

for these many years, our state Constitution? To have something thrown on our desk on the 80th day and turn that into the salvation, I'm sorry, frankly, I know Senator Schmit has had kind of a tough year here and I'm sorry for that. I'm sorry that there were not more people listening to him tonight because he made great sense. He made tremendous good sense and what happened was nobody was listening. I don't approve of his amendment. I would not have voted for it had it come to a vote because I don't think that's the direction we need to go. But as a body over these last several years we have been frantically trying to find the magic solutions. Kind of like my kids playing Nintendo games that have some sort of magic door in the Nintendo game where if you punch the right button there's a magic door there. What that magic door in this case will do is it will allow us to maintain those exemptions that we've been granting over the last 20 years and also maintain a tax base for local subdivisions of government. The more I spend with this issue, the more I read about it, the more I hear about it, the more I think about it, there is no magic solution. This is not a Nintendo game. We are not going to be able to do that. Our court will not allow us to do that. I can recall in the special session two years ago where that light bulb came on at a speech Senator Hall was giving, where he read a speech. In his speech he read from the Supreme Court decision which said, it makes no difference what the Legislature's rationale is if the net result is a discriminatory situation, it can't pass. He warned us back then that what we did in that special session wouldn't work, but no, we were looking for that magic solution, that magic door. We passed it and it did us no good. We're back with the problem in front of us now. My concern, unless somebody in here can find a way to pass a state constitutional amendment that repeals the 14th Amendment to the federal Constitution, and if Senator Kristensen or Senator Landis or Senator Lindsay or law student Hall can find a way of doing that, maybe we can find a way to do...way around it.

PRESIDENT MOUL: One minute.

SENATOR WITHEM: We are going to have to come to grips with the problem and I think that's what in our fumbling way those of us that supported the Lindsay resolution, amendment, were trying to get us to do, to come to grips with the problem. This amendment, the same as the types of things that we were disparaging about when Governor Orr brought then forward, does the same thing. It puts the problem off into the future, but it