

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 31, 2003 LB 265

SENATOR TYSON: Yes.

SENATOR SCHIMEK: And sometimes they err on the side of too little, or too small of a guesstimate. So...

SENATOR TYSON: I don't believe...

SENATOR SCHIMEK: ...we always have to be aware of those kind of things.

SENATOR TYSON: I don't believe in this case that that's...

SENATOR SCHIMEK: You're probably right.

SENATOR TYSON: ...the fact.

SENATOR SCHIMEK: Thank you.

SENATOR TYSON: Ladies and gentlemen, I wanted...I originally put my light on because I rise in opposition to Senator Chambers' amendment, because in several places we have said "shall." It was Ralph Waldo Emerson, said that a foolish consistency is the hobgoblin of little minds. "Shall" means they will do it. "May" means that they can fill in the cracks, and if they see something that should be done, they may issue a rule or a regulation. But if there is nothing to issue, then they can't say "shall." This is an open-ended, this is a way of making a smoother transition in the State Patrol's operation. And it gives them the authority, if they wish to assume it. But they don't have to if they don't want to. And the "shall" in the training and the "shall" at the top of the page in Section 15 were put in a purpose. The "may" in Section 17 was put in a purpose, to facilitate the administration of this act. And that is the only purpose for it. I urge all to consider this and to vote against Senator Chambers' FA1225. Thank you, Mr. Cudaback.

SENATOR CUDABACK: Thank you, Senator Tyson. Senator Chambers on your amendment.