

opposition to the Bernard-Stevens amendment. And the basis for that opposition is because it does, I think, call into doubt the constitutionality of the statute. In the case in the United States Supreme Court last summer, in a case rising out of Ohio, there was...the question was, how long would it take for the judicial bypass to actually occur. And there was a dispute over the interpretation of the term "days" and "business days" within that...within that particular statute. And using those terms, they tried to figure out how long it would take. We're getting into, by giving seven days here, along with the potential on an appeal, it gets out to the point where the court may not view it as being constitutional because it doesn't provide for an expedited process. So I guess I would say that I'm very uncomfortable with the prospect of seven working days because that can take you out as many as 10, 11, 12, 13 days, if you count in weekends, before a decision would have to be rendered. I think three days is ample but I will be talking with Senator Bernard-Stevens about maybe increasing the number by something that is workable.

SPEAKER BAACK: Thank you, Senator Lindsay. Senator Schimek.

SENATOR SCHIMEK: Yes, thank you, Mr. President, and members of the body, I...I guess Senator Bernard-Stevens' amendment has brought to several of us on the floor questions about this whole timing question but also about what happens if a judge does not rule whether we have a three-day period or a seven-day period. And I guess Senator Labeledz or Senator Lindsay, either one, I guess I would like to ask a question about this, because I'm not sure there's a provision in the bill.

SPEAKER BAACK: Senator Lindsay, would you respond to a question, please.

SENATOR LINDSAY: Yeah.

SENATOR SCHIMEK: Senator Lindsay, this whole subject about length of time that the judge has to respond, I think, also triggers another question that some of us are concerned about. What if a judge, for one reason or another, does not rule within the stated period of time, whether we're talking about a three-day period or a seven-day period?

SENATOR LINDSAY: I guess there would be a couple of things you could do. One would be a mandamus action which would be to