

November 6, 1985

that it is right. If there is a violation of the law, it is still a violation of law. If there is a violation of the Constitution, it is a violation of the Constitution and I won't be a part of the violation when it so severely damages this body. Thank you.

SPEAKER NICHOL: I think we will draw this to a conclusion. Senator Chambers, I asked you to visit with the Governor a few moments ago. Would you give us the result of what the Governor said to you, not to expand on your views, but simply as to what the Governor had to say with you.

SENATOR CHAMBERS: Yes, I went over to the Governor's Office and we had a very amiable discussion and I pointed out, and he was listening on his box, the nature of the discussion going on over here, that there were different schools of thoughts on each issue. One, that the Legislature could consider raising the income tax as a part of its inherent legislative power, the other that the call could not be expanded, and naturally the opposite side to each question was held by some people here, and I asked him if we were to adjourn sine die, would he issue another call? And he said, yes. And I said, would there be a gap? How much time would pass before you would issue the call? He said within 24 hours. So I told him that in my opinion we should adjourn, then he should issue another call, and everything should be done cleanly and all of these issues that we are talking about now would be rendered moot. As to what Senator Landis said, there is no question that historically he is correct but there are many, many cases at state level and federal level of legislatures and other individuals doing things which were considered legal until they were challenged in court. And when challenged they were found not to be the case. A very good and close example to us is the numerous Attorney General Opinions that said we couldn't receive expenses during sessions. We accepted it and it bound us, but as soon as it went to court, the court said, no, you can get expenses. So when a legislature does something, I don't care how outrageous, until it is challenged and a court says, no way, then it is the law of the land within the jurisdiction that the Legislature can cover. So I think, and it is just my opinion, and the Governor didn't give an opinion on this matter, I think we ought to adjourn sine die and let the Governor offer a new call and put in it all of the things that he wants including the issue of the income tax. And I am going to make that