

March 8, 1982

LR 237

CLERK: Mr. President, LR 237 was offered by Senator DeCamp. It is found on page 962 of the Journal. (Read.) Mr. President, again the resolution is on page 962. I do have a series of amendments to the resolution.

SENATOR CLARK: Senator DeCamp, we will take the resolution first and then we will take the amendments.

SENATOR DeCAMP: Mr. President, members of the Legislature, every few years in the State of Nebraska some issue rises to the top that requires a very special process for this Legislature to use to look into it and we have special rules that have been developed over the years and formalized for that investigative process. The first couple of years I can remember the fairly well known bribery case at that time required this process and the process worked eminently well and ultimately an individual was convicted in that case, laws were changed, so on and so forth. Later on we had the study of the Patrol, investigation there, or of law enforcement. Although it was a hotly contested one, out of it came support from the Patrol and all of law enforcement for major changes and disclosures that things we thought couldn't exist in Nebraska did exist and we did get a number of things straightened out that was important. So the process does exist for those special needs. I think the evidence is pretty heavy now that this is one of those cases that requires it. What is our basis for being involved? Legislative oversight. The laws on antitrust, the laws on bidding, the budgets we pass, all these are involved. Why specifically though should a legislative investigative committee be allowed to do this? Naturally the objections of some might be we have got the Attorney General, we have got law enforcement, we have got this, we have got that, we have got the Governor. We have a separation of powers and we have got three separate reasons in the State of Nebraska distinct from every other state that gives us a special and heavy responsibility to do precisely this process and that the process come out of the legislative body. Number one, right or wrong the Constitution of the State of Nebraska has a system that makes the Governor of this state very weak in power compared to most other states. Now this is not just a statement by Johnny DeCamp. This is a factually recognized thing that you can get by checking any of the studies, comparison of Constitutions. For whatever reasons, it was set up that way and great and tremendous power was directly put into the legislative body, Unicameral ultimately, to do many of the things that in other states are handled by the Governor. So we have a very direct responsibility, a heavy responsibility as a result of the way our Constitution functions. Second, the nonpartisanship nature of this body gives us a special responsibility. In other