

CLERK: Excuse me, Mr. President. Senator Chambers would move to amend the committee amendments. (Read the Chambers amendment as found on page 1442 of the Legislative Journal.)

SENATOR CHAMBERS: Yes. Mr. Chairman and members of the Legislature, we are cleaning up the bill and I am sure Senator Withem will appreciate the latter two amendments. We are talking about...I will take those first, where I am substituting "fewer" for "less", we are talking about the top three dealing with a number. So if you are dealing with a number, it is "more" or "fewer" rather than "less". So I am just putting "fewer" in. But my real reason for offering an amendment is one that relates to the first part. On page 21 we are talking about an action not being arbitrary. The way the bill reads now, "arbitrary and capricious", it should be "arbitrary or capricious" because an act could be one or the other, and in either case the act should be improper. On page 23 we have similar constructed language...similarly constructed, and the word is "or" rather than "and". So in order that those whose bill it is will understand what I am saying, if an act...a negative act against an employee is arbitrary, that should be enough to nullify it. It shouldn't have to be capricious in addition. A capricious action could be one that is just done on whim, but if it is done to everybody, it is capricious but it is not arbitrary. So we want it to be either arbitrary or capricious and in either of those cases the act against the employee cannot stand. So I am just substituting "or" for "and". And Senator Lundy understands it and he has agreed to it so I hope you will agree to it also. And if you have any questions, I can't answer them any more clearly than what I have said, I will refuse to answer and you can just vote against the amendment.

SENATOR BEUTLER: Senator Lundy.

SENATOR LUNDY: Mr. President, the amendments are certainly in order and we would urge your adoption of these amendments, please.

SENATOR BEUTLER: Okay, I have no further lights on. Senator Chambers, did you wish to make additional comments? There will be no closing. Okay, the motion before the body is the adoption of the Chambers amendment to the committee amendments. All those in favor vote aye, opposed nay.