

comments be made about this idea of common law duties that the Secretary of State had. When you're in law school as a neophyte, trying to become a lawyer, one of the first things you learn is that a statute overrides the common law. A principle of statutory construction is that a law or statute in derogation of the common law is strictly construed. This is what that means in ordinary English. If you write a statute that is going to replace a principle of common law, that statute will be judged to say the absolute minimum that the words allow so that the common law system will be disturbed as little as possible. The common law consists of various opinions, traditions, and so forth, that are handed down but they are not codified as statute. Once there is a conflict between a statute and the common law, the statute prevails. So a contradiction would exist in this letter from this person in the Attorney General's Office who talks about common law duties of the Secretary of State found in the Constitution. If they are in the Constitution, they are not common law, they are constitutional. If they are in written statute, that is not common law, that is statutory law. If a principle of common law is reduced to statute, it is still statutory law. So anything that they feel in the Attorney General's Office is a matter of common law, which the Legislature decides to enact the statute with regard to, the statute prevails. Senator Pirsch referred to an earlier opinion by two-thirds of that firm, Stenberg and Willard. There was a movie called Willard, but I don't remember what it was about but I...it was a funny movie. There are kibitzers around here trying to tell me what Willard was about. But, nevertheless, counselor Pirsch had referred to this earlier Attorney General's Opinion that talked about appointments by the Governor. And I read in the Journal and a reference was made to the law relative to the Governor making appointments and it talked about state offices, appointment to state office. And I would like to call counselor Pirsch's attention to this note at the bottom of this letter, dated May 16th, which says, quote, "Time has not permitted us to undertake an analysis of whether LB 579 creates an executive state office which would require a two-thirds majority vote for passage."

PRESIDENT MOUL: One minute.

SENATOR CHAMBERS: If they have not had time to study whether or not this bill creates a state office, why are they going to quote a statute or the Constitution related to how the Governor makes appointments to state office and say that we limit his