

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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LB 779

SENATOR WICKERSHAM: Okay. Mr. President and members of the body, I am glad that Senator Baker responded in a fashion which I think would create at least the basis for a legislative record that if the provision that he is proposing to you were adopted and if we adopt the severability clause that I understand is being drafted, that if there was a later challenge to the constitutionality of the provisions in Senator Baker's amendment, that they would be severed out of the bill and would not affect the rest of the bill. And I can also state for the record that certainly adoption of Senator Baker's amendment would be a no-inducement for me to vote for the bill and, in fact, causes some concerns about voting for the bill if it is adopted. It's exactly the reverse, so that if the amendment is adopted, I don't view it as an integral part of the bill. I don't believe it affects any other provisions in the bill, certainly stands on its own, and its adoption is no inducement for me to support the bill as a whole. And I do have, quite frankly, I do have some concerns about the constitutionality of Senator Baker's proposal. I think that issue ought to be examined far more closely than what I think we'll be able to do this morning. And if we're later satisfied after careful examination that it is constitutional, bring it forward to the rest of the Legislature with that complete explanation, and assure ourselves that we're not doing something that may cause litigation or concern later on.

PRESIDENT MAURSTAD: Thank you, Senator Wickersham. Senator Baker.

SENATOR BAKER: Thank you, Mr. Lieutenant Governor. At this time, I would like to withdraw the amendment.

PRESIDENT MAURSTAD: The amendment is withdrawn.

CLERK: I have nothing further on the bill, Mr. President.

PRESIDENT MAURSTAD: Senator Engel, would you...discussion on the advancement of LB 779? Senator Engel and Senator Baker, your lights are on. Do you wish to discuss the advancement of LB 779?