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FLOOR DEBATE

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Chambers.

SENATOR CHAMBERS: Senator McDonald, all I can say to that is E-I-E-I-O. Members of the Legis'ature, to try to get back to what I was talking about, when the issue is the amount of legislative authority that a Legislature is delegating to another agency, you must look at the language of the statute that is making that grant. And whether I agree with the types of exemption or not is totally irrelevant. Senator Tyson made an observation that may be 100 percent correct. Maybe this board will never go as far as the language allows. But what a court would look at is what in fact the language allows that board to do. And if a board is given authority to, in effect, repeal statutory language, statutory directives, then the Legislature has given authority which it does not have. The one thing the Legislature does not have the authority to do is to give away its power to legislate. It cannot do that. It can attempt to do it by a majority of the legislators voting for a proposal and the Governor signing it, but as soon as it comes before the court for scrutiny, the court will simply tell the Legislature that you attempted to give that which is not yours to give; and since a thing cannot give what it does not have, what you in effect gave was nothing. So that which you call a statute is nugatory, it is void, void ab initio, or void from the beginning. You have done an act which is not an act insofar as being able to grant any authority to that board. I don't know who wanted language as broad as this exemption language, but they, in my opinion, overplayed their hand. We need to look at what it is that is being sought to be achieved by this bill, and if we as a Legislature see what is being sought to be achieved, we then hammer out the language to see how best to achieve it, those of us who would agree with the goal. But we should not resolve the matter by turning over to this board the authority to legislate. That, in effect, is what is being done. I'm glad that Senator Beutler did read some of the specific language in the intent portion of this Architect/Engineers Act. Let's say that we give this board the power to negotiate, and the intent language talks about safety and welfare and health and so forth, and these two negotiators, whoever they are, arrive at a conclusion where they agree on something that is contrary to that intent language. Then you can say that that