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FLOOR DEBATE

May 31, 2005

LB 373

Committee, advanced to General File. I do have committee amendments. (AM0573, Legislative Journal page 654.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Bourne, to open on LB 373.

SENATOR BOURNE: Thank you, Mr. President, members. First of all, I'd like to thank Senator Fischer for making this bill her priority this year. As I look around to determine what we need to do as a Legislature to prepare for the onset of term limits, my personal feeling is that we, as a Legislature, need to add some sort of legislative oversight to the rule-making process, and that is the intent of LB 373. I'm not going to go through element by element of what LB 373 does because the committee amendment and then subsequently Senator Fischer's amendment, AM0984, will replace the elements of the green copy of the bill. So, rather than confuse everyone and go through three different iterations of what the process is for legislative oversight on the rule-making process, I simply am going to advocate to you or argue for why we need this. And again, I think that this is one of the most important things we need to do as a Legislature to prepare for the onset of term limits. I'm going to give you some examples of where I feel governmental agencies have gone a little too far in the rule-making process. This summer, there was a rule being considered by the Department of Environmental Quality that would allow for the adoption of air quality standards that are stricter than federal regulations. Electrical generators tell me that that's about \$450 million of additional revenue to the...or, excuse me, additional rates that taxpayers, ratepayers, would have to pay. Is that appropriate that we have more stringent standards? Perhaps, but I believe that's a legislative function to decide that. This summer...or, excuse me, last summer the Fire Marshal's Office banned grills on apartment balconies. Is that a good policy? Probably so, but I believe, again, that is a legislative policy decision that should be made, not an administrative agency. A few years ago the Department of Revenue's definition of "disabled" for purposes of the homestead exemption program was in direct conflict with what was written in statute. There was a bill that was amended. The department says, no, we think the Legislature meant it this way, even though the plain meaning of