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trying to determine, is the...and finding...I believe it's on page 5, Senator Kristensen is showing it to me, I guess I would like to ask Senator Warner if he could respond to what the effect of there not being 25 members present voting in behalf of this particular motion, what that would involve.

SPEAKER BAACK: Senator Warner, would you respond, please.

SENATOR WARNER: Mr. President and members of the Legislature, probably the presiding officer should make...will eventually make a ruling. But having thought about and discussed this issue, it is my opinion, and that's all I can say, that in order to resolve the issue for permanent seating an affirmative action by 25 members of the body needs to occur, otherwise it's simply pending.

SPEAKER BAACK: Thank you, Senator Warner. Senator Withem, do you wish to continue?

SENATOR WITHEM: I guess I'm still at somewhat of a loss as to what pending means then in that case. Does Senator Byars then continue as a provisional seating until changed or was the provisional seating until such time as the report is received by the Legislature. It's now been received and acted upon and then what happens to the 30th Legislative District. Probably a moot point because I'm assuming there will be 25 votes for this motion, but if there's not, I think we ought to have that point clarified ahead of time.

SPEAKER BAACK: Senator Withem, I...just off the top of my head, it would seem to me that this would be an issue that we would need to take up after...if we, you know, if we make a decision in this case, and the decision does not have 25 votes, then I think your issue becomes very relevant at that point. I would think now that we should proceed with the motion that's before us and should that occur, should that occur, then we're going to have to talk about the very issue that you're talking about. Senator Landis, did you wish to...

SENATOR LANDIS: Yes, Mr. Speaker and members of the Legislature, and perhaps Senator Hefner can advise me. The body, having rejected one legal theory on how to proceed, I am at a loss, necessarily, to conclude that the minority report is the only way to proceed and I want to ask Senator Hefner if the 25 votes, which were not previously counted, still exist and