

February 28, 1974

County because when this action that is now trying to be rescinded took place, believe you me, every citizen in the county was aware of it immediately and they were concerned. Senator Carpenter, may I ask a question? Will Senator Carpenter yield?

SENATOR CARPENTER: Certainly.

SENATOR DICKINSON: This amendment is being proposed supposedly to allow this action to be rescinded at a lower salary in Douglas County. However, could it not be used in the other direction and give them another two weeks to raise them some more.

SENATOR CARPENTER: You're absolutely correct, Senator.

SENATOR DICKINSON: It seems now, this, did you say when I asked you before, that this would be retroactive?

SENATOR CARPENTER: It can be, yes.

SENATOR DICKINSON: Well, as it now stands, does it provide for that? It doesn't seem to me that it does.

SENATOR CARPENTER: Now, as I understand, the Attorney General - this is just hearsay - has indicated that because the board didn't readjust the salary, they made the attempt the day after the deadline as I understand the opinion. I'm not talking off the top of my head because the lapse of one day, the ruling was that the Douglas County commissioners could not readjust their salaries back to where it was. In this particular case, this would permit them to do it. If we don't pass this bill, they can't do it.

SENATOR DICKINSON: Well, I believe there's something in the Constitution about passing retroactive legislation but this legislation anyway, it doesn't appear, can get passed and signed into law by the 15th of March so what good would it really do.

SENATOR CARPENTER: You're wrong when you say we can't pass legislation retroactive. We pass many laws retroactive. I can recall one of some substance several years ago. The Supreme Court accepted a law which was retroactive which took all the banks and all the financial institutions before we made the law retroactive, they'd have lost \$500 million dollars. And the court says, they went way back a number of years and they said what they did do, they could do and they weren't subject to penalty. Made the law retroactive up to that point but after that point, the law was effective. You see, Senator, this government, these laws are not just static. Many times you have to be concerned and you have to do those things that maybe otherwise there's a question about. But we can't and neither can the court take a static position on anything. Now, this only does one thing and I should care less what you do with the bill.

SENATOR DICKINSON: It seems to me, members of the Body, that technically this is germane to the bill to which it is being attached but it's certainly an entirely different issue. It would appear perhaps that we shouldn't pass, continue to pass measures in this manner but not having them open for public hearing, etc. If nothing else, it's a poor way to pass legislation in that respect. We did allow county boards to set their salaries, this Body did, some time ago and it seems to me now we either let them do it or should have advanced the bill that fellow senator introduced to put it back in this Legislature's hands. And possibly we shouldn't be