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FLOOR DEBATE

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LB 265

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, the discussion has been on the bill. It has been wide-ranging, and it's the kind of discussion that I think ought to take place. Some of the amendments that I've offered were for that purpose. Others are designed to try to correct the bill. Because I did not know that we would have the type of discussion we did, there are a couple of amendments that I filed this morning which I will not, when and if they come up, I will not even discuss because it's not necessary to generate debate in that manner. I've been combing this bill to offer or to produce...to draft amendments that will bring the bill closer to doing what those who support it say they're interested in. The amendment that I'm offering now is one which has been discussed. It is on page 13. It is Section 17. Because it consists of one sentence, I will read it. "The Nebraska State Patrol may adopt and promulgate rules and regulations to carry out the provisions of the Concealed Handgun Permit Act." Because there is at least one other place in the bill, I believe it's on page 3 where you will find it, where the State Patrol is mandated to adopt and promulgate rules and regulations, this language in Section 17 should be made consistent. All my amendment does is to strike "may" and insert "shall." Wherever it is appropriate that rules and regulations be promulgated and adopted by the patrol, that is to be done. The bill states where that is to be done. We should not state in one part of the bill that the State Patrol shall adopt and promulgate rules and regulations, then in another part of the bill say they may. To broaden the discussion just a bit, the Legislature cannot accord or grant to any agency of government or other department of government the power to legislate, which belongs exclusively to the Legislature. Should the Legislature attempt to do so, any bill that became law which did such a thing would be struck down as an unconstitutional delegation of legislative authority. Before any of these agencies can draft, adopt and promulgate rules and regulations that are constitutional, the Legislature must in the legislation granting that authority have provided sufficient guidelines and directives so it is clear that any rules and regulations are simply carrying out the clearly expressed will and intent of the Legislature, not going off on its own and, in effect, creating laws which no agency or department of government has the authority to do...