

got to get a bill in place, have some governmental official refuse to carry out some duty imposed on him or her, and at that point, the issue is joined and it goes to court. All aspects of it then are reviewed by the Supreme Court, and the court will then come down with a decision. Remember, we got expenses in the same way that we are proceeding with reference to this. There are differences of opinion between some of us in the Legislature and the Attorney General, although in the opinion he issued February 19, he did conclude it by saying that an argument can be made in favor of the constitutionality of this program, and I am going to read you all the language so that this is in the record of what we are dealing with. Article III, Section 7 says, "Each member of the Legislature shall receive a salary of not to exceed four hundred dollars per month during the term of his office." And I emphasize, "during the term of his office. In addition to his salary, each member shall receive an amount equal to his actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay, no perquisites other than said salary and expenses," and get this information here, "and employees of the Legislature shall receive no compensation other than their salary or per diem." So right now we have a situation where the Constitution says that legislative employees can receive only their salary or per diem, yet they can get insurance benefits partially paid by the state. They are part of a retirement program which is not specifically authorized under this statute and the state pays a portion of that. So if they are entitled only to their salary or per diem, how can they participate in a retirement program which consists of deferred benefits that they will receive over and above that salary that they were paid? Simple. The Constitution expands to include those things that are necessary to keep intact the original concept that was being dealt with at the time the Constitution was drafted. Now in the Attorney General's Opinion, he cited a Virginia case, West Virginia case which has language very similar to that of Nebraska's Constitution. It says, "Each member of the Legislature shall receive for his services the sum of one thousand five hundred dollars a year and expenses for one round trip in connection with any session... No other allowance or emolument than that by this section provided shall directly or indirectly be made or paid to the members of either house for postage, stationery, newspapers, or any other purpose whatsoever." Yet the Supreme Court in West Virginia said, "This court is persuaded that in the absence of evidence that it was the intent of the framers of our Constitution...to prohibit