

March 11, 1992

LB 1063  
LR 219

can read it and know almost exactly what is allowed and what is forbidden. In other words what his protections and obligations are, simple enough, she said, that even lads like you who are not paying attention and don't really care what we are talking about can understand it. Last night I thought about it and I compared 219 to what Miss Loomis said. I found it wanting in all respects. First, it does not set borders or walls within which to operate, but instead, nooks and crannies of confusion as to what is or is not allowed and guarantees problems in the future rather than understanding. Second, it is exactly the opposite of equal protection. In fact, the entire purpose of this proposal is to repudiate equal protection and guarantee somehow we can treat identical situations differently rather than the same. Finally, if there is anyone in the Legislature who can truly stand up and say they thoroughly understand...

PRESIDENT MOUL: Time.

SENATOR SCHMIT: ...the proper and complicated mess of this amendment, I would be amazed. They can't and they won't. Thank you, ladies and gentlemen.

PRESIDENT MOUL: Thank you, Senator Schmit. Now recognize Senator Moore followed by Senators Rogers, Schmit, Morrissey and Rod Johnson. Senator Moore.

SENATOR MOORE: Well, Madam President and members, as I visited with the cosponsors of LR 219 and LB 1063 over the noon hour I asked Senator Withem, I don't know if he treated my amendment with disdain or indifference. I preferred at least disdain because then it would...at least it would be, given the seriousness of which I offer it. I am serious as a heart attack when I offer this amendment and if you know my family history in that area, you know how serious I am. It's that serious because as I said before, the real problem I got on voting for a constitutional amendment, I remember the empty feeling on June 5, I remember the empty feeling on July 18, the walk out here and doing nothing. I don't want to have to do that again, I really, really don't. And as the argument thus far, Senator Lindsay and Senator Withem talked about the media red herring argument, well, real property goes out, too, and you know if you've got a better way to write it, file an amendment and do it or just defeat it, but you know that is truly a red herring argument. The amendment shifts the word from may to shall. To many constitutional scholars that's the way to change it. If