

specifically set forth as Senator Hall would like, or as stripped out as Senator Landis would like. That under either way I think the court ought to be interpreting that as is currently being applied in the federal courts under the federal equal protection argument. And I think if that is not the intent of this body, that people ought to stand up and say that that is not our intent by voting one way or the other because I think that both proponents here are trying to achieve the same thing. They are just trying to use different paths to get at that, and I think that regardless whether this amendment passes or fails, I think that the court ought to be, in interpreting this section, ought to be aware that that is the intent of the Legislature in placing this amendment before the people, if, indeed, it is placed there.

SPEAKER BAACK PRESIDING

SPEAKER BAACK: Thank you, Senator Lindsay. Senator Chambers.

SENATOR CHAMBERS: Mr. Speaker and members of the Legislature, I think it should be made clear to everybody here that no matter what we say in the context of this discussion is going to have any influence on the court whatsoever. Legislative history, when the court is construing a constitutional amendment, comes into play if a provision is ambiguous, meaning that it could mean this, that, or the other thing, and it is unclear from looking at the provision itself just what it means, so then they look at the legislative discussion to make that determination. But when it comes to defining a word, which word is imprecise, rather than being ambiguous, there is no ambiguity about the term "rational". There is an imprecision because people can disagree as to exactly what it means. But the term "rational" has a definition. It can be expanded or contracted based on the circumstances as a court chooses to deal with it. But everything we say here today means absolutely nothing. If you leave the word "rational" out, the Legislature cannot tell the court how to construe the amendment that will be left. It is going to do whatever it thinks is appropriate, and there is no way anything we say can bind the court. When we enact the statute, that statute, in a sense, is our interpretation of the Constitution. We say that we believe under the Constitution we can enact this statute. The court disagrees and strikes it down. If a statute that we enact cannot control the court, how is our mere discussion of an amendment going to control the court in how it rules on any issue that come up relative to the