

March 19, 1975

SENATOR KENNEDY: I cannot answer that.

PRESIDENT: Senator Marvel, do you have any idea. A bill passes or not passes, regardless of what the chair says. This bill received 28 affirmative votes and...29. The chair is not going to rule as to whether it passed or not until we determine whether this exceeded the Governor's request. (Mike off)...arise?

SENATOR CAVANAUGH: What does that have to do with it.

PRESIDENT: It requires 30 votes, any appropriation...any (A) bill, in excess of the Governor's budget request. Senator Dickinson, for what purpose do you arise?

SENATOR DICKINSON: Does this bill have the emergency clause?

PRESIDENT: The original bill did but the (A) bill does not.

SENATOR DICKINSON: It doesn't?

PRESIDENT: We are ready for LB 529 on Final Reading. Mr. Clerk.

CLERK: Engrossed legislative bill 529 introduced by Senator Burbach of the 19th District at the request of the Governor. Read bill in full.

(Recorder off)

PRESIDENT: Senator Swigart, for what purpose do you arise?

SENATOR SWIGART: Mr. President, I missed a little something in there. I wonder if he could read that over again.

PRESIDENT: If I rule that in order, you may not last long around here, Senator Swigart. I apologize to the body for withholding my ruling on the passage or non-passage of LB 240A but it was necessary for the chair to get certain information. Under Article 4, Section 7 of our Constitution, no appropriation shall be made in excess of the recommendation contained in the Governor's budget, including any amendment the Governor may make, thereto, unless by a three-fifths majority. There is some cases and there is an Attorney General's opinion which seems to substantiate that. In the view of the fact that the bill failed to get the required constitutional majority of three-fifths, the chair rules that 340A did not pass. Further, the chair should advise the body for future action that that will be the consistent ruling of the chair, hereafter, in almost all conceivable (A) bills. Senator Barnett.

SENATOR BARNETT: Mr. President, with due respect to your decision.

PRESIDENT: I beg your pardon.

SENATOR BARNETT: I say with due respect to your decision, I have been going over with the Constitutional row here and I do not believe that this has anything to do with... I think this section has to do strictly with budget and not new matters and new legislation and, therefore, I am going to challenge the chair.