

the powers and the duty to provide the means, accessories, and instrumentalities to carry into effect the purposes for which the Legislature was created." Then it goes on to state that the expenses that will be granted are not pay, compensation or perquisites of office. This language comes directly from a Nebraska decision which was based on a case brought by the Attorney General to stop the Governor from receiving the benefits of the Executive Mansion. The Governor salary was set at a specific amount and he was to receive no other benefits, pay or compensation. The Auditor, I think, wanted the action brought, but when the State Supreme Court had this case brought before it, it upheld the right of the Governor to be granted this mansion by the Legislature. Not only did it say that granting this benefit to the Governor was not pay or expenses in violation of the Constitution but it indicated that the Legislature, of which all of us are members, have the right to construe the Constitution and say what various words mean, what various provisions mean, and if there are two or more possible constructions of constitutional language and the Legislature selects one of those constructions, the court will not overturn it and take a different one. So in this particular incident, instance, we had a definition given by the court of perquisites of office. Perquisite or salary relates precisely to the money which is given to a person who is in office as compensation for discharging the duties of that office. Expenses are not perquisites of office. They are apart from it because they do not relate to profit or benefit which you receive from the office itself. It is a mere reimbursement of the money that you expend in carrying out the duties of the office. Therefore the Legislature can construe the Constitution as not prohibiting expenses during the session in the same way that the Attorney General has construed the Constitution to mean that expenses can be given between sessions. Now if you have any questions, I am prepared to answer them but let me go just a bit further on this matter. Some legal research was done on the very issue and there is a memorandum in existence which any of you who are interested may receive a copy of. There was a South Dakota case which has language very similar to that of the Nebraska Constitution relative to expenses for legislators and the South Dakota Supreme Court despite the fact that the South Dakota Constitution limited legislators to their salary and the mileage indicated that they could grant themselves a \$250 or a \$200 lump sum payment for expenses, and in upholding the right of the Legislature to have these expenses, it cited the Nebraska case that I just related to you that related to the right of the Governor to be granted a mansion. So in order that what I am saying is crystal clear, this bill would declare that the granting of expenses to the legislators during the