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FLOOR DEBATE

April 14, 2004 LR 209

that pending motion, Mr. President.

SPEAKER BROMM: It is withdrawn. Mr. Clerk.

CLERK: Mr. President, Senator Chambers would move to return LR 209 to Select File for FA1704. (Legislative Journal page 1657.)

SPEAKER BROMM: Senator Chambers.

SENATOR CHAMBERS: And Mr. President and my colleagues, I ask you to forgive me for that slip up in not withdrawing that motion before I waived closing. But as you might gather, I'm not accustomed to being so collegial for such an extended period of time. And I don't want to learn how to be that way on a regular basis. Members of the Legislature, this is the final proposal that I have. And I'm saying again at a point on Select File when perhaps action could have been taken on some of these suggestions that opportunity evaporated in the heat of a cloture vote, which the vast majority of my colleagues, including some who sit around me every day, voted for. On page 2, in line 16, this would be dealing with the Environmental Trust Fund and it will propose to establish that fund in the constitution as the earlier proposal would have established the Compulsive Gamblers Assistance Fund. In line 16, on page 2, after "Fund," referring to the Nebraska Environmental Trust Fund, these words would be inserted, "which is hereby created." Those words would give the Environmental Trust Fund constitutional status. And to ensure that no chicanery was used, I'm more careful in my drafting than those who drafted this because there is a goal I want to achieve. In line 17 after the word "Act" we would add "as such act existed on January 1, 2004. This provision is self-executing." This language would not only have given the Environmental Trust Fund constitutional stature, but since it was created according to an act of the Legislature, a reference is made in the constitution declaring that the way that act existed, the contents of that act as they existed January 1 of this year, 2004, will bind the Legislature. So even if attempts were made to change that act, which the Legislature could do, nothing that the Legislature would enact could trump the constitution which by reference would incorporate the terms of