

March 9, 1976

what the people wrote in the Constitution. The closest we can get to it in the numbers game is sixty-six and that would be six to declare a law unconstitutional. I move we return the bill for this specific amendment.

PRESIDENT: Senator Cavanaugh.

SENATOR CAVANAUGH: A point of clarification from Senator Kelly. This would have the same defect that Senator Simpson pointed out. You understand that the bill is permissive and the Legislature may not create nine judges for perhaps five, six years but in the meantime, if the amendment were to pass, it would take six of seven to declare law unconstitutional. Is that your intent, Senator Kelly?

SENATOR KELLY: Senator Cavanaugh, the defect in the bill is apparent by putting permissive legislation in the Constitution. This is the way we want it.

SENATOR CAVANAUGH: If that is the way you want it, fine.

PRESIDENT: There has been a call for the question. Are there five seconds? I have researched that again and anyone can call for the question at any time. Only if they ask for the question, not to visit, Senator Chambers. I see five seconds. The question is, shall debate cease? Record your vote. Who did call for the question? Senator Barnett. Record.

CLERK: 25 ayes, 9 nays to cease debate, Mr. President.

PRESIDENT: Debate ceases. Senator Kelly, do you choose to close debate on this matter? The question is, shall the bill be returned for the specific amendment referred to by Senator Kelly? Record your vote. Have you all voted? Record.

CLERK: 17 ayes, 22 nays on the motion to return, Mr. President.

PRESIDENT: Motion fails. Read the bill. Before we read that, we do have some guests in the Chamber. In the South balcony, we have 29 Eighth grade students from Clay Center, Nebraska. This is in Senator Kremer's District. Thank you all for coming. We also have 19 Seniors in the South balcony from Giltner, Nebraska which is also in Senator Kremer's District and to you, we thank you all for coming. Do you have a motion?

CLERK: Yes, Mr. President, Senator Stull asked to be excused for the balance of the day and also for Wednesday, Thursday and Friday, March 10, 11 and 12. I have a motion, Mr. President. I move to lay over LB 817 until March 10. Signed Senator Cavanaugh.

PRESIDENT: Senator Cavanaugh.

SENATOR CAVANAUGH: Mr. President, there is seven people absent and for a constitutional amendment, you know, that