

SPEAKER WITHEM: I'll even try to diagram it, Senator Chambers.

SENATOR CHAMBERS: I'd appreciate it and I'm still in support of Senator Wickersham's motion.

PRESIDENT ROBAK: Thank you, Senator Chambers. Senator Hall, followed by Senators Wesely, Wickersham and Brashear.

SENATOR HALL: Thank you, Madam President, members, I rise in support of Senator Wickersham's amendment. Senator Witham, if you would respond to a question. I have a similar question on Section 8, subsection 8 on page 12. It says if the board approves such an area application, then, for purposes of Article VIII, section 12 of the Constitution of Nebraska, the designated blighted and substandard area is considered as determined by law to be a designated, blah, blah, blah. So in other words, it's only triggered? The Constitution is only triggered in this manner if the board approves such an application?

SPEAKER WITHEM: Yeah, because there would be nothing of...nothing under consideration until the board approves an application.

SENATOR HALL: Well, what if there was an appeal on the application, one that was rejected? How would the court interpret the Constitution at that time?

SPEAKER WITHEM: Then the court would go back and they would say that if the board made this approval, then the Legislature delegated this authority to the board to make this approval, and if they did so, that that was what the Legislature felt was appropriate under the Constitution.

SENATOR HALL: So the Legislature acts, then the board acts, then the court follows. So we acted by adopting LB 830 in this form, then the board has to act, and once the board acts, then the court interprets the Constitution in this manner. Is that...

SPEAKER WITHEM: And I think that's a fairly standard manner in which most of these cases unfold. The Legislature proposes, the executive disposes and then the judicial interprets the act of the Legislature to see if it was appropriate.