

SENATOR CLARK: Senator Remmers.

SENATOR REMMERS: Mr. Speaker and members of the Legislature, I really have a hard time understanding why we should bring this bill back. We passed it last week 30 to 17. It seems to me we have a few things undone yet in this Legislature without bringing something back that we have passed. I question the intent of bringing back for technical clarifications. The rules, Rule 7, does indicate that a bill can only be brought back for technical or clarifying amendments. I am not sure what the amendments are going to be but I have a feeling that they are going to be more than technical or clarifying. I did read the handouts that were handed out this morning. I really can't see that there is anything new there. I want to read another decision that we had last year on a bill that drew a lot of attention which was 376, and in that court case, the Supreme Court ruled that the Nebraska Constitution does not give the Governor the power to return a bill to the Legislature as a clerical function. It seems to me that even if we do ask for it, it is still a clerical function on the part of the Governor to return that bill. I think the Constitution clearly gives the Governor three prerogatives in this situation, one is to sign it, one is to veto it, and the other is to let it become the law after five days without a veto. The Constitution, in this decision it said, "The Constitution clearly provides that if the Governor returns the bill to the Legislature with his objections the bill shall be reconsidered and become the law if it is repassed by a vote of three-fifths of the members elected." But just to return it for clerical purposes I believe the court ruled on 376 last year that the Governor does not have that authority. So even though maybe by 25 or 30 votes it has been said many times this Legislature can do anything, I think in this case it is a question whether they can do anything. I think the Supreme Court decision speaks to this. This bill was debated at length. I think most of us understand the merits, and to come back at this time with all the legislation that we have before us, it seems just a little bit absurd. I would ask you to not bring this bill back.

SENATOR CLARK: Are you asking for a ruling on that?

SENATOR REMMERS: To have a ruling, yes.

SENATOR CLARK: Senator Koch, did you wish to respond?

SENATOR KOCH: Yes, I will, Mr. Chairman. If you turn to page 48 in your Rule Book under Rule 7, Section 3, (d), and I will quote to you, "For a bill on General File, no