

January 6, 1982

those in favor vote aye. All those opposed vote nay.
Record the vote.

CLERK: 32 ayes, 0 nays on adoption of the proposed rule amendment #8, (sic) Mr. President.

SENATOR CLARK: The motion carried. The rule is adopted.
#10, Senator Wesely.

SENATOR WESELY: Mr. President, members of the Legislature, this rule change deals with the Supreme Court decision which said that the Lieutenant Governor cannot vote when the Legislature is divided and there is a tie vote on Final Reading. Now Senator DeCamp knows and some of the rest of us know that a vote of 4-3 by the Supreme Court does not throw out a bill or a decision made by the Legislature. It required an additional three members of the Supreme Court on another matter to throw that bill out so in essence the Supreme Court has not ruled in an ultimate fashion that the Lieutenant Governor cannot vote but sensing the direction of the Court and sensing the fact that of their decision even though it's not binding I think we ought to take the step and remove the Lieutenant Governor's opportunity to vote on Final Reading when the Legislature is divided. I think that that is the appropriate thing to do in light of that decision and I would support the rule change.

SENATOR CLARK: Senator Lamb.

SENATOR LAMB: Mr. President, members of the Legislature, I guess my question is whether or not the Legislature has the power to dictate to the constitutional officer what he should do. It is spelled out in the Constitution as to whether or not the Lieutenant Governor can vote and it has been interpreted in various ways as Senator Wesely has pointed out. However, it seems to me that it is reaching beyond the authority of the Legislature to tell a Lieutenant Governor he cannot vote if he so interprets the Constitution otherwise.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, before I make my general comment I would just like to call your attention, even if you would adopt this, to the fact that there are votes on Final Reading other than on the final passage of a bill. There could be a vote to return it to Select File or to strike the enacting clause or a number of other votes that we might take. I meant that is what we are intending to do even though the bill is on Final Reading so I think what they might mean is a bill on