

Senator, I have a note, this is the one that you were going to offer on General File, AM3284.

SENATOR LINDSAY: Withdraw.

CLERK: Withdraw, okay, thank you. Madam President, Senator Lindsay would move to amend. Senator, this is your amendment found on page 1253 of the Journal. (See AM3373.)

PRESIDENT MOUL: Senator Lindsay.

SENATOR LINDSAY: Thank you, Madam President. Members of the body, this amendment found on page 1253 of the Journal, it would add this language; "so long as the classification or exemption enacted after December 31, 1992, is made in conformance with Article III, section 18 of this constitution." The reason for that is that the language of the constitutional amendment says that, notwithstanding any other provision of the Constitution, the Legislature may exempt classified, et cetera. What this amendment would do is give what, in effect, is Nebraska's equal protection. Under the Nebraska Constitution, that is a special legislation section of the Constitution. We give that protection. As it stands right now, there is no protection, whatsoever, meaning the first thing next year, all of what we have done could be for nothing. Everything that we have done this year could simply be unraveled at the next session, because the Legislature, as I read it, has the unfettered right to do as they wish as far in this area simply because it is so broad. What this does, it does not, if you remember on General File, I had offered an amendment which would have prohibited any further exemptions. What this does is to simply say, yes, you could exempt, but it is still tied into the special legislation clause of the Constitution, meaning that if we exempt, we are subject to the standards set forth in the case law in interpreting that section of the Constitution, which would prohibit such things as arbitrary classifications, that there must be a substantial interest on the part of the state in order to do the classification or exemption. This, it tightens up the amendment without doing what Senator Moore had feared, and that is that not absolutely prohibiting anybody from coming and trying to exempt in the future, but it does make it very difficult to do so, and that is that it requires that if we exempt, the treatment has to be fair. So with that, by the way, I do intend to offer an amendment. I believe Senator Kristensen is going to offer the amendment I was going to offer which would strike out