

January 9, 1986

SENATOR MOREHEAD: In my personal strict interpretations as the rule says here is, except for those who have been excused prior to the house going under call, and if the Clerk announces that the house is going under call I would think it would have to be before then.

SENATOR HABERMAN: No, when the motion is made for the house to go under call. In other words, I'm sitting in my office and the motion is made for the house to go under call. The Speaker says, shall the house go under call, then you have to have a vote. During that interval we would have time to call and get excused.

SENATOR MOREHEAD: I would think that it would have to have been done before that to be technically correct, that it could not be exercised during the interim and have validity. That's my personal interpretation. Well, you...I'm just going to forewarn you, possibly you might get some arguments on that, Senator Morehead, because if you beat the actual vote because you don't even know whether the house is going to go under call or not until after you have the vote, but we discussed it and it's on the board so I'll just let it go at that. Thank you.

PRESIDENT: The Chair recognizes Senator Withem. May we have order in the Chamber, please. (Gavel.) Senator Withem.

SENATOR WITHEM: Mr. President, members of the body, Senator Morehead is correct. I was the one that asked for a clarification of this rule and the reason for that clarification was, if I can take you back in history a little bit, not that far. During the special session we had a very critical vote on the increase of the income tax rate. As you all know, it was an incredibly close vote. At that time my personal business, I had a very, very important meeting to attend in Omaha at that time also, and during the soul searching that I was going through as to where I was going to be spending my time that day, we hit upon this rule, Rule 2, Section 4, paragraph(b) which states, the presence of any member may be compelled, if necessary, by sending the Sergeant-at-Arms or such other person or persons as the membership present may authorize at the expense of such absent member unless such excuse for nonattendance is made as the Legislature may judge sufficient. And in that the case expense shall be paid out of the contingent fund.