wouldn't say. But, if it is helpful, I would support it. I understand what Senator Chambers is saying. My interpretation would be that it is agriculture and horticultural land. I simply want to clarify a little bit, I think, this notice that was in the Farm Bureau paper that Senator Schmit sent out, the last few paragraphs, as I read that, it's