

April 11, 1979

LB 572

bill prescribes. It has not been done this way in the past and of course, the county treasurers have been depositing this money in the county general fund and this is not where these monies should be going according to the Attorney General's opinion. In the fairness to you, Senator Dworak, I should say that there was some testimony saying, mostly by the county treasurers and so forth saying, we have done all the work here. We should keep it, and county clerks, we have done all the work. We should keep the money but according to the constitution I understand that is not correct. In answer to your question of whether it has been working all right, yes, it has been working all right.

SENATOR DWORAK: Are you telling me that county treasurers have been acting unconstitutionally in the past? Is that what you are saying, Senator Nichol?

SENATOR NICHOL: Yes, that is what seems to have been happening.

SENATOR DWORAK: And are you telling me we need a law then to be assured that the county treasurers will follow the constitution?

SENATOR NICHOL: Yes.

SENATOR DWORAK: You seem to be indicating that the law has more force than the constitution. Can't we enforce the provisions of the constitution?

SENATOR NICHOL: Well it seems logical that perhaps we could but since this has been going on for any number of years, there is a question by some of the county officials of whether or not they have to do this. So if you think that they will just start to do this without this bill, then we could let the bill go and see if it happened.

SENATOR DWORAK: Well that is kind of the point. The conclusion I am drawing is that we really don't need this bill if it is in the constitution, that they shall perform in a certain manner. I think it is almost an insult to try to pass a bill to put somebody in compliance with the constitution. I think the arguments for this have...nobody has...I certainly have not been given persuasive arguments that we need this particular piece of legislation and until I see some justification or rationale for the need of it, I am not going to support it.