

April 16, 1982

LB 412, 868

he raised because he was the one that made it clear to me that they did want this test. Number one, even though the ten thousand is not appropriated, the case with the exact formula...these provisions, is already before the Supreme Court and it was accepted before the Supreme Court with no appropriations because it is for '82-'83. There have been no appropriations for that when they accepted it already. So that is covered. Additionally...additionally, and Charles Thone...or J. Lindstrom versus Charles Thone, 209 Nebraska 783, 1981, the scholarship award program was established in 1978 and money was appropriated that year. The next two years no money was appropriated but the court still went ahead and decided the issue. 77-3612 as amended by 412 says for fiscal year 1982-'83 the Legislature shall appropriate \$10,000. That can be done in January. It can be done at a special session. It could be done by a deficit appropriation if necessary. The whole point is this does cause the continuation of that case to finish up in the Supreme Court and I would think that you would want to do that if you really wanted to know what the limitations on the Legislature were. So, I would urge you to pass the bill and complete the test. That is what I thought you wanted and promised. I withdraw the motion.

PRESIDENT: All right, motion is withdrawn. Is there anything further on the bill? All right, the question now is shall LB 412 pass without the emergency clause attached? All those in favor vote aye, opposed nay. I remind everybody we are on Final Reading. This has been a long day, I realize, and will get longer. Record the vote.

CLERK: (Read the record vote as found on page 2005 of the Legislative Journal.) 27 ayes, 20 nays, 1 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 412 passes without the emergency clause attached. The next bill on Final Reading is LB 868.

ASSISTANT CLERK: (Read LB 868 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed nay. It is with the emergency clause attached. All those vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 2006 of the Legislative Journal.) 45 ayes, 0 nays, 1 excused and not voting, 3 present and not voting, Mr. President.

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