

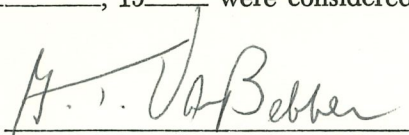
MINUTES OF THE House COMMITTEE ON Federal & State Affairs

Held in Room 510, at the Statehouse at 1:30 ~~am~~/p. m., on April 9, 1975.

All members were present except: Representatives Gastl and J. Slattery.

The next meeting of the Committee will be held at \_\_\_\_\_ a. m./p. m., on \_\_\_\_\_, 19\_\_\_\_\_.

These minutes of the meeting held on \_\_\_\_\_, 19\_\_\_\_\_ were considered, corrected and approved.



Chairman

The conferees appearing before the Committee were:

Representative Donn Everett

The meeting was called to order by the Chairman, who explained the meeting had been called because Representative Everett had two bills which he would like to have introduced and sent to the Committee of the Whole.

Mr. Everett stated that some things had occurred which have made the two bills necessary. The shorter of the two bills deals with the question of whether or not the Legislature or the Governor can request the Attorney General to proceed in actions to their final resolution, and in particular he mentioned matters of school finance. He stated that the District Court in Johnson County has ruled that the school finance law is satisfactory, while the court in Chautauqua county has ruled in the opposite fashion; that nobody has any idea as to whether or not the Attorney General is going to seek a Constitutional ruling in the Supreme Court; that at the present they are operating under an injunction which will prohibit the distribution of school funds as of July 1st.

Mr. Everett explained that the second bill deals with the question of whether or not the Legislative Counsel shall have standing in the Supreme Court or any court of the state; that the office had been established to represent the legislature and that these amendments will make it clear that he will have standing in such matters as mandamus and habeus corpus.

Mr. Rodrock inquired if this has anything to do with the Senate confirmation matter, and Mr. Everett explained that it could have something to do with the matter in view of the fact that all Governors for the past 100 years have recognized and expected confirmation of his appointees. Mr. Feleciano inquired if the present circumstances had never arisen, if there would be need for this legislation, and Mr. Everett stated that ultimately he felt it would have been. Mr. Feleciano expressed the opinion that this would cause deterioration of the office of Attorney General, and Mr. Everett stated that he didn't think so; that when 165 legislators pass legislation on the basis of their best judgment and then there is an opinion that it is not constitutional, they have a right to court adjudication.

It was moved by Mr. Morris and seconded by Mr. Hayes that both bills be introduced and referred to the Committee of the Whole. Motion carried by a majority vote, with Representatives Feleciano, Marshall, D. Miller, Joseph Mikesic, Rodrock, Anderson and Matlack abstaining.

The meeting was adjourned.