

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

January 24, 2003 LB 76

SENATOR CHAMBERS: Why in the world would we call it discretion...first of all, the word "discretion" means the exercise of sound judgment. It doesn't mean arbitrariness or capriciousness or whim, where just any notion that pops into somebody's head can be done and labeled discretion. Why in the world would we call it an exercise of sound judgment to say that a board could be composed of from three to...well, not 99; there could be 999 members if they chose, couldn't there?

SENATOR HARTNETT: Nine hundred and ninety...yeah.

SENATOR CHAMBERS: Yes, because it's an odd number.

SENATOR HARTNETT: Yeah. Yeah.

SENATOR CHAMBERS: There's no limit...

SENATOR HARTNETT: It has...yeah. It goes to the cities up to 5,000, Senator Chambers. Yeah.

SENATOR CHAMBERS: Well, then there could be...up to 5,000...4,999.

SENATOR HARTNETT: Yeah.

SENATOR CHAMBERS: And there would be one odd person out, who might have sense enough not to get involved in that craziness. That's all I'll ask you, Senator Hartnett. Members of the Legislature, I think it's irresponsible of the Legislature to pass a bill like this, with no cap whatsoever. Because if a group would decide that they need to take control of one of these boards, and they want to stack it or pack it, and there are means of doing that, putting pressure on individuals, we would be the ones, as a Legislature, who should be justifiably condemned for creating in statute a possibility of a travesty such as that. We cannot say that we have so much trust and confidence in people, from this day forever, that they would never do anything like this. Restrictions are put on governing bodies because not everybody who will be a member of that group is going to behave in a manner that is appropriate, sometimes