

April 10, 1981

LB 253, 253A

It strikes one section of the bill, Section 19 and it also puts the severability clause in. Let me read you my little notation I handed out on the desk and I think that should about do it. An Attorney General's opinion indicates on page 1384 of the April 9 Journal to Senator Hoagland that Section 19 is constitutionally suspect. This conclusion is based upon the assumption that Section 19 is an unlawful delegation of legislative authority. Well I do not necessarily agree with this. I have submitted an amendment to strike Section 19. This section is no longer necessary due to the fact that we have a floor of \$350,000 for any fee assessment. This would result in a minimum fee of \$50. Section 19 was in the original draft of the bill last year and carried over to this year. Its purpose was to permit the Revenue Department to deal with businesses whose fees would be so small they would not be worth collecting. This matter is remedied with the new floor concept in the bill and hence, I offer the amendment to strike Section 19.

SENATOR CLARK: Is there any discussion on the DeCamp amendment to LB 253? If not, all those in favor vote aye, all those opposed vote nay. Have you all voted? Have you all voted on the DeCamp amendment to LB 253? It takes 25 votes. Record the vote.

CLERK: 25 ayes, 1 nay, Mr. President, on the adoption of Senator DeCamp's amendment.

SENATOR CLARK: The amendment is adopted. Do you have anything further on the bill?

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

SENATOR CLARK: Senator Kilgarin, do you want to move 253?

SENATOR KILGARIN: I move LB 253 be advanced to E & R for engrossment.

SENATOR CLARK: You have heard the motion. All those in favor say aye, all those opposed no. The bill is advanced. LB 253A

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

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move LB 253A be advanced to E & R for engrossment.

SENATOR CLARK: You have heard the motion. All those in favor say aye...Senator Hoagland.