

SENATOR NEWELL: Well it is really not relative to this amendment, it is relative to the question of majority on a vote. As some of you know I have a conflict of interest on this legislation. So therefore I can not vote on this bill or on any amendments or those kinds of things. That is the question that I have is that because of the conflict of interest this means that it is one vote harder to get 25 votes for passage or anything else like that. It is a rules question, the rules are totally devoid of any mention of whether or not if one, two, or five members of the body have a conflict of interest on a piece of legislation. Therefore they can not vote on that legislation whether that reduces the majority necessary for passage or movement of that bill. This is something that can come up in the future it is not likely to be a problem on this bill, but it is something that can come up in the future. For that reason I wanted to bring it to the attention of the body. I would like to bring it to the attention of the chairman of the Rules Committee and others to try to deal with some sort of proposal which would allow that those with conflict of interests are not automatic no votes.

PRESIDENT: All right now first of all the Chair is going to state it in this fashion. First of all the statutes do not preclude your voting. That is your decision, as the Chair understands it. You only have to disclose what you have disclosed. The rules nor do the statutes preclude your voting. It is your decision. You may respond when I have finished. The second point being that our rules call for a majority of the elected membership, 25, there is no way out of that regardless of what reason you do not vote. It is the same reason that someone sits here and decides not to vote because I just don't want to vote. That is the same thing applies there. So you could always raise that point. So there is no way out of it unless a new rule Senator Newell would be propounded to deal with the subject of anyone not voting at any time. I think those are the two that would cover it. Now go ahead.

SENATOR NEWELL: Mr. President, I agree that at this point and time there is not a rule that would reduce that majority. There may in fact need to be such a rule and that is why I chose this time when people are thinking about this kind of a problem to bring this up so that the Rules Committee would address that and offer some kind of solution. The second thing is that while it is an individual members decision whether or not they have a conflict of interest there are court...the statute does indicate that you may have a conflict of interest and also the remedy, not to vote, so therefore if a member chooses to vote on an issue that in fact he does have a conflict of interest he could be liable for legal