

January 30, 1992 LB 245, 511

devastating to the state that despite my misgivings of kowtowing to some language in the Supreme Court judgment, I am going to support Senator Wickersham's amendment to this bill and then hope the rest of the Legislature does also.

PRESIDENT MOUL: Thank you, Senator Wickersham. Senator Wesely.

SENATOR WESELY: Madam President, I, too, would rise in support of the Wickersham amendment. But I would also want to make very clear for the record, in terms of my view on it, that that doesn't mean that acquiesce to the opinion as being correct, I think that it's wrong. I think that 511 was passed last year appropriately, that it had been before the body for a sufficient number of days, and that clearly we were in proper position to pass that piece of legislation. And I don't want to sit here today and suggest by our action in adopting the Wickersham amendment that we would be in agreement with the interpretation that Judge Caporale takes in that view. We must understand that this Legislature has operated under the principle for many, many years that a bill pending before the body, amended into another piece of legislation has been before the body for a sufficient number of days. Doesn't have to be with the exact bill number that we're addressing. It can be done as an amendment to another piece of legislation. If we go down the line the the Caporale thinking is correct, we will hamstring this body at the end of each legislative session in the future, make it next to impossible to deal with important legislation that's ready to be enacted, but unfortunately stands behind the backlog of bills. So I, for one, again want to make it clear that in voting for the Wickersham amendment that does not mean I'm in agreement with the concept embodied in the Caporale opinion.

PRESIDENT MOUL: Thank you, Senator Wesely. Does anyone else wish to speak to the Wickersham amendment? Seeing none, do you have closing, Senator Wickersham? We'll now vote on the Wickersham amendment. All those in favor please vote aye, opposed nay. Have you all voted? Please record, Mr. Clerk.

CLERK: 26 ayes, 0 nays, Madam President, on adoption of Senator Wickersham's amendment.

PRESIDENT MOUL: The amendment is adopted.

CLERK: Madam President, Senator Withem would move to amend. Amendment is on page 536 of the Journal.