

January 10, 1986

Withem's rule change proposal and Senator Morehead's rule change proposal that we did not pass either of those two changes. So the rule is where it was before we started today. It occurs to me, and one of the problems that we have is, that when people are not in the Chamber, whether they are excused or not excused, there has been a debate or at least a confusion as to who and whether those people can be brought back in from out of town, out of state, out of the country. And, as a matter of fact, the rules are very nondescript as to who has the ability, and I have talked to some people on the floor already and there is some confusion. Some people think that any senator in this room can, in fact, ask for those people to be brought back, if they're not excused or even if they are excused. Other people feel that only the presiding officer can bring those people back or at least make that decision. Now, what I am suggesting to you is using the bottom part of Senator Withem's rule change proposal and that is just one sentence. Now on page 213 of the Journal, if you'll look at the bottom part of the rule change on Rule 2, Section 4(b), the words, that I'd like to add to the rules are that part that says, "The motion to compel such presence shall require a majority vote of the members present." Now what that means is, if we're in here sitting around, waiting to have people brought back to the Chamber, figuring our whether they are excused, whether they are not, whether they can be brought back or whether they can't, that the decision to bring those people back will be a majority of those in this room voting that that person shall be compelled or those people will be compelled to be brought back. Right now we don't have any clarification in the rules as to who can make that decision. According to the Clerk who is kind of our parliamentarian, I believe his reading the rule says that only the presiding officer has that ability. Now it may be that that is the right person to have that ability. I am offering this amendment that says, no, that ability should rest with the majority of those that are in the room to bring the people back. If you decide that you would rather have that power rest with the presiding officer rather than the majority of the people here, that's fine, but then we ought to make the rules say that because it says nothing about who has that power now.

PRESIDENT: Excuse me, Senator Hannibal. I failed to raise the call. Go ahead.