

May 22, 1981

LB 472A

expedited it on March 4, 1976. Four days later you passed it and the court says, "The Nebraska Legislature under the pretext of amending LB 763 introduced a distinct subject matter to the bill violating the constitutional provision that no such vote upon the final passage of any bill shall be taken, however, until five legislative days after its introduction". And it held it was unconstitutional. Now I tell you you can't get much closer on court cases than that one. Now I can't sit here and tell you I have done all the legal research on this because this has come up very quickly and there may be other cases that are pertinent. But likewise, John DeCamp can't tell you that it is constitutional when I am telling you I have got a case before you that tells you it isn't. In addition to that, the Constitution says "after five days", after five days. We cannot do it after five days with four days left. So I don't think there is a question as to the time period either and I hold to my original opinion that it is unconstitutional. Thank you.

SENATOR CLARK: Senator Peterson, Senator Howard Peterson.

SENATOR H. PETERSON: Mr. Chairman, I would call the question.

SENATOR CLARK: The question has been called for. Do I see five hands? I do. All those in favor of ceasing debate vote aye, opposed vote nay.

CLERK: Senator Clark voting aye.