

PRESIDENT: Senator Marsh, do you have anything further to add? Senator Warner, do you wish to add something?

SENATOR WARNER: Mr. President, members of the Legislature, I wanted to comment historically 25 votes was all that was required for years and years until one day when Lieutenant Governor Whelan was in the chair and he declared, on the passage of a bill, that it took 30 votes. Most of us accepted that for quite a long time. The question came up to me last year because up until last year the office of Governor would indicate whether a particular A bill was within or not within their budget. That was the guide I used. Last year they indicated to me they weren't going to do that, that we would have to decide for ourselves what was in and what was out. That is when the research was done to ascertain what is, in fact, the case. I suspect that in most instances if you talk about the general operation of state government, the 30 votes is an academic issue because in almost every instance the general appropriations at least has to have the emergency clause to take effect July 1, which means 33 votes, and 30 votes would be of no issue one way or the other because that wouldn't be enough either. The only time that it might be an issue would be to increase an appropriation over the Governor that took effect later than the beginning of the fiscal year, so that the emergency clause wasn't needed. And even in those instances you run into a real definition problem if it is a new program, or an expansion that could have been anticipated by the Governor when he made his budget recommendation. But if people want further research, that certainly would be appropriate to do.

PRESIDENT: The ultimate question, I guess, can be decided later because we've already announced that the bill is passed. And it is not subject to a point of order by rule because...I am reading from Section 7 of Article 4 of the Constitution, saying that, "no appropriation shall be made in excess of the recommendation contained in any such budget, including any amendment by the Governor that may make thereto, unless by three-fifths." So I think with this I would follow Senator Warner's statement on the history of this matter, that it was not an item conceived or predicted by the Governor and therefore not subject to this rule requiring 30 votes, and that 25 votes is sufficient to pass. By order of the Speaker, on changing the agenda, we are eliminating reading of 606 and 606A, and proceed to LB 709. Before we do that, Mr. Clerk, maybe I better take