

May 3, 1979

LB 221

and I would hope it would be the ruling of the Chair that the motion to reconsider is not proper under our rules, based upon the determination as is stated in this Rule 7, Section (a), that a motion to reconsideration is in order when a question has been decided. The question that is posed is, shall the bill advance to E & R initial. There are three opportunities to vote on that question. LB 221 has been voted on once. That question under our rules may be posed two more times. If, after three times, it fails to advance, then the question has been decided. At that time, after failure to advance a third time, it would be in order to reconsider advancement because the issue has been resolved. However, since it has only failed once I do not believe under our rules, that a motion to reconsider is in order. I would also ask this Legislature to look at the long-term implication of allowing this motion. We have given, over the past years, the Speaker increased power to set the agenda in order to facilitate our work during the course of a legislative session that is now limited by a certain number of days. This year this Legislature voted that it would take 30 votes in order to change the Speaker's agenda. I can't remember the exact vote of the Legislature but it was a large majority of the Legislature wanted that rule changed. If we allow motions to reconsider every time a bill fails to advance off General File the first time, every time a bill fails to advance off General File the second time, we have basically set up a way to get around the Speaker's agenda with 25 votes and we will then see that the Speaker will not be able to control the agenda as we have given him the power to do. We will see a growth in the number of motions to reconsider advancement and we will spend a good deal of our time redebating the question of whether a bill should be considered again for advancement. I think that Senator Kelly's motion is a dangerous precedent. I think that the rules are clear. The question of advancement of LB 221 to E & R initial has not been decided. As such, I do not think that it is proper or possible for it to be reconsidered. Therefore, as Chairman of the Rules Committee I would support the statement of Senator Lewis and the statement of our Speaker, that this bill should not be before us on a question of reconsideration. If Senator Kelly wishes the measure to come before the Legislature he can do what all the rest of us can do when a bill fails to advance off General File the first time and that is to visit with the Speaker in order to have it put back on the agenda. I would just like to point out that there are numerous bills that have not even been considered once on General