

find the likelihood of misuse exceedingly slim. In fact, I don't believe it would exist at all and I would hope that the provisions as it is stated could remain.

SENATOR WILL: Thank you, Senator Warner. Senator Maurstad.

SENATOR MAURSTAD: Mr. President, either Senator Warner or Senator Kristensen either one if they could answer this question. I apologize if it was asked earlier and I think that Senator Warner attempted to answer it with his last comments, but I don't know that I got all of it. And my question is basically has anybody looked at the amendment 3876 or the language that 3876 is trying to address, the issue that it's trying to address, has there been a constitutional attorney opinion relative to whether or not we have a constitutional problem?

SENATOR WILL: Senator Kristensen, will you respond?

SENATOR KRISTENSEN: I suppose I want to know, Senator Maurstad, if that's a political question or not.

SENATOR MAURSTAD: No, no.

SENATOR KRISTENSEN: In all seriousness, the committee spent a considerable amount of time, almost painstakingly for some of the members, going line by line on this amendment. Did we go out and get a constitutional expert to write it? No, but I got to tell you that we've had so many people...we've had a lot of people look at it. Do we have some of the fears that Senator Brown expressed? Yes, that's the reason we put in some of the limitations on A and B. In other words, it just wasn't a broad general exception to uniformity by classification. We limited it and said that the classes have to be reasonable and then A and/or B that you'll read in there. I never know and I don't think anyone knows and I don't think there's a lawyer in the state who can accurately predict what a Supreme Court may do. But the one thing that we do know is that they try to give meaning to every word and they read the constitution as a whole and that's generally how we've done it. The same people that drafted this and the ones that drafted Amendment One in lines part so there's some comfort.

SENATOR MAURSTAD: So in essence what you indicated is you and