

February 11, 1982

LB 421

totally unauthorized delegation of authority. The Legislature cannot do that. The Attorney General would not allow it. It would render the bill totally useless. So, therefore, I ask that the bill be returned and that those lines be stricken.

SPEAKER MARVEL: The motion is to return the bill. We have two lights on. Senator Cullan, do you wish to be recognized?

SENATOR CULLAN: Mr. President and members of the Legislature, I would....I guess I am not....I visited extensively with Senator Schmit about this bill and extensively with representatives of Blue Cross-Blue Shield and as I indicated in my discussions with those gentlemen I have requested an Attorney General's Opinion on the amendment which I attached on Select File to this bill. If the Attorney General's Opinion indicates that these amendments which I tacked on Select File are in any way detrimental to the intent or purpose or workings of LB 421, I will certainly withdraw those amendments. But I have not yet received the Attorney General's Opinion and I probably will receive that opinion on Tuesday. So at this time I think it is a little bit premature to take these rules and regulations off. I don't know what the Attorney General is going to say. I would....I certainly understand the purpose of the bill better now and I concur with Senator Schmit that the purpose of the bill is a good one. I think maybe the mechanism that is being used is not a very good one but the purpose is valid and I don't want to obstruct that purpose at all. But I think we ought to wait for the Attorney General's Opinion with respect to the constitutionality or any problems that might be associated with the amendments on 421 before we remove those amendments.

SPEAKER MARVEL: Okay, the motion is to return the Schmit amendment to the bill. Senator Wesely, do you wish to be recognized on that motion?

SENATOR WESELY: Yes. Mr. Speaker and members of the Legislature, I rise in support of the Schmit motion. Senator Cullan would like to have you wait for the Attorney General's Opinion. I don't think you need to wait. I will tell you what it is going to say. It is going to say that this bill is unconstitutional in its present form. You can't just sit down and say, adopt rules and regulations and leave it at that. You need to have some sort of authority and direction provided to