

## **Legislature - First Session - 2015**

### **Introducer's Statement of Intent**

#### **LB236**

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**Chairperson: Senator Jeremy Nordquist**

**Committee: Nebraska Retirement Systems**

**Date of Hearing: January 27, 2015**

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB236 changes and eliminates provisions relating to collection of judgements and public retirement plans.

The Supreme Court held that “the Nebraska Constitution prohibits the Legislature from making arbitrary classifications that favor select persons or objects while excluding others that are not substantially different in circumstance in relation to an act’s purpose.”

The Nebraska Supreme Court’s special legislation analyses is three-fold: (1) the purpose of the legislation; (2) whether the bill creates an arbitrary and unreasonable method of classification; and (3) whether there is a substantial difference of circumstances between the defined class and those that are similarly situated so as to justify treating one differently than the other in light of the purpose of the bill. The Court determined that victims of other non-enumerated felonies, such as murder and incest, were similarly situated but there was not a substantial enough difference to justify the classification.

A broader classification of “all felonies” would seem to solve this problem. The key will be whether the “line in the sand” is clear enough between those that fall within the statute and those that do not. Trying to define the class by any other grouping of crimes would likely result in unconstitutional special legislation because if you start picking and choosing individual crimes, there’s always going to be an argument for the inclusion of some other closely related crime.

**Principal Introducer:** \_\_\_\_\_

**Senator Colby Coash**