

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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FLOOR DEBATE

February 26, 2004 LB 821, 937

ASSISTANT CLERK: 25 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR CUDABACK: LB 821 does advance. Mr. Clerk, next LB.

ASSISTANT CLERK: Mr. President, LB 937 was introduced by Senator Landis. (Read title.) Bill was read for the first time on January 9, referred to the Urban Affairs Committee. That committee reports the bill to General File with committee amendments attached. (AM2292, Legislative Journal page 397.)

SENATOR CUDABACK: Senator Landis, you're recognized to open on advancement of LB 937.

SENATOR LANDIS: Thank you, Senator Cudaback. This bill was brought to me by the League of Municipalities and the city of Columbus. Currently, park boards in first-class cities have to have a number of members divisible by three. There's no problem if there are three members to the board, but if there are six members to the board it's possible to generate a number of tie votes. When you have a tie vote on a park board in first-class cities, the law says the mayor will cast the deciding vote. Well, the mayor is not a member of the board. The mayor may certainly not have been up to speed with what the issue is. The mayor may not want to exercise that function, and the board may not want to have the mayor exercise that function, but that is our tie-breaking mechanism for first-class cities. The League of Municipalities suggests that we adopt the normal rule in parliamentary procedure, which is, if a motion does not have a majority, it fails. So the answer to a tie vote is not "no action"; the answer to a tie vote is the motion fails. That would allow the major to do the mayor's job, not sit in on an ad hoc basis for the park board, and the park board will have to seek out majority solutions that have a majority of sitting members supporting the idea, and that that's...we will adopt the normal rule. By the way, the rule that we follow in the Legislature, which is that a tie vote is a "no" vote, it means that the motion fails. That would become the rule for park boards in first-class cities. I would ask for the advancement of LB 937.