

March 29, 1982

LB 208

SENATOR HEFNER: Mr. President, my agenda says a fifteen minute limit. Would you care to rule on that?

SENATOR CLARK: Well, it is either a matter of taking it up now or taking it up tomorrow and I would hate to see it go back on the agenda tomorrow. It just takes that much more time and a repetition of what we are doing right now. That is the reason I want to take a vote on this.

SENATOR HEFNER: Okay, thank you.

SENATOR CLARK: We will do that unless I am overruled. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I wish you had been in the Chair the other day and a very embarrassing situation could have been avoided but I also agree that this ought to be disposed of. But I want to make it crystal clear what I have said in a very brief statement. I am concerned about constitutional considerations. Many times in the hectic last few days of the session, the body can be stampeded into doing things hastily as it did on a bank bill. I stood on the floor, Senator Johnson and one or two others, showing how that bill had in effect been vetoed and nobody paid attention because the constitutional requirements were not at issue in anybody's mind except a few of us, it was who could railroad a bill through. So what I am asking that you consider that I have said is that the Constitution determines what is to be done with any piece of legislation. There is nothing in the Constitution that I saw which allows the Legislature to ask for a bill to be returned in this fashion but I suppose the Legislature can ask the Governor to veto a bill if it chooses, and to my way of thinking that is what is being asked. There is no rule in the Legislature that I know of other than the one that says, "Any situation not covered by the rules of the Legislature can be handled by 25 votes" or something to that effect. So I think what the Legislature is doing limiting it just to a consideration of the rules is saying that there is no rule that authorizes this. So it is implementing by a vote of 25 a stopgap measure to allow the Legislature to do what it wants to do. I agree that the Chair has ruled on the application of a rule but I think something more important than that rule is involved here. The Legislature can ask the Governor to do anything it wants to do but I hope that the Governor is aware of the discussion this morning and will realize that a rule of the Legislature cannot change the Constitution, and if that bill is sent back by him without his signature, then it is vetoed but I want to get a question to Senator Koch