

the department so that they have not unlimited authority in this area. And as a member of the Public Health and Welfare Committee for four years I have seen this time and again that you cannot do what Senator Cullan did with this amendment. It is simply not acceptable and I think that it would quite likely immediately be thrown out if passed through the Attorney General's office as unenforceable. So in my opinion, there is no sense in wasting time, no sense in taking a few more days to wait for the Attorney General's opinion. I will tell you what it is going to say. It is going to say the bill is unconstitutional in its present form. Senator Schmit knows that and I think others that are familiar with this area will also know that and I would ask your support for the Schmit amendment, get the bill in the form it was in. It was a good bill in that situation and we should get it back to the original intent and the original language and pass the bill because it will serve the state well, and I think help keep some health care costs down. So I support the Schmit motion.

SPEAKER MARVEL: Senator Landis.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, I am one of the few in this body who has probably read LB 421 from beginning to end. It came through our committee and it doesn't need rules and regs. You don't have to have rules and regs to administer the terms of LB 421. By putting rules and regs in there you have given to people that are in essence, hostile to the bill, power to issue rules and regs. You have built in a method of delay. You have built in a way of undermining the Legislature's statutory intention. And for that reason, regardless of what the Attorney General says, whether it is constitutional or not, we don't need the rules and regs authority. The Schmit amendment should be adopted.

SPEAKER MARVEL: Okay, Senator Schmit, do you want to close on your motion to return?

SENATOR SCHMIT: Mr. President and members of the Legislature, I believe that the amendment has been adequately explained. If I had been on the floor when the amendment had been offered, I would have opposed it vigorously for the very reasons that Senator Landis has just outlined. The entire purpose of the bill could be diffused and rendered totally inconsequential if the department wished to do so by rules and regs. I know also as Senator Wesely has said and I think that in basis Senator Cullan agrees what the Attorney General's