

January 10, 1986

SENATOR WITHEM: There are others. Okay. This is one that I think we can dispose of fairly quickly. I spoke with Senator Morehead...

PRESIDENT: You want to back away from your mike.

SENATOR WITHEM: ...and she has suggested that we...is this far...shall I go back to the Rotunda maybe and speak up.

PRESIDENT: You'll have to learn to gauge that yourself, Senator.

SENATOR WITHEM: Thank you. Thank you, Senator Marsh. Maybe that will help. This is one we started to debate yesterday for a different rules change, but the concept we began to debate yesterday and then Senator Morehead withdrew the proposed change that was before her, and she and I have worked out two separate competing versions of a rule change that would amend Rule 2, Section 4(b) to read as it is stated on page 213. If you remember, we were debating the philosophical question yesterday as whether the Legislature, as a whole, should have the power in extraordinary circumstances to summon members who are absent, even if they are excused. We have had, in the history of this body, cases where that has been done. I can recall, as an observer of the legislative process, several years ago I believe, to set the stage a little bit Jerry Whelan was the presiding officer at that time. I know Senator Maurice Kremer was attending a meeting of NCSL I believe it was in Kansas City, some other members were absent. It was the last day of the session, a very important piece of legislation was before the body which probably had majority support of the body but there were some members who were absent. A motion was made to invoke Rule 2, Section 4(b) which states that, "The presence of any member may be compelled if necessary." The motion passed and the Highway Patrol went out and got some people. I know Senator Labeledz spoke of her experiences with that yesterday. It almost happened to me during the special session and I was checking out with a number of people as to whether the body has this authority or whether it doesn't. Some people told me, yes, they thought the body had this authority. Others said, no, when they've done this in the past, they really didn't have the authority to do that under the rules. I suggested to Senator Morehead that this needs to be clarified. On