

April 3, 1979

LB 14A

SENATOR NICHOL: That is correct.

SENATOR CHAMBERS: Have you had an Attorney General's opinion on this bill?

SENATOR NICHOL: Not precisely on this bill.

SENATOR CHAMBERS: Thank you. Members of the Legislature, the legislative authority in this state is reposed in the Legislature. There cannot be a delegation of that legislative authority without violation of the Constitution. When you pretend or purport to enact legislation but it does not take effect unless it is voted on by a group outside the Legislature the vote of that group is what, in fact, enacts the legislation and in my opinion that is unconstitutional. So if you are going to pass a bill like this, I would advise some of you who have voted for it in order to avoid embarrassment or to avoid giving the appearance to the WIFE organization that you have done something which later will be nullified, you ought to get an Attorney General's opinion. I will not seek it because it is not an issue of that much importance to me. I have others that I will seek those opinions on but I am calling it to your attention.

SPEAKER MARVEL: Senator Frank Lewis.

SENATOR LEWIS: Mr. President, if it is in order, Senator Nichol, and I don't think this is a very important point but I do think it would raise a precedent that we didn't want to. Would it be all right with you, and I won't do it if it is not acceptable, to amend it to include that extra \$1200 to be repaid?

SENATOR NICHOL: It's all right with me.

SENATOR LEWIS: I don't want to do it if you don't want to but then you might be accused of the state giving them something and I think it would clean it up just to say every bit of that will be repaid and I think it will be a much cleaner situation.

SENATOR NICHOL: That is okay with me. If that is what the group wants, that is fine.

SENATOR LEWIS: Why don't I just wait until Select File and offer that particular amendment after we have a chance to talk about it then?

SPEAKER MARVEL: Senator Schmit and then Senator Burrows.