

February 19, 1991

SPEAKER BAACK: The question has been called. Do I see five hands? I do. I am going to rule that there was not substantial debate on this motion, as the motion has only had two speakers in front of us and I am going to rule that way, and I guess if the body wants to overrule me, they can do that. Senator Abboud.

SENATOR ABOUD: Mr. President, I will withdraw my motion to call the question at this particular time.

SPEAKER BAACK: Thank you, Senator Abboud. We will now proceed to Senator Moore. Excuse me, Mr. Clerk, there's an amendment on the desk.

CLERK: Mr. President, I do. Senator Landis would move to amend the minority report, as I understand your motion, Senator, that the Clerk of the Legislature be directed to obtain all absentee and other discussed ballots, I assume noncounted ballots, for legislative determination for the 30th Legislative District and that Senator Byars remain conditionally seated until that report is made.

SPEAKER BAACK: Senator Hefner, for what purpose do you rise?

SENATOR HEFNER: Mr. President, I would like a ruling from the Chair to determine whether a minority report can be amended. Is this germane? Mr. President, I believe we were told in Exec Board meeting that the majority report would not be able to be amended and I would like to have that same argument pertain to this.

SPEAKER BAACK: Senator Hefner, as a member of the Executive Board, I do remember us having this discussion about whether the majority report was amendable. And I think we came to the conclusion that it was not amendable because it was not amendable on the basis that if you can accomplish what you need to accomplish by just voting no, then it's simply not an amendable motion. So I am going to...I am going to rule in this case that this motion is also not amendable, and what I would suggest is that what we can do as we vote on this motion, on the report itself, and then should Senator Landis wish to come up with...if that one does not pass, then if Senator Landis wants to come with another motion, we can do that. Senator Landis.

SENATOR LANDIS: Mr. Speaker, as I understand, you're making a