

SPEAKER NICHOL PRESIDING

SPEAKER NICHOL: Those on the list I have are Senator DeCamp, Senator Morehead and Senator Haberman. Senator DeCamp.

SENATOR DECAMP: Mr. President, without concerning myself directly about seat belts, I would like the body to concern itself with what I think is a very, very important matter and that is how far a Governor, another branch of government, can go in eliminating this branch of government. And even though it may appear to be a minor matter, I think it's a most serious matter and most serious precedent, particularly when you read the Attorney General's Opinion, which I think is flatly, flatly wrong, and when you consider the way the Governor attempted to set up the legislative session. And I would like to read you the language that has been quoted more often up until this particular opinion, more often than probably any other language, when it comes to what the Legislature can do in a special session because it involves the very essence of separation of powers and the authority of a legislative body. "While, the Legislature", and this is from our Supreme Court, this is a Nebraska law of the land. "While the Legislature must confine itself to the matter submitted, it need not follow the views of the Governor or legislate in any particular way. Within the special business or designated subject submitted, the Legislature cannot be restricted or dictated to by the Governor. It is a free agent and the Governor, under the guise of definition cannot direct or control its action." The Opinion goes on to emphasize another point, "The presumption is always in favor of the constitutionality of legislation and an act should be held to be within the call if it can be done by any reasonable construction." Now why do I feel this is so important? Because if you allow, through definition and absolute restriction, the Governor, or the power that this call and this Opinion would suggest, you set up these kind of possibilities and you're going to say they are outrageous, but listen. Let us assume that on a particular day in 1986 after the Legislature comes into session, it looks like there is a lot of bills that the Governor doesn't want, that maybe a majority or even a minority on one side or the other doesn't want, here's a way to eliminate them all and write exactly what legislation you want. A majority adjourns sine die on the second or third