

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

February 9, 2006 LB 1111

Have you all voted on the Chambers amendment who care to? Record please, Mr. Clerk.

CLERK: 33 ayes, 0 nays, Mr. President, on adoption of Senator Chambers' amendment.

SENATOR CUDABACK: The Chambers amendment has been adopted.

CLERK: I have nothing further on the bill, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Discussion of advancement of LB 1111? Open for discussion. Senator Janssen,...I'm sorry. Senator Chambers, you beat me to the closing.

SENATOR CHAMBERS: Thank you. Mr. President, I had forgotten that I was going to explore a matter with Senator Raikes. And if he will respond? Senator Raikes, in the current law--we're dealing with Senator Janssen's bill--there is this sentence: "There hereby is created a State Racing Commission consisting of three members who shall be appointed"...and the original said, "who shall be appointed and may be for cause removed by the Governor." Now, the word "appointed" is used there. But the Governor, in acting, completed the entire process; there was no necessity of the Legislature participating. So as soon as the Governor selected a name, the appointment was made and completed. Since now the Legislature has been injected into the process by way of our confirmation being required, is this still an appointment, or is it a nomination which becomes a completed appointment after the Legislature acts, or is it an appointment at the time the Governor selects the individual's name?

SENATOR CUDABACK: Senator Raikes.

SENATOR RAIKES: Senator, I'll give you my understanding, and I certainly can't guarantee that it's correct. It is an appointment, because at the time the Governor appoints, the person begins service. And I'm thinking about the Coordinating Commission, and I would assume the same would be true of the Racing Commission. Now, in the case of the Coordinating Commission, the appointment becomes...or, comes before the