

May 3, 1979

LB 221

Let's let the Rules Committee do that and add additional language to clarify it but we have now a rule that operates and governs this situation. Let's follow it.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker, I move the previous question.

SPEAKER MARVEL: The previous question is called for. Do I see five hands? All those in favor of ceasing debate vote aye, opposed no. The question is, shall the Chair be overruled? The Chair recognizes Senator Kelly to close on that motion. Pardon me? Okay, record the vote. State your point.

SENATOR NEWELL: I would like to ask the Chair just what the vote necessary is to overrule the Chair. There has been a lot of interpretations. As I read the rules it is a majority, not 25 votes. Am I correct in that question?

SPEAKER MARVEL: There are 47 legislators present. It will necessitate 24 votes.

SENATOR NEWELL: Mr. President, as I read the rules, I read the rules it is those who are present and voting and you say 24 votes because there are 47 present. Can we have a roll so we know exactly who is here who considers themselves present and I believe the rule...

SPEAKER MARVEL: Do you want to know who is absent? Is that what you would like to know?

SENATOR NEWELL: Isn't it present and voting in the rule? I want to ask that question?

SPEAKER MARVEL: It says the majority of those present shall be required to overrule the Chair. That is all it says.

SENATOR NEWELL: And present includes those who are on the floor or those who have indicated they are here?

SPEAKER MARVEL: I don't understand your question. The point is...

SENATOR NEWELL: Is it physical presence or those who have not asked to be excused?