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FLOOR DEBATE

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SENATOR CHAMBERS:      Thank you, Senator Tyson. And so it won't look like I'm trying to lay any traps or land mines, I will tell you all why I'm doing this. I read the amendment. On page 3 of the amendment, it says the Nebraska State Patrol "shall" prepare and publish minimum safety and training requirements for and "shall" adopt and promulgate rules and regulations governing handgun training. Now, you've already got the mandate that they shall prepare rules and regulations. In my amendment, on page 13, I will simply echo that by saying "The Nebraska State Patrol shall adopt and promulgate rules and regulations to carry out the provisions of the Concealed Handgun Permit Act." You already have a mandate that they do this. So it's befuddling to me how you can require something to be done, then further in the bill say they may do it if they want to but they don't have to. But you've already said they have to. Why put the mandate in one place, then have a general section that really, in effect, says they don't have to? I don't understand. But there are several parts of the bill that don't make sense to me. So I may as well just take my time on this one, and try to say a few words about my philosophy of legislating. Either a thing is or it is not. It cannot at the same time both be and not be. It cannot. If it is, that means it exists existentially. If it is not, it does not exist at all. So that's why philosophers say a thing cannot be and not be at the same time. When you give a mandate, you cannot make something mandatory and discretionary, or voluntary, at the same time. It would be like telling a person, you shall be here at nine o'clock in the morning, and that's the law. Then you turn the page and it says, you may be here at nine o'clock in the morning. So the person does not show up until ten o'clock. You then go to the part of the law that said you shall be here at nine o'clock. "Shall" is stronger than "may". And you would ask those wise lawmakers, why in the world, at the time you were legislating, did you allow this disconnect to exist? Either you want to mandate my presence at nine o'clock, or you want to allow me to make up my mind and take a decision as to whether I will be here at nine o'clock. But don't tell me on the one hand, I've got to be here, then on the other hand, I can be here if I want to, but if I choose not to, I don't have to be here. You've got language in the law on page 5 right now that says the State Patrol shall