

SENATOR WITHEM: Only one very brief comment and that deals with this matter of negotiation. It seemed to be critical to Senator Lindsay's argument on such topic...on the whole concept of doctor choice. I am not an attorney, but I do...part of my responsibilities for my employer are to deal with collective bargaining responsibilities. It is my understanding there are two categories of issues that are subject to negotiations. There are mandatory subjects of negotiations and permissible. Mandatory, it is my understanding, deal with wages and working conditions and it is the responsibility of management that they have to negotiate on those items. There are other things that can be discussed during labor negotiations if management so chooses. They are management prerogatives and if management says to labor, yes, we will negotiate on this particular matter, then it is part of the negotiations. If they say, no, this is a management responsibility, we won't discuss it, then it is not subject to negotiations, period. I cannot imagine the choice of doctor being considered to be a working condition, and I can't imagine them being forced to. Now I'm still not really sure how that ties into the whole argument. I guess it is that 6 percent of the people can negotiate doctor choice and 94 percent can't. Frankly, I don't even think the 6 percent probably could, would be forced to...management would be forced to negotiate that topic with them because I don't think it's what would be under NLRB as a mandatory, certainly not a mandatory. It is not a wage condition. I don't think it's a working condition. I don't think it would be a mandatory item of negotiation anyway, so had there been any substance to the logic that Senator Lindsay was using which I'm not sure I understood what that might be, had there been some substance to the logic I don't think the underlying principle supports that even. Again, I think we need to suspend the rules and move on, get the one more, one set of amendments out of our way and move on to the next segment.

SPEAKER BAACK: Thank you, Senator Withem. Senator Ashford.

SENATOR ASHFORD: Thank you, Mr. Speaker, members. I don't have a problem with suspending the rules. I will take some...I just don't believe, Senator Withem, you're right there and let me explain to you why I don't think you are. There are mandatory and permissive subjects of...you're right, in part. There are mandatory and permissive subjects of collective bargaining. The mandatory subjects of collective bargaining are, as you suggested correctly, wages and other terms and conditions of