

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

May 6, 1999

LB 331

and as such it is the job of that office to give opinions on the constitutionality of legislation that appears before us, and that is what I asked that office to do. And so I'd urge you to read the opinion, look at your constitution, look at the case law, and then look at the proposed amendment, and then, I guess, I'd just ask you to come to your own conclusions as to whether or not that addresses the concerns. But I would urge you to vote to return this matter to Select File. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Quandahl. Your light is on, would you like to speak again? Senator Landis, you're recognized to close. Senator Landis waives closing. The question is the motion to return LB 331 to Select File for AM1540. Those in favor vote aye, those opposed nay. Please record.

CLERK: 37 ayes, 0 nays, Mr. President, to return the bill.

PRESIDENT MAURSTAD: The bill is returned. Senator Landis, you're recognized to open on AM1540.

SENATOR LANDIS: The amendment is, as I said, the removal of the power to fine under a circumstance in the bill that the Attorney General thought was unconstitutional. I would predict that there will be some litigation over this and related issues, and ultimately we'll have an answer before us to see whether or not this power and related powers are in fact constitutional or unconstitutional. I've had lawyers tell me opinions on both sides, but then what's unusual about that? (Laughter.) So I think the horse race begins with the passage of LB 331, and ultimately this will shake out, we'll get some litigation, and we'll find out where the appropriate parameters are, and then we'll observe them. I'd ask for the adoption of the amendment and then the readvancement of LB 331.

PRESIDENT MAURSTAD: Discussion on AM1540? Senator Landis, you're recognized to close. Senator Landis waives closing. The question is the adoption of AM1540 to LB 331. Those in favor vote aye, those opposed nay. Please record.

CLERK: 37 ayes, 0 nays, Mr. President, on the adoption of the Select File amendment.