

February 19, 1991

SPEAKER BAACK: Is there any discussion on the confirmation report? Seeing none, Senator Schellpeper, do you wish to close? He waives closing. We will now proceed to vote on the confirmation report. All those in favor vote aye, opposed vote no. Have you all voted? Record, Mr. Clerk.

CLERK: 37 ayes, 0 nays, Mr. President, on adoption of the confirmation report as offered by the Agriculture Committee.

SPEAKER BAACK: The confirmation report is adopted. We will now proceed to the motion by Senator Warner from the Executive Board. I might just give you an idea of my assumption as to how this is going to proceed. My assumption is that we will now have Senator Warner make the motion on the report from the... on the majority report from the Executive Board, and after we... and then we will proceed to debate. It is debatable just like any other motion before the Legislature. After the closing on that, we will proceed to vote on that issue, and it will take 25 votes to adopt the majority report. We will now go to Senator Warner.

SENATOR WARNER: Mr. President, and members of the Legislature, I move adoption of the majority report relative to the election contest of the 30th Legislative District. Today the Legislature, by Constitution, has a role that we do not often have, and that role is, in part, to act somewhat as a court in that we, under the Constitution, are the judge of our own membership, which gives the Legislature certain, probably, at least, certain prerogatives which are unusual for this body, in that we are in a position to some extent interpret the law, probably in a limited fashion maybe interpret the Constitution, at least relative to the membership of this body, as long as we follow other constitutional requirements of the Federal Constitution, and it is a difficult issue and one that we are not accustomed to. In the discussions we had in the committee, it was agreed, generally, that each of us, if we wish, would probably take a position or a rationale for our position, and explain it, so my remarks today will reflect my conclusions, which may or may not be the conclusions of others who voted on the same side that I did in the report. There were many issues that came to us that one could deal with but, essentially, we dealt with the basis on which the election was contested, which was relative to one section of the statutes. And that was the requirement by statute that a full name be written on the back of the ballot, and that no ballot would be counted unless that