

May 3, 1979

LB 221

Senator Marvel alluded to this inadequately in that he said as long as there is other parliamentary procedures available, reconsideration is not proper but there is a very important word missing from that explanation and please listen to the important word. It is timely. There has to be a timely remedy available. Timely is extremely important in here twice. Now one is...

SPEAKER MARVEL: Excuse me, Senator Kelly, but all the Legislators are to be in their seats. We are under Call and also while we are under Call, Senator Newell asked the question and Senator Nichol is here and so it now takes 25 votes to overrule the Chair. I'm sorry, Senator Kelly.

SENATOR KELLY: Timely comes into this explanation twice. In the first place where we are sitting twelve more days, 221 to have any action on it this year cannot wait until January of 1980 so it is strictly a matter of timely from this point of view. Now I have forgotten what the other timely was. It will come back. Senator DeCamp alluded to this being a mechanism whereby I could bring LB 221 back with 25 votes instead of 30 votes. Not true, Senator DeCamp. The only place that 30 votes ever came into this was after the motion was made for LB 221 to come back with 25 votes. The opposition brought in all of the 30 vote mechanism, not the introducer of the motion. As has been alluded to by other speakers, this is a well known mechanism in this Legislature and remember also, is that during the noon hour on the day that I made my reconsideration vote change, we have been working since Senator Burbach became Speaker on the basis that we would allow the Speaker to make the recess or adjournment move so that the Speaker or the presiding officer would not lose control and we would not be adjourning in a wild fashion. Knowing the reconsideration rule very well and knowing that rule very well, I chose the orderly way of reconsideration that comes up and the Speaker would put it on the agenda and we'd handle the reconsideration. Now from my point of view and from that spoken to by Senator Landis, Senator Murphy and from the handout of my attorney, the Speaker really, where you have to handle this motion in five days, he can set the timing but yet traditionally during that five days we all know that the introducer of that motion selected when we would vote on it so that he would have the votes available to him, not the presiding officer. This is the first time that the presiding officer has set the time to vote on a reconsideration motion. I have no objection to that. If this is what