

his Opinion to Senators Beutler and DeCamp, but I put out a little paper this afternoon and I want it into the record, so as a part of my presentation I'm going to read it. In view of the seriousness of the issue, one would expect at least internal consistency in an opinion from the Attorney General's Office, but such we were not given. After quoting the Governor's proclamation, "The proclamation issued by the Governor states the Legislature has been called into session for the purpose of considering the sole subject: 1. Transferring \$8.5 million plus any accrued interest from suspense fund #7999 to the Commonwealth Trust Fund #6191 in order to appropriate that sum, so that tort claim #4-302 identified and approved in LB 713 of the 1st Session of the 89th Legislature may be paid." And giving a very strict and narrow construction to the "scope" created by its language, the opinion launches into a less than factual discussion of the clear intent and purpose of the Governor's call. "The need to call the Legislature into special session was, obviously, prompted by our recent determination that LB 713 failed to contain certain language essential to the making of a valid and lawful appropriation of state funds. While we recognize the call is worded in a specific manner, we note that this is a unique situation. The clear intent and purpose of the Governor's call is solely to provide the Legislature the opportunity to correct a technical drafting error in the language utilized in LB 713." Nowhere in the proclamation can one discover anything even suggesting that the purpose of the call is to "correct a technical drafting error". If we were to be bound by the language of the call, strictly construed, we must be bound for all purposes. The proclamation merely makes an assertion about "transferring" funds in order to make an appropriation to pay a tort claim, not a whisper about any "technical drafting error". The Attorney General's Office made the mistake in its official opinion of departing from the detached objectivity of the legal analyst and became a player. By alluding to its earlier activity regarding LB 713, none of which is mentioned in the Governor's proclamation, the Attorney General's Office lost its innocence in this instance and arrived at a conclusion which is of questionable validity and when a question arises reasonable minds may differ. "This is not a case in which the specific nature of the call would operate to unduly restrict the Legislature in enacting substantive legislation of general applicability. Under these circumstances we feel the scope of the call, limiting consideration to the specific question of whether the