

January 13, 1981

take more than a simple majority and I am surprised that Senator Marsh would reduce the number from three-fourths to two-thirds. I have often been on the losing side of an issue down here and I expect such to continue to be the case. But even those who vote to kill the measures that I offer and who will publicly take a strong position against me would not be in the position of saying that the point of view that I offer does not shed more light on the subject or show that there is another point of view. There are matters that I have succeeded in delaying, such as the medical malpractice bill. The delay chagrined most of the members of the Legislature. It angered the doctors. It angered the insurance people. But as a result of the delay, those who were ramrodding the bill through did offer amendments and afterward they said they were glad because without those amendments the whole bill would have been unconstitutional and it would have been stricken down. Too often when you get these bills that are brought in by the powerful special interest groups, they are not properly drafted. There are constitutional infirmities as was found recently in a ruling that the Supreme Court gave that said certain funds could not be distributed. That was another ramrodded through bill. Cloture would have been beautiful for that but there are people here who don't care about constitutionality because those supporting that bill knew it was unconstitutional but they had debts to pay. They had made deals that they had to deliver on. The Attorney General told the Governor it is unconstitutional and I presume that the Governor being a politician like the people in the Legislature said, "Well, Paul, certainly it is unconstitutional. Certainly the court will strike it down but what choice do I have. I am surrounded by the baying hounds and the yapping chihuahuas on all sides. I have got to sign the bill, Paul, and we will let the court take care of it." For those of you who don't know, Paul is an affectionate term for Paul Douglas, the Attorney General. So the Governor signs bills that he knows are unconstitutional. The Legislature enacts bills that it knows are unconstitutional but some of us want the opportunity to vindicate our presence here by putting in the record our attempt to stand against these type of unwise measures. I am against Senator Marsh's amendment. I am against the entire proposition, and on this particular measure, no matter what amendment or ever is offered, I don't have anything else to say on it.

SPEAKER MARVEL: Senator Marsh, do you want to be recognized to close on your amendment?

SENATOR MARSH: Mr. Speaker, I ask unanimous request to withdraw the proposed amendment.