

March 21, 1975

SENATOR CHAMBERS: Very well. Then I'll discuss Senator Murphy's motion and tell you why I think we ought not vote to reconsider. We ought not vote to reconsider if the intent is to pass the bill, because if that is the intent of the Legislature there is nothing to reconsider. I think the motion is out-of-order. It has no basis. I believe the bill, as a matter of fact, did pass so we really have nothing properly before us. Even though 36 members of the Legislature made a mistake, that is not the first time that number of people have taken a position which was not correct. To vote on this motion, or to vote in support of this motion, merely compounds the earlier error, and attempts to avoid facing the issue which is before us and is going to be before us during the rest of this session. If the motion to reconsider is not accepted, and whether it is or not - I'm in the process of having some legal research done to see what type of order is necessary to compel the signing of that bill. If my position, as I understand it, is correct it means that the Legislature has gone through all of the procedures established by law for the passage of a bill. All of the requirements of the law have been met. The final step of that procedure, before sending the bill to the Governor for signing or vetoing, is signing by the Lieutenant Governor or the Speaker, whoever happens to be in the Chair at that time. That official has a duty to sign a bill which has passed. In the opinion of the Lieutenant Governor this bill did not pass, so he feels he is not in improper discharge of his duty. Since I feel it did pass, I think there is a legal requirement that he sign the bill. I'm going to find out what kind of order is necessary to require a public official to sign a bill. In ordinary instances it would be a writ of mandamus. Since this is a legislative matter, we've got to find a way, I think, to present it to squarely before a judge for a determination. I'm not going to go into the Attorney General's opinion at this time, but that is the reasoning I have for suggesting, at this point, that we do not vote to reconsider this bill. We should keep the issue alive and before us until we definitively resolve it. A mistake was made in supporting the Chair the other day. To vote to reconsider compounds the error.

PRESIDENT: Senator Kelly.

SENATOR KELLY: Mr. President, members of the Legislature, we all know what we want to talk about. What we want to do is find out how to get there. Senator Chambers has an avenue, and Senator Murphy has an avenue. I, again, would request to the Chair what's his idea of the best way for us to get to talking about your decision on 240A?

PRESIDENT: If you'd like me to visit about it I will. There is nothing before the Chair to make a ruling on. As I suggested to Senator Chambers, it seems to me to get at what Senator Chambers was talking about, and I do disagree with him, that the body sustained the Chair's position overwhelmingly. They may have made a mistake in not following Senator Chambers advice on it, but other than that I'm not sure. It seems to me the way to do this, if the motion to reconsider succeeds, then the Chair . . . or the body shall reconsider 240. At that time, it would be entirely proper to discuss the Chair's ruling the other day, the sustaining of the Chair by the body, and perhaps the Attorney General's opinion. It seems to me that we have . . . the matter here is completely distinct procedurally from the ruling of the Chair.