

We have a matter of an Attorney General's opinion given in 1937 on which other Attorneys General had given opinions saying that senators cannot be given expenses during session but between sessions. Our only legal position in this state is as members of the Legislature we are recognized in the Constitution only as members of the Legislature. So if at any time we can legally be given expenses, then we can be given legal expenses all of the time that we are on the official business of carrying out the duties of our office. So there is no constitutional impediment to us receiving these expenses. Now, the conflicts that exist between the State Supreme Court ruling and the Attorney General's office must be resolved in behalf of what the position is of the Supreme Court. The only reason the Governor vetoed this bill last year is because the Attorney General asked him to do so. It is of no interest to the Governor and of no concern to him. It doesn't relate to the Executive Branch of government at all. The Executive Branch can receive expenses without violating the Constitution and the Governor's house proves it. The State Supreme Court right now has a very active Chief Justice who is constantly trying to upgrade the court and push for a greater respect on the part of the public for this court. The only child which is treated like one of those whose parentage is not determined is the Legislature and we do it to ourselves because we allow ourselves to be deprived of those things that we have a legal right to receive. The Constitution does not prohibit us from receiving the expenses. The State Supreme Court has already given a decision in the case of the Governor which indicates we can receive the expenses too. I had tried and I gave you a handout to prove it, to obtain a set of circumstances where the issue could be placed before the court by offering a voucher. When D. , the Department of Administrative Services rejected the voucher they said there is no statutory authorization for the granting of expenses so that ended the matter. We have got to have a statutory authorization for the expenses and we will not lose this case. Why would the Attorney General want the bill vetoed? Because it would mean a series of Attorneys General from 1937 have unquestioningly followed a mistaken opinion which was not well researched. So rather than have any type of embarrassment come to the office, they don't want the issue challenged in court. It can only be resolved through a judicial decision. Right now the public is in a position to question our integrity and our motives by saying if the senators are so pure and if expenses are unconstitutional, why are they accepted when the senators are not functioning in session as senators? Why will they accept reimbursement for trips during session which is the granting of expenses if they are unconstitutional? What I hope the senators will do is