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March 31, 2003 LB 265

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, there is a principle known as the unconstitutional delegation of legislative authority. If we had put the word "shall," then it would just confirm that the State Patrol is to write the regulations and rules where we gave guidance. If you leave it open-ended, without giving them guidance, then we are allowing them to legislate. I would like to ask Senator Brashear a question.

SENATOR CUDABACK: Would you respond, Senator Brashear, to a question?

SENATOR BRASHEAR: Yes, Mr. President.

SENATOR CHAMBERS: Senator Brashear, I had made the remark...because I think you were busy, so I don't want you to not be aware of the direction my question is going..that the Legislature can empower an agency to adopt and promulgate rules and regulations, but it cannot be a plenary grant of authority to do that; there must be direction given to guide that agency, so that the express will of the Legislature can be carried out through the adoption of rules and regulations. Do you agree with the way that statement is phrased? And if not, would you tell me what part you disagree with, so that we can continue the discussion?

SENATOR BRASHEAR: I agree with the general phraseology and application of that statement.

SENATOR CHAMBERS: Now, in Section 17, it simply says the State Patrol may adopt and promulgate rules and regulations to carry out this piece of legislation. The way that raw grant is given, it would mean that the State Patrol, pursuant to that language, could adopt rules and regulations relative to any aspect of this bill. Would you agree or disagree? And if you disagree, what language in that limits the State Patrol in any way?

SENATOR BRASHEAR: Well, a limitation can be affirmative and negative. And the specific rules over the general. So those provisions in Section 5, where they are told they shall, then they must.