

January 22, 1974

PRESIDENT: Well, that's easy. The Chair would rule that under the interpretation of the Constitution that the section in the Constitution which say the Chair shall vote. Means that the chair shall vote only under those prescribed circumstances and that is not mandatory. It would counter I'm sure to the management of the Legislature that someone should be compelled to vote and the chair would feel that in those circumstances that the chair could not be compelled to vote, no more than anyone person in the body could be compelled to vote, if they chose not to vote. That is something that is reserved for the individual. And the chair would so rule that way. I know of no history in the unicameral where anyone has raised the point that the chair has to or is some mandate constitution or otherwise by rule to break a tie.

SENATOR MURPHY: I will cease this debate. I just want one final remark. I believe this body in the constitutional drafters place a very definitive distinction between the chair may vote and the chair shall vote, without the shall and without the chair voting there really is no occasion for the rule, because it is simply to clear a log jamb and resolve and otherwise an immovable object. However I do think that should be taken under consideration and the Presidency set down. I do believe it is intended that way, and with that I yield to the superiority of the Chair. However my amendment that no man who issues a forged check instrument of any kind is a bit different than a man who issues forged currency. If you will look at what we through common usage only call money. It is nothing more nor less than a note on our federal reserve. A note on our government. And it is a negotiable instrument no different than a check, no different than a draft and accordingly I believe it should be included. It certainly cannot be a very harmful instrument. Particularly inasmuch as it is drawn on an account that is already four hundred and sixty three billion dollars overdrawn. Therefore I move that we include along with the negotiable instruments that may be forged a federal reserve note. I move for the adoption of the amendment.

PRESIDENT: Is there any further discussion for the Murphy amendment. Do you all understand the amendment as discussed by Senator Murphy. The chair recognizes Senator Luedtke.

SENATOR LUEDTKE. I would oppose the amendment at this point. I am not necessarily saying I would oppose what Senator Murphy is trying to do. But this is not the bill to do it on, and this not the section of the bill. Because we are dealing with two specific sections of Nebraska Statutes. 281212 and 281213 I just heard the amendment. There is a section of the Nebraska Laws dealing with the subject of counterfeiting, and that would be the proper section of the laws. Our laws are enough of a mess now, without mixing counterfeiting into insufficient fund, nofund check areas. We are attempting to put our house into order as far as our criminal justice system concerned and particularly with regard to our laws stating crime. And when we state a crime and a law it has to be very clearly stated so in order that you might convict someone, it is very clear for what you are convicting him or her of. I would certainly be glad to work with Senator Murphy in getting that kind of legislation if that's what he wants. But I do not think that LB 568 is the proper vehicle for that because this deals strictly with two areas, which the Governor requests we deal with, what the Judiciary Committee wants to deal with, and that is insufficient fund and nofund checks. It is quite different from forgery and counterfeiting.

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