

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

March 10, 2004 LB 599

SENATOR TYSON: ...the...regrets.

SENATOR CUDABACK: Thank you, Senator Beutler. Senator Chambers, followed by Senator Beutler.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'm trying to compile a record here, because any citizen under the decisions by the Nebraska Supreme Court can challenge the constitutionality of a statute, and if in fact this bill, the way it's drafted, transfers the Legislature's authority to this board, it is unconstitutional. The way this bill is drafted, it allows the board to move in one direction only, but without limit of any kind. I will mention something specific, so if I do have to undertake the onerous job of attacking this bill, I want some things in the record. On page 1 of the committee amendment, starting in line 5, we have this language: All...this is by way of example. "All design or construction by a district of structural works costing more than \$80,000," then new language, "or such higher amount as is established by the Board of Engineers and Architects by rule and regulation," then back to the existing law, "shall be under the supervision of a licensed engineer except as," then "otherwise" underlined, "provided in the Engineers and Architects Regulation Act." I'd like to ask Senator Tyson a question on this one, even though it's the committee amendment, because I'm looking at the thrust of the bill.

SENATOR SCHIMEK PRESIDING

SENATOR SCHIMEK: Senator Tyson.

SENATOR CHAMBERS: Senator Tyson, the way this language is in the statute, and I don't want to get into at this point what the board itself may or may not do because of its predilections and whatever, that amount could be raised by the board from \$80,000 to \$80 million if they chose, couldn't it?

SENATOR TYSON: Yes, it could.

SENATOR CHAMBERS: Suppose we were to put...I won't ask it as a question, because it might be unfair to put a dollar amount, but