

and beyond that, and if I am wrong on this, any lawyer in the room stand up and say, "By golly, De Camp, you are wrong", in my next statement. The severability clause is an automatic thing the courts automatically always apply and imply to every law or thing they take before them. It doesn't have to be written on there at all. It is automatic and we always add it on. It is not necessary. It is just as automatic as when you get 25 senators and register in, you are in session whether the other 24 are here or not. So I would urge us, since you made the decision on the one portion, not to worry about this. We know it is in there. The legislative record shows it here today right now in the last two minutes that it is there, but above and beyond that, it is as automatic as anything by the courts.

PRESIDENT: The Chair recognizes Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I basically concur with exactly what Senator DeCamp said which means very simply that when a court looks at a piece of legislation and it concludes that a particular portion of a piece of legislation is unconstitutional, the first question it asks itself is whether or not that entire piece of legislation fails because it has found one portion to be constitutional. Generally speaking courts have held that unless that unconstitutional portion is such an integral part of the overall legislation that only the unconstitutional portions fails but the entire piece of legislation does not. So general speaking, a severability clause is not necessary. Now you know in the legal profession there are a number of folk that are known as flyspeckers and flyspeckers are those lawyers that make certain that every conceivable "t" is crossed and every possible "i" is dotted, not just one time but two to three times to make certain, to make certain that other lawyers know exactly what is meant, and for that reason a lot of legal drafters have decided that they wanted to place severability clauses on lots and lots of legislation so that the whole world will really know what we already know anyhow and that is that courts do look at legislation very carefully, and if they find one part unconstitutional, they are to ask themselves whether that part is such an integral part of the entire woof and weave of the legislation, woof and woof of the legislation I guess, as to cause the whole thing to be unconstitutional. I think it is a needless act but I want to make one more point. I guess I have been a little exercised about the Attorney General's opinion. I probably shouldn't be so quite so exercised about the opinion, but because I felt so strongly the opinion was totally wrong in this case, it seemed to me that it is conceivable that once