

rise in support of the Kristensen amendment. My basis for doing so, I guess I would first pick up on what Senator Moore says. Senator Moore argued that this is a little bit better than the Lindsay amendment. And the reason for that is that it retreats a little bit from the Lindsay amendment. It goes more towards what he would like to see, and he wants the ability to exempt anything at any time. So it's a little bit better because it gets closer to that...to that position. That position is the Legislature should be able to exempt anything it wants. My position is that this represents, I think, a decent middle ground. This does not prohibit exemptions on the part of the Legislature but it does hold the Legislature to a higher standard. As I was describing earlier, the two standards that have come into play are the special legislation standard, which is a very tough standard, and the rationally related standard or the federal equal protection standard, which is a very minimal standard, and this standard of reasonable is somewhere in between. Senator Hall, I think, was asking some questions of Senator Kristensen about how it would apply to different things and those are difficult questions to answer because what we can tell you pretty much is an upper and bottom limit and tell you that that standard is somewhere in between the two. But trying to predict exactly how the court is going to interpret this, I guess, I would challenge anybody to guess how the court is going to interpret anything that we've done, but we can give you a range, and I think it does provide some protection so that the Legislature does not have unfettered discretion, and I think that's important. I think it does serve both sides on this so I will support the Kristensen amendment.

PRESIDENT MOUL: Thank you, Senator Lindsay. Senator Will, followed by Senators Hall, Hillman and Wehrbein. Senator Will.

SENATOR WILL: Thank you, Madam President, and members of the body, I rise in support of the Kristensen amendment. I think that as the debate has proceeded on LR 219, there has been a lot of characterizations of what the constitutional amendment does and does not do. There's been a lot of different understandings among the various members of the body and I think I could safely predict that if each of us sat down alone and wrote down what we think is allowed and what isn't allowed under LR 219 and what the parameters are, you would probably end up with 49 different interpretations. I think the advantage of the Kristensen amendment is that it at least puts a standard in the Constitution, assuming the voters approve it, of reasonableness