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FLOOR DEBATE

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sharing of the Legislature's prerogatives to an agency, are there sufficient guidelines and restrictions to prevent that from being a carte blanche turning over by the Legislature to another entity the powers that belong to the Legislature. If...as Senator Tyson said, when the Engineer and Architects Negotiating Act, whatever it's called officially, was first enacted, there were guidelines mentioned. He talked about the safety, the welfare, proper design and so forth to protect the public. Those are guidelines. The guideline does not have to be like boilerplate where you give it in excruciating detail. If that is the way the statute is to be written, then you don't have to grant rule-making authority at all because the Legislature is going to do it by statute. So rule making is a legitimate prerogative. Rule making is upheld by the courts. And sometimes the court is very liberal in its construction of a statute that authorizes rule making, but you make it almost impossible for a court to do such when you grant this agency absolute untrammelled authority to do whatever it wants to. And Senator Tyson has agreed and I think it would be persuasive to a court that where we now have \$80,000 in the statute, and we do not strike that, but we give untrammelled authority to the board to raise that amount to any level, including \$80 million, it's clear that what that board is being given is legislative authority. That board is being given authority to establish the public policy of the state, not merely to carry out or implement the public policy as declared by the Legislature. There is such a vast difference between \$80,000 and \$80 million that the two cannot be said to have anything in common other than the word "eighty." So, if by allowing unrestricted authority to this board to use rules and regulations to increase exemptions to the point that they have no semblance or no resemblance to what exists in the statute, then I believe it can be shown that the Legislature has delegated too much untrammelled, unregulated, unguided discretion to that board, and that equals, in my opinion, an inappropriate transfer...

SENATOR SCHIMEK: One minute.

SENATOR CHAMBERS: ...or delegation of legislative authority. So I will...if I had more confidence in the lawyering ability of the Attorney General's Office, I would ask for an Attorney