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LB 637

the Kristensen amendment, Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, having listened to Q-I, just before me, Q-II now is going to speak, and for those who are not in the know, the "Q" stands for quibbler. I'm looking at what "Quibbler-I" raised issue with and I'm also looking at the explanation that the Speaker gave, and I'm going to read what we would have if that latter portion, the last two sentences, were stricken: "There is hereby created a State Disbursement Unit, pursuant to," the provisions of federal law, "for the statewide collection and disbursement of support order payments. The State Disbursement Unit shall be administered and operated directly by a public or private entity or state officer as designated by the Title IV-D Division", period. That is operational by itself. It would be different if that entity or that officer were not to be designated unless the Legislature acted, but without any additional action by the Legislature that entity or the state officer will be designated by the Title IV-D Division, period. If the Legislature voted to confirm or not to confirm, the Legislature would not be doing anything to alter that language. It would either ratify or fail to ratify what had been done pursuant to that language. So I'm saying that to say this. I believe that the sentence is severable. I believe that portion that would remain is capable of being put into effect and it could operate. But I'm not so sure that those last two sentences would necessarily be invalid. If we were talking about a contract, even if it's to be entered into by an executive agency and it is a contract pursuant to a specific act of the Legislature, I think the Legislature, since it is the one that will have to appropriate the money to fund the contract, is in a position to do what this language suggests is to be done. But until and unless that issue came before a court and was resolved, all we're doing is speculating. But I'm not sure who would have an interest in challenging that language unless it would be the Title IV-D Division. And if the Title IV-D Division made a challenge to the statute and if the whole thing were stricken down, then Title IV-D would have nothing to do. The state would have not even an effort toward complying with the federal law. So, in looking at the reality of the situation, I try to figure who would have an interest in challenging this law, and I'm not sure that I can determine who that is. Now, if the campaign for U.S. Senate really heats up,