

February 4, 1975

CLERK: Yes. Mr. President, I move to amend LB 119, line 22, to provide "the Legislature to provide for a presiding officer". Signed Senator Burbach.

SENATOR BURBACH: Mr. President, members of the Legislature, this does not change the first part of the constitutional amendment. But it does provide for this body to make a determination of who shall be the presiding officer. If we do not accept this change, then we are tied in to the Constitution for now and all times until changed again, that the Speaker must be the presiding officer. With this change, this body could determine, at some future date after the ratification of this amendment, that the Speaker does preside. They could provide that someone, a parliamentarian, could be engaged. Or that other members, the chairman of the Judiciary, could preside. Or whatever the body would decide at that time. It does not make the Constitution as rigid. It does not preclude the Speaker from presiding. I believe, in our Constitution, we should be somewhat more flexible than to, determine, now and for all time until a change has been made in the Constitution, that the Speaker be the presiding officer. I think this amendment should be adopted. I move that it be adopted.

PRESIDENT: Senator Lewis. Senator Kelly.

SENATOR KELLY: Mr. President, members of the Legislature, I rise to support the constitutional amendment and particularly the Burbach wording in his amendment. Therefore, I support Senator Burbach's amendment.

PRESIDENT: Senator Cavanaugh.

SENATOR CAVANAUGH: Mr. President, I have a question of Senator Burbach first. A question for clarification, Senator Burbach. Should your amendment be accepted and enacted, the presiding officer selected by the Legislature would not be a voting member on any question. Would that be correct?

SENATOR BURBACH: No. This is a determination that the Legislature, at that time, could make. If they decided, in the future, that the Speaker should be the presiding, I would not want to have that individual lose his vote for his legislative district. However, if the Legislature would provide for a hired or a paid parliamentarian to preside, then, of course, he would not have a vote, only the 49 legislators would have that vote. I hurriedly put this thing together. It is not in the proper place, it is not as it will appear on the ballot. The Clerk instructed me that it could be . . . earlier in the bill by E & R amendment and put it in the proper prospective in the preceding page.

SENATOR CAVANAUGH: Would you object to a clarification that would say something to the effect that, provided that any person, other than a member of the Legislature, be selected as presiding officer, he shall not have a vote on question. Something to that effect?

SENATOR BURBACH: Certainly. I don't want someone else other than an elected legislator to cast a vote here. That's right.