

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

February 13, 2003 LR 16

what I said, so I'm going to go into some more discussion of that. Here's what Senator Schimek and Senator McDonald and those who want this question settled can do. Enact a statute. And then if somebody thinks the statute is unconstitutional, let it be challenged. The court will make a determination. The court will give some guidance. But to change the constitution when the ones asking us to make the change don't know what it does, don't know what it means, cannot talk about any other executive offices that may be named in the constitution, how are we in a position to submit this to the public? And as for the language that I read, I stand by my explanation of it. This section of the constitution names specific offices. And the Legislature is empowered to create offices, and those individuals can be named the heads of those executive departments created by the Legislature. But you're still dealing with state officials, constitutional officers. Then there is another sentence. The Legislature may provide for the placing of the above named officers as heads over such departments of government as may be created by the Legislature. We can create additional executive offices. But they are state offices. And the ones to be placed over those offices would be the named constitutional officers in this section. We cannot create new constitutional officers by statute. We cannot create constitutional offices by statute. We can create statutory offices. We can create statutory departments of the executive branch. And we can either say who shall be placed over that office, or we can let one of the named persons in the constitution be placed over it. I stand by that. I don't know who's advising Senator Schimek. But we have a difference of opinion on this. And I think mine is right. Had I listened to what an Attorney General wrote, you all wouldn't be getting expenses now. He said that legislators cannot receive expenses while the Legislature is in session. And the senators folded down and said, well, we can't get expenses. But I didn't believe that. So some of us worked together, including our very capable Clerk, and I filed an action...well, the Attorney General had to, but he didn't want to do it. And I told him, then I'm going to do it. Got a law passed granting us expenses. The Governor vetoed it. We overrode the Governor's veto. The Attorney General was not going to take any action. I filed vouchers to get my expense money. We won in court. And as a