

February 6, 1980

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year and do another bill. It is better we should keep the control. Thank you.

SENATOR MARSH: Senator Warner.

SENATOR WARNER: Senator Beutler, I did not hear if you addressed the constitutional provision of question or not. Did you? That is a question I guess.

SENATOR BEUTLER: Yes, I did.

SENATOR WARNER: And you feel this is constitutional?

SENATOR BEUTLER: Yes, I ran the concept by the Attorney General.

SENATOR WARNER: Verbally?

SENATOR BEUTLER: And in addition to some specific problems I asked him if there are any problems that he could identify with this type of amendment and he identified no problem to me. If this turns out to be unconstitutional I have absolute confidence that it will be constitutional but if anybody can get an opinion out of the Attorney General that on any score it is unconstitutional I will withdraw the amendment.

SENATOR WARNER: Okay, thank you. Well, notwithstanding, in the past where we have done this they did come down with letters of delegation of legislative authority and I understand they change their mind from time to time but I would concur with those who feel it would be a poor policy in any event to attach it to some computation made by some federal agency who can adjust their method of computation at any given time and I think the control for that adjustment ought to be retained, certainly within the state and through the legislative process so I would be opposed to the amendment and I am still convinced that we could not do it in any event. When the chips are down I would expect the same kind of a letter that we have had on the bill that we passed in '73 or '74 for a limitation on local government which was tied to the same kind of a concept in which the letter...and the law was never put into effect because the Attorney General said we could not.

SENATOR MARSH: Senator Murphy. Senator Newell. Mr. Clerk.

CLERK: Madam Chair, Senator Newell moves to amend the Beutler amendment. (Read Newell amendment as found on page 567 of the Legislative Journal.)