

January 10, 1986

SENATOR HANNIBAL: Yes.

PRESIDENT: That then could a member challenge that order? It's not a ruling, is it, Pat? What is the challengeable issue, if...

SENATOR HANNIBAL: Well, since there is nothing codified in the rules as to who can make the compelling issuance and since it has been at least directed to me that the implied person who has that authority to make the ruling is the presiding officer, then the presiding officer will be, I assume during the course of discussion, when we're trying to find out who is where and who is excused and where they are and whether they are coming back, that we are really stalling and we are really asking the presiding officer to make a decision as to whether we're going to wait for those people to come in or not and so that presiding officer is, in effect, making a ruling and as such, would that person be up to a challenge for overriding that ruling?

PRESIDENT: Senator Hannibal, it appears to the Chair that, at least in memory of previous conditions like this when it has been a tight situation and we're trying to compel members to attend, that no one has ever challenged the ruling or the order of the Chair. It's never been brought up, but I would interpret that if this Chair would make such a ruling, that that would be an enforcement of the rules which I am obliged to do and it is not my interpretation of the rule. Therefore, I think it would not be subject to challenge. That's our opinion now.

SENATOR HANNIBAL: Well, thank you, Mr. President. Based on that then I think we are back to, I guess, three very clear choices. One is can any member do it which is what Senator Chambers, can any member compel the attendance such as what Senator Chambers is saying. Number two, should it be left to the majority of those in the room or possibly even a majority of those members of the Legislature or, three, whether it should be left to the hands of the presiding officer. And with that, I believe that I would still just rather reject or oppose Senator Chambers' amendment and run with the amendment, a majority of those present making that decision.

PRESIDENT: Thank you, Senator. Senator Morehead.