

Chambers, would you yield to some questions?

SENATOR CROSBY: Senator Chambers.

SENATOR CHAMBERS: Happily.

SENATOR WITEK: I'm slowly learning to respect your knowledge of the constitution if nothing else.

SENATOR CHAMBERS: That's why I have so much patience.

SENATOR WITEK: I know and I appreciate it. I need to ask you a few questions then. Are you telling me that if this amendment is adopted to this bill that this portion of the bill could be found unconstitutional?

SENATOR CHAMBERS: I believe it would be.

SENATOR WITEK: If that would occur, if someone would want to...if they didn't agree with essentially the bill itself and wanted to get rid of that bill, could they drag it into court? And if this section is found unconstitutional is the whole bill then found unconstitutional?

SENATOR CHAMBERS: Here's what I have to say, and I'm answering this way because I want to be as objective as I can be, a bill does not have to carry the severability clause before the court will sever a part of it, that's simply means that the Legislature recognized that there could be a problem and was telling the court that we want you to know that we knew there was a problem. However, what the court will say, even if there's a severability clause and forgetting this five or six stage process they go through if the part that is unconstitutional can be separated from what remains and what remains can be enacted and carried out without reference to this part and this part was not relied on as a reason for enacting the bill, the court will cut that piece off and let the rest stand.

SENATOR WITEK: So even though I know they've made this whole deal here to get this on here, it's still...it's a very minuscule chance, however small, that they could strike the whole thing down and not sever it from the rest of it?

SENATOR CHAMBERS: There's no way for me to say what the court