

March 29, 1982

LB 408

SENATOR CLARK: For what purpose do you arise, Senator Kremer?

SENATOR KREMER: Mr. Chairman, a point of order.

SENATOR CLARK: Yes.

SENATOR KREMER: We are talking about a simple amendment that says we are just trying to provide an amendment that would not jeopardize federal funds. That is all we are talking about. We are not talking about the bill.

SENATOR CLARK: Well I think the bill is a rewrite of the ...or the committee amendments are a rewrite of the bill, aren't they, Senator Kremer?

SENATOR KREMER: We are talking about the amendment I proposed.

SENATOR CLARK: Aren't the amendments a rewrite of the bill?

SENATOR KREMER: Not as they came out of committee. The committee amendments were adopted in the committee. This is a new hearing this year, this is an old bill carried over from a year ago and we are talking about a new bill. All we are doing here in my amendment was to see that federal funds were not jeopardized. That is the point I am trying to make, Mr. Chairman.

SENATOR CLARK: All right, it is sustained.

SENATOR WESELY: Thank you. Mr. President, I understand the concern of Senator Kremer but, in fact, the committee amendments are the bill and I think we ought to talk about the committee amendments and I think they do more than just make this bill supposedly follow federal guidelines. I think that they deal with a broad range of discretions, authority that we provide to the Roads Department that we ought to ask ourselves some questions about it at the time that we adopt them. The last couple of items that I think are of concern, again, is the intent of the Legislature providing the Roads Department a very broad authority. The last line here reads, because of the impossibility of foreseeing all possible changes and conditions that will occur, it is the intent of the Legislature that the Department of Roads have the widest possible latitude in establishing programs consistent with the stated objectives of this paragraph, the widest possible latitude. Now I really question whether or not we have the authority under our Constitution to delegate legislative responsibility in this sort of broad fashion. I really question the constitutionality