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

March 27, 2006 LR 259

I've looked at the transcript--that these different entities were satisfied with the way the original constitutional amendment had been drafted. And I'd like to ask Senator Landis a question, if he is of a mind to respond.

SENATOR CUDABACK: Senator Landis, would you respond?

SENATOR LANDIS: You bet.

SENATOR CHAMBERS: Senator Landis, do you recall--and I know you're having to trust your memory, so if you're not sure, this is not a trick question--do you recall pointing out, when I was interrogating and doing whatever I was doing, you had mentioned that these different groups were satisfied with the way that amendment had been drafted, the original one we're talking about?

SENATOR LANDIS: I think I did make that representation, and at the time, that was true.

SENATOR CHAMBERS: Thank you, and it was true, I just wanted to be sure. And that's why I couldn't budge anybody to try to get anything done. I had stated that in order to protect these entities in the constitution, the language should have been added that says "there is hereby created," and you put it in the constitution. Let me read to you something from Article II, Section 1 of the Nebraska Constitution. The powers of the Section 1 of the Nebraska Constitution. The powers of the government of this state are divided into three distinct departments: the legislative, executive, and judicial, and no person or collection of persons being one of these departments shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted. The constitution establishes the existence of the legislative branch, the judicial branch, the executive branch. There is nothing in this language that Senator Schrock is offering, there is nothing in the existing constitutional language that creates the Compulsive Gamblers Assistance Fund, or the Environmental Trust Fund or Board. Those are statutory creations. There is nothing in the language of the constitution right now that would prevent the Legislature from abolishing this Environmental Trust Fund and Board, or abolishing the Compulsive Gamblers Assistance