

February 22, 1995 LB 830

SENATOR HALL: But my question is in relation to this area, we're talking about once the board approves the application, that tells the judicial branch then how they are to interpret this particular section of the Constitution.

SPEAKER WITHEM: I don't know if it tells them, it offers guidance to them as to what the intent of the Legislature was. Senator Chambers is correct, that the court is certainly free to offer its own interpretation.

SENATOR HALL: But isn't that, I mean that's the intent.

SPEAKER WITHEM: Right.

SENATOR HALL: That once the board acts, that the court would then be through...once the board acts through the approval of the application, then the court is to interpret this section in this manner. Is that not...

SPEAKER WITHEM: Yes, yes.

SENATOR HALL: Okay, thank you.

PRESIDENT ROBAK: Thank you, Senator Hall. Senator Wesely.

SENATOR WESELY: Thank you, Madam President, members, I, too, rise in support of the Wickersham amendment. It is a confusing, confusingly written section and I understand what the attempt is to do, is to try to say the Article in the Constitution giving the authority to take action that this bill tries to undertake is, in fact, met under the conditions of the Constitution with this section of the provisions of the bill, but let me tell you that I don't think it is. I think that just saying that it does meet the constitutional test doesn't mean that it meets the constitutional test and I have asked for an Attorney General's Opinion to try to address whether or not, in fact, this broadened definition of what blighted and substandard area is in fact constitutional. And, frankly, whatever decision is made there by the Attorney General is merely an opinion and it seems as though this is a possible place where it would go back to court. But the evolution of thinking in terms of the power of government and the power to provide for public assistance for private purposes is an evolution that I have witnessed over my years in the Legislature and prior to that. The opinion that was discussed by Senator Coordsen and has been modified, as was