

January 26, 1981

LB 206

SENATOR CHAMBERS: All right.

SENATOR BEUTLER: "The Attorney General has advised me that he is of the opinion that LB 690 violates Article III, Section 7 of the Constitution of the State of Nebraska. I, therefore, veto 690 and 690A."

SENATOR CHAMBERS: Well, I don't know that there was a written opinion given to the Legislature so maybe the Governor means that he talked to the Attorney General, but since there is no statement in which you just read as to the rationale for saying it violates the Constitution, I would say that what you read are words and only words. I think it was...do you want me to be very frank about that situation? The Attorney General is in a bind on this issue, because without evaluating the cases that were cited in the original 1937 opinion, the Attorney General's Office has consistently held that we cannot receive expenses during session. So had LB 690 been enacted into law, there would have been a court challenge, our expenses would have been upheld, and it would have been shown that the Attorney General had not been as circumspect as could be desired in reaching his conclusion. So I think the Governor vetoed that bill as a favor to the Attorney General.

SENATOR BEUTLER: Senator Chambers, if you were the Governor and had to make a decision as to whether to veto a bill or not and you asked your Attorney General, wouldn't you expect your Attorney General to react as a professional legal adviser?

SENATOR CHAMBERS: Before I did that, Senator Beutler, I would draw some conclusions of my own. The Governor himself is a lawyer. I am not a lawyer but I am trained in the law and have a law degree so I would be in a position to evaluate and draw some conclusions, but since he was also advised that LB 882 was unconstitutional and signed it anyway and that provisions of the antiabortion bill were unconstitutional but signed it anyway, seeking the Attorney General as a way out is exactly that, a way out, but not really a basis for determining the merits of legislation for purposes of signing or vetoing.

SENATOR BEUTLER: I guess my only question is, since nine months ago, if you are saying he sought the Attorney General as a way out, it was just nine months ago that he used that as a way out and vetoed the bill...

SENATOR CHAMBERS: Yes.

SENATOR BEUTLER: ...then what reasonable expectations do you have that he is going to change his mind this year?