

April 1, 1980

LB 773

SPEAKER MARVEL: Senator Murphy, the Chair rules that this is a different plane of activity that this has moved from one file to another and therefore cannot be considered reconsideration.

SENATOR MURPHY: Mr. Speaker, would the Chair be good enough to tell me what rule that is. Because if we are grabbing them out of the closet, I don't think Senator Beutler would like that.

SPEAKER MARVEL: Senator Murphy, the experience of the Chair, and this isn't the first time this has been brought up, indicates that this is the way the action has been taken in the past. Therefore, your action...your privilege is to challenge the Chair. If you are dissatisfied with the ruling of the Chair, then the Chair suggests you challenge him.

SENATOR MURPHY: Well, Mr. Chairman, reluctant as I am to challenge the Chair or anybody else for that matter... I am getting too old and too fat, but the fact of the matter is that our rules are very explicit in this matter and to say that somewhere once upon a time something was done and that it therefore creates a rule that is not in the rule book, then I think the Chair should be overruled because, really, he is not basing his decision on a rule. I move that the Chair be overruled.

SPEAKER MARVEL: Okay. Okay, the motion before the House is, shall the Chair be overruled? All those in favor of overruling the Chair vote aye, opposed vote no. Have you all voted? Have you all voted? Have you all voted? 25. 24, yes. Have you all voted? Record the vote.

CLERK: (Read record vote as found on pages 1641 and 1642 of the Legislative Journal.) 14 ayes, 20 nays to overrule the Chair, Mr. President.

SPEAKER MARVEL: There was a group here a little bit ago and they came back, so I can now introduce them from Senator Wagner's District, 14 students, 8th Graders from Wolbach High School. Dan Jackson is the teacher. Where are you located so we can say, good afternoon? Hold up your hands, will you please? Okay. Okay, where are we, Mr. President?

CLERK: Senator Koch will offer his motion.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Thank you, Mr. Speaker. In my absence, and I