

JANUARY 22, 2001

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FLOOR DEBATE

January 22, 2001 LB 151, 461, 585
LR 26

PRESIDENT MAURSTAD PRESIDING

PRESIDENT MAURSTAD: Good morning. Welcome to the George W. Norris Legislative Chamber for the thirteenth day of the Ninety-Seventh Legislature, First Session. Our chaplain of the day is Dr. Myrvin Christopherson from Dana College at Blair, Nebraska, in Senator Connealy's district. Doctor.

DR. CHRISTOPHERSON: (Prayer offered.)

PRESIDENT MAURSTAD: Thank you, Dr. Christopherson. Members, we will call the Legislature to order. Would you please record your presence.

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

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections, Mr. President.

PRESIDENT MAURSTAD: Any reports, announcements, or messages?

CLERK: Mr. President, Reference report referring LB 701 through LB 848, as well as the referral of certain bills jointly to the Appropriations and Health and Human Services Committee. Mr. President, a priority bill designation: Senator Engel has selected LB 585; Senator Burling, LB 461. Hearing notices from the Banking, Commerce, and Insurance Committee, and from the Transportation and Telecommunications Committee, those reports...hearing notices signed by their respective Chairs. Mr. President, a new resolution, LR 26 by Senator Erdman. That will be laid over. Committee report...Mr. President, your Committee on Health and Human Services reports LB 151 to General File, and I have a series of confirmation reports from Health and Human Services, all those reports signed by Senator Jensen, as Chair, five separate confirmation reports. That's all that I had, Mr. President. (Legislative Journal pages 359-366.)

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. (Visitors introduced.) Mr. Clerk, motion to withdraw.

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January 22, 2001 LB 239, 569, 711

CLERK: Mr. President, Senator Wickersham would move to withdraw LB 569.

PRESIDENT MAURSTAD: Senator Wickersham, recognized to open.

SENATOR WICKERSHAM: Mr. President and members of the body, the motion is to withdraw LB 569. LB 569 is being withdrawn because it contained a drafting error that I thought would have caused the bill to be misleading to the public at large if they read the bill. Luckily, we had time to have the bill redrafted. It now appears appropriately drafted as LB 711. Admittedly, this is a problem that could have been resolved by a committee amendment, but, because of the potential for misleading the public, I am asking that the bill be withdrawn.

PRESIDENT MAURSTAD: Thank you, Senator Wickersham. Is there discussion on the motion to withdraw LB 569? Senator Wickersham, would you like to close? Senator Wickersham waives closing. The question is, shall LB 569 be withdrawn? It is a simple majority vote. Those in favor vote aye; those opposed nay. Mr. Clerk, please record.

CLERK: 41 ayes, 0 nays, Mr. President, to withdraw LB 569.

PRESIDENT MAURSTAD: The bill is withdrawn. Mr. Clerk.

CLERK: Mr. President, Senator Price would move to withdraw LB 239.

PRESIDENT MAURSTAD: Senator Price, you're recognized to open on your motion to withdraw LB 239.

SENATOR PRICE: Members of the body and Mr. Lieutenant Governor, after this bill was entered into the record, it was brought to my attention that there is a federal law which requires that Social Security numbers be placed on the applications for motor vehicles and, because there's a federal law in place, I wish to have this withdrawn from consideration.

PRESIDENT MAURSTAD: Thank you, Senator Price. Is there

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discussion on the motion to withdraw LB 239? Senator Price, you're recognized to close. Senator Price waives closing. The question is, shall LB 239 be withdrawn? Those in favor vote aye; those opposed vote nay. Mr. Clerk, please record.

CLERK: 39 ayes, 0 nays, Mr. President, on the withdrawal of LB 239.

PRESIDENT MAURSTAD: LB 239 is withdrawn. Mr. Clerk, General File.

CLERK: Mr. President, LB 210, a bill introduced by Senator Smith. (Read title.) Bill was introduced on January 4, referred to the Urban Affairs Committee, advanced to General File. I have no amendments to the bill at this time, Mr. President.

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Smith, you're recognized to open on LB 210.

SENATOR SMITH: Thank you, Mr. President, members. LB 210 seeks to amend Section 19-916 to give cities of the first class, second class, and villages more discretion when approving subdivisions of land adjacent to the corporate limits that are labeled "additions to the city". What does this bill actually do? It allows the respective governing body of the city or village to approve the land without automatically taking it into the city limits. It also increases the amount of notice given to citizens so that they can respond accordingly with their concerns. For example, if a...if an infrastructure within a...in a city is not ready to expand to take in this adjacent land, a city can still approve the subdivision outside the city limits but at a later time take it into the city limits through annexation with the respective process and procedures. That is basically what it does. It has affected several towns around Nebraska and I think that this will...will result in better policy and more deliberate growth in terms of some areas that are experiencing some growing situations. Thank you, Mr. President.

PRESIDENT MAURSTAD: Thank you, Senator Smith. For debate on

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LB 210, Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, Senator Smith, this question is for clarification. From what I heard you say, we're talking about a subdivision that will seek approval from the city to which it is adjacent. Is that correct?

SENATOR SMITH: That is correct.

SENATOR CHAMBERS: And if that approval is given and the subdivision is built, does the bill say that subdivision will automatically become an annexed part of the city without the city taking any other action?

SENATOR SMITH: No, it does not.

SENATOR CHAMBERS: What does it say, because I thought I heard that or read it in the Committee Statement.

SENATOR SMITH: It makes it so that at a later time the respective body can annex that into the city. Does that answer your question?

SENATOR CHAMBERS: Okay, maybe I misread the Committee Statement. Currently, the annexation occurs automatically? Is that the way it is?

SENATOR SMITH: That's the current situation.

SENATOR CHAMBERS: And you're changing that.

SENATOR SMITH: Right.

SENATOR CHAMBERS: Okay, I understand now. Thank you.

SENATOR SMITH: So this actually adds one more notice that is required.

SENATOR CHAMBERS: Thank you. That clarifies the point for me.

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LR 1

PRESIDENT MAURSTAD: Thank you, Senator Chambers. Further debate on the LB 210? Senator Smith, you're recognized to close. Senator Smith waives closing. The question is, shall LB 210 be advanced to E & R Initial? Those in favor vote aye; those opposed vote nay. Mr. Clerk, please record.

CLERK: 42 ayes, 0 nays, Mr. President, on the advancement of LB 210.

PRESIDENT MAURSTAD: LB 210 is advanced. Mr. Clerk.

CLERK: Mr. President, LR 1CA by Senator Stuhr. It would propose an amendment to Article I, Section 27 of the Constitution of the state of Nebraska. Resolution was introduced on January 4 of this year, referred to the Education Committee for public hearing, advanced to General File. I do have committee amendments, Mr. President. (AM0012, Legislative Journal page 343.)

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Stuhr, you're recognized to open on LR 1CA.

SENATOR STUHR: Thank you, Mr. President and members of the body. LR 1CA is a constitutional amendment to clarify the English language requirement in schools. It amends Article I, Section 27 of the Nebraska Constitution. And a little background: Senator Jerry Warner first served on the Constitutional Revision Commission and brought this issue to the Education Committee in 1997. The resolution was advanced to the floor and ran out of time before the Legislature could actually act on it. In 1999, I introduced LR 20CA, which was passed by the Legislature on a vote of 48 to 0, and appeared on the primary ballot in the year 2000. Unfortunately, I feel that the voters did not fully understand the issue and it was rejected by the electors at the May primary. The amendment, what it does is eliminate language requiring that private, denominational and parochial schools teach in English. Currently, the constitution states that all common school branches must be taught in English and, since we do not have a clear definition of what "common school branch" means, we are deleting that line and also the words "private, denominational and parochial" from the

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constitution. The 1996 Constitutional Commission's view was that this language is constitutionally suspect under the First and Fourteenth Amendments. The ballot language will now read: "A constitutional amendment to clarify English language requirements in schools," and I believe that this new language is simpler and it is a clearer resolution than what was previously introduced. There is a committee amendment which I support, and that merely changes when the amendment will be voted on and also does some clarifying in line 11. So thank you, Mr. President, and I'd be happy to answer any questions.

PRESIDENT MAURSTAD: Thank you, Senator Stuhr. Senator Raikes, you are recognized to open on the committee amendments to LR 1CA.

SENATOR RAIKES: Thank you, Mr. Lieutenant Governor and members. The committee amendment has two parts to it. The first is to make the election, rather than a special election on May 14th, the general election in November of 2002. The reason for that I think is to offer or to allow more people to participate in the decision. The second amendment has to do with the wording. The bill originally had the sentence added: The public schools shall teach the English...excuse me, "The public schools shall teach the English language." Instead of that sentence, the committee amendment would read as follows: "All official proceedings, records and publications shall be in such language, and such language shall be used in the public schools." It was the committee's belief that this more clearly...this language more clearly expressed the intention of the amendment, so that's...that's what we settled upon. I would...I would urge the adoption of the committee amendment. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Raikes. Further debate on the committee amendments to LR 1CA? Senator Schimek, on the committee amendments.

SENATOR SCHIMEK: Yes, thank you, Mr. President. Members of the body, I rise just to ask the Chairman of the Education Committee a quick question or two, if I might.

PRESIDENT MAURSTAD: Senator Raikes, would you yield to a

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question?

SENATOR RAIKES: I would.

SENATOR SCHIMEK: Senator Raikes, I'm very supportive of this amendment and I, too, am puzzled as to why the public didn't pass this. It seems to be pretty cut and dried to me. But, having said that, was there committee discussion about your decision to put it on the general election ballot rather than the primary election ballot?

SENATOR RAIKES: There was. Senator Stuhr was particularly interested in this change and, again, as I mentioned, one reason was to involve more of the public. The other thing that I would mention, I think just to follow up Senator Stuhr, the ballot language is different this time than it was last time. It emphasizes that it is to clarify an English language requirement and I can't remember right now what it said last time, but I think that's an important point to note.

SENATOR SCHIMEK: Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Schimek. Further debate on the committee amendments? Senator Raikes, you're recognized to close on the committee amendments. Senator Raikes waives closing. The question is the adoption of the committee amendments to LR 1CA. Those in favor vote aye; those opposed vote nay. Mr. Clerk, please record.

CLERK: 37 ayes, 0 nays, Mr. President, on the adoption of committee amendments.

PRESIDENT MAURSTAD: Committee amendments are agreed to. For debate on the advancement of LR 1CA, Senator Chambers.

SENATOR CHAMBERS: Mr. President and members of the Legislature, I have a question of the Chairperson of the English language committee...I mean the Education Committee.

PRESIDENT MAURSTAD: Senator Raikes, would you respond?

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SENATOR RAIKES: Yes.

SENATOR CHAMBERS: Senator Raikes, reading from the language that would exist with the committee amendment attached, we have the following: "The English language is hereby declared to be the official language of this state. All official proceedings, records and publications shall be in such language, and such language shall be used in the public schools." Let me ask you a question. What does the term "publications" include? Well, let me make the question more pointed. Are textbooks publications that would be included in this language?

SENATOR RAIKES: Senator, I think that phrase refers to the first sentence, which is having English declared as the official language of the state, so "publications" I suppose would mean schoolbooks but could mean any other official publication of the state.

SENATOR CHAMBERS: But what I'm asking, because I agree with you that when it's talking about the state at large it's kind of clear. Well, I mean, you can figure what it might mean. But what I'm asking is does it include textbooks?

SENATOR RAIKES: Well, okay, I would...let me make a stab at that. I would say that textbooks may be in the English language, but I don't think it excludes the possibility of a textbook written in a language other than English.

SENATOR CHAMBERS: So when the language says all publications shall be in such language, it doesn't really mean "shall" when it comes to textbooks. Is that true?

SENATOR RAIKES: One interpretation of that would be that you are required to have a textbook printed in English. You may also have a version of the textbook that is not in English. It would be permissive rather than exclusive I guess is...

SENATOR CHAMBERS: So not all textbooks then have to be in English, despite what this language says.

SENATOR RAIKES: Right. For example, if...if...again, stop me

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if I'm getting off the topic here but, for...

SENATOR CHAMBERS: No, you're okay.

SENATOR RAIKES: ...for example, you might have a driver's manual, a manual to teach someone to pass the test to obtain a driver's license. This, I think, requires that that manual be printed in English, but you may also have a version of that manual printed in another language.

SENATOR CHAMBERS: Or you could have a book written entirely in a foreign language which will not be written in English if that book is part of a foreign language course. Isn't that true?

SENATOR RAIKES: Yes, I would agree with that.

SENATOR CHAMBERS: And it...and it need not be printed in English also.

SENATOR RAIKES: Yeah, I would agree with that also.

SENATOR CHAMBERS: Thank you. Madam President...oh, Mr. President and members of the Legislature, because I was getting ready to address a comment to Senator Schimek, so that's why that came out, Senator Schimek, may I ask you a question? Would you yield to a question?

PRESIDENT MAURSTAD: Senator Schimek.

SENATOR SCHIMEK: Yes.

PRESIDENT MAURSTAD: One minute.

SENATOR CHAMBERS: Senator Schimek, I will tell you why that other proposition did not pass, in my opinion. The people who were voting on it cannot read or understand English. And I'm going to turn my light on again because I want to pursue this a bit further, but I thought I would answer the question that you asked.

SENATOR SCHIMEK: Thank you.

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PRESIDENT MAURSTAD: Thank you, Senator Chambers. Senator Stuhr.

SENATOR STUHR: Thank you, Mr. President. Just one more clarifying fact and a point of information, that the U.S. Supreme Court, in 1923, declared that the statute violated the First and Fourteenth Amendments of the U.S. Constitution, but Nebraska's Constitution had never been changed and that is why we are...and that is why I have brought this amendment forth, is so that we can get that clarified in the Nebraska Constitution. It will allow us actually to continue to do what we have been doing. But, as I said earlier, it will eliminate the language requirement in the private, denominational and parochial schools. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Stuhr. Senator Chambers, on debate of LR 1.

SENATOR CHAMBERS: Mr. President and members of the Legislature, I support Senator Stuhr's amendment. I believe in making a record when we're dealing with an issue that may have questions later. Nobody will be able to say that the Legislature did not consider textbooks, did not consider a book that might be used in connection with a foreign language course which is taught. We dealt with those matters specifically. The record is clear in terms of what is understood by the Legislature when this language is enacted. I will tell you what I mean when I say I support what Senator Stuhr is doing. She is mitigating what I consider to be a terrible proposition to be in the state's constitution. I voted in favor of the committee amendment because I think the phraseology flows more smoothly, but I am opposed to this notion being in the constitution about an official language. I think it is jingoistic. I think it is not appropriate. I have heard some of the geniuses in this state and other states who argue that English ought to be the official language of every state and the United States; that if English is good enough for Jesus Christ, English is good enough to be the official language of this state. And it, once again, shows the deficiency of education, and these are grown people, older grown people included, who like to say how tremendous the

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education was that they got when they were growing up. But you hear some of the most idiotic, brainless comments from people who claim that the education they got was better. Some were read the first ten amendments to the U.S. Constitution, which are known as the Bill of Rights, and they were opposed to these things because they thought they came from the Communist Manifesto. That's the kind of education that these older people received and they want to talk about how much better it was. They're the kind of people who think that anything that happened prior to today was better than what's happening now, and there have always been empty-headed people who have said such things. One problem with education in this society, along with others, is that people are not encouraged to read, I don't mean just read the words in front of them, but read broadly, inform themselves on numerous and sundry important matters so that when they open their mouth and words issue forth, the listeners, who may have read to some extent, will not scratch their head and say, what kind of fool am I listening to. I will speak just one more time and I want to make it clear to Senator Stuhr why I will not vote for this proposition to move forward. It has nothing to do with what she is trying to do because, to some extent,...

PRESIDENT MAURSTAD: One minute.

SENATOR CHAMBERS: ...she will...you say one minute? Oh, okay, then I can at least finish this sentence. What she is doing, though, is showing why no tax money should go to private, parochial and denominational schools. They want to be exempted from state requirements, yet, they want the taxpayers, who have to see those requirements imposed in the public schools which are supported by their tax dollars, not imposed on these other educational operations who want that tax money but don't want to comply with state requirements. So they're not going to get it both ways, as far as I'm concerned. I intend to be a very high bump in the road for any attempts to put state money into private schools, whether they're sectarian, nonsectarian, whether they teach sax and violence...

PRESIDENT MAURSTAD: Time.

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SENATOR CHAMBERS: ...or sex...

PRESIDENT MAURSTAD: Thank you, Senator Chambers. Senator Landis, further debate.

SENATOR LANDIS: Senator Chambers' remark that English was good enough for Jesus reminds me that when I was a young fellow we used to listen to a pirate radio station that came up from Mexico, XERE, upon which at midnight Wolfman Jack used to play rhythm and blues music, which was not on the airwaves of Lincoln, Nebraska, I can assure you, at the time. But before Wolfman Jack was Brother Jack, and Brother Jack played gospel music and he sold the plastic tablecloth used at the Last Supper. (Laughter) I'm going to ask Senator Stuhr a question, so I'm getting there, because I'm going to try to give you for what I think is the situation. In the middle of the anti-German feeling of World War I, we passed an English-only constitutional amendment because, in fact, there were lots of Germans in Nebraska and, in fact, some schools were taught in German and this was a way of ensuring that we Americanize public schools. We passed an English-only constitutional provision. Eventually, the Supreme Court struck it down. So we've got a provision in our stat...in our constitution which is itself unconstitutional on a federal basis. We then go to our public a couple of years ago and say, let's take out the unconstitutional section of our state constitution, and I...if I interpret the consti...the...the vote correctly, the public said, no, let's don't, that English-only sounds pretty good to us because it's kind of consistent with what we've been hearing; oh gosh, let's put an end to bilingualism; English First is the...is a movement in the country; don't we all want kids to succeed and doesn't that mean speak English? And here we are passing a constitutional amendment to take out an English-only provision. And the public says, no, because the public really kind of thinks that instruction in English is the right thing to do, even though it's unconstitutional as a principle in a state constitution. So now, if I got it right, we're trying to mosh the language in something that we'll offer to the public so that we can get them to change the language in the constitution away from its current unconstitutionality at the federal level, but that we parrot the language that we think the public might just

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go with by giving enough of that feel that we're in favor of the use of the English language that we won't run afoul of the public. That's my characterization of what we're doing here. We want to get out the unconstitutional language, but we need to do it in a way that we don't ruffle the public's feathers and that we use enough of the right phrases and language that will, in fact, get them to vote, yes, to achieve that constitutional end but without disturbing too much the public's preference, if you will, for the use of English. And, having described it that way, I'm going to ask Senator Stuhr if that would be a rough or fair characterization of the direction that this legislation goes and, once I have her answer, I'll make my concluding remarks, as well.

PRESIDENT MAURSTAD: Senator Stuhr.

SENATOR STUHR: Yes, Senator Landis, I would say after we submitted this again to the Bill Drafters it was a suggestion that we could...it could be more clarified if we stated it the way we have stated it.

SENATOR LANDIS: Okay. I'm going to...I'm going to interpret that as a yes. Yeah, what we're doing is very...we're using the word "clarifying" to get to a constitutional end, because if we actually ask the public, can we take out the section that says we got to have English only in the schools, the public won't let us do it because they really...

PRESIDENT MAURSTAD: One minute.

SENATOR LANDIS: ...want us to do that. In my estimation, doing nothing is at least as good as endorsing the mushing. What we have is, we have an overstated World War I German-phobic provision in our constitution that is not binding on us because it's unconstitutional. What we're being asked to do is we're being asked to parrot the language of or clarifying the language of, don't worry, English is almost always the right answer for instruction; don't...let us not disturb your sensibilities and we'll...we'll let you believe that we're passing a rule that says English is not only the preferred but it is the...it's the official language. From my estimation, that clarification

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simply allows us to sort of hoodwink the public into doing the right thing, and if you hoodwink the public into...

PRESIDENT MAURSTAD: Time.

SENATOR LANDIS: ...doing the right thing, why is...

PRESIDENT MAURSTAD: Thank you, Senator Landis. Senator Raikes, further debate.

SENATOR RAIKES: Just wanted to correct...I think correct something I said which was incorrect in response to a question from Senator Chambers. Textbooks are not publications of the state, but rather are used by a political subdivision of the state. So it would certainly, I think, be possible that you could have a textbook that's not in English and not have a...an English version of that. On the other hand, if you did have a...an official publication of the state, I believe this language would require a statute book or something like that be in English. It could also be in a different language, but it would have to be in English. So I just wanted to offer that clarification. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Raikes. Senator Beutler, for discussion on LR 1CA.

SENATOR BEUTLER: Mr. President, members of the Legislature, I'm afraid I'm getting more confused rather than having this matter clarified in my mind. Let me ask Senator Raikes and Senator Stuhr each a question to be sure we're all operating from the same assumptions, because, when this gets to the public and there's a...a broad debate across the state on this issue, I think we all want to be clear on what we've done here, and I don't think it's clear at the moment. Since the new language is the committee language and since this was heard in committee, I assume there was a reiteration of the discussion of the constitutional case, and I don't remember, frankly, Senator Raikes, exactly what that case said, but I think it's critical that we understand what it said for purposes of this debate. I think, if I remember right, what it said was that you cannot put this directive on to parochial, nonpublic schools, but that you

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can require the public schools to be taught only in English or to use the English language primarily or exclusively, whatever we define that requirement to be, we can...we can do that. Is that...is that essentially correct with regard to the constitutional parameters that we're working under here?

SENATOR RAIKES: I think that's...

PRESIDENT MAURSTAD: Senator Raikes.

SENATOR RAIKES: ...a fair interpretation. I think what actually happened was that the statute that implemented this constitutional provision as it now is in the constitution was ruled unconstitutional. So you could infer from that that the constitutional provision itself is not...not implementable. And if that's what you said, I think that's a fair interpretation.

SENATOR BEUTLER: Okay. Well, then, unless somebody knows differently, let's all proceed on the assumption that we do have the power to affect how public schools are taught. Having said that, Senator Stuhr, let me ask you with respect to your intention. As I understood this debate two years ago, your intention was to simply sever off the parochial school...

SENATOR STUHR: Right.

SENATOR BEUTLER: ...aspect of this constitutional provision and to allow to remain in place the preexisting law with regard to the requirement that our public schools use or teach in the English language. Is that correct?

SENATOR STUHR: Yes, that is correct, Senator Beutler. There's a little misunderstanding on Senator Landis' part in the fact that we are only deleting the words "private, denominational and parochial". Because of what you said, it goes back to actually 1919 when there was a prohibition on teaching other languages in private schools and...

SENATOR BEUTLER: Okay.

SENATOR STUHR: ...because of this anti-German sentiment, yes.

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SENATOR BEUTLER: Okay, let me...

SENATOR STUHR: And so that's what we are trying to do now, is just to remove that...

SENATOR BEUTLER: So your expectation is...

SENATOR STUHR: ...because in 1924 the Supreme Court said this is really unconstitutional; we can't do that.

SENATOR BEUTLER: Your expectation is that all schools will teach in the English language.

SENATOR STUHR: Yes. I...yes.

SENATOR BEUTLER: Okay. Let me...

SENATOR STUHR: Um-hum.

SENATOR BEUTLER: ...return then to Senator Raikes.

PRESIDENT MAURSTAD: Senator Raikes.

SENATOR BEUTLER: That...that being the expectation, Senator, let me ask you if you believe the language that the committee put into the bill effectuates that purpose, because that language says that such language, the English language, shall be used...

PRESIDENT MAURSTAD: One minute.

SENATOR BEUTLER: ...in the public schools. Does that mean used some of the time, used all of the time, used as the primary textbook, the teacher has to speak in English? To what extent does the language have to be used in the public schools? I can see a court saying as long as you're doing some in English that's okay, because the Legislature didn't say you would use it to teach all courses. The prior language indicated that the common school branches, which is antiquated language but which I assume means the various courses that are taught in the schools,

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shall be taught in the English language. Is it your intention with this language that says "shall be used in the public schools", is it your intention that all courses shall be taught in the English language?

SENATOR RAIKES: No. My interpretation is that that phrase is...

PRESIDENT MAURSTAD: Time. Thank you, Senator Raikes and Senator Beutler. Senator Chambers, further debate.

SENATOR CHAMBERS: Mr. President and members of the Legislature, this jingoistic attitude of declaring English the official language and, as Senator Landis touched on this English First movement, leads Americans, when they go to other countries, to think that everybody in those other countries ought to speak English. They think it is unreasonable that they should be required to learn anybody else's language. They've been spoiled. They've been coddled. They have been insularized. They have been "cocoonized" and they think anything that says America or USA is better than anything else in the world. I've even heard some silly people in the law and judges say that America has the best legal system in the world. First of all, they don't even understand all of America's legal system. They don't know anything about all the legal systems in the world, so they're not in a position to draw a comparison and they're not even in a position to give an intelligent opinion about something on which they are profoundly ignorant. But that's America for you. You don't have to think. You teach the children in school to think and speak in platitudes, in slogans--anything in America is right. That is insane. There is a globalization taking place in this world, on this earth. Corporations recognize it, but they are recognizing it because to fail to do so impedes their ability to make money. They're not interested in understanding; teaching Americans they should learn how to adapt to other people's culture when they go to those other people's country, but because they want to make money. So you can talk all you want to, I can talk all I want to, about the need to respect other people's cultures, to understand their language, how they feel about certain things and activities. That goes nowhere. When it's hooked to money

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then you will have action. We are told that changes should occur in the public schools because business people whose primary aim is to make money for themselves and their investors want certain workers. That's what they say the public schools are for. The mission of the public school is to produce more bricks to go into the wall, not to produce independent thinkers, questioners, those who will innovate, those who believe that the way things are, are not necessarily in the best condition that they can be in; that each generation should not have to reinvent the wheel, but should be able to participate in a transfer of what happened in the past to what is going on in the present. You could even use the brain as an example. You have neurons, you have synapses, and you trigger those electrical impulses that jump across the little synapse to stimulate those receptors that then carry messages throughout your body and causes it to do things. So if you look at the way that nature has constructed the material universe of which we are a part, we can learn some things that perhaps could be applied to society, to human interactions, and gain and benefit from it. If you smash somebody on the head and damage a certain part of the brain,...

PRESIDENT MAURSTAD: One minute.

SENATOR CHAMBERS: ...the part that deals with speech, that person's speech will be impaired; the part that deals with sight, the sight will be impaired. So if you put it on a level where you're talking about psychological or sociological notions, to cripple people in those areas will impair their ability to function as a social being, as one who is psychologically sound and stable. This provision in the constitution, whether amended or not, is not something which I think ought to be in Nebraska's Constitution. Thank you, Mr. President.

PRESIDENT MAURSTAD: Thank you, Senator Chambers. Senator Stuhr.

SENATOR STUHR: Thank you, Mr. President and members of the body. Just one clarifying point is that what this amendment does, it does require public schools to teach in English, but it does not prohibit them from teaching other languages. So...and

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also, I mean that's what we're trying to clarify, that it does not prohibit teaching other languages, and I think that Senator Landis and maybe Senator Chambers are thinking that this is the only language. And we had that discussion in the Education Committee, the concern about voters and their ballots, whether they would be printed in other languages, and we said that it states that this is a requirement that English be taught but it doesn't prohibit the teaching of other languages. In fact, and we know in our day and age, in the global society that we live in, that it is very important and we have set certain requirements in our secondary schools that students do have another foreign language to fall back on. What we were trying to clarify, and as I said in the beginning it is a clarifying amendment, to actually delete the term "common branch", which we have no definition of, and also to delete the words "private, parochial and nondenominational," because according to the Supreme Court we cannot, as a state, force those schools to teach in a certain language, and that's what we did in 1919 and we felt it was wrong. The Supreme Court then, in 1924, overturned and said that we can't interfere with parental wishes expressed in private or parochial schools. So I think we're...we're making this maybe into something more than what the intent was and we are certainly, as Senator Landis tried to express, we are not trying to hootnit (phonetic) the...the citizens. It is we are trying to use some clarifying language that they might easier understand than what the previous ballot language was. So, with that, I hope that that explains a little bit. There was some discussion on why did we change it from the primary election to the general election. Also, I found out that when you have other amendments that are being considered, that possibly you have more education, more information about all of the amendments that are presented, and this was the only amendment that was presented at the primary, on the primary ballot. And we have found out that when we are trying to make these changes as a body that we do not have any funds to actually educate people unless it is an important issue such as term limits where there are additional funds brought in from outside sources to emphasize a certain point. But, as a body, we don't have funds to try to educate the public on what we are trying to do, so that was the point of why we were changing it to the general election. With that, I hope that you will

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consider what we are trying to do, and I thank you for your time.

PRESIDENT MAURSTAD: Thank you, Senator Stuhr. Mr. Clerk.

CLERK: Mr. President, Senator Chambers would move to amend the bill...or resolution, excuse me. (FA5, Legislative Journal page 366.)

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Chambers, you're recognized to open on your amendment to LR 1CA.

SENATOR CHAMBERS: (Microphone malfunction) Mr. President, Mr. President, members of the Legislature and Senator Stuhr, don't panic; keep your powder dry. I need to discuss this issue a bit and I don't expect the amendment I'm offering to be adopted. What it would do is change one word. In line 8, I would strike the word "declared" and insert "recommended". It makes as much sense...it makes more sense to me than what is in the constitution now. I believe that the best argument for a system of education is to look at the people who were produced by that system. Let us see what impact it has had on those people who passed through that system. Do they understand that a sentence is to have a subject and a predicate, unless you're writing poetry or novels where you can exercise poetic license? But a subject, a predicate expresses a complete thought. I have gotten mail signed by chief executive officers. They probably didn't type it, but, since it's to be his or her point of view, that person would sign it, and it appears that the person believes that a certain number of words constitutes a sentence. So you get one, two, three, four, five, six, seven, eight, nine, ten, that looks about right, they put a period, and it might say...now the number of words is not correct...the quick brown fox, period. The next sentence: jumped over the lazy, period. Then you write, dog, exclamation point, and they have done a nice piece of work as far as composing. I got a questionnaire a few years ago from a person at the university who wanted questions answered, knowing that senators and other people in public life are not that well educated, this person wrote a sentence so that we wouldn't feel that our inferior education should be a reason for our not responding to the questions. So

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the sentence said, do not be concerned about "grammer", g-r-a-m-m-e-r. Oh, you all don't realize what's wrong with that. Right. (Laugh) They meant, don't worry about Grandma; don't let Grandma worry you. You know, sometimes you make a point and you don't make the point because you start with assumptions that are not well placed. But to get back to this thing that we're talking about here, it relates to the public schools. We're going to have other issues before us this session that deal with the public schools and people who work in and for the public schools, and we're not going to hear much said about the educating of the children which is supposed to be the purpose for which these schools exist. It would be like those who are running hospitals not being too concerned if people walk into the hospital hail and hearty with a song in their heart and they come out on the other side in a box or on a gurney headed to the mortician. Somebody at some point is going to say the purpose of a hospital is to heal, cure, treat ailments and so forth, but I see all these people walking in the front door and coming out as corpses through the back door. Well, when you look at the public schools, the further young people progress through the schools the less educated they become, so by the time they get out on the other side they are virtually illiterate. I don't know if it was George Bernard Shaw or some person of his ilk who made the comment that universities are institutions of higher learning because everybody who goes there brings something and everybody who leaves takes nothing, so what they left, which they brought, accumulates and it thereby becomes an institution of higher learning. But the people on the leaving end don't have anything. Sometimes I listen to my colleagues on the floor and I write little things down and I'm often amused by the way we mutilate the language when we're talking about education. It would be like not a meat cutter but a butcher. There's a difference between a meat cutter and a butcher. So I'm not talking about a meat cutter, but a butcher performing brain surgery. The butcher tells you, well, this here brain weighs about two pounds; it's about the consistency of soft scrambled eggs; it floats around in saltwater and it's got, to steal a line from Senator Landis, it's got a plastic covering over it, a plastic membrane over it; then it's put inside of a bony helmet and that there is the way this here brain is protected from

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problems. It absorbs shocks. So, with that knowledge, I'm going to perform an operation on this here fella. So they strap the fella down and he's looking up and his eyes are getting bigger because he has gotten no anesthesia. He's not a doctor but he knows that something is supposed to be done so that he won't be in pain. And the butcher says, oh, I forgot to tell you, the brain sends messages that let you know you feel pain, but the brain doesn't feel any pain itself. The brain doesn't feel any pressure itself. So, once I bust your head open, I can operate on your brain and you won't even feel it. And this fella says, well, based on what it looks like you're going to do and the way you're going to do it, I'm not going to feel anything ever again. So the butcher say, well, don't you worry about that, and he raises that big meat cleaver, thunk, and then he says, oops. He cut a little too far down into the forehead. He should a kept it up near the top of the skull like if you're going to open a coconut and just get some of the milk out. But he chopped through that plastic cover, all the juice ran out, and his cleaver sunk into that gray gelatinous material, the consistency of soft scrambled eggs, and the poor fella on the table does not feel anything ever again. That was a long way around to say this. Many people who are in Legislatures are required to deal with subjects about which we're not experts. That is to be expected. That is a part of the way legislating occurs in America and probably all over the world where they have representative assemblies. But it would be good if we could at least get a veneer of understanding of those issues that we're going to deal with by way of legislation. Then we don't engage in slogans alone. This provision that exists in the constitution right now is in the nature of a slogan. This state is talking about, I don't know if they've done it already, putting out these driver's manuals in Spanish, so that's a violation of the constitution, I suppose. MAT buses are going to put out information about their bus routes in Spanish. So what we should be trying to do with the public is to educate them...

PRESIDENT MAURSTAD: One minute.

SENATOR CHAMBERS: ...and raise their level of awareness. We should not always be panderers. There is a job that we have.

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We should be examples of those things that we say are good. In other word, physician, heal thyself. Don't come to me with a racking, hacking cough and a bottle of Jeremiah Peabody's polyunsaturated, quick-dissolving, fast-acting, pleasant tasting green and purple pills and tell me they cure a cough and you can hardly get that out because you're coughing so badly. Be an example. So these are a few things I want to talk about this morning and I'm going to take a lot of time during the session to talk about a lot of things.

PRESIDENT MAURSTAD: Thank you, Senator Chambers. On the Chambers amendment, Senator Landis.

SENATOR LANDIS: Thank you, Mr. Speaker and members of the Legislature. I'm trying to wrestle, as I said before, with the equities here because of what I think we're endorsing, in a sense, with the public. However, I guess I...I did want to go back to what I thought was the basic issue which led to this provision and to others like it, which was the Meyer v. Nebraska case, which went to the Supreme Court in 1923. We had passed a law that made it illegal to teach romance languages before the eighth grade in public or private school. That's the law that we passed that was struck down by the court. So one thing I want to attend to is the fact that it was not this provision that was struck down in that sense. It was a statute that said you can't bar...when we passed a law prohibiting the teaching of modern languages other than English to children who had not passed the eighth grade in private and public school, that that was overreaching. The actual case was Meyer, who taught in a parochial school and used a German Bible as a history text, and that was where the original conviction came from, from which he then appealed and which produced the Meyer v. Nebraska case. The Supreme Court basically said, there is a liberty interest that goes beyond what Nebraska has said and that we can't step out that far. Now, the liberty interest had to do with parents directing their children's lives as opposed to straight education. However, it seems to me that what clearly is the case as we look at this language here, that there is a problem with the constitutionality of private, denominational and parochial schools. I grant that. In fact, the right language was the last language in which that's always struck from the

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statute. The...the one that the public just most recently ruled on or voted on simply subtracted public, private and denominational and parochial schools. In part, the language there, it's another idea that's being changed here and that is this old language says all school shall be taught in said language. If you take out the other phrases, it says all school shall be taught in said language, and the said language is English. All school shall be taught in English, is what the existing language says, and this moves to the public schools shall teach the English language. And I think the reason that we got in trouble with the voters was I think they thought that we were moving away from using English all the time and, in exactly the mentality that the Supreme Court struck down in 1923, our voters reminded us that we wanted to have English as the language in all schools, including apparently private, denominational, parochial schools. Well, our public's desire to do that is unconstitutional, and apparently we can't get our voters to do what the federal constitution says we need to do. Right now, aren't we in this situation? We can't tell the private schools what do to, this provision is unfunctional; and we can't limit the education to English only in the sense of passing a law that would forbid the teaching of other languages. We know that from the Supreme Court. And we have a public that doesn't want to change unconstitutional language. Why isn't leaving it the way it is at least as satisfactory as changing it? Because by changing it aren't we saying to the public, oh, gosh, we want to find a way...

PRESIDENT MAURSTAD: One minute.

SENATOR LANDIS: ...to mush the argument sufficient that we can get you to do what is constitutional? And if the public doesn't want to do that, that's okay, but why don't we just leave it, leave things the way they are, not have the cost of another election? Our private schools will do exactly what they're going to do now because the federal courts let them do that. The Nebraska schools are not going to be free to make a rule against the teaching of other languages besides English because the federal courts tell us that we can't do that. We're in an acceptable place. It's just that our state constitution has unconstitutional language in it and we can't seem to get our

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public to change it. Leave it alone. Don't have to have an election. No harm, no foul. We aren't going to be doing federally unconstitutional things whether we pass this bill or not and, by passing the bill, aren't we encouraging...

PRESIDENT MAURSTAD: Time.

SENATOR LANDIS: ...the public in that very aspect which is at the heart of the problem with this provision, which is...

PRESIDENT MAURSTAD: Time.

SENATOR LANDIS: ...the overreaching insistence on the use of the English language.

PRESIDENT MAURSTAD: Thank you, Senator Landis. Senator Beutler, on the Chambers amendment.

SENATOR BEUTLER: Mr. President, I suspect maybe I'm getting to the point where Senator Landis is, although I'm not quite sure because I'm again not quite sure of where...of what is intended here. I hear Senator Stuhr indicating that her intent clearly is to simply separate out the parochial schools and change nothing else with respect to the way we're currently doing things. The response I got from Senator Raikes, though, with regard to the intent of this language indicated that this language that's being proposed by the Education Committee would probably allow more than that; it would allow changes by the public schools in the way that they're doing things now. But to ascertain whether that's accurate or not, I would like to engage Senator Raikes in further conversation with respect to the intent of the committee language so that we all understand whether we're asking the public simply to put aside the parochial schools, or whether we're asking them to do that and, in addition, consider further liberalizing what, in their mind, has been the rule. Senator Raikes, let me...

PRESIDENT MAURSTAD: Senator.

SENATOR BEUTLER: ...let me ask you, if I may.

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PRESIDENT MAURSTAD: Senator Raikes, would you respond?

SENATOR BEUTLER: Senator, let's talk in terms of some specific examples, because maybe that would help us all understand better what's intended, and let's put foreign languages off to the side for the moment because that becomes particular...a particularly difficult problem. But let's just talk about mathematics, English, literature, social sciences, all of those courses that are taught in our public schools and universities. Under this language of the committee, such language shall be used in the public schools, referring to the English language. Foreign languages aside, would all of those core courses, under this language, be required to be taught in English? Or could you choose to teach mathematics in Spanish in a heavily Hispanic neighborhood, perhaps, or a public school that included some heavily Hispanic neighborhoods? Or could you choose to teach a couple of the courses in Spanish and a couple of them in English, which would still technically qualify under your language since it says that the language shall be used in the public schools and doesn't say "exclusively" necessarily? What...what was the committee intending with regard to those specific questions?

SENATOR RAIKES: Senator, I'll try to...to represent that discussion as accurately as I can, but I think that...that a sort of general theme was that it was flexible and permissive. You excluded foreign language courses and maybe everyone could understand that a classroom for a foreign language may well have only that foreign language spoken and, in fact, only materials that are read be in that foreign language, and that would be a...I think a clearly understood teaching principle, that that would be used in that sort of a situation. You might, and I know nothing about philosophy, but it may well be that in a particular language a concept is more easily expressed as the part of a language than it says in...than it is in English, so that maybe it would make sense if you're trying to teach that concept...

PRESIDENT MAURSTAD: One minute.

SENATOR BEUTLER: But...but your answer is, yes, you could teach

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a mathematics course in Spanish and only in Spanish if you so chose under this language.

SENATOR RAIKES: That...that would be the decision of a local school board, yes.

SENATOR BEUTLER: Okay. Thank you. I think that puts the matter squarely before us in terms of stating to us how flexible this language is, and what we're asking the public to do is something far more than we asked them to do last time and, remember, they rejected just setting aside the parochial schools. So how, if we're being honest with the public, are we going to turn around now and ask them to make it totally flexible? I'm not understanding perhaps the politics of this solution. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Beutler. Further debate on LR 1CA, the Chambers amendment, Senator Chambers. Senator Chambers.

SENATOR CHAMBERS: Mr. President and members of the Legislature, one reason I sometimes will take on an issue that seems like it ought to just slide across is because there often is more to it than appears on the surface and my colleagues have a lot to offer in these discussions which are beneficial, not just on the subject, but they will...what is said will come into play farther down the line. Now, Senator Landis explained to us about a prior law passed by the Legislature which would have prohibited the teaching of romance languages prior to a person completing the eighth grade. Well, they probably thought romance language had to do with the language of sex and all these other wicked erotic things, because they were not too well educated in those days, as I pointed out already. Well, things are updated. Old Solomon, in writing Ecclesiastes, said there's no new thing under the sun; everything that has been will be; everything that is was, and on and on. Now we're in a situation where the intelligent people don't think there ought to be any sex education in the schools, so the same concept, notion and narrow-mindedness is there. By trying to prevent people from looking at something you convince yourself that they will not look at it, they won't be aware of it, it will never come into

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play. So you put blinders on the young people and say, look only at what I tell you to look at, and that's not going to work. It has not worked anywhere. We don't want to lop off any portion of a person's mind and ability to think. What we're doing this morning is an exercise in analysis and thinking. Language that seemed to be for the purpose of clarification and was intended for that purpose may not achieve that end at all. The only way we will know what we're talking about is to talk about it and see if we all understand basically the same thing from the words that are to be put into the constitution, if the public will accept those words. I don't think, given the mentality of Nebraskans, you're going to ever get anything like what you're talking about here passed. Now they're not against the Germans because Germans are okay and a lot of Germans might now be voting against this because they don't like people who speak Spanish. It's just a matter of which group is going to be discriminated against and put on the outs by the people in Nebraska and America. They always have a group that they're going to scapegoat, always, and a scapegoat is a creature that is found in every society and culture. Most people in this one are familiar with it from the Old Testament where you get two critters. One of them is the one that you heap all the people's sins on and you run it out into the forest and it carries away the sins of the people; the other has the misfortune of being sacrificed. So, along with this notion of redemption by blaming somebody else for your sins, is the notion of retribution where you kill somebody else because of your sins. So when people in a society perceive how wicked they themselves are, they say, when they've projected what is in them on to somebody else, that because I know how wicked I am, if I see that same wickedness in somebody else, that somebody else must be killed. So religious organizations, denominations support killing. They support killing by the state. And a lot of these things occur because of inferior education, a failure to use the ability to think and perform...

PRESIDENT MAURSTAD: One minute.

SENATOR CHAMBERS: ...rational functions with the mind. This that is being put into the statute...the constitution, presented to the people for that purpose, is something I cannot vote in

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favor of. It would mean that in the year 2001 I am voting in favor of something that I think was simpleminded when it was put in the constitution and think it is simpleminded today. Yesterday's ignorance and intolerance becomes today's orthodoxy, and I will not support it. But if the rest of you want to do it, you have the votes to do so. And when the public comes to you to explain it, you ought to be able to explain precisely what is being done with the language that the Legislature has adopted. The reason I said what Senator Stuhr is trying to do mitigates the damage, it's taking some of the bad stuff out of the constitution that is there.

PRESIDENT MAURSTAD: Time. Thank you, Senator Chambers. Seeing no further lights, Senator Chambers, you're recognized to close.

SENATOR CHAMBERS: Mr. President and members of the Legislature, when I say I support what she's doing, I don't mean I'll support it with my vote. I had used the term "mitigate". It lessens the damage by taking some of the bad language out of the constitution. But, as I stated in giving the reason why I will not vote for this, it leaves in that which I find more abhorrent than what is being taken out. I say let there be freedom for everybody. I'm like Patrick Henry--freedom for everybody or freedom for nobody; liberty or death. But then he didn't say freedom for everybody or freedom for nobody, because he was a slaveholder and he certainly did not mean freedom for his slaves. But giving Pat his due, he did say that slavery is a terrible thing, but he's carried on...along by the practices of the society; he's become so accustomed to having them that he cannot...he doesn't enjoy the notion of the inconvenience of living without them. The man who said give me liberty or give me death was a slaveholder. It's why somebody in my position does not view things the same way others on this floor will view them. People you view as a hero, I view as villains. One person's religion is another person's superstition or devil worship. It always has been thus; always will be thus. But I'm going to lift my voice and comment on these things because these things need to be discussed and none of them should be given a free ride, given a pass. And because others are timid, I shall not follow that path. I'm curious now to see how my colleagues are going to vote on this proposal when I doubt that there is

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much understanding of what it entails. But we often collectively legislate in that manner. We don't have any idea of what's going on. They say the moon is made out of green cheese. We say, what difference does that make? We believe physical laws will operate the same on green cheese as on stone, if the moon is stone. So, Ernie, what's your problem? I say, well, let me see if I can show you a difference in these physical properties of these two substances. I will take a brick of green cheese and put it in a sock and hit you upside the head with it. I will take a traditional brick and put it in a sock and bash you upside the head with it and see if you can then tell the difference, from experience, between green cheese and a brick, whereas you couldn't see the difference when I tried to engage your neurons and persuade you through argumentation. So what will it be this morning, the green cheese in the sock or the brick in the sock? It is serious, in my opinion, whenever we are talking about toying with, tinkering with, tweaking the constitution. If everybody understands thoroughly what is being said here and agrees with it, then the vote should be overwhelmingly in favor of this. But because I have a substantive basic disagreement with this language no matter how it is structured, the concept embraced in this language, I cannot vote for it. And, as Senator Beutler suggested, it may not really be clear now from the record, if you read it, exactly what is intended by those who are supporting this. Mr. President, in the interest of collegiality this morning, I will withdraw my amendment.

PRESIDENT MAURSTAD: Thank you, Senator Chambers. Further debate on LR 1CA? Senator Stuhr, you're recognized to close.

SENATOR STUHR: Thank you, Mr. President and members of the body. I thank you for your discussion this morning. Hopefully, we have come to some resolution to this that it...after this discussion, that it is clear, and that was the point of this new legislative resolution and constitutional amendment, is to make it clearer to the voters and to all of you. The ballot language would simply state a constitutional amendment to clarify English language requirements in schools. And what we are doing is simply clarifying that point that we said in 1924...or in 1923, when the Supreme Court actually declared the statute that we

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have on our books right now as violating the First and Fourteenth Amendment. This is simply a clarifying amendment to the constitution, and all we are doing in the constitution, as we have proposed in the last LR 20CA, was to delete the private, denominational and parochial schools. It does state that the English language is declared to be the official language and all official proceedings, records and publications shall be in such language, and such language shall be used in the public schools. It was felt that the reason we're deleting that is that we cannot interfere with parental wishes expressed in private or parochial school settings. I hope that this clarifies the point that we have just changed the ballot language. We've also changed that which you passed, the amendment to change it from the primary to the general election. With that, I ask for your support.

PRESIDENT MAURSTAD: Thank you, Senator Stuhr. The question is the advancement of LR 1CA to E & R Initial. Those in favor vote aye; those opposed vote nay. A record vote has been requested. Mr. Clerk, please record.

CLERK: (Record vote read, Legislative Journal page 367.) 35 ayes, 8 nays, Mr. President, on the advancement of LR 1CA.

PRESIDENT MAURSTAD: The amendment is advanced. Mr. Clerk.

CLERK: Mr. President, LB 71, introduced by Senator Kristensen. (Read title.) Bill was introduced on January 4, referred to the Government Committee, advanced to General File. I have no amendments to the bill at this time, Mr. President.

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Kristensen, you're recognized to open.

SPEAKER KRISTENSEN: Thank you, Mr. President and members of the Legislature. LB 71 deals with a city manager form of city government. This applies to roughly ten communities in the state of Nebraska. I have passed around a handout which lists those cities using a city manager form of government, and also a little background if you're interested in the difference between a city manager plan of government and a regular mayor/council

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form of government. There's also the home rule charter form of city government if you're interested. But I thought a little background might be helpful to you. The reason LB 71 is important is for the following reasons. Currently, if you have under 40,000 people in your community, you have five members on the city council. Once you cross the 40,000 mark, your city council increases to seven. If you reach 25,000, you are eligible to voluntarily, not mandatory but voluntarily, move from five to seven members on your city council. Why would you do that? As you get larger, more complex issues, subcommittees, quite frankly, to stay in touch with your constituents, you need a larger number of representation and this is an option that you can use. What's the problem if you do that, and the purpose that LB 71 is here? Everyone who is currently sitting on the city council loses their job at that point in time. If you expand from five to seven, everybody, even if you're in the middle of your term, loses their...their spot, so you upset the entire applearc. Practically, nobody will ever expand from five to seven because you'd have seven brand new people, you'd have no continuity. And to encourage this, what LB 71 does is say that, if you expand from five to seven, that the current city council will remain for the rest of their term. So, if they have three years left on their term, two years left on their term, you're not going to turn them out of office because you expand the size of the city council. I didn't believe that was true, I didn't believe that was the current law. It is the current law. This bill has been...this is its second trip. Last year, it was advanced unanimously out of the Government Committee, we just didn't have time to get it debated. It again came out of the Government Committee without a dissenting vote. It provides for some continuity of those elected officials and encourages those cities that have 25,000 people to expand from five to seven. Currently, the only city that that's going to be appropriate to is probably Kearney, as you see the list of the populations here. They'd like to do that in 2002, and they'd like to expand the number of people that can participate in city government. I'd be happy to answer any questions and would yield the remainder of my time back to the Chair.

PRESIDENT MAURSTAD: Thank you, Mr. Speaker. Debate on the advancement of LB 71? Senator Kristensen, you're recognized to

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close.

SPEAKER KRISTENSEN: Mr. President, I would waive my closing.

PRESIDENT MAURSTAD: Closing is waived. The question is the advancement of LB 71. Those in favor vote aye; those opposed vote nay. Mr. Clerk, please record.

CLERK: 41 ayes, 0 nays, Mr. President, on the advancement of LB 71.

PRESIDENT MAURSTAD: LB 71 is advanced. Mr. Clerk, items for the record?

CLERK: Mr. President, hearing notices from the Business and Labor Committee, from the Education Committee, General Affairs Committee, and the Agriculture Committee. All those notices signed by the respective chairs. Your Committee on Natural Resources reports LB 128 to General File; that report signed by Senator Schrock. Banking, Commerce and Insurance reports LB 162 to General File with committee amendments attached, signed by Senator Landis. And LB 24 is reported to General File with amendments by Health and Human Services, signed by Senator Jensen as Chair.

Mr. President, a series of adds: Senator Redfield, to add her name to LB 148, LB 125; Senator Byars, LB 255, LB 152, LB 151, LB 29; Senator Robak, to LB 223; Senator Bromm, LB 552; Senator Foley, LB 705; Senator Cunningham, LB 765, LB 677; Senator Erdman, LB 556; Senator Price, LB 740 and LB 795. That's all that I have, Mr. President. (Legislative Journal pages 367-370.)

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Speaker Kristensen.

SPEAKER KRISTENSEN: Mr. President, members, tomorrow we will start meeting at nine o'clock, and that will be the usual time for the rest of session. Today is probably the only day that you're going to see us get through the agenda and finish everything. There is a considerable number of bills that you will see on tomorrow's agenda, as the committees have got those

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bills out. We'll begin to spend most of our days working through that list. I would move that we adjourn until tomorrow morning at 9:00 a.m.

PRESIDENT MAURSTAD: Thank you, Mr. Speaker. The motion is to adjourn. Those in favor say aye. Those opposed nay. Legislature is adjourned.

Proofed by: Kathleen Higley