

March 25, 1980

LB 905

SPEAKER MARVEL: The bill is declared passed on Final Reading. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, point of personal privilege that relates to the body.

SPEAKER MARVEL: Point to the Chair, please.

SENATOR CHAMBERS: Yes, I didn't want to get into the discussion on this bill because I thought it might not pass but there have been numerous Attorney General's opinions this session saying that there cannot be an impermissible delegation of legislative authority to any federal agency. This bill by striking the words "as of January 1, 1965," does in fact, allow any future amendment to the Internal Revenue Code adopted by Congress to become incorporated into the law of the State of Nebraska and I think that would be an impermissible delegation of legislative authority. So here is what I would recommend and it can be accepted or rejected, that we not pass this bill to the Governor until we get an Attorney General's opinion. That would be my recommendation. I think the bill is unconstitutional in other words.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DE CAMP: Point of order. I don't know whether it is or isn't but you can't get an Attorney General's opinion on a bill that has been passed. I didn't make the rule you know but that is I think what it is, so I suppose we should trot the thing over to the Governor and let the chips fall where they may. It is passed and so on. I think it is probably okay but then...

SPEAKER MARVEL: All right, Senator Chambers, why don't you go ahead and then I will respond to you.

SENATOR CHAMBERS: Prior to the signing of a bill by the President, has every step in the legislative procedure been fulfilled so that the matter has been finally disposed of by the Legislature?

SPEAKER MARVEL: Senator Chambers, if I understand your question properly it has to be signed by the president of the Senate which hasn't been done yet. Senator Fitzgerald, for what purpose do you arise?

SENATOR FITZGERALD: Mr. Chairman, can we discuss a bill that has been discussed and passed? According to parliamentary procedure we cannot discuss a bill once it has been passed.