

April 16, 1982

LB 404

PRESIDENT: The Chair recognizes Senator Lamb.

SENATOR LAMB: Mr. President and members, I don't have to tell you that I am not an expert on the situation. However, I might explain the reason for my ruling before the lunch hour. Shortly before the bill came up, the Clerk indicated to me there might be a problem and that was the first I had heard about it, and his brief explanation to me indicated that it probably would take 33 votes. So my position was that as the presiding officer I did not want to rule that it took 25 votes and then found that that was an insufficient number and I had said that the bill passed when, in fact, it had not. I wanted you on the floor here to make that decision and I would admit it is a difficult decision. So I was throwing that back to you to make the decision and I am comfortable with that. I have no strong feelings one way or the other, but I did want you to know how the ruling came about.

PRESIDENT: The Chair recognizes Senator Wesely. You say you ask for the question? All right, do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye, opposed nay. Record the vote.

CLERK: 27 ayes, 2 nays to cease debate, Mr. President.

PRESIDENT: Motion carries, debate ceases. Senator Beutler, you may close on your motion to overrule the Chair.

SENATOR BEUTLER: Mr. Speaker, I would only repeat what I think the issue is for everyone to decide and that is basically whether they think the Department of Aging as described in 404 is more like a board or a commission such as the Merit System or such as the Commission on Aging, or whether it is really more like the Department of Economic Development or agencies such as that that have broad powers over people all across the state. And I just happen to think that the court would say that it is, in fact, an executive office and that it should have required or would require 33 votes. Thank you.

PRESIDENT: The question then is, shall the Chair be overruled? All those in favor vote aye, opposed nay. How many do we have here and what will be the required number? It will take 25 votes to overrule the Chair. So the question is, shall the Chair be overruled? All those in favor vote aye, opposed nay. Record the vote. Record vote has been requested, Mr. Clerk.

CLERK: (Read the record vote as found on page 1980 of the Legislative Journal.) 17 ayes, 29 nays, Mr. President.