

March 26, 1973

SENATOR DUIS: Mr. President, I think what you have done now by not suspending the Rules, we cannot act on this this morning. It would have to wait the five Legislative days and then be referred to a Committee by motion at that particular time because I believe according to the Rules it would take a necessity that it lay there for five legislative days. Now, you can ask for a suspension of the Rules to refer it to a Committee, but actually what should have happened the other time is that the Rules should have been suspended to take it up today. Then, Mr...then, Senator Proud motion would have been in order because the suspension of the Rules was not to pass it but merely to take it before the body today and that motion failed. So, I think we will have to pass by today so that you can ask for suspension of the Rules tomorrow if you so desire, but I don't think the entire membership of the Legislature understood that the suspension of the Rules this morning was not to adopt it. Actually, the suspension of the Rules was merely to take it before the body so that another motion could be made, and I would suggest that you just leave it lay today and that you take up suspension of the Rules tomorrow to consider the Legislative Resolution #, whatever it is, 23 or whatever it is. Then, your motion, Senator Proud, would be in order.

PRESIDENT: Well, obviously, a motion to reconsider is always in order, too, but I had hoped that the chair had made it clear that...I think it was Senator Kelly's inquiry that prompted the response that it was to be just voted upon in order to just bring it before the body and the chair apologizes if I left someone in doubt as to what was happening here.

SENATOR DUIS: Correction. Vincent just called my attention to it and let's all turn to the page together. A new rule. If you will please turn to Page 21, Section 8, now, you probably won't have this. I'm sorry because your book probably isn't up to date but the Rule says this, Reference to Committee under Resolutions. Resolutions other than those covered under Section 2 and 3 of this Rule may be referred to a committee if a motion to do so is adopted by a majority of the elected members. Now, let me tell you how that comes about because under Section 2 and 3 of the Resolutions, this particular Resolution does not apply to either one of them. Under Section 2, the Rules that are considered as a bill are those Rules which...are those Resolutions, rather, that refer to a change in the Nebraska Constitution and an acceptance of a change in the federal Constitution or a rejection. And in Section 3, it is a Resolution of study. So this Resolution does not come under 2 or 3. It would come under the Section 8 which would allow your motion this morning and I beg your pardon, Senator Proud, you are correct in making your motion.

PRESIDENT: Senator Whitney, does that answer your inquiry. I am indebted to you for bringing it to the chair's attention and I think we have had it clarified now for the body. Senator Whitney.

SENATOR WHITNEY: Mr. President, will Senator Duis tell me where that is, what page that is?

SENATOR DUIS: Senator Whitney, it probably isn't in your book. It's a Rule change that we made this session and my Rule book happens to be up to date and I am trying to remember what sec..what page of the Journal this was on, but may I read the Rule to you. It's a Rule that is Section 8 of Rule 4 and this is what it says, Reference to Committee. Resolutions other than those covered by Sections 2 and 3 of this Rule may be referred to a committee if a motion to do so is adopted by a majority of the elected members, in other words 25 votes. So I think that that would give Senator Proud the