

to challenge the Chair.

PRESIDENT: Very good. And the Chair understands that and that's fine. If you challenge the ruling of the Chair then, let me make it clear that there just is no provision where the Chair can resolve this issue other than to rule as I have under the rules of the Legislature. The Chair understands that position. I just want the Body to understand this because it seems to me that this is an issue that should be decided by the Body and not unilaterally by the Chair. Now, Senator DeCamp, did you care to be recognized?

SENATOR DE CAMP: Mr. President, members of the Legislature. I just have a couple of questions so I'll understand it. As I understand it, at this time, the Chair has ruled that the motion be indefinitely postponed failed.

PRESIDENT: That's correct.

SENATOR DE CAMP: Now, assuming that this Body decided to go along with the Chair, is it proper or possible to make another motion to indefinitely postpone or is it possible that the Chair's ruling would be that a vote should be re-taken on the issue because of the fact of the confusion.

PRESIDENT: I think it would be the Chair's opinion, wait till I clear out some traffic here. I'd like to be able to see you when I talk to you. I think it would be the Chair's opinion that this Body can do anything they want to. I'm ruling strictly on the proxy vote situation which relates to this particular issue. Whatever else happens after that and the chain of events, I don't want to anticipate. I'll just let them happen but don't forget at any time, 30 votes can do anything. The motion is I'm ruling at least on that particular motion and that would be to indefinitely postpone LB568. By saying that the vote was not properly cast, that leaves the issue tied and therefore the motion failed. Therefore, if this Body upholds my position on this, then LB568 is still valid. But, then it's a motion and it is an action by the legislative body, not unilaterally by the Chair, which I don't have the authority or which is not provided under the rules. Have I made it clear?

SENATOR DE CAMP: No.

PRESIDENT: Now, Senator Kelly. For what purpose do you rise?

SENATOR KELLY: Mr. President, the question of the Chair? Is this one of those rare times when the Chair could break the tie?

PRESIDENT: Yes, the Chair could break the tie and the Chair chooses not to break the tie and there are a number of philosophical reasons for that. You may remember one of those was the other day when you asked 43-0 the decision that you would like to remove the Lieutenant Governor as a presiding officer of this Body. The Chair understands that was not a personal...did not have personal thrust but it only demonstrates the reason for my philosophically staying away from breaking tie votes because of the partisanship issue that could enter in and the non-partisan membership of this Body, plus this Chair, excuse me, the presiding officer, understands that when dealing with the Legislature, because I come from the Executive Branch of government that it is an arm's length transaction. Now, I don't think I care to comment beyond that, Senator Kelly.

SENATOR KELLY: Mr. President, how many votes does it take to strike the enacting clause?

PRESIDENT: Twenty-five to strike the enacting clause.

SENATOR KELLY: Thank you.

PRESIDENT: Senator Keyes. For what purpose do you rise?