

March 24, 1992

LB 130

SENATOR ABBOUD: Was this something that you felt was an important part of the bill, was that....I was just wondering where the language came from.

SENATOR SCHIMEK: I assume that...that it came from the drafting that my staff did, primarily. Although, although I can't say that with certainty, because the American Lung Association was involved in the drafting also. So, I have...I really can't tell you that for sure.

SENATOR ABBOUD: Thank you. Every year there's always a few bills that have intent language. And I guess I see a lot of this in the Judiciary Committee. We have a lot of intent language dealing with specific rationale as to why a bill is being brought before us and why the bill should be enacted into law. I...I've always felt, and I believe the courts have felt as well, that it's nice and it gives, maybe, the courts some way to interpret what the intent of the bill was, but as far as having any legal standing, it really doesn't. It's just guidance to help the court understand the purpose of the legislation. I...I don't think it really makes any difference whether this language is in the bill or not in the bill when it comes to how the courts are going to go about interpreting whether this law is constitutional, or how the law should be interpreted if someone challenges it, which a bill like this could very easily happen. I...I feel, though, that...that the language is...is somewhat debatable, but I feel that it's still...if...if the sponsor of the bill feels that it's an important part of the bill, then I'm willing to support her intent and keep the language in the bill.

SPEAKER BAACK: Thank you, Senator Abboud. Senator Chambers, you're next.

SENATOR CHAMBERS: Mr. Speaker and members of the Legislature, before I proceed, I want to ask Senator Withem a question. Senator Withem, do you...

SPEAKER BAACK: Senator Withem, would you respond, please.

SENATOR WITHEM: I'd be delighted.

SENATOR CHAMBERS: Do you intend to push your motion through to a vote?