

April 7, 1976

PRESIDENT: Senator Dickinson.

SENATOR DICKINSON: Mr. President, members of the Legislature. I believe everyone here understands the issue. I call for the question.

PRESIDENT: Do I see five seconds? I do. The question is shall debate now cease on this issue. Record your vote. Record.

CLERK: 32 ayes, 0 nays to cease debate.

PRESIDENT: Debate ceases. Senator Chambers, would you close debate on your motion.

SENATOR CHAMBERS: Yes I will, members of the Legislature. Senator Schmit, I can agree with what you say that there's a possibility that my recording is not effective. However I do have a Sony machine here and I have ten minutes time in which to close. We're allowed to share our time with whoever we please, so I'm going to share my closing.... This is a recording of the Final Reading of LB 434. Senator Schmit does not understand that. It is a serious motion and the mere fact that a procedure has been acquiesced for a long period of time does not do away with the necessity that that procedure be properly be carried out. The Legislature may not challenge a procedure, but it cannot waive a Constitutional requirement. It has been stated in many court opinions that a legislature cannot misdefine words, obviously, give them meaning which they do not convey and thereby circumvent a Constitutional prohibition. Any attempt to misdefine the word "read" and distort and corrupt its meaning so that a nonreading can be converted into a reading cannot be done. The purpose of this motion is to indicate that the bill was not read. What you're voting on this morning is not going to kill LB 434, because the Governor signed it. I want to tell you that I had talked to the Governor and to the Attorney General yesterday. I'd asked that the Governor not place his signature on the bill but let it become law without his signature. He delayed until late in the day till he could talk to the Attorney General. The Attorney General told him that signing the bill would not hurt or help anything as far as this challenge is concerned. A copy of a brief letter written to me by the Governor I have put on all of your desks. You can say that it's not serious if you want to, Senator Schmit, but you of all people know that it's very serious. I ask that you adopt this motion.

PRESIDENT: The question is shall Senator Chambers motion regarding the Journal be adopted. Record your vote. Have you all voted? Record.

CLERK: 3 ayes, 39 nays, Mr. President.

PRESIDENT: Motion fails. Any further corrections to the Journal? Are there any further from the floor? The Journal shall stand. Committee hearings and reports.

We have four ladies from the Ladies Boon County Republican Women from Albion. They're guests of Senator Don Dworak. I'm not sure which balcony they're in. Wherever you are, welcome to the Legislature.