

cited. Another one, State versus Cornell, the court considered a Food Commission a commission, an office, executive office, and State versus Porter, a Brand and Mark Committee was classed under the term "office" as used in these provisions. So we can see a board, a commission, a committee all in Nebraska case law cited as executive offices. Now I will contend again that no new executive office is being created here, that it is a transfer of responsibilities, it is a reorganization of the executive division. I would point out the Governor's task force on reorganization endorses the 404 concept. It is a reorganization but not a new creation. Now again I apologize for not having had a lot of time to do research but I did look into some previous votes in this Legislature where I think similar situations. Now let's take the bill with regards to the Health Department. If one was to...I am sure you remember that we had a bill that took the Health Department from a board and made a code agency out of it. If you were to look in the Journal for April 28th, 1981, the 69th Day of the Legislature, with regards to Senator Lamb's bill or Senator Cullan's bill, rather, LB 249, it indicates what was the required vote for the bill to pass. Now I am not talking about the number of votes it actually had but what the presiding officer indicated at that time was the required vote. It says a constitutional majority. Now a constitutional majority is 25 as listed in our Journal. The phrase "constitutional majority" means 25. Now when it requires two-thirds, the Journal of our Legislature says a constitutional two-thirds majority was required. So when the Department of Health became changed from the board to a code agency, the situation I think is very analogous to the Commission on Aging becoming the Department on Aging, the presiding officer of the Legislature said 25 votes. In 1980 the Drug Commission was merged into the Department of Institutions and the title to that bill, LB 684, said relating to the creation of a Division of Alcoholism and Drug Abuse and eliminated a commission and created a new division. Again the Legislative Journal April 15th, 1980, the 59th Day, says a constitutional majority not two-thirds. In 1979 the State Affirmative Action Office was created and the title of the bill says to create an office. The bill only got 26 votes but it was declared law because a constitutional majority, 25 votes, not two-thirds voted in the affirmative. When the State Energy Office was created in 1977 and the title of that act said to establish the State Energy Office, a constitutional majority, 25, was all that was required. I think that a new interpretation is being cast here with regards to this provision of the Constitution. I have not seen it invoked in any of those previous circumstances. I think that although there may be particulars in each of those that might be slightly different, certainly the move of the