

April 8, 1975

I did believe that that was you were doing, but I will tell you what. The Legislature can do whatever it wants to do. If you want to say that the amendment is out of order, rule it out of order and go ahead and close it off. It doesn't make me any difference. I have in the record what I have stated, and the record will justify me and perhaps condemn the legislature but what has been said has been said.

PRESIDENT: Senator Chambers you have the privilege of overruling the Chair if you wish too. OK, the question has been called for, indicate by your vote. To cease debate.

SPEAKER BURBACH: (machine not activated) on that I had said that we were going to discuss it tomorrow and didn't. Senator Chambers is correct. I think that we should call for the question on his motion. I hope that it is not successful, but I think that we should clear that issue, he has an amendment, a motion and we should vote this up or down then proceed with the resolution.

PRESIDENT: I'll go ahead with that proposal then. Senator Chambers.

SENATOR CHAMBERS: Thank you Senator Burbach. This provision of statute that relates to when the Legislature is defended talks about for words spoken, action taken in the course of legislative procedure and I think that the basis for this statute is the same basis that you find for all legislation like this. When people come here to enact laws and make policy for the state, they should not have to worry about being sued or fight actions in court and be taken away from their duties and responsibilities. Nor should they have to go to the personal expense of doing anything that relates directly to discharging this duty. AT the time that Senator Nichol would be involved in the controversy for which the Legislature is being sued, if it can be sued, he was not a member of the Legislature. That was the election procedure. So the only way that Senator Nichol can be represented by the Attorney General is as a member of the Legislature which he sits as a member of now and nothing would be hurt. If we delete the words that I say should be deleted. Those that don't want those words deleted should tell who else that they have in mind. Now the Legislature is a legally identifiable entity and every person who is a member of that Legislature can be found out by reviewing the statutes and laws of this state. Now if Senator Burbach and the Attorney General have somebody other than the Legislature in mind to be protected by this legislature, that ought to be declared and if they don't have that intent, I think that it ought to be stated by the members of the Legislature to anybody that asks them that the intent of this resolution is to defend just the legislature as an entity and what action it took with reference to this particular issue and not defend any specific individual. Because then it becomes a personal defense and not a defense of the Legislature. I'm sure that Senator Luedtke....oh, he's gone, I was going to say that I'm sure Senator Luedtke or Cavanaugh could bear out what I am saying.