

November 14, 1989 LB 1, 3
 LR 5

McFarland. (Read brief explanation.) That will be laid over. And LR 5 offered by Speaker Barrett. (Read brief explanation.) That, as well, will be laid over, Mr. President. (See pages 99-100 of the Legislative Journal.) And that is all that I have.

PRESIDENT: We will move on to General File, LB 3, please.

CLERK: Mr. President, LB 3 was a bill introduced by the Speaker at the request of the Governor. (Read title.) The bill was introduced on November 8, Mr. President. Subsequent to that action, the Reference Committee reported the bill directly to General File. I have no amendments pending.

PRESIDENT: Thank you. Senator Labedz, please.

SENATOR LABEDZ: Thank you, Mr. President. LB 3 appropriates the funds that cover the expenses of the Legislature and it is for the special session, of course, and Section 1 includes \$24,973, General Funds, for the senators' mileage and the per diem cost. There is also a \$5,000 for the...basically the printing costs. That is it. Thank you, Mr. President.

PRESIDENT: Thank you. You have heard the explanation of the bill, all those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 31 ayes, 0 nays, Mr. President, on the motion to advance LB 3.

PRESIDENT: LB 3 passes. LB 1.

CLERK: Mr. President, LB 1 was a bill introduced by the Speaker at the request of the Governor. (Read title.) The bill was introduced on November 8, referred to the Revenue Committee. The bill was advanced to General File, Mr. President. I do have Revenue Committee amendments pending. (See page 91 of the Legislative Journal.)

PRESIDENT: Senator Hall, please. Are you going to take the bill first, or the amendments, or how do you propose to handle it?

SENATOR HALL: Mr. President, I would like to take the amendments to the bill.

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

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.

CLERK: Mr. President, LR 5 offered by Speaker Barrett, found on page 99 of the Journal. (Read brief description of LR 5.)

PRESIDENT: Speaker Barrett.

SPEAKER BARRETT: Thank you, Mr. President, and members, with regard to the resolution found on page 99 of the Journal, I took at look at Random House Dictionary and tried to find a definition of "institution", and I found that the word "institution", as defined, is, "An organization or establishment devoted to the promotion of a particular object, especially one of public educational or charitable character." We have commemorated many institutions in this Legislature over the years, from Boy Scouts to Girl Scouts to Mothers Of The Year and Hallmark Cards, and I can't think of a better institution to honor this morning than Congresswoman Virginia Smith. She has certainly been an institution in the huge Third Congressional District of Nebraska and I don't think there has been any other institution more devoted to agriculture and to education and to the citizens of the grand Third Congressional District than Congresswoman Virginia Smith. So, at this point, I would recommend that the Legislature merely recognize these accomplishments over the years of a fine dedicated public servant to coincide with the accolades that are now taking place across the Congressional District as individuals and communities have begin to honor and recognize the accomplishments of this public servant. I would urge the body to adopt the resolution. Thank you.

PRESIDENT: Mr. Clerk, I understand we have an amendment.

ASSISTANT CLERK: Yes, Mr. President, Senator Chambers would move to amend the resolution.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I know the Clerk hates to read the amendment so I will read it. Senator Barrett, after the last "Whereas", I would amend that by striking the period and add these words, "thereby creating..."...that Whereas indicates that Congressperson Smith is not going to seek the office anymore, so I will strike the period and add these words, "thereby creating the opportunity for some of our colleagues to seek that exalted office." But before I discuss that, I want to mention that I had resorted, Senator Barrett, to the...what dictionary was that you mentioned? The Random House Dictionary? And for a definition

of the word "bimbo", to demonstrate that when I used "bimboish" in a letter to the Governor, that it was not a sexist term and the World-Herald ridiculed that dictionary by saying, Senator Chambers found a dictionary...and it cost me quite a bit of money because it's the most up-to-date dictionary and they are revised and updated periodically, found a dictionary that defines "bimbo" as a gender neutral word. But because the World-Herald is a troglodyte newspaper, presided over by, at least the editorial page, one who belongs to the species "Neanderthalus ignoramus", I can understand why they think because something is old, it's better. So, Senator Barrett, I don't know what the World-Herald is going to do with what you said about applying that term "institution" to Congressman Smith because you found a definition in the Random House Dictionary. But this is what I wanted to ask you. Do you object to this amendment?

SPEAKER BARRETT: I do not object to the amendment. I will encourage the adoption of the amendment. I would further...I would further ask a question of you, Senator Chambers. You were leaving today, at what time?

SENATOR CHAMBERS: Since Senator Barrett has put me on the spot in this session, I have to be honest. I'm not going to be able to stay here as long today as I thought I would be able to when I made my announcement the other day. But I'm not going to let you know the exact hour that I will leave, in the same way that somebody else will not let you know the exact hour or day when he will come back.

PRESIDENT: Senator Crosby, did you wish to speak on the Chambers amendment? Senator Wesely, did you wish to speak on the Chambers amendment? Senator Chambers, do you want to close on your amendment? You think you best not, did you say? The question is the adoption of the Chambers amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 6 ayes, 17 nays on adoption of the amendment, Mr. President.

PRESIDENT: The amendment is not adopted. Senator Crosby, to the motion.

SENATOR CROSBY: Thank you, Mr. Lieutenant Governor, and colleagues, I am so pleased to support this resolution. I come

from the big Third District originally and it's lovely down here in Lincoln and around the Platte River and Omaha and so on, but when you go out west to the prairies you really know what Nebraska and the Great Plains are all about. Virginia Smith personifies the character and goals of all of us in Nebraska and I'm just so pleased to have this resolution to support. My middle son happens to be on Virginia Smith's staff. That doesn't have anything to do with my support of her, really. But I got a little jealous, I'll have to admit, when he first started working for her because he sang her praises and still does, and her staff is dedicated. I have learned that and I think that bespeaks well of her too. Her dedication to her constituency and the concerns of the State of Nebraska as a whole and as agriculture is legion. She is a tremendous role model for all of us, I think, from the point of view of being in politics and remembering who elected you. So, thank you, and I do support the resolution.

PRESIDENT: Thank you. Senator Wesely, please.

SENATOR WESELY: Thank you, Mr. President, and members, I will only briefly point out the irony that some have already discussed on the floor privately that we had a recent resolution dealing with Senator...not Senator, former Senator Hoagland, now Congressman Hoagland, where some objected and strenuous debate ensued and amendment occurred and I just want you to know, Senator Barrett, I don't plan to pursue any amendment or any debate. Although there may be difference of opinion on some of the things Congresswoman Smith has done, it is befitting to recognize her just as I thought it was befitting to recognize the achievements of Congressman Hoagland. It's too bad sometimes we don't play square on both sides of the fence on these things and I hope that we will be able to deal with this resolution in a more constructive fashion, as I had hoped we would on the other resolution that we dealt with Congressman Hoagland.

PRESIDENT: Senator Lamb, please.

SENATOR LAMB: Well, Mr. President and members, I, too, laud Virginia Smith and we all probably have stories that we could tell of a favor she has done, things she has done that's been good for the State of Nebraska. But I have one particular issue that's close to my heart and I would like to bring that forth at this time and that's her opposition to the scenic river

designation of the Niobrara River, and that total area that is being considered as a scenic river designation is in my legislative district. I am convinced it is bad for my legislative district and the state as a whole. It will remove some of the control of the area by the local landowners and the people, the majority of the people that own land in that scenic designated area or that may be designated are opposed to it. And so I certainly do appreciate the efforts of Virginia Smith in opposing that designation, as well as the huge number of other things that she has done for the State of Nebraska.

PRESIDENT: Thank you. Senator Chambers, followed by Senator McFarland and Senator Dierks.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I would like to ask "Congressman" Lamb a question, if I may.

PRESIDENT: Senator Lamb.

SENATOR CHAMBERS: Well, he's gone. That's all right. You don't have to come back. It's trifling. I was just going to ask if he is intending to throw his hat in the ring. That sounded mighty much like an I'm about to announce speech and I just wanted to be sure, for the record, if he is willing to announce at this time. Since he's back, was that a prelude to maybe you putting your hat in the ring too?

SENATOR LAMB: No.

SENATOR CHAMBERS: Oh, okay. Senator Wesely, and this is in all seriousness, I think when you offered a resolution on Hoag...now Congressman Hoagland, I think that I was critical of some of the things in it. I'm not critical of what is in this one for Congresswoman Smith because I don't know anything about her other than what I read in the newspapers. But I served, I served with that other fellow that you mentioned and to know some people is not to love them.

PRESIDENT: Senator McFarland, please.

SENATOR MCFARLAND: Yes, I just think that Senator Barrett has done a commendable thing in bringing a resolution to honor someone who has done public service for our state. I think we should look beyond the party affiliation and particular issues on particular individuals. I think public service is something

that we should all be proud of. It should be something that we should all be commended for. There is a lot of sacrifice and a lot of dedication that is inherent in doing this type of job for the citizens of our state. And I know that I did not know Virginia Smith well but I knew of her and heard of her and all the fine work she did for all the citizens across the State of Nebraska and I would wholeheartedly support the resolution.

PRESIDENT: Thank you. Senator Dierks, please.

SENATOR DIERKS: Mr. President and members of the body, I, too, commend Senator Barrett for this resolution. Like Senator Crosby, my son spent a summer as an intern in Senator...or in Virginia Smith's office in Washington, D.C. I think he found it a very worthwhile experience. I know we appreciate it. And I have been on many speaking platforms at the same time that Virginia Smith has been and I found her to be extremely competent. She represented her district very well and I just want to add my thank you to the whole process. Thank you.

PRESIDENT: Thank you. Senator Coordsen, please.

SENATOR COORDSEN: Thank you, Mr. President, and members of the body, I think all of us that know Congresswoman Smith have our own stories as to the effectiveness and the care and concern that she has demonstrated throughout her years in Congress, representing the Third District of the State of Nebraska. My personal experience, and I think it's one that might be somewhat of a guidance to all of us in our relationship with our constituents, was one time I was in Washington providing testimony to the House Appropriations Subcommittee For Agriculture and they were called out for a vote and I was scheduled to leave later that afternoon. And when they finally came back into committee session the time for my airplane departure was almost at hand and, certainly, Mrs. Smith did not know me from any of her other constituents but unbeknownst to me she had made arrangements for personal transportation, saw to it, personally, that this constituent of hers was at the airport in time to leave for home. And if all of us can follow her example in only the one area of service to the constituents, we will have been successful in our endeavors. Thank you for allowing me to share that.

PRESIDENT: Thank you. Senator Scofield, please.

SENATOR SCOFIELD: Mr. President and members, I, too, rise to support this heartily and apologize for being late this morning. I had an opening welcome to give at a children's conference that is going on over here this morning. So I'm pleased that I made it back in time to say a few words. Virginia Smith has been an outstanding example to Nebraskans and personally inspiring to me as a woman. I think all of us who are women in this body appreciate in particular the kind of example that she has set and she has made, in fact, a woman candidate in Nebraska credible. That wasn't the case, frankly, when she ran and I heard a lot of skeptics say it would never work, and she has more than proven them wrong. Her level of energy is astonishing. In fact, I have always wanted to know where she got that energy because I see her able to perform, always been able to perform at levels far beyond that of people half her age. And so I thank Senator Barrett for bringing this and certainly add my hearty support. Thank you.

PRESIDENT: Senator Barrett, would you like to close, please, on your motion.

SPEAKER BARRETT: Thank you, Mr. President. In closing, I think the previous speakers have pointed out very well the reverence and love held for this dedicated public servant. For those of you who, from the eastern part of the state who may not be aware of it at the present time, there are events taking place across that Congressional district honoring and thanking Virginia Smith for her efforts. I urge you to join me in adopting the resolution. Thank you.

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

CLERK: (Read record vote. See pages 116-17 of the Legislative Journal. The Journal shows the vote to be 40 ayes, 0 nays, 5 present and not voting, 4 excused and not voting.)

PRESIDENT: The resolution passes. May I announce that four of our members have had birthdays during the past few days or in a day or two to come and they are Senator Smith, Senator Beck, Senator Baack and Senator Ashford. And we will have some goodies this forenoon and this afternoon, and thanks to them. Shall we wish them all a happy birthday and several to come. And thank you. Resolution number 6.

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,