

January 3, 1990

LB 936-938
LR 234

PRESIDENT: (Cavel.) Are there any of you that do have a bill that wish to put it in today? If so, indicate so that we'll know. Otherwise, we're about ready to close up shop. Anyone have a bill? Okay, we'll be through in a few minutes and then we'll ask Speaker Barrett to talk to you about tomorrow and so forth in a little bit. Thank you.

CLERK: (Read by title for the first time, LBs 936-938. See page 133 of the Legislative Journal.)

Finally, Mr. President, I have a new resolution, LR 234 by Senator Hannibal asking the members to designate the first day of every regular session as Nebraska Citizen's Day. That will be laid over, Mr. President. (See page 134 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: A couple of you have asked how many bills were introduced today, and I believe the count is 120. Speaker Barrett, the Chair recognizes you for some information. (Cavel.)

SPEAKER BARRETT: Thank you, Mr. President and members. Some of you have also wondered about our agenda for tomorrow. May I suggest to you that we'll start on rules, the adoption of permanent rules tomorrow morning. That should take some time. If time remains for the conclusion of the day we will proceed immediately to committee priority bills, General File committee priority bills. You will notice on the worksheet that we'll start with 678 followed by 720.

PRESIDENT: And what about Friday?

SPEAKER BARRETT: Friday is a recess day, Mr. President.

PRESIDENT: Thank you, Speaker Barrett. It's good to see you all back and I'm sure you've had a good time just visiting with each other this morning. Senator Morrissey, would you like to adjourn us until tomorrow at nine o'clock, please.

SENATOR MORRISSEY: Yes. Mr. Speaker, I move we adjourn until tomorrow morning at 9:00 a.m.

PRESIDENT: Thank you. We'll move on to LR 234.

CLERK: Mr. President, 234 offered by Senator Hannibal. It is found on page 134 of the Journal. It asks the Legislature to declare the first day of every regular session of the Legislature as Nebraska Citizens Day and asks the Governor to issue a proclamation identifying Nebraska Citizens Day the first day of every legislative session.

PRESIDENT: Senator Hannibal, please.

SENATOR HANNIBAL: Thank you, Mr. President and members. This resolution was brought to me by a constituent and it's a fairly simple innocuous type of resolution, but has some merit I believe and been brought to you for your approval. What basically the resolution says is that we are inherently brought together by the citizens of the State of Nebraska and yet we do not recognize the citizens of Nebraska in general in any special way. And this constituent and, therefore, I felt that this resolution might be appropriate. And it says that we ought to recognize that the first day of each legislative session be considered Nebraska Citizens Day and that the Governor ought to issue a proclamation suggesting that the day, the first day of each session, be recognized as Nebraska Citizens Day. It's a simple resolution, that is all that it says, I would urge its adoption.

PRESIDENT: Thank you. Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, we have some very serious issues that we're going to consider this session. There will be acrimonious and divisive debate. I'm going to have to take positions that will be unpopular, both in the minds of my colleagues and people outside this Legislature. When an issue arises with which I disagree I am compelled to speak against it and I may as well start now. First of all, there is an error in the presumption on which this resolution is based. This Legislature convenes to act for all persons, whether they are citizens or not. There are people who are not citizens of this country who nevertheless are protected in their rights by the Constitution of the United States and the Constitution of the State of Nebraska. Even though this is a simple resolution, I think it shows why we ought to scrutinize these things and stop bringing so many of them. I'm going to

oppose it. Every day, based on the theory that Senator Hannibal mentioned, is Nebraska Citizens Day. Anybody who is a citizen is a citizen every day. There is no need for the Legislature to begin designating things of this sort and requiring proclamations and other recognitions of that which is self-evident. I'm opposed to the resolution, I'm going to oppose resolutions of this type. We do have too many of them. We encourage people to bring to us nonsensical things such as this. Some senators feel obligated to offer them. When people in my district bring all types of things to me, I tell them, I'm elected and sent to that Legislature to reflect intelligence, judgment and sound discretion. People may and can and should, if they really do, disagree with a final conclusion that I arrive at. However, they won't be able to say that the conclusion that I reached was based on my head being totally empty for there is a difference between being open-minded and empty-headed. I'm open-minded, but I'm not empty-headed. The resolution is discriminatory on its face. This Legislature has an obligation to represent all people, not just citizens. If a person were to study the history of the U.S. Constitution and the development of this country and some of the amendments and provisions, we would see that things which today we take for granted and skim over when we read them without even lifting the significance, some of those things were the result of very serious debate, discussion and consideration. There is a difference in the status between a citizen and a person who is a noncitizen, but there are certain fundamental rights that all people have whether they are citizens or not. So for the reasons that I have given and other reasons that I haven't given, because despite as Senator Hannibal said, this being a simple resolution which I would describe as simple-minded, I don't want to become too humorous in my presentation. Although this lends itself to a number of things that are just floating around in my mind which if I were to state would be such classics of wit and intelligence that they would be recited and quoted down through the ages and everybody who quotes these things would want to take credit for having created them. So, Senator Hannibal, although you may think I'm using a sledge hammer when a tack hammer would do...

PRESIDENT: One minute.

SENATOR CHAMBERS: ...I am showing some degree of restraint.

PRESIDENT: Thank you. Senator Scofield, please, followed by

Senator Smith. Senator Smith, please.

SENATOR SMITH: Thank you, Mr. Speaker. Members of the body, I guess I'm not really speaking to the...well, yes, I am speaking to the body, but I hate to see two of my favorite people being on opposite sides of the aisle also being on opposite sides of the issue this early in the session. But I understand perfectly what you're saying, Ernie, because I have felt a lot of frustration with a lot of the resolutions that have been introduced in here that have taken a lot of our time, not speaking at all about the ones that we're dealing with today. We, in the past, since I've been here, this is my sixth year now, spend a lot of time introducing things that to me are garbage that we take our time with in this body. I guess what I'm doing is taking offense at the fact, on behalf of Gary right now, that you are using this resolution which to me is not as bad as a lot of other things that we have sat here and voted for and passed and discussed and for that reason I'm going to, until something is changed to impact on all of the other kinds of stuff that we deal with, I will be supportive of this one as well.

PRESIDENT: Thank you. Senator Hannibal, would you like...Senator Chambers, please.

SENATOR CHAMBERS: Yes, Mr. Chairman and members of the Legislature, and particularly to Senator Smith, I had said I'm going to start opposing these things all session and I may as well start now. I think the easy way out for us is to say if we're not going to...and the only thing that can be done is to pass a rule and I don't know what rule could be adopted that would prevent people from bringing resolutions, we're just going to have enough of whatever it takes to stand on this floor and say in front of everybody that this is a resolution that I'm not going to support. Everybody can support it. I can be voted down 48-1, but I'm not in here to cast my vote based on whether or not I think everybody is going to support me. This, in my mind, is an unworthy resolution. I'm not going to vote for it, and if I'm on the floor and other unworthy resolutions come up, unworthy in my opinion, I'm going to express that opinion and then there will be a record of why I'm voting against not only this one, but those in the future. But if the only reason you will vote for a dog that won't hunt is that other dogs that haven't hunted have been voted for in the past is to say that the heirs of yesterday should become the orthodoxy of today.

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And that is not a valid, logical position. I don't think it is a reasonable legislative position and in order not to drag out the discussion on this resolution, that will be all I have to say except to reemphasize that I intend to vote against this resolution and I'll vote against others of similar stripe.

PRESIDENT: Senator Hannibal, would you like to close...Senator Lynch, your light came on. Senator Hannibal, would you like to close, please.

SENATOR HANNIBAL: Thank you, Mr. President. Senator Chambers, I also have many thoughts running through my head, but I will exercise some constraint as well. I appreciate you pointing up some facts about the issue of what days are Nebraska citizens days and which days are days for all the people that we are elected to serve, and I agree with you wholeheartedly. Senator Smith, I'm not sure I really needed that much support saying that this resolution wasn't near as bad as some of them that we have, but I guess I'll take a vote whenever I can get it. Yes, it is true that each day that we meet in session, as a matter of fact, each day that we serve in the Legislature, is for all the citizens in Nebraska. That is my philosophy as well. However, I would suggest that we have many days that are proclaimed to be special for certain kinds of occasions and, in fact, certain individuals and that to say that because this all day should be for Nebraska citizens and not have a day that we proclaim as a special recognition would be tantamount in my estimation to saying that we shouldn't have a veterans' day because that implies that every other day is not a day that should be recognized for veterans and their service to us or any number of things that we do have. I believe that this is a gesture of recognition that we are here because of the citizens and we are here to serve the citizens and it's not near as bad a resolution as some of them we've passed and I would urge its adoption.

PRESIDENT: The question is the adoption of the resolution. All in favor vote aye, opposed nay. Record, please.

CLERK: 15 ayes, 4 nays, Mr. President, on adoption of LR 234.

PRESIDENT: The resolution is adopted. We'll go on to number six, introduction of new bills.

CLERK: Mr. President, new bills. (Read by title for the first time, LBs 939-968. See pages 138-45 of the Legislative

PRESIDENT NICHOL PRESIDING

PRESIDENT: (Recorder not activated) ...Chamber. We have with us today as our Chaplain of the day, Pastor Jay Schmidt of the Lakeview Methodist Church in Lincoln. Would you please rise for the invocation.

PASTOR JAY SCHMIDT: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Pastor Schmidt. We appreciate your being with us again. Please come back again. Roll call, please. Record, Mr. Clerk, please.

CLERK: I have a quorum present, Mr. President.

PRESIDENT: Thank you. Do you have any messages...(gavel). Do you have any messages, reports, or announcements, Mr. Clerk?

CLERK: Mr. President, I do. I have three appointment letters from the Governor requiring legislative confirmation. Those will be referred to Reference Committee for referral to the appropriate Standing Committee.

I also have a communication from Senator Coordsen, who is Chair of Business and Labor. A series of reports, Mr. President, one from the Natural Resources Commission; a report from one of the NRDs regarding payment of attorney fees, which is required to be filed pursuant to statute; Audit reports for the State Athletic Commission, Wayne State College, Chadron State, Peru State, Kearney State, as well as the Department of Administrative Services, Secretary of State, Department of Personnel, Nebraska Corn Development, Utilization, and Marketing Board, Governor's Office, Lieutenant Governor's Office, Racing Commission, the State Historical Society, State Electrical Division, Department of Water Resources, Policy Research and Energy Office; a series of other attorney payment reports by various NRD Districts, Mr. President, to be on file in my office; a report from the Department of Environmental Control. That is all that I have, Mr. President.

PRESIDENT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and do sign, LR 230, LR 232, and LR 234. We will move on to the motion to adopt the temporary rules, Senator Lynch, please. Just a moment, Senator Lynch. (Gavel.) Senator Lynch.