

possibility that at some place in the enormity of this government someone has sometime before entered into what would be defined under your amendment as a contingent fee agreement and payments been made and nobody has been the wiser for it. Would you not?

SENATOR CHAMBERS: No, I wouldn't concede that. I say it will be impossible for you to fund such an agreement. And I'll make a wager.

SENATOR BRASHEAR: I'm not a wagering man, Senator. Directing your attention to Section 5, Section 1, subpart 5, line 15, you would have us adopt the finding that the Legislature has never directly or indirectly granted or delegated authority to any state department, state agency or person to execute a contingent fee contract on behalf of the state. Is that correct?

SENATOR CHAMBERS: Yes.

SENATOR BRASHEAR: What's the basis for that finding by this body?

SENATOR CHAMBERS: The Legislature is the only branch of government that has the plenary power or plenary power, as some people would say it, to legislate. There are agencies and departments created pursuant to statute, some under the Constitution. Unless the Constitution, for example, in creating the Public Service Commission lays out specific duties and so forth, the kinds of agencies and departments that are contemplated in this amendment would have authority that is granted them by the Legislature. Now, fee for service contracts...

PRESIDENT ROBAK: One minute.

SENATOR CHAMBERS: ...are as the amendment says in other places, the accepted way for governments to contract so those kind of contracts are usual and regular, nothing unusual at all. To have an extraordinary contract of this kind, there would have to be specific authority to do that.

SENATOR BRASHEAR: Senator Chambers, are you aware of any provision in Nebraska law wherein we have exercised the authority of the Legislature to expressly prohibit an agency or department from entering into a contingent fee contract?