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did want to pass onto you a couple of cases that I think are important and I think are persuasive, and I think that they back up the decision of Senator Lamb when he was Speaker a short time ago. The first case and the latest case that I could find was a case called Summerville versus Johnson. In that case they said that there was in the constitutional sense that there are boards, commissions and agencies that are not executive state offices. Now, you will remember the Constitution says we have to have a two-thirds vote if we are creating an executive state office. This case says there are two kinds of executive functions; one, boards, commissions and agencies, and the other are called executive state offices, and they make this distinction based upon the history of the constitutional convention that wrote this particular language. All right, so the next question is, how do you distinguish between the two? And the court said this. They said that an executive state office and officers and departments are such officers, departments and offices as have comparable scope, functions and purposes with the offices, departments and officers specifically named in the Constitution. Okay, those cases involved...one involved the Nebraska Merit System, and in that case they said, no, that is not an executive state office because of its limited functions. Another case involved the Department of Economic Development, and in that case they said, yes, that is an executive state office. It seems to me clear from those cases that the Commission on Aging, the original Commission that we are talking about in this case, is not an executive state office. So we don't have the question of whether we are transferring functions from an executive state office to another executive state office. I think if there is one thing it's clear is that the Commission on Aging is not under the court cases as an executive state office. So the one remaining question for you to decide is whether the Department of Aging as proposed in this bill having the functions outlined on pages 6 and 7, the 16 functions, whether that agency is going to operate pretty much like the other state agencies that we have already in existence with those kinds of broad powers, or whether it is something more limited like the Merit System or like the Commission on Aging, and one can only guess at how the court will come down and you can decide as well as anybody else, but I suggest that you look at those functions closely and my guess would be that the 33 votes should be required because these functions are broad and my guess would be that the court would say that 33 votes would be required. So that is the information that I wanted to pass onto you. Thank you.

PRESIDENT: The Chair recognizes Senator Chambers.

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