

Schellpeper.

SENATOR BEUTLER: I think I'll pass, Madam President, for the moment.

PRESIDENT MOUL: Thank you, Senator Beutler. Senator Will.

SENATOR WILL: Question.

PRESIDENT MOUL: Are there sufficient seconds? There are. We'll now vote on the motion to cease debate. All those in favor please vote aye, opposed nay. Have you all voted? Please record, Mr. Clerk.

ASSISTANT CLERK: 25 ayes, 0 nays to cease debate, Madam President.

PRESIDENT MOUL: We have ceased debate. Now recognize Senator Chambers for closing.

SENATOR CHAMBERS: Madam President and members of the Legislature, this is a no-lose situation for me. If you don't add the amendment, then we have succeeded in striking the language that I found obnoxious. Personally, I don't believe the sentence is necessary, but it was agreed to add it so that that type of standard or those concerns that were expressed in 231 would nevertheless be taken into consideration when the negotiations take place. My feeling is that when a federal law enters an area and makes it clear that that law will govern whatever the...matter is, that's called federal preemption and the states cannot legislate in that area. If there is a limited type of preemption which says the states can legislate but they must do it pursuant to what the federal government says has to be done, then the federal law is going to govern. So in this situation there is a federal statute on the books governing what LB 231 is attempting to address. Anything in 231 that was in conflict with that federal law would have no significance anyway. If the thrust of the bill were out of step to a great enough degree, the whole law would be struck down as unconstitutional. When all the state is attempting to do, as my understanding of 231 is, is to designate which entity of government will conduct the negotiations which are required under the federal law, the state can do that. My opinion is that once such a thing has been done, the state has done all that is necessary. I don't say required 'cause I don't think