

suggestion was made at the committee hearing. The committee was in full agreement, so we've simply included that unlawful, under the laws of the United States or this state, shall mean acting contrary or in defiance of the law, or disobeying or disregarding the law as determined by a court of competent jurisdiction. I would move that the amendments be adopted.

SENATOR BEUTLER: The motion is the committee amendments. Mr. Clerk, do we have an amendment to the amendments?

CLERK: Mr. President, Senator Wesely would move to amend the committee amendments. Senator Wesely's amendment is on page 785 of the Journal.

SENATOR BEUTLER: Senator Wesely.

SENATOR WESELY: Thank you. Mr. President, members, as Senator Barrett said, this is a clearer definition of what is unlawful in the bill. It was brought to us by NACI and was drafted from a source outside of the EOC language. The problem with the amendment is that it has a last line that says, as determined by a court of competent jurisdiction. Because of that it is implied that you'd have to go through a court and actually determine that what you were asked to do is illegal, and the process would circumvent the normal EOC proceedings. There is no reason to do that because they determine that sort of thing for other questions. So we are striking that last sentence, as determined by a court of competent jurisdiction, from the committee amendment. That is what the amendment to the committee amendment does.

SENATOR BEUTLER: Senator DeCamp, did you wish to speak to the Wesely amendment to the amendment?

SENATOR DECAMP: (Response inaudible.)

SENATOR BEUTLER: Okay. Senator Barrett, did you wish to respond to the amendment to the committee amendment?

SENATOR BARRETT: Yes, Mr. President and members, I'm inclined to agree with Senator Wesely when he is attempting to eliminate as determined by a court of competent jurisdiction. It would appear that perhaps with the amendment the Legislature is requiring that each case be litigated, which is unnecessary, certainly redundant,