

April 4, 1990

LB 1141A

And the question is, shall the Chair be overruled? A majority of those present are necessary to overrule the Chair, not 25. Those in favor of the motion to overrule vote aye, opposed nay. Have you all voted? Record please. Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Yeah. I'm not going to ask for a call of the house, but I would ask for a roll call because I think most of the members are here.

SPEAKER BARRETT: Thank you. Members, please return to your seats for a roll call vote on the motion to overrule, please. Mr. Clerk, would you call the roll on the motion to overrule, please?

CLERK: (Roll call vote. See page 1891-92 of Legislative Journal.) 13 ayes, 18 nays, Mr. President, on the motion to overrule the Chair.

SPEAKER BARRETT: Motion fails.

CLERK: Mr. President, Senator...priority motion, Senator Schmit would move to reconsider the vote just taken to overrule the Chair.

PRESIDENT NICHOL PRESIDING

PRESIDENT: Senator Schmit, please.

SENATOR SCHMIT: Mr. President and members, as calmly as I can, I would suggest that Senator Warner is in order if he wishes to withdraw his bill. I believe then the rule provides that it has to lay over a day, but that is his prerogative. Number two, I believe it is also true that there isn't any way at this time that we can introduce a bill which will save, I guess you'd use the word, the depositors of American Savings. If we blundered, we blundered. I do not believe we blundered. It is not the first time that an agency director has disagreed with this Legislature. We can adopt a resolution and advance it. It doesn't mean a darn thing, but we can do so and hope and pray that it has some impact upon the Director of Banking. But insofar as being able to introduce a bill, there isn't anything we can do. We are...our hands are tied by the Constitution of the State of Nebraska. And, therefore, any attempt to use LB 1141A or any other bill in an attempt to clarify the problem that has been developed by a ruling of the Director of Banking