

SPEAKER LUEDTKE: I'd just as soon not talk about it at all, just take it out and we don't have any problem.

SENATOR DUIS: In other words, your effort to return the bill is to delete a part of the bill that you do not believe should be in there for just the fact that you don't think it should be in there.

SPEAKER LUEDTKE: Because of the fact that it is not...I don't think it's germane. I don't think it's constitutional, but I don't think it should be in there at all because it was not part of the Schmit amendment.

SENATOR DUIS: Then I would like to ask Senator Warner a question. Senator Warner, do you favor taking this bill back and having this portion that you inserted in it deleted and if so will you have another bill come in? I do think probably what you have in mind is a necessary element.

SENATOR WARNER: Senator Duis, I'm glad you asked that question because a thought has just occurred to me that perhaps the amendment that was not germane was Senator Schmit's.

SENATOR DUIS: That was my idea.

SENATOR WARNER: Perhaps the Chair would have to rule that Senator Schmit's amendment should be introduced as a separate bill because the amendment that I put on was germane at the time with that question, at the time it was added. That perhaps adds to the confusion, but as far as I know there has been no indication from anyone stating for sure that this was two subject matter. It's two different sections. They both certainly deal with the Attorney General. It's very frequently that we have language dealing with more than one section...

PRESIDENT: One minute, Senator.

SENATOR WARNER: affects one office, so I won't take anymore of your time, Senator Duis.

SENATOR DUIS: Thank you very much. The situation here is and I asked the question of you, Senator Warner, if the Attorney General himself doesn't bring the action for constitutionality, who do you think might if anybody?

SENATOR WARNER: I would assume, Senator Duis, it would be a possibility if there was something wrong with the other portion that maybe in some..it could be brought up on that basis. I wouldn't want to argue that point. I don't know.

SENATOR DUIS: But it has nothing to do with your amendment?

SENATOR WARNER: No, unless you question the whole law on the basis of the constitutionality of this particular act in a related drug case, I don't think it would be..have anything with the Attorney General bringing up the issue, no.

PRESIDENT: Senator Carsten moved that the call be raised and I improperly shunted him aside. We'll vote on that matter now. Record your vote. Record.

CLERK: 30 ayes, 0 nays.