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LB 637

SENATOR BEUTLER: If the confirmation process is more familiar to all of us I think when we're talking about a person, and the way this is structured it says that the unit shall be administered by a public or private entity or state officer, as designated, da-da-da, and then it says the designation shall be subject to confirmation by the majority of the members of the Legislature. The entity or officer, as designated, shall be responsible to the Title IV-D Division. I suppose some question still lingers in my mind with regard to confirming a contractual operative. And...and let me move from that to the question, if the confirmation portion of this were found to be unconstitutional, if it were ever questioned and found to be unconstitutional, would you consider that portion of the bill severable?

SPEAKER KRISTENSEN: It...yes, it would, because it...in other words, there are several components here. The bill could still operate if that was found to be unconstitutional because you're setting up different concepts. Parts of the bill deals with setting up a unit, but who runs it wouldn't undo the fact that you've set it up or made the commitment. It also deals with reimbursing for the bad checks. That...that is not dependent upon who operates the SDU. The other part is the study. Obviously, the study could be...is separate and distinct and if that portion's found unconstitutional it would not be directly reliant upon who that person was that was selected. You'd still have the study and could still operate without it. Certainly the setting up of the Support Payment Cash Fund would be separate and not reliant upon who is actually operating it. Those things could exist and the bill could function if that portion was stricken.

SENATOR BEUTLER: Okay. So, specifically, the sentence that indicates that the designation shall be subject to confirmation by a majority of the members of the Legislature, is severable, as you indicated?

SPEAKER KRISTENSEN: I believe that it is.

SENATOR BEUTLER: Okay. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Beutler. Discussion on