

April 16, 1986

LB 516, 1129

Please record your vote, aye or nay, on the motion to override the veto of 516. Have you all voted? Have you all voted? Have you all voted? Record the vote.

CLERK: (Read record vote. See pages 2354-55 of the Legislative Journal.) 30 ayes, 14 nays, Mr. President, on the override of LB 516.

PRESIDENT: The motion carries. After that number of votes, LB 516 becomes law. Next motion.

CLERK: Mr. President, the next motion is by Senator Chambers. Senator Chambers would move that LB 1129 become law notwithstanding the objections of the Governor.

PRESIDENT: The Chair recognizes Senator Chambers and asks for (gavel) quiet in the Chamber.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this is the bill that relates to the retirement or pension for senators. There can be some thought given to the issue of separation of powers and the Governor's veto. This is a matter that since it was passed by the Legislature and had to be sent across the Governor's desk, he certainly has the constitutional power and authority to veto it, which he chose to exercise. But I think, in my opinion, it was not an appropriate issue for his veto and if you look at this editorial that I placed on your desk, and I'll touch on some provisions of it briefly in a minute, you'll see that it is right in line with the arguments that have been given in behalf of this bill. The aim is to position it so that there can be a court test. The only way we can get a court test of whether or not the Legislature has the power to implement a program such as this is to pass this bill. I spent all of my arguing time previously establishing for the record the issues that will be reviewed by the court. The Supreme Court has said the Legislature has the right to construe the Constitution when a provision is ambiguous. Since the Constitution is silent on this issue of a retirement program for legislators, the Legislature has the right to construe the Constitution which we did by passing this bill. I want to emphasize, we've got to have the court test. At the bottom of this little handout I made a notation that all of us received our expense vouchers today. Those vouchers exist only because we had to follow a similar path to the one I am compelled to tread today. We got the bill passed. The Governor vetoed it. We overrode his veto and the issue went to court. The same

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