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FLOOR DEBATE

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clear that the only thing being done is the carrying out of the Legislature's will. It is not a situation where the Legislature, under the constitution, can delegate to a board, an agency, a political subdivision any of the legislative power, authority, and responsibility of the Legislature. It's called, in court cases, unconstitutional delegation of legislative authority. Where is a guideline for this board on which...where's the guideline to direct what they are to do when they increase these exemptions by rule and regulation?

SENATOR JENSEN: Well, certainly if they wanted to increase them, they can do that. The big discussion that we had on this bill is, should you use "increased" or should you use another word? And primarily, the Real Estate Board and the contractors and whatnot did not want to see that reduced. If it was increased, certainly, they would not probably object. I think that the figure in there is appropriate, and was agreed upon. Senator Tyson might have mentioned that this was...about three years ago, we spent hours and hours and days trying to come up with a compromise between the real estate industry, Building Association, Architects and Engineers. And so that is really what brought this about. And then there was a small problem that some of the cities, some of the communities had, particularly on inspections. It was, can the city inspectors make inspections, or does an architect or engineer have to make those inspections?

SENATOR CHAMBERS: But here's what I'm getting at. Forgetting all those arguments that they had, I'm looking strictly at the approach being taken. There is nothing that I see in any of these places where the following language occurs: "Such...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act," there is nothing that indicates a basis for increasing this exemption. They could increase it by twice what it is currently, couldn't they?

SENATOR JENSEN: Yes, according to the language, they could.