

January 4, 1990

PRESIDENT: Thank you. Senator Withem, please.

SENATOR WITHEM: Yeah, if I could also just wade in on this one because this is one where I was a participant last year, I guess a willing participant in one part and an unwilling participant in another as the debate went on. Two different instances last year, this body made different rulings on the same issue. The question is when a matter has been divided and a portion of that matter has been disposed of in a negative fashion, can the introducer of the original motion that is sponsoring the other, in the case of Senator Chambers' example, the other four items considered within the original motion, can that member withdraw the remaining portions? During the early days of the session last year, in my attempt to suspend certain rules to allow a bill to be brought out of Senator Warner's committee directly to the floor of the Legislature, the question was divided, the rule was divided. We argued long and hard over the first rule change. It was voted down. My sense was the body did not want to then suspend the other rules. It was superfluous to consider the other rules. I asked that they be withdrawn. Senator Chambers objected to that. The body supported his objection. So the precedent at that time was then once you divide a measure and take an action to not support the first portion of that, then the member loses his right to withdraw the rest, and that was the precedent established for a grand total of probably two months. Until such time as...and I forget the exact facts, but I think it was Senator Lindsay had an amendment on LB 769. It was divided. Each portion was considered separately. The first portion was voted down. Senator Lindsay then wished to withdraw the remainder of his amendment. Senator Bernard-Stevens, I think it was, objected to that, citing the precedent that had been established by the body two months earlier. The body, at that time, chose not to...or to allow Senator Lindsay to withdraw the motion and we went on from there. The Rules Committee, having these two precedents in front of us, felt it important to clarify the rules. What the Rules Committee's proposal does is it allows for the interpretation by the Clerk and by the body that you may be able to withdraw remaining portions of a motion after a first portion has been withdrawn. Senator Chambers says he doesn't think the rule does that. I think it does. I think it allows us to do that. Keep in mind these are our rules and how we choose to interpret them is what is important. If we, in voting for this, establish the intent that what we're doing is allowing members to withdraw portions of an amendment that have been divided after the first portion