

wishing to debate this motion, Senator Schimek, do you have closing?

SENATOR SCHIMEK: Yes, Madam Chair, our rules say that germane amendments relate only to details of the specific subject of the bill and must be in a natural and logical sequence to the subject matter of the original proposal. And I would just suggest that we look again at page 4 of the bill, Section 1, and you will notice that Section 2 already talks about that matter of appointment when it says the judges of the court of appeals shall be appointed by the Governor on a statewide basis in such a manner that on the effective date, etcetera, etcetera, and it goes on to talk about that selection. Then Section 4 says judges of the court of appeals shall be subject to the same provisions related to selection, filling of a vacancy, etcetera, as those other judges. And if we read that, we will note that that selection process just follows that sequence. However, I do acknowledge that if this amendment were to be adopted, then we would also have to strike selection from Section 4 because selection would not be the same in this case as with all the other judges. With that, I would just suggest that this amendment is germane, it does follow a logical sequence and I would urge overruling the Chair. Thank you.

PRESIDENT MOUL: Thank you, Senator Schimek. You have heard closing. The question is, shall the Chair be overruled? All those in favor please vote aye, opposed nay. Have you all voted? Have you all voted? Senator Schimek.

SENATOR SCHIMEK: Madam Chair, may I ask the Chair how many votes are needed to overrule the Chair in this instance?

PRESIDENT MOUL: 23 votes.

SENATOR SCHIMEK: And there are people...how many people here who are not voting, here or in the building? At this moment I...

PRESIDENT MOUL: Ten.

SENATOR SCHIMEK: Ten. I guess I will have to ask for a call of the house. Call in votes.

PRESIDENT MOUL: A motion has been made to place the house under call. All those in favor please vote aye, opposed nay. Please