

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
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FLOOR DEBATE

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LB 478

constitutionality and equal protection clause. I have passed out a Nebraska Supreme Court ruling by the current Supreme Court. Equal protection statutes. If a statute involves an economic or social legislation not implicating a fundamental right or suspect class, courts will ask only whether a rational relationship exists between a legitimate state interest and the statutory means selected by the Legislature to accomplish that end. Upon showing that a rational relationship exists, courts will uphold the legislation. Let's break this down. If a statute involves economic or social legislation not implicating a fundamental right. What is a fundamental right? The right of speech, the right of unreasonable search and seizures, and--Senator Chambers, I included this one for you--the right for people to keep and bear arms. I thought you'd appreciate that. (Laugh) These are fundamental rights, as defined by the Bill of Rights of the United States Constitution. The next phrase we will look at is "suspect class." What is a suspect class? Generally, according to the courts, this is a group who has a common, immutable characteristic, and who has been discriminated against because of that characteristic in the past, such as race or religious persuasion. A defense contractor has never been and will never be a suspect class. A person with a security clearance has never been nor will ever be a suspect class. Since neither suspect class nor fundamental rights are implicated by this bill, the courts will only ask whether a rational relationship exists between the legitimate state interest and the statutory means selected by the Legislature to accomplish that end. Upon showing that such a rational relationship exists, courts will uphold the legislation. The court will only ask if a rational relationship exists between the legitimate economic interest and the statutory means chosen to accomplish that end. LB 475...LB 478, pardon me, easily meets this lowest level of scrutiny. The legitimate economic interests are, Offutt is the second-largest employer in the state of Nebraska, measured by the economic impact of \$2 billion annually. We need to support Offutt and the unified command they represent. There are 125 available...jobs available from 9 of the more than 30 defense contractors in eastern Nebraska. These jobs have an average salary of \$65,000. This equates to approximately \$28 million in revenue for the state of Nebraska. Lockheed Martin currently