

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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LB 953

I would like to see LB 953 survive. I supported that. I spoke for it on the floor, but if you all want to let it go down, you know what old folks say, experience is the best teacher and some will have no other. You all don't pay attention to me. When I talk, it's like me butting my head against that wall. You all get angry at me so you're going to fix me by fixing yourself. I tell you, Senator Connealy, your shoes are shined; I don't like that shine on your shoes. He says, well, I do. I say, well, I don't. He says, well, I do. I say, well, I do. He says, well, I don't. I say, well, I do. He says, well, I don't. I say, what are you going to do about it? He pulls out his pistol and shoots the shine on his shoe, and in the process shoots himself through the foot. Next time (laugh) he'll pay attention to what I said and what he wound up doing. So let the Legislature do it. There is the possibility that I am mistaken. When Cromwell was going to slaughter some "Scotspeople", he said, spare us all this; for God's sake, consider the possibility that you may be mistaken. They didn't feel they were mistaken and Cromwell slaughtered them. And some people have said, based on Cromwell's attitude, he should have considered whether or not he was mistaken. Well, I'm acknowledging that I may be mistaken, but if I'm correct, and I believe that I am, you all have put the kiss of death on LB 953. And you know what? I don't blame you all. I blame the Governor because he's got those constitutional lawyers over there who told him to tell Senator Hilgert that this is all constitutional. So maybe I've just been engaging in an academic discussion going nowhere. But if you have created an executive board which takes votes, which makes decisions, which carries out provisions of the law, how can that be less a violation of the separation of powers clause of the Nebraska Constitution when it was deemed a violation for Senator Conway to be in this body and also teach at one of the schools? And he made no decisions for the school, but the school is an executive function. It didn't matter that he made no decisions. Why did Judge Murphy have to get off that commission board? Because his presence violated the separation of powers clause of the constitution. Well, you all should argue, this board is different; although it's not legislative and it's not judicial, it's not executive either. It's a tertium quid. It's a third thing, it's somewhere in-between all those others. As a guy said in a bar one time, there's some things as is, and some things as ain't, and some things as is