

March 27, 1980

LB 741

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I wish this were an issue in which I didn't have such a profound interest, but in the past even when an issue was not before you that I had a concern about, I have made reference to Attorney General's opinions and certain other things that come from other agencies of government that impact on the Legislature. We are not really voting to overrule the Speaker alone. The vote is to uphold the Attorney General as the individual who will have the final word as to what happens in the Legislature. We are dealing with the process by which we are going to work from now on. Unfortunately we have a volatile issue before us which causes the matter to be mixed in its impact but, remember, the bill that was introduced to try to take away district elections in Omaha was drafted by the legal geniuses who are paid by the taxpayers of Omaha to represent the city in legal matters. That bill was very poorly and improperly drafted and it was properly killed. Now we are going to take a proposition which had no public hearing, which was not even discussed by those who came down here on LB 746 and at the Final Reading stage try to graft it onto a bill with no hearing, no General File debate, no Select File debate. If it is to be done at this particular point on this issue, then the Speaker may as well pack in his tent, because whether or not the Speaker is upheld will depend on how strong a lobbying effort is undertaken and how much pressure can be brought to bear rather than the integrity of the system itself. When a ruling is made relative to a legislative procedure, we are not talking about the Constitution remember. A lot of things that are constitutionally permissible are not allowed by our rules. For example freedom of speech is severely curtailed by our rules because on the particular proposition before us now each person can speak once for a designated period of time. That is not found in the Constitution but in order that the Legislature can proceed with some degree of order those rules are adopted to restrict the unlimited exercise of constitutional rights. So in a sense, the Constitution as far as certain procedures we have set out in our rules is curtailed and suspended on the floor of the Legislature but it is not an absolute curtailment nor an absolute suspension because every bill that we put through the process does have to comply with the Constitution. So to draw the issue as clearly as I can without talking about the merits of district elections or the demerits of at large election, I will say this that the Speaker made a ruling pursuant to his understanding of the rules. The Speaker was put in the position he is placed in by this body in some

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