

February 20, 1991

CLERK: It adds language, it inserts the following new section, Senator. As I interpret it, it would not effect the wording of your motion at all.

SENATOR WARNER: Mr. President, members of the Legislature, I took the motion on appeal the decision of the Chair, it's, in effect, to be the motion that is being adopted now, at least had the same effect. I guess it's the kind of issue that I don't know if I see the particular harm in it. But I, somewhat like Senator Kristensen, neither do I feel completely comfortable with it. I think the statute is still fairly plain, and in fact we did take no action on the withdrawal of Senator Byars' election contest. They indicated, as I recall, at the hearing that they were considering it, and I believe they simply filed it with the Clerk some days later. And I believe that was at least presumed to be the end of it. But it still seems to me that as least as the statute stands the Legislature is restricted, by law at least, to only those items on which the election contest is filed, that our jurisdiction does not extend beyond that. Once that is withdrawn it seems to me that it is, in fact, no longer an issue before us, and our jurisdiction does not extend, the election contest is over by virtue of being withdrawn, and then it only remains the motion to seat.

SPEAKER BAACK: Thank you, Senator Warner. Next speaker is Senator Conway.

SENATOR CONWAY: Thank you, Mr. Speaker, members. Senator Lindsay described an adjustment to that. I was rising at least in concept, and I think I still will be in support of the Senator Lindsay amendment. I think what we have now is Senator Warner's proactive motion to seat Senator Byars, and in conjunction with that a recognition of the fact that we are accepting "Senator Korslund's" or Mr. Korslund's request that it be withdrawn. It was a request, I think this body has a right or an obligation to recognize that letter into the record as...the fact that it was withdrawn, and then pursuant to that withdrawal to move forward. So, embodied in that, in that motion was the concept of recognition of the fact that we had received that letter, that we're acting proactively on that letter to accept that desire on his part to no longer participate in the contest, and then the proactive move toward the seating of Senator Byars. So I think that resolves a lot of the questions that we've been debating here in the last hour or so, and would rise in support. But I will now relinquish any