

SENATOR BARNETT PRESIDING

SENATOR BARNETT: Senator Schmit, on the motion to take up 236.

SENATOR SCHMIT: Mr. President and members of the Legislature, I support Senator Mills in his effort to...

SENATOR BARNETT: Excuse me just a second, Senator Schmit. Senator Kelly. Okay, we will have the Clerk change it.

SENATOR SCHMIT: I just want to say that I support Senator Mills in his effort to bring the bill up although I oppose the bill. I agree with him that it is only fair that the bill be discussed at this time because there are people here on the floor who support the concept and I think the Legislature would be remiss if we did not discuss the bill. If we advance 139 and it does make it to the Governor's desk and we do not give the other bill a chance to be heard, we could be very justifiably criticized for not having given it its day in court, so to speak. So although I oppose the bill, and I will speak against it, I support Senator Mills and believe he is doing the proper thing by asking that the bill be brought up at this time.

SENATOR BARNETT: Senator Keyes.

SENATOR KEYES: Mr. Speaker, I certainly want this bill brought up at this time if it is going to follow the gas tax bill. There is some things in this bill that I am very concerned about and I will support, wait a minute, I may support both bills if they both go together. If they go individually, I will not support them.

SENATOR BARNETT: Senator Marsh. What was that Senator Marsh. The question has been called for. Do I see five hands? I do see five hands. The motion is to cease debate. All in favor vote aye, all those opposed vote no. Have you all voted? Have you all voted? It takes 25 votes to cease debate. The Clerk will record.

CLERK: 25 ayes, 2 nays.

SENATOR BARNETT: Motion carried. Senator Mills, would you care to close.

SENATOR MILLS: Mr. President, very briefly so that those Senators who may have just walked in, this is a bill that was the same thing as 139. We removed this language from 139 because there was an air of constitutionality about it. We would just like to have it be discussed. This is the wishes of the Public Works Committee, no one else. The Public Works Committee have asked you to discuss this bill now as you would have discussed it anyway if it would have been brought here under 139. Simply a way to do this type of discussion and remove that air of constitutionality of unconstitutionality that may have been found in 139. I would ask you to support this motion so we can discuss this bill.

SENATOR BARNETT: Clerk, will you read the motion.

CLERK: The motion is simply I move to take up 236 now.