

misperception out there on the part of the public and how we will feed that misperception. I got a letter from a man who is involved in a very bitter divorce saying that he wants this bill passed so that he can obtain joint custody. And under the terms of Senator Hannibal's amendment he has no chance from the very beginning, but he thinks he has. This is not going to change what the court will do. All it will do is mislead the public as to what is available as possibilities. And I think that is an unfair thing to do in view of the fact that the amendment is not necessary for the court to have a basis to consider awarding joint custody. So I am asking that you return the bill and strike this amendment.

SPEAKER NICHOL: The question before you is the return of the bill. All those in favor vote aye, opposed nay. Have you all voted? Have you all voted? Have you all voted that care to? Record, Mr. Clerk, please.

CLERK: 9 ayes, 23 nays on the motion to return, Mr. President.

SPEAKER NICHOL: The motion fails.

CLERK: Mr. President, Senator Chambers would move to return the bill for purposes of striking the enacting clause.

SPEAKER NICHOL: Senator Chambers.

SENATOR CHAMBERS: Yes. Mr. Chairman, now instead of having one lion against me, I am going to have a lion and a tiger because I think Senator Schmit will be roused on this motion. This bill as originally introduced into the Judiciary Committee was a very bad bill. It remains a bad bill with some additional luggage that makes it even worse, in my opinion. I tried to keep this bill from advancing from committee but as often happens there, I lost. And as a result we have before us a very bad piece of legislation and it is setting what I think is a terrible precedent. A judge, as I stated before, does not want to deal with cases in the way that he should so the Legislature is going to thump him on the head and say, but you will do this, and if it is necessary, the Legislature will put something into the statute books just to deal with your recalcitrance. I think it would be better to allow the court system to operate in the fashion that it should. The Chief Justice has general