

March 11, 1974

PRESIDENT: Sure.

SENATOR PROUD: Well then, let me....I so move. Let me say this, I think both Senator Fellman and Senator Schmit are seeking the same objectives but I....I have explained to Senator Schmit that I have serious reservations about the constitutionality of it and I'm going into the reasons why. I could give them but it would just take up time here. I think Senator Schmit is going to have to go to the Attorney General with maybe Senator Fellman. Senator Fellman has already asked for an opinion and....and....and....if this bill can be made constitutional, then the amendment should be so offered. So I move that it be bracketed indefinitely which means it can be taken up at any time.

PRESIDENT: All right, the Chair's going to assume that Senator Proud is making a unanimous motion here. Are there objections to bracketing the bill on Select File? If there are, it will take a vote on it. Senator Schmit, do you object? Yes or no.

SENATOR SCHMIT: Mr. President, I'd like to say this. I'd object to the bill being bracketed indefinitely because we are, we are, as he pointed out, running out of time and I would suggest this. I would suggest, support the bracketing motion which can be brought up then at any time with this provision that Senator Fellman and myself and anyone else who wants to work on this problem can attempt to resolve our differences and see if we can't find a bill which does those things which all of us want to do. And I do not think the bill, the fate of the bill should hinge upon any one man's opinion as to constitutionality. That's a matter to determine later. So I would support the motion to bracket it at this time and I would hope my distinguished friends and learned jurists would help me put into position the bill which will be acceptable to them and if that is not true, then I'll just bow my neck and try to bluff it through.

PRESIDENT: Speaker Proud, would you concur that your motion should be just bracket the bill there for now and remove the word indefinitely?

SENATOR PROUD: Yes, I just ask unanimous consent. I want to say one of the principle reasons I'm doing this is because as it now stands, the bill obviously would appear not to have the power to pass and for us to have it drafted in final form just involves more expense. And I think the two will get together on this and get it worked out. Unanimous consent to bracket.

PRESIDENT: All right. Senator Proud is now asking unanimous consent to bracket the bill. The question is, are there objections to bracketing the bill. Senator Skarda, do you object, yes or or no?

SENATOR SKARDA: No, I don't object but I'd like the privilege to say a few words.

PRESIDENT: Actually, the motion to bracket doesn't require saying anything, Senator Skarda, and I'm trying to move the session along here. I'm sorry. Are there objections to bracketing the bill? Once again, yes or no. Hearing none, so ordered. LB957 is bracketed then on Select File. That brings up LB961 on Select File. Senator Cavanaugh, back to you. LB961.

SENATOR CAVANAUGH: I move the adoption of E & R amendments to LB961.