

May 3, 1979

LB 221

SPEAKER MARVEL: We are not going to vote on anything until we recognize you.

SENATOR KELLY: Well the question was called. I wonder what we called the question on.

SPEAKER MARVEL: I recognize you, Senator Kelly. Do you wish to respond to my remarks?

SENATOR KELLY: That is correct, Mr. Speaker, and I would move to overrule the Chair in his ruling on LB 221, reconsideration is not proper and that I further ask the Clerk to tell us the number of people present so that we will know what a majority of those present will be needed in voting to overrule the Speaker's decision.

SPEAKER MARVEL: For what purpose do you arise?

SENATOR NEWELL: I have a point of order.

SPEAKER MARVEL: What is the point?

SENATOR NEWELL: The point of order would be that it is inappropriate to overrule by to ask for a motion to overrule the Chair when, in fact, a rule of this Legislature is to be overruled in this action and, therefore, it should take 30 votes to suspend or change the rules as opposed to the 25 votes to overrule the Speaker because we are not talking about the Speaker's position but we are instead talking about a rule of this Legislature. For that reason I stand and that is my point of order.

SPEAKER MARVEL: I overrule your point of order and return to Senator Kelly. We are not taking up the original motion. We are taking up my response, my ruling.

SENATOR KELLY: That is correct and I would move to overrule your decision, Mr. Speaker, that LB 221 reconsideration is not a valid motion. I feel that it is a valid motion and this causes me to make a motion to overrule your decision.

SPEAKER MARVEL: You are out of order, Senator Newell. The Chair does not recognize you.

SENATOR KELLY: Mr. Speaker, members of the Nebraska Unicameral, I have made a motion and the Chair has made a ruling that that motion is out of order and I request an appeal to the body of the Legislature that the motion for reconsideration is proper and that we should in all fairness