

April 19, 1973

that has the last clear chance to amend the budget. The Governor has done all he can. He's done all he can under the law. He submitted his budget and the Legislature refused to act on it except apparently to pass it. The Legislature refused to look at it so in my judgment the public will find, as the judge did, that the Legislature is liable under the theory of last clear chance. Or will it? Now lastly, I'm not sure who is, which is the smartest fox, the Legislature or the Governor. I am inclined to believe that the Governor is. However, the Legislature has chosen not to act. The Legislature has refused to take the spending bills including the budget item by item and vote yes or no and so the Legislature itself resembles the fox and there are many good foxes and although I hate to cite a--I don't hate to cite it, but the master of the parable in this body is a Senator from Omaha, Senator Chambers and I don't like to get into his field. However, this is just a quick one. The lion said to the sheep, does my breath offend you? And the sheep said, yes. So the lion bit off the sheep's head. The lion then turned to the wolf and he said, does my breath offend you? And the wolf said no and the lion bit off his head for being a flatterer. But then wouldn't you know, the lion then turned to the fox and he says, does my breath offend you? And the fox said, sir, I do not know, for I have a cold and cannot smell.

PRESIDENT: Motion is to recommit LB 259 to the budget committee. Senator Schmit, did you wish to be heard?

SENATOR SCHMIT: Mr. President and members of the Legislature, as you know I supported the motion to consider LB 259 in detail but at this stage of the process I have second thoughts and I am not a lawyer, which Senator Proud is one thing I'm grateful for. But I do remember someone who told me once that he who comes into a court of equity must come with clean hands and so with that I pass.

PRESIDENT: I just denied the Clerk a point of order up here also. Senator Chambers and then Senator Proud.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I had a motion on the desk which can now be ignored. It was, because I think the discussion under Senator Proud's motion will be broad enough to include the remarks I thought would have to be made under a motion to return the bill to strike the enacting clause so I want that motion disregarded. I had some things I wanted to say and I think Senator Proud's motion is broad enough to include it. First of all, and this is...

PRESIDENT: Senator Chambers, if you care to wait we're going to take the motions in order here if that helps you any.

SENATOR CHAMBERS: Well, if Senator Proud's motion

(End of Belt #6)

(Begin Belt #7)

would prevail then I don't want to strike the enacting clause in reality. I want us to do something with the bill.

PRESIDENT: Go ahead.

SENATOR CHAMBERS: Senator Marvel, this is not said as flattery but it's necessary. I respect your intelligence, I know you're a highly educated man and you have a tremendous amount of experience on the budget, more than anybody else in the body. So I have to say that the remarks I'm making now are based on your considered and mature judgment prior to the Governor's coming into the Legislature. I think that you were correct when you