

February 20, 1991

his physical presence that he desires in the body, he desires no longer to pursue those remedies. Now, as I look through the rule book, I see that in our rules, on page 39, Rule 5, Section 11 it talks about withdrawal, withdrawal of bills. It doesn't talk about the withdrawal of resolution, other matters. Those other matters, we can see them in our germaneness issues. No motion, proposition or subject, et cetera, et cetera, et cetera, that's an all inclusive. I see no place in the rule book that prevents or requires a vote to withdraw this sort of contest. With that, I believe it's consistent that the Chair rules. I may want that minority report, I may want what Senator Warner and Senator Hall's motion says, because some time down the line I want to see...it's never going to go away that there was a contest between "Senator" Korslund, Senator Byars or whoever. That will not go away. The fact is it occurred in the body of the Legislature, and I would like something to look at down the future. However, he's taken that, in my mind, he's taken that option away. Now I may want that report in there. But I think that when Mr. Korslund comes through and says, I withdraw my election contest, you're done. Now you can...we may disagree with how it was done. Some may want to kick more, some may want to kick less. The fact is I think he has the right, and under our rules I don't see anything that requires a vote to withdraw an election contest. Absent that, I think the Chair is right in its discretion. It would be similar if I was at a trial, and I walked into trial and said, I no longer want to pursue this, I want to dismiss my case, I file a dismissal with the judge, the judge says, okay. You can't force someone to go to trial. You can't force them to sit there. You can draw the jury, you can start to introduce evidence, and up until the point of time that that jury makes its decision you can have your case dismissed. I find this not much different. With that, I would support the Chair.

SPEAKER BAACK: Thank you, Senator Kristensen. We'll go to Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, I rise to support the Chair. I feel that this letter from Korslund says that he concedes, so what do we have before us? I don't think we have anything more before us. And now I think after we get through debating the issue whether the Chair should be overruled, then we should go to Senator Warner's motion, because on the first day or second day of when the Legislature convened we temporarily seated Senator Dennis Byars. And so now this