

March 29, 1982

LB 208

SENATOR KOCH: No, I intend to clarify that particular part of the bill was offered by amendment under...I think it was Senator Remmers and others who wanted that. But what happened to 208 in the process, Senator Schmit, you know as well as I do that in trying to satisfy all of the different interests, many times you offer things in a piece of legislation that in the end probably have made it of no substantial value.

SENATOR SCHMIT: Senator, I think at this time I would suggest that if we are going to have to suspend the rules to bring the bill back, and without the amendment right before us, it would be most difficult for the body to make a decision as to whether or not the amendment was technical in nature or whether substantive and I think that as you describe it it is more substantive than it is technical.

SENATOR KOCH: Senator Schmit, all I am requesting right now is 25 votes to bring it back to Final Reading, place it back up here. Then there is a motion to reconsider and I know it takes 30 votes. If I am successful at that time I will leave the bill on Final Reading until those amendments can be drafted and printed in the Journal. We will not take any further action today except those two actions.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. President and members, I guess I would just like to ask a ruling from the Chair on Rule 7, Section 7, (d), and the reason I am asking for that, Mr. President, is the language that is in (d) was put in the rules at my suggestion a year ago because we do seem to spend so much time on reconsideration motions and it was my intention that technical or clarifying amendments only be considered for reconsideration and I suggest that this is not, so I would like to ask for a ruling from the Chair on this motion.

SENATOR CLARK: What Senator Remmers is talking about is a court decision coming down saying that the Constitution does not give the Governor the power to send it back for clerical function. However, the court has always stated that the Legislature operates by their own rules, and under Rule 7, Section 3, (d), it says "No motion to reconsider shall be in order except by the introducer for technical or clarifying amendments." Now, I am going to have to agree both ways. I think Senator Koch is right in bringing it back from that point. However, I really do not think that it is probably a technical or clarifying amendment. So I am going to rule that it is not a technical or clarifying amendment but it is in order to bring it back. Now if Senator