

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

May 18, 1999

LB 176

others by way of amendment. The comprehensive nature of the act, the completeness of the act within itself, is what lets it pass constitutional muster because you know when you first see it that you're dealing with a comprehensive piece of legislation that's going to cover the waterfront. But this bill, even if it had started allegedly as a comprehensive piece of legislation, but it was given that term because it's going to include everything including the kitchen sink, it couldn't make it. If this bill started out regulating watercraft, and then you're going to put tires and all these other things in it, it couldn't stand. So if Senator Hilgert is content to lose his bill, if...Senator Hilgert, I'd like to ask you a question if you'll answer it.

SENATOR HILGERT: Sure.

SPEAKER KRISTENSEN: Senator Hilgert, would you respond?

SENATOR HILGERT: Yes.

SENATOR CHAMBERS: Senator Hilgert, are there penalties under your original bill for any violation of the bill?

SENATOR HILGERT: Yes.

SENATOR CHAMBERS: So if I was charged with a violation, my lawyer would read the bill and challenge the constitutionality of the law under which I'm convicted because it has two subjects. So if the law has two subjects, it's unconstitutional, I cannot be prosecuted under it. Now you may not agree with that, but if what I said is true and you were representing somebody charged with an offense under your bill and you were the lawyer, wouldn't you raise the issue of two subjects in the bill?

SENATOR HILGERT: Zealously defending my client, I would probably raise every...I would certainly raise every issue that was open to me as an attorney.

SENATOR CHAMBERS: And don't you think it would be a plausible argument to say that this tire material, however meritorious it is, is not the same subject matter as regulating these