

SENATOR CHAMBERS: Mr. President, members of the legislature, I am speaking in behalf of returning this bill to select file for the purpose of offering this amendment. My aim in doing so it is to hope that the bill will be returned to select file, then when the attempt comes to readvance it, there will not be sufficient votes. I do not feel the fact that the bill would be made unconstitutional by the addition of this amendment should make any difference. First of all there is a severability clause, so that if this part was stricken down, it wouldn't hurt the rest of the bill. But by general consensus it had been agreed by this body, that the bill is unconstitutional anyway, is designed to be so, flies in the face of the Supreme Court decision so unconstitutionality has not been an argument against adopting or failing to adopt other provisions that people have offered to this bill. I hope that you will return LB 268, 286 to select file for the purpose of adding this specific amendment and in closing, this closing, I have one comment to make. If you look at the numbers that make up LB 286, by transposing a couple of them, it would be 268. That would be the capitol punishment bill. Each of them unconstitutional. Each of them politically motivated. Both of them ill conceived. So what might be the thing to do if you want to consider it, to get out from under the political heat of re-election next year, bracket LB 286 after you make, take this action until January 1, 1975.

PRESIDENT: Question is shall LB 286 be returned, for specific amendment. All those in favor vote aye, all those opposed vote no. Question is, shall 286 be returned for specific amendment to select file. All those in favor vote aye, all those opposed vote no. Have you all voted? Senator Fowler, did you wish to be recognized?

SENATOR FOWLER: A record vote. Roll call vote.

PRESIDENT: Thank-you. Senator Fowler asking for a roll call vote. Clerk will clear the board. Motion that we are voting on is, 286 be returned to select file.

CLERK: Roll call vote read. 12 ayes, 28 nays, 9 not voting, Mr. President.

PRESIDENT: Motion to return, fails.

CLERK: Mr. President, I move to return LB 557 to select file for specific amendment signed Senator Carpenter.

PRESIDENT: Chair recognizes Senator Carpenter.

SENATOR CARPENTER: Well, Mr. President, this has to do with the public schools, class 3 schools, which has been passed out on your desks, I think or about to. Which would require if you adopt this specific amendment that they have and in these class schools, first a primary and then a general election. The theory being that the laws acknowledge this have so many people running. That there ought to be some in order to choose in the primary and then let those who are nominated, run in the general election. This is a request bill that the people in the class 3 schools, asked me to have drawn and introduced and that is the purpose for it. It only covers class 3 schools, nothing else.

PRESIDENT: Any further discussion of the motion?

SENATOR CARPENTER: Class 3 schools, is from 1,000 under 50,000.

PRESIDENT: Any further discussion? Question is, shall 557 be returned to select file for specific amendment. All