

March 27, 1974

SENATOR CHAMBERS: I think the Legislature may not have picked up on what the Governor said in his message. I'm not going to go into whether or not the Attorney General's opinion is correct about certain language in an appropriations measure. But the Governor has declared that he is going to use his discretion about what language in that bill to pay attention to. So since he did not sign it in the allotted time and it becomes law without his signature. It should be binding upon him, and by him not taking independent action to strike down what he considers to be invalid legislation, he should be bound by it as long as it is the law and it is not repealed. So if the Legislature has certain provisions in that bill that they want to be enforced. I think a bill should be introduced. It should be drawn up to say the things that are to be said, it should be placed at the top of General File without a hearing. Hastened across the board for Final Reading and passed. Then you can bind the Governor to the things that you want to bind him to. Otherwise he can pick and choose out of Legislation that has been validly passed what he wants to conform to and what he chooses not to.

PRESIDENT: Senator Marvel.

SENATOR MARVEL: Well, I respect Senator Chambers for what you have said. But, it's my understanding that Legislation passed by this body is totally constitutional until declared otherwise to the courts. Therefore, I feel that...I fail to see that a Chief Executive or any Administrator can put himself in the position of courts. Now Isn't that true..Senator Syas, you are our constitutional lawyer. Everything we've passed here is considered constitutional until declared otherwise to the courts and I'm absolutely amazed that anybody would put themselves in a position of judging what the courts might decide as far as legislation that has passed.

PRESIDENT: There isn't anything before the body. Senator Carpenter is there some order of business for the Chair to take up. We have a motion to recess.

SENATOR CARPENTER: Yes, I want to proceed for a couple of minutes. We got the issue joined now. The Governor of this state has not stood by his sworn duty what he said on that platform. He might have said on anything, I can repeal to lead on any law whether it's an appropriation bill or not. If he's been advised to this extent by a stupid Attorney General. It's time we joined the issue and see if this body is completely nullified. Has no power, or no reason to be here. If we haven't, we ought to get out of here. Now listen to him once and for all. Do we have our rights, and how are we going to preserve them or are we going to cut and run. I for one stand still. I challenge everything he says in that letter. He can't do it.

PRESIDENT: WE have a motion to recess until 6:30.

CLERK: A unanimous consent request to unbracket LB 643 on General File.

PRESIDENT: Any objections to unbracketing 643 on General File. Hearing none, so ordered. Speaker Proud.

SPEAKER PROUD: Who made that motion? I told you to do it when I went to the mens room, or something. Well, now sorry about that, Senator Simpson. But I want to advise that the