

March 1, 1994

LB 446, 903, 1165
LR 321

throughout the state by means of the media, but, nevertheless, it is put into place. Here, that's by analogy to show that the mere fact that there are other provisions in this law that requires more public input or the seeking of public input is not necessarily going to bring that about or that those who may give input would look out after the interests of the people who would be affected. Senator Withem had a bill related to disciplining children in school, and he had said that some of the people who customarily look after the interests of children to make sure due process concerns are considered did not come to the meetings, so those interests were not dealt with until it came out on the floor and we discussed them. So, and I won't just keep you standing there, you may want to respond...

SPEAKER WITHEM: One minute.

SENATOR CHAMBERS: ...to what I am saying afterward because I wouldn't have enough time now to ask you a question and get it answered, but the concern I have about this is what I've been talking about, that you could cut off any person's right to challenge who would not have an interest in challenging until confronted with this. There could be an esoteric rule that some people might say is going to involve only agency against agency, or just one small part of what the agency does, and it will just go through without anybody paying much attention to it, as has happened on the floor of the Legislature. Then when something develops in the way of a dispute or whatever that brings the rule into play, somebody may then look at it and discover that the means by which it was adopted, the procedural aspect of it, was not complied with. I think the ability to challenge should still be there, but since my time is up, that's all that I will say at this point.

SPEAKER WITHEM: Time. The Chair recognizes Senator Hartnett.

SENATOR HARTNETT: Mr. Speaker and members, I make a motion that we recess until one-thirty.

SPEAKER WITHEM: Mr. Clerk, do you have any items for the record?

CLERK: I do, Mr. President. Very quickly, a communication from the Speaker regarding LR 321. An explanation of votes from Senator Witek and Pedersen. Amendments to be printed, Senator Pedersen to LB 903; Senator Beutler to LB 1165; Senator