

March 5, 1976

PRESIDENT: Senator Syas.

SENATOR SYAS: Well, of course, the Committee put this bill out. I'm for the bill. I notice that Senator Rasmussen has a savings clause in here. The only thing I want to say about this amendment is that I just want to call it to your attention. I think I talked to Senator Kelly about this. You're adopting this Act of Congress up to 1974. Well maybe you can do that or not, but that's besides the point. You can probably do it that way, but if they amend the Act in anyway, Congress, up to 1974 then I think this Act is invalid and I'll tell you why. I just wanted you to think about this. We cannot, in the Legislature, allow Congress to legislate for this Legislature. Therefore, if they change the law up in the Act up till 1974, if they change some things after that you're adopting what's in it now. When they change it I don't think ... I think Senator DeCamp is getting what I'm talking about. If they change it then Congress is legislating and we ... that was not in this amendment at this particular time ... the change. You follow, Senator DeCamp?

Now I want to say another thing, not on the amendment because I know I'll be standing up again. People that testified in favor of this bill, which I favor this bill, say there's no state funding needed this time. Now as far as federal funding that's a different thing. But they didn't ask for an appropriation this fiscal year, as I remember that's what was in the testimony.

PRESIDENT: Senator Bereuter.

SENATOR BEREUTER: Mr. President, members of the Legislature. I think Senator Syas certainly raises a legitimate concern about referencing a federal act or a federal rule and regulation. I ran into the same problem in objections from the Attorney General on the bill I had last year. The solution would be, of course, as I understand it to say as it existed at the time of the passage. So that subsequent changes are made, they will not be legislating for Nebraska law ... the Nebraska Legislature ... instead of the Nebraska Legislature.

I have some other questions I'd like to ask. I'll start out with either Senator DeCamp or Senator Rasmussen, whoever wishes to take the mic on the.... I guess I better start with Senator Rasmussen. If you would, Senator.

SENATOR RASMUSSEN: Yes.

SENATOR BEREUTER: Senator Rasmussen, do you think there's anything in your amendment or in the act itself which could not be done with funds now available from the Nebraska Natural Resource Development Fund?

SENATOR RASMUSSEN: No, there is an agreement between the Resources Fund ... the Commission and the Game Commission as to what will be done as far as dollars. There will be no money needed, I think, for probably two or three years. They are in agreement that the NRD's do have money that they are willing to put into this.