

May 3, 1979

LB 221

SPEAKER MARVEL: If the Chair confused you with his original ruling, then we come back to this point because of a comment that Senator Lamb made and that is that today is the day that Senator Kelly needs to have a decision and that, as far as I am concerned, is what we are back here for and, therefore, the Chair will recognize you for whatever motion you wish to make. Does that clarify the issue as far as you are concerned?

SENATOR NEWELL: That is fine. I have a motion on the desk to reconsider our actions of overruling the Speaker on the point of order as it turned out to be.

SPEAKER MARVEL: Mr. Clerk, do you want to read the motion?

CLERK: Mr. President, Senator Newell moves for a reconsideration of the motion to overrule the Chair.

SPEAKER MARVEL: Is that the motion before the House? Senator Newell, do you want to make a comment?

SENATOR NEWELL: Yes. Mr. President, members of the body, I offer this motion to reconsider for a number of reasons. One, during the discussion on the motion I was unable to speak and, two, because I did offer earlier a point of order, a point of order which I felt would make this motion to overrule totally out of order. To me it seems wrong in this action to be able to overrule the Speaker's order with a bare majority and thereby accomplish by a majority, be it 20 votes, 23, 25, whatever the majority is, one more than those that opposed, you do by that action what you could not do with 30 votes and that is to change the rules or to suspend the rules. I think that is grossly unfair and I think this will come to haunt us if this decision lasts. In talking to people during the recess I come to realize that many people were not voting on the issue itself. They were voting on the merits of 221 or their position on that, they were voting some on the merits and the reasons for voting were very very complexed and I also think there is a high confusion level on this issue and well there should be I expect since it is a bit complicated but the point is very clear. We are allowing Senator Kelly who was unwilling to take earlier today, an opportunity to suspend the rules, an opportunity that I took and lost, 27 votes, needing 30 to suspend the rules to take up LB 16, elimination of the sales tax on food. I took that opportunity because it was explained to me as a requirement of 30 votes. Now had I known that I could reconsider, I would have offered a motion to recon-