

April 25, 1979

LB 174A

then we need to move out of item number nine, General File we need to move those appropriation bills. So, we have got about five different items and I would suggest that we get going and I suggest that you limit your discussion or you are going to stay here till 8:00 tonight or later. That... so I guess in answer to your question we are now ready for 174A.

PRESIDENT: Next item then is 174A, Mr. Clerk.

CLERK: Mr. President, Senator Cullan moves to reconsider the bodys action of final passage of LB 174A.

SENATOR CULLAN: Mr. President, members of the Legislature. LB 174A is the appropriations bill for legislative bill 174 dealing with prophylactics. I can not recall the figure that is in Legislative Bill 174A but it allows the Department of Health to expend those cash funds and no general funds are involved but it does allow the Department of Health to expend those cash funds that are collected as a result of additional vendors for prophylactics. That is the purpose of the bill. Because it is not contained in the Governor's budget it does require 30 votes. It did not receive 30 votes on Final Reading the last time and that is the reason that I ask that it be reconsidered.

PRESIDENT: The Chair recognizes Senator Clark for the purpose of raising the call. Is there any objection? The Call is raised and we will proceed then. The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, members of the legislature, I just want to indicate that under the rules, I guess I am supposed to notify the presiding officer of the number of votes required and I neglected to do so and so it is appropriate to reconsider the motion to...since the body was not aware prior to the vote that it had to have 30 votes. If it doesn't get it the second time so be it, but I think that it should be reconsidered so that the body knows the constitutional requirement for the number of votes.

PRESIDENT: The constitutional requirement is 30 votes as the chairman of the Appropriations Committee states. Of course, it also requires 30 votes to reconsider at this point. So the Chair recognizes Senator Marsh.

SENATOR MARSH: Mr. President, members of the legislature I want to add my voice to say that this needs to be reconsidered,