

November 5, 1981

LR 1

powers among the various branches of the state government. I want you to understand from the beginning that I do not mean this to be a partisan proposal. It isn't on my part. Nor is it an allegation against the Governor. Instead it is a plea, a plea to recognize the threat to separation of powers by calling a Governor's special session. I am offering LR 1 as an alternative to maintain the integrity and preserve the independence of this body. In looking at the session over the last couple of days, it seems that the legislative branch has jumped off of its tracks. LR 1 attempts to set the record straight and put it back on its rails. In due consideration to my friend and colleague, Senator DeCamp, who framed this session as the Governor's special session operating under the Governor's rules and introducing only the Governor's bills, I understand completely what he was attempting to do and that is to frame this body not as our special session but as the Governor's. But in so doing I feel that we placed ourselves into a box not of our own making, a music box, if you will, where we seem to be dancing to the tune provided by the executive branch. The calling of this special session was predicated on an extraordinary occasion. The extraordinary occasion is that the Board of Equalization failed last June in setting the tax rates. The special occasion, the emergency, if you will, is that we are facing the next couple of months an election year. I do not believe that the Founding Fathers, the framers of our Constitution, intended this extraordinary occasion to reflect those types of emergencies. What makes this an extraordinary occasion is that we have granted, in effect, the executive branch an extra constitutional second veto, and I am asking the question, how often will this tactic be used in future legislative sessions and special sessions? What stands to prevent this again and again from happening over and over again? What kind of precedent are we laying down by establishing this precedent? I think we need to consider whether we are the elected representatives of the legislative branch or whether we are liaisons of the executive branch. By forcing the Legislature to reduce appropriations we are being asked to reconsider many of those items which we voted on during the last session. Many of those items were vetoed by the Governor and many of them were overridden, many of these vetoes were overridden by this Legislature. Veto overrides don't happen in a body dominated by one party with the Governor belonging to the same party without serious deliberation. But there is an emergency, that there is an occasion that needs to be addressed, that there is a big problem, the big problem is to explain to the citizens of Nebraska the nature of the shortfalls that we are beset with in our revenue receipts. We must face the economic realities that are before us and