

April 18, 1978

LB 708

CLERK: Mr. President, Senator Keyes moves to return LB 708 to Select File for specific amendment. The amendment is on page 1872 of the Legislative Journal.

SPEAKER LUEDTKE: The Chair recognizes Senator Keyes.

SENATOR KEYES: Mr. Speaker, I would move to bring the bill back for this amendment. All this amendment does is it says when the county commissioners of a county agree 100% and when the village that you are three miles or farther from agrees, why you can incorporate a city within that distance. So I move the adoption of the amendment. I move we bring the bill back.

SPEAKER LUEDTKE: Senator Bereuter, do you have a question? Senator Bereuter.

SENATOR BEREUTER: I raise a point of order, Mr. President.

SPEAKER LUEDTKE: Yes, state your point.

SENATOR BEREUTER: Point of order, this is contrary to rules and the rule, specifically, is Rule 7, Section 2 (d), no motion, proposition or subject different from that under consideration shall be admitted under color of amendment. I will try that one to start with. What we are dealing with is a bill that is found in Chapter 17, cities of the second class and villages and that is what Senator Keyes is attempting to put in but the original bill has to do with SIDs, Chapter 31, therefore, I feel that this attempt to bring back the bill for this specific amendment is contrary to the rules and I raise a point of order. It is not germane.

SPEAKER LUEDTKE: What two chapters are we dealing with here?

SENATOR BEREUTER: Chapter 31 in the existing one, Mr. President, and the amendment deals with Chapter 17.

SPEAKER LUEDTKE: Can't do that. That would be not even germane. The Chair would rule that the motion is out of order.

SENATOR KEYES: Mr. Speaker.

SPEAKER LUEDTKE: Senator Keyes.

SENATOR KEYES: I have seen this done on the floor of the Legislature many times. It has happened before and I have seen you vote for it, Mr. Speaker.

SPEAKER LUEDTKE: That doesn't make it right.

SENATOR KEYES: That doesn't make it right but I move that we overrule the Chair and then go ahead and do it.

SPEAKER LUEDTKE: Motion to overrule the Chair. Anybody wish to speak to that motion? Senator Hefner, do you wish to speak to the motion? All right. The question then is shall the Chair be overruled on the motion that I ruled that Senator Keyes' motion was out of order. All those in favor of overruling the Chair vote aye, opposed vote nay.