

May 3, 1979

LB 221

Senator Fowler offered his explanation of the rules. I think it is a very fair and a very logical one. Others have argued differently but let's try to keep the issue as it ought to be, the issue of the rules fight. If Senator Kelly is insistent upon having a vote on 221 he ought to have the same risks applied to him that had to apply to me on LB 16. So for that reason I offer a reconsideration of the motion to overrule the Chair.

SPEAKER MARVEL: Senator Newell, the Chair made a ruling on Senator Kelly's motion and the Chair makes a ruling on your motion and the Chair in, at least his opinion, is consistent and so I overrule your motion for the reason that you are using procedural methods to overcome or to create a substantive type motion. You are using procedure to get at substance. The Chair is consistent in this because Senator Kelly tried the same thing, was using procedural matters to overcome substance and, therefore, the Chair ruled him out of order. The Chair overrules you for the same reason, so as far as the Chair is concerned you are overruled.

SENATOR NEWELL: If I could ask one question. I understand what you have said but can you help me with the rules, and if you could help me understand just where that is in the rule book, I would appreciate it. I don't want to challenge the Chair because I think the Chair is trying to be fair. I am just kind of curious and I appreciate the consistency that you are offering, Mr. Speaker.

SPEAKER MARVEL: Senator DeCamp, do you wish to be recognized?

SENATOR DeCAMP: Mr. President, I would just agree with the Chair. I understand what you are trying to say. You are pointing out that the motion to reconsider is in essence, by every standard in every book, a substantive motion and when it is used for a procedural purpose, then that is improper because there are procedural motions such as a motion to bracket for a day certain, a motion to amend the Speaker's order, so on and so forth and you are as I can see it entirely consistent then in your ruling, even though in the first place your being overruled worked to the advantage of Senator Kelly and in the second place, by being consistent, it's going to again work to Senator Kelly's advantage but I would agree with the Chair. You are consistent. What we are accomplishing with the first motion, the substantive motion made was a procedural act which was to