

April 16, 1982

LB 816A

appropriations for a specific agency were over the Governor's recommendation.

SENATOR DeCAMP: Okay, then may I just finish up and I will be brief.

PRESIDENT: Go ahead. Go ahead.

SENATOR DeCAMP: Because I don't want to cause problems on 816, I just do want to get it into the record. It is my opinion the bill is not legally passed constitutionally. It does appropriate, take money from the personal property tax relief fund, specifically put it back into the general fund. Once in the general fund it is available for any purpose this Legislature chooses, whether it is the University building new hospitals, you name it. Then it is specifically appropriated out and, for example, in one specific program, a state aid equalization and foundation program that is very specific. It increases that program some \$44 to \$45 million over the Governor's budget. Other laws have already been signed that used up the full amount recommended in the Governor's budget. Additionally, it has been the custom here on any bills of this nature to require 30 for at least the last five or six years and, as I say, I am convinced personally, constitutionally it would have required 30 votes. It does seem a little incredible that the validity or lack of validity of this bill rests merely on the whim of who happens to be in the Speaker's Chair or would appear to be, and I would submit that neither Speaker Luedtke nor acting...President Luedtke nor acting Speaker Lamb can supplant to replace the Constitution, that constitutionally the bill is not passed and subject to attack in the courts on that basis should it be viewed as passed.

PRESIDENT: All right, I think I am going at this time to declare the bill passed. We could go on here until midnight. I am going to rule that the bill passed without the emergency clause attached and you can make any kind of motions you want to on it. The bill is passed without the emergency clause attached. Now, Senator Higgins, for what purpose do you arise?

SENATOR HIGGINS: Point of order, the same purpose that Senator DeCamp.

PRESIDENT: State your point.

SENATOR HIGGINS: Senator DeCamp asked whom he thought was the acting Speaker a question....