

on page 3, we just have the two words that would be changed, is that right? On line 6 which says, "any defect or condition which substantially," will now be, "which unreasonably impairs," and then on line 24 we change "does not unreasonably impair," is that correct? Just those two locations?

SENATOR CHAMBERS: I think that Senator Barrett may have mentioned a third location, oh, he just mentioned two then.

SENATOR GOLL: No, I don't see any, just the two.

SENATOR CHAMBERS: Okay, that would be it.

SENATOR GOLL: Okay, I think that is fine.

PRESIDENT: Senator Nichol.

SPEAKER NICHOL: Mr. President, members of the Legislature, a question of Senator Chambers. Would you explain to me, since I am not an attorney, what the difference is between "unreasonable" and "substantial."

SENATOR CHAMBERS: Senator Nichol, there is a substantial difference and if you will listen you will find that my explanation is reasonable. Really in the law there are certain terms that are called "terms of art." You can look them up in the dictionary and obtain one meaning but if you read the case law you see that the courts have given either a more restricted or a broader meaning, but the words do have a certain meaning in the law whenever it appears and the courts know how to interpret the word "reasonable" with more precision with whatever precision is possible under those circumstances than they can interpret the word "substantial" so, Senator Nichol, we are substituting a word of art for a word which does not have that much definition in the law.

SPEAKER NICHOL: I understand, Senator Chambers, that the courts have the knowledge of understanding the difference between "unreasonable" and "substantially" but we don't. Can you tell us now, it is more precision but which is more emphatic and which is the heaviest of the two words, if we can get to it on a layman's standpoint or a layman's language or is this impossible to explain in layman's language?

SENATOR CHAMBERS: Mr. Chairman, I can't explain it.

SPEAKER NICHOL: Okay, thank you.

PRESIDENT: Senator Beutler. (Gavel.) Senator Beutler.