

January 4, 1990

PRESIDENT: Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman, and members of the Legislature, and, Senator Moore, to quote from a very, very old Nebraska case, that which you did or are attempting to do would create one of the most bunglesome pieces of English that I've encountered when we're discussing the rules. As we all know, when you make a laundry list, whatever's not included on the list, if you're allowing whatever is not included, it's prohibited. Now, if Senator Moore had stopped after his language, which should be discussed by itself, without reinstating this other language that has been a problem for a number of people, it would be easier to get a handle on what he's talking about. But you still have the problem, Senator Moore, of what constitutes substantially changing the intent of the offeror. If it's a funding measure, and you reduce that amount by a considerable amount, that substantially changes the intent of the offeror. What we have to realize in this Legislature is that even though our name is on a bill, there is no guarantee that that bill is going to be in a take it or leave it posture because that's the way, as the introducer or introducers, choose to have it. The Legislature can say, you get part of what you want, and you'll not get the rest of it, and in some cases not only will you only get part of what you want, but you're going to get something over here that is different from what you want. And the Legislature has the power to do that, and we must retain the power to do that as a Legislature. The Constitution created three branches of government, supposedly co-equal. The courts have coopted more and more authority and arrogated it to themselves. The executive branch, through intimidation, manipulation and in some cases just slick politicking encroached upon the field of the Legislature, because the Legislature chooses to give up some of its power. But under the Constitution, except in those rare exceptions carved out by the Constitution, the Legislature has the plenary or total power to legislate. Nobody else, no other agency, no department of government has that authority. While other branches are making themselves stronger and expanding their power all the time, at the expense of the Legislature, we sit in here lopping off parts and pieces of what we're able to do. Why? Because it's inconvenient sometimes to have to argue issues that we don't like. I think that is playing ourselves cheap and robbing our own till. This language that has been stricken does create confusion and it does invite manipulation,