

May 21, 1979

LB 378

Thursday morning and he raised these two questions. Now one of them we took care of at 9:15. Now the fact that we took care of that question makes this question all the more serious. It highlights and silhouettes to a greater extent the unconstitutionality of this remaining provision. I would suggest we take this sentence out and as Senator Johnson suggests resolve this problem once and for all. So I would ask that you vote in favor of returning the bill and then in favor of the motion.

PRESIDENT: The motion before the House is the return of LB 378 for the specific Hoagland amendment. All those in favor vote aye, opposed nay. Have you all voted? Have you voted? Record the vote. Record vote did you say? Record vote has been requested, Mr. Clerk.

CLERK: (Record vote was taken which may be found on Page 2209 of the Legislative Journal.) 25 ayes, 14 nays...

PRESIDENT: Senator Keyes is voting...wants to vote.

CLERK: Senator Keyes voting aye. 26 ayes, 14 nays, 9 not voting, Mr. President.

PRESIDENT: All right, the motion carries. The bill, LB 378, is returned. The Chair recognizes Senator Hoagland for purpose of proposing the amendment.

SENATOR HOAGLAND: I'd move the adoption of the amendment, Mr. President.

PRESIDENT: The motion is to adopt the amendment. Any further discussion? Senator Koch, did you wish to speak on the amendment?

SENATOR KOCH: A question of the Chair.

PRESIDENT: Yes, sir, Senator Koch.

SENATOR KOCH: Does a motion to move the question have prerogative over other motions?

PRESIDENT: Motion to advance?

SENATOR KOCH: A motion to move a question...cease debate, and I asked for it several times prior to the last debate. Does that have prerogative over the lights?

PRESIDENT: It has not been the way we have been doing it.