

November 14, 1989      LB 4-9,  
                                 LR 2, 3, 4

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. Would you please rise for the invocation by Senator Hefner, please.

SENATOR HEFNER: (Prayer offered.)

PRESIDENT: Thank you, Senator Hefner. May we have the roll call, please.

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

PRESIDENT: Thank you. Do you have any corrections to the Journal today?

CLERK: I have no corrections, Mr. President.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 2 and LR 3. Do you have some things to read in, Mr. Clerk?

CLERK: Mr. President, I do. Your Committee on Revenue, whose Chair is Senator Hall, to whom was referred LB 4, instructs me to report the same back to the Legislature with the recommendation it be indefinitely postponed; LB 5 indefinitely postponed; LB 6 indefinitely postponed; LB 8 indefinitely postponed and LB 9 indefinitely postponed, all signed by Senator Hall as chair of the committee.

Mr. President, I have a reference report referring a certain gubernatorial appointee to the Agriculture Committee for a confirmation hearing. I have a report of registered lobbyists for May, 1989 through November 14, '89. (See pages 94-96 of the Legislative Journal.)

I have an Attorney General's Opinion addressed to Senator Warner regarding LB 7. (See pages 96-97 of the Legislative Journal.)

Mr. President, I have a communication from the Secretary of State. Mr. President, I have a hearing notice from the Retirement Committee, confirmation hearing notice, signed by Senator Haberman as Chair.

And, Mr. President, two new resolutions, LR 4 by Senator

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PRESIDENT NICHOL PRESIDING

PRESIDENT:        Welcome to the George W. Norris Legislative Chambers. We have with us this morning for our morning prayer Senator McFarland. Would you please rise.

SENATOR McFARLAND:    (Prayer offered.)

PRESIDENT:    Thank you, Senator McFarland. Roll call, please.

CLERK:    A quorum present, Mr. President.

PRESIDENT: We will move on to legislative resolutions. You have one thing, Mr. Clerk. Please.

CLERK:    Mr. President, I do. Your Committee on Enrollment and Review reports LB 2 to Select File with Enrollment and Review amendments attached; signed by Senator Lindsay as Chair of E & R. (See pages 114-15 of the Legislative Chamber.) That's all that I have, Mr. President.

PRESIDENT:    Now we will move on to legislative resolution, LR 4.

CLERK:    Mr. President, LR 4 was introduced by Senator McFarland. It is found on page 99 of the Journal. (Read brief explanation of LR 4.)

PRESIDENT:    Senator McFarland, welcome back.

SENATOR McFARLAND:    Thank you, Mr. Lieutenant Governor. This is a resolution in honor of Anastacio Munoz, better known to all of us as Ernie. You may remember Ernie. He was the one-armed...man with one arm who was a security guard at the Capitol and was always ready to give information and direction to those of us who were wondering where certain rooms or buildings or wherever we needed...whenever we needed direction. He died just a few months ago and he was such a fixture and such an honored person in our Capitol, I thought it appropriate that we should honor him with a resolution. I would just like to read it briefly. It just says, "Whereas, Ernie Munoz died on October 10, 1989; and Whereas, Mr. Munoz, better known as Ernie, worked for 15 years as a security officer at the Capitol and was selected State Employee of the Year in 1984 for his service; and Whereas, Ernie was a good, kind man who made many friends for

himself and the state while working as a security officer on the 14th floor of the Capitol; and Whereas, Ernie will be greatly missed by all who knew him. Now, therefore, be it resolved by the members of the Ninety-First Legislature of Nebraska, First Special Session, that, we, the Legislature express our sympathy to the family of Anastacio Munoz. That a copy of this resolution be presented to the Munoz family as a tangible symbol of the best wishes for the family and as an expression of regret for Ernie's death." I looked and found a short newspaper article about Ernie and I would...I would just like to read it as well because I think it kind of describes what an important role and function he performed while he was here at the Capitol. It says, "His department is security but his work is public relations. An average of 650 people visit the Capitol each day, he said. On some days from 300 to 600 grade school and high school students tour the building. He often exchanges information with visitors from around the country and the world. You open up a little bit and they tell you everything, he said." And that's the type of person Ernie was, if you met him and knew him. He was always willing to speak and lend a comforting word and give you a smile and help you out and he will be greatly missed by me and I am sure by all of you. So I would ask you to pass this resolution in his honor. Thank you.

PRESIDENT: Thank you. Senator Wesely, then Senator Warner.

SENATOR WESELY: Thank you, Mr. President, and members, I would commend Senator McFarland for the thoughtfulness in introducing this resolution. I only wish I had thought of it as well. You know, the mark of an individual sometimes is seen by whether or not they achieve recognition by one name. I remember reading that about Cher and Madonna and other more famous individuals. In our own state, when you say the name, Ernie, most people think, of course, of Senator Ernie Chambers, but I think in our Capitol there were two Ernies. The second Ernie was Ernie Munoz who is an individual I have known for close to 20 years. I first knew him when I was a tour guide here in the Capitol Building, as a young college student, and he was a good friend then. And then shortly afterwards I was elected to the Legislature as a graduate student from the university and Ernie became an even closer friend as we spent time together over the years. His loss is one felt very deeply by his family. I saw them at the funeral and know how much they miss him. This is a very thoughtful effort to recognize an individual that was an unsung hero. There are many of us here in the Legislature, of

course, trying to do our best to serve the state and many times we receive some recognition for that but there are others trying to serve people and Ernie was one of those individuals who, in his own quiet, friendly way, did a lot to better life for a lot of people and certainly made life pleasant in the Capitol for all of us that got to know him. So I am very pleased that Senator McFarland took the time to do this and I certainly hope all of us will send our regrets, in voting for this resolution, to the family for the loss of somebody we will all miss.

PRESIDENT: Thank you. Senator Warner, please.

SENATOR WARNER: Mr. President and members of the Legislature, I rise to also support the resolution. However, I do have an amendment on the desk, or rather a motion to suspend the rules and permit the resolution to be taken up. Under Rule 9, Section 2, it states bills and resolutions shall be introduced only the first three days of the session and I think it would be in keeping with any further action that might come up during the course of the session that that rule be suspended so that the precedent is there and I would be certainly in support of the resolution, its formality, so that we are consistent with the rules. That's all.

PRESIDENT: Thank you. It would probably be well to vote on the suspension before we finish the speakers. There are only a few left, but perhaps we should do that. Is there anyone else who wishes to speak on the suspension of the rule? If not, the question is, shall the rules be suspended so that this may be introduced? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 30 ayes, 0 nays, Mr. President, on the motion to suspend Rule 9, Section 2, so as to permit consideration of LR 4, LR 5 and LR 6 this morning.

PRESIDENT: The rule is suspended. Senator Elmer, do you wish to speak on the resolution.

SENATOR ELMER: Thank you, Mr. President. I assume we're talking about the resolution Senator McFarland had offered.

PRESIDENT: Yes, sir.

SENATOR ELMER: Thank you. I, too, want to commend Senator

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McFarland for bringing this amendment. Through personal experiences when we had visitors from a Spanish country here, Ernie really did go all out to show the hospitality of Nebraska to our foreign visitors. And he has been a personal friend ever since I have been elected. And I hope that all of you feel the same way I did about him, that he is an excellent person. Thank you.

PRESIDENT: Thank you. Senator McFarland, would you like to close on your resolution? Senator Smith's light came on. Would you like to speak on the resolution before he closes?

SENATOR SMITH: Thank you, Mr. Chairman. I will just take a moment but I can't pass the opportunity, and I just did get on the floor, to speak on this resolution and I thank Senator McFarland for bringing it to us. I know that myself, personally, Ernie was a great friend to me. Every morning that I came in Ernie was there always with a smile on his face, lots of conversation and a way to start the day and it was always with a very pleasant, very pleasant beginning, and I have to add my support for this resolution and in memory of Ernie I think we all feel that way and I just want to express that too. Thank you.

PRESIDENT: Thank you. Now Senator McFarland, and thank you for allowing Senator Smith to speak.

SENATOR MCFARLAND: Thank you. Well, thanks to all my colleagues for their expressions of sincerity and goodness toward Ernie. I'm sure that if we had a chance to have the public, who have visited this Legislature, speak that we would get a likewise response of many favorable comments for Ernie's service to our state. He was a wonderful person. He always made the Capitol a joyous place to visit. So I would ask you respectfully to approve the resolution. Thank you.

PRESIDENT: Thank you, Senator McFarland. The question is the adoption of the resolution. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 31 ayes, 0 nays, Mr. President, on adoption of the resolution as offered by Senator McFarland.

PRESIDENT: The resolution is adopted. LR 5, please.

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PRESIDENT NICHOL PRESIDING

PRESIDENT: (Mike not activated immediately.) ...the George W. Norris Legislative Chamber. Would you please rise while Senator Wehrbein offers our invocation.

SENATOR WEHRBEIN: (Prayer offered.)

PRESIDENT: Thank you, Senator Wehrbein, we appreciate it. Roll call, please.

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

PRESIDENT: Thank you. Do you have any corrections to the Journal?

CLERK: No corrections, Mr. President.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 4, LR 5, and LR 6. Do you have anything for the record, Mr. Clerk?

CLERK: Mr. President, Senator Baack would like to make an announcement that the Government Committee will meet in Room 1117 as opposed to 2102 today for their meetings. I have a confirmation report from the Agriculture Committee, signed by Senator Rod Johnson. That's all that I have, Mr. President.

PRESIDENT: We'll move on to LR 7, please.

CLERK: Mr. President, prior to consideration of those resolutions, Senator Hefner would move to suspend Rule 9, Section 2 so as to permit consideration of LR 8 and LR 9 today.

PRESIDENT: Senator Hefner, please.

SENATOR HEFNER: Mr. President and members of the body, I move that we suspend the rules so that we can take up several resolutions, particularly LR 8 that Senator Wesely has introduced and LR 9 that I have introduced. So I would just ask your support to suspend the rules at this time. Thank you.

PRESIDENT: Thank you. Senator Haberman, please.

SENATOR HABERMAN: May I ask a question of Senator Hefner,