

**SPEAKER BAACK:** Senator Withem.

**SENATOR WITHEM:** Mr. Speaker, what this amendment does is it strikes all the provisions of 1241 and places LB 78 into....(laughter). No, no, it does not do that, Senator Peterson, it does not do that. Senator Peterson's priority bill is 1241. There's a Select File amendment adopted to that that I found rather intriguing, dealing with powers that the Legislative Council had to review cost estimates and then approve or disapprove a particular capital expenditure. When I read that it wasn't something I had a keen interest in, until I read that, and that was kind of intriguing to me. And I questioned whether that was the type of power that could be granted to a legislative body. It sounded more an administrative function. And I know we've been exploring this whole concept of...of separation of powers. So it was an intriguing enough concept I did send a letter to the Attorney General asking his opinion on that. He opined a couple of things, number one, that that was in fact improper assignment of administrative authority. And he also indicated the way 1241 had been previously drafted it included an appropriation. And he felt the way it was drafted, including an appropriation for a program within a substantive bill, also violated the Constitution. I believe while I was gone, last Friday, Senator Peterson did, in fact, place amendments onto 1241A that properly separates these two items. All...all this amendment does is it takes those items out of the mainline bill, dealing with appropriations, and takes out this measure dealing with giving the...the legislative...Executive Board of the Legislative Council authority to...to deal with this because of the Attorney General's Opinion. Senator Peterson, if you'd like the rest of your time.

**SPEAKER BAACK:** Senator Peterson.

**SENATOR PETERSON:** Mr. Speaker and members, I thank Senator Withem for bringing this to my attention. I appreciate him asking the Attorney General's Opinion, because it hadn't occurred to us that this might be in violation. So what we did was strip out of the bill and put it in appropriations language. And we no longer want it in the bill itself. So, based on the recommendations of the Attorney General's Opinion, I just ask for adoption of the amendment. It clarifies everything and puts everything, what we need in appropriations into the