

January 25, 1971

PRESIDENT: Ready for consideration of bills on General File. LB36. Chair recognizes Senator Holmquist.

SENATOR HOLMQUIST: Mr. President, I wonder if I ride to a point of personal privilege.

PRESIDENT: State your point Senator.

SENATOR HOLMQUIST: The other day Senator Swanson stated that he had a ruling, an oral ruling, relative to the acceptance of the 72 thousand dollars in support of the ombudsman from the federal government. The ruling is supposed to have come from the Attorney General. At the time I said I requested one in writing and I have it here. And I would like to read it. You have written this office concerning an ombudsman bill which is incorporated in the statutes. You first asked if the Executive Board of the Legislative Council had authority to apply for agree to accept federal funds for an ombudsman while the Legislature is in session. You next asked if there is a law which says that before federal funds can be accepted the project has to be approved by the Department of Administrative Services and by the Governor. We might point out that under the provisions of law pertaining to the public council such position must necessarily be construed as being a part of the Legislature and the (inaudible) of the legislative function. These sections in fact con-fringe upon the Executive Department of the state government, then a question would immediately be raised as to the validity of the acts at public council. And the terms of the acts is appointed by the Legislature, not withstanding the provisions of section 10, article 4 in the Constitution. We assume that public council is essentially a legisla-tive employee that his duties in the act are essentially legislative in nature. This be true then the matter is a legislative matter and your question is one for the legislature to determine. Your atten-tion is invited, however, to section 50-40 (inaudible) which states, "there is hereby created a Legislative Council here and after referred to as Council which shall consist of all members of the Legislature. It shall be the function of the Legislative Council to consider legislative policies between sessions of the legislature and carry out the duties composed by section 50-402." Here is another reference: It shall be the duty of Council to study federal aid to the state and its political subdivisions and advise the Legislature of money, land or buildings available to the federal government matching funds necessary of grants and aids and what the legislation will be needing. It would appear from the foregoing that the question of the authority of the Executive Board of the Legislative Council to act while the Legislature is in