

that you place in the Constitution, because that is what they have to use, they have to draw from something, and if you give them nothing, if you leave that blank space out there, you give them a free hand. I think that if you were to look at case law in terms of what determinations have come out of our own Supreme Court on a rational test, you will find that they are going to lean in the direction that the introducers would like to have them go. But there is no case law, there is no background, there is no history, there is no perspective on what they may or may not do when you strip this word out of the Constitution, and you have no basis on which to make a determination. You are guessing. You are, frankly, shooting in the dark with regard to what the court will do, and how they will interpret this test, whatever this test may be when you adopt the amendment to strip the term "rational" out of the exemption portion as the committee placed it. Know that full well that at least now you have some basis to argue. There would be a basis on which the Attorney General's Office could argue for that rational test, that equal protection Fourteenth Amendment. There is none when you strip it. There is none. They have nothing to hang their hat on. You have taken that away from them and I would argue even farther that you have taken it away from the people that the Constitution was enacted to protect, who aren't going to understand one iota of what we are talking about here when we are, you know, talking about whether the word ought to stay in or stay out. They are only going to ask the same thing that Mert Capone said when she talked about what kind of tax system we ought to have to the Governor at the Bohemian Cafe, said it ought to be fair. It ought to be fair. As long as it is fair, I don't care, I will pay my fair share. That is all. This makes it a little less fair or the potential for it to be a little less fair. If we are all achieving the same end or trying to achieve that same end, why not leave it in there. Why not go with what the historic perspective has been, what case law tends to represent? What we know is out there and what we can argue to the court on a factual and historic basis is the case, and how they ought to interpret this. When you don't have that, you have, in effect, you have lost one of the arguments, I believe, for the end that you are trying to achieve. You take away one of the best arguments that you have...

SPEAKER BAACK: One minute.

SENATOR HALL: ...when you strip that word out. I think you are weakening your hand, not strengthening it, if you agree that we