

March 5, 1980

LB 605

Now, the Game and Parks Department does have problems, especially in the outlying area where there are lakes or recreational areas that are not in the heart of a city or anywhere near nearby police protection. So they say that they need this. I can't see that it will do that much harm in having a few peoples' rights infringed upon just so those ruffians or people creating a disturbance cannot be dispelled. I think, by and large, the bill is good. Thank you.

SPEAKER MARVEL: Senator Johnson.

SENATOR JOHNSON: Mr. Speaker and members of the body, I can appreciate what Senator Haberman is attempting to do through LB 605. As I understand it, one of the genesis for this legislation was a crowd of campers or rowdy folk at one of the western Nebraska lakes and the State Patrol wanted to break up the crowd and felt as though they did not have the authority to do it, and that was one reason why Senator Haberman and others thought that this would be good legislation to have. And I approach this legislation basically with an open mind, because I think that we have to arrive at a balance between individual rights on the one hand and individual freedom on the one hand, and the need for a lawful government on the other and the need to be able to control unruly and unhappy situations. But it seemed to me as I went over this bill and I did...one of the advantages of a snowstorm is that it kept me in Lincoln last night so I had a chance to go over Senator Haberman's bill in some detail to determine for myself how I wanted to vote on it, and as I went over the measure it raised a number of bona fide questions in my mind. For example, I truly concluded that under the definition of disorderly conduct in Section 1 of this bill we could have a group of men and women in a bar drinking and maybe consuming to an excess but, in effect, not doing anything out of the ordinary, and because they are drinking and because we all know that alcohol does impair one's ability to drive effectively, it impairs one's ability to think effectively, it may well be that the conduct that they were intentionally engaging in does create an unreasonable risk of injury to other persons, or to the property of the bar owner. Now, I don't carry any brief for somebody that is sitting in a tavern and drinking except the fact is it is a very commonplace occurrence. It is occurring every day, every morning, noon and night in our society, and it could well be that a policeman or some law enforcement official could enter this particular tavern and because the crowd is kind of boisterous and happy and mellow, filled with liquor and the