

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
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FLOOR DEBATE

February 2, 2001 LB 138, 197

CLERK: 43 ayes, 0 nays, Mr. President, on the motion to adopt the Select File amendment.

SENATOR CUDABACK: Senator Kristensen, for a motion.

SPEAKER KRISTENSEN: I move that we advance LB 138E to E & R for engrossing.

SENATOR CUDABACK: The question is to advance to E & R for engrossing. All in favor say aye. Opposed nay. It is advanced. Mr. Clerk, next item.

CLERK: Mr. President, LB 197. Senator Chambers would move to return the bill for specific amendment. (AM0174, Legislative Journal page 471.)

SENATOR CUDABACK: Senator Chambers, you're recognized.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature and Senator Dierks, this is just one...that amendment that I said I'm going to offer to bills that refer to a federal regulation or a federal statute, and it will say: as it existed on the effective date of this act. That is all that the amendment does. And just so that the record, if anybody ever peruses it, will know why this is done, the Legislature cannot make such an open-ended reference because it is an unconstitutional delegation of our legislative authority to another. The most devastating impact, aside from the bill being struck down, would be if Congress chose to repeal outright whatever is being referred to. Then there no longer exists anything to which the Nebraska statute would attach. So what this kind of language does is to pinpoint a point at which this reference to the Nebraska law is attaching. Even should that law that we have referred to be subsequently amended or repealed by Congress, it would be possible to find what the law stated on the effective date of the act by the Legislature in question and know what the Nebraska law is. If you have any questions, I'll answer them.

SENATOR CUDABACK: We're open on the discussion to return