

January 14, 1976

SENATOR KELLY: Good morning friends. I really have no idea how much discussion we want on this resolution, just exactly what I should say, where we should proceed from here. I would take just a few minutes time to remind you of how and why this question is before the Legislature. Last summer the question arised, who approved the State of Nebraska receiving the gift of sculptures from the I-80 Bicentennial Sculpture Corporation. As a committee of one I discovered that nobody had, particularly there were no elected officials involved in the acceptance. That question caused the Governor to invoke Section 21, LB 605, that would require gubernatorial and legislative approval for this question to be resolved. You're all aware of the activities since that time, including the letter from Mr. Doyle that he is, in January, revoking his position of September and fully intends to approve of the sculptures with or without the Legislature's even taking up the question. He, apparently, has the authority to do this in complete opposition to the Governor's position.

However, after the study committee was through and reported to the Executive Board and to the members of the Legislative Council I do, at this time, offer this resolution in colaboration with Senator Savage, a member of the subcommittee, and request your approval.

PRESIDENT: Senator Duis.

SENATOR DUIS: Mr. President, members of the Legislature. I, at the moment, am going to look at the resolution. I bring one point to your attention. I believe the law, referred to in the acceptance of anything for the State of Nebraska, has a differential between that of personal property and real property. Personal property has the ... for the acceptance of the Governor, and real property for the Legislature. I think we better consider that point before we do anything about any resolution or recommendation because I have been mixed up a little bit in my lifetime about real and personal property. Personal property would be something that you move on to a place and it doesn't become real property until it's situated thereon. I would say that we had better best concern ourselves with this. I think we're concerned about real property and not that of personal property.

PRESIDENT: Senator Barnett.

SENATOR BARNETT: Mr. President, members of the Legislature. As a minority member of this Committee, I think it's only fair to tell you that I objected to the committee hearings that Senator Kelly held. I think that it was with the right cause. There are two Attorney General's opinions that state that the Legislature is not even needed in this discussion, and that the resolution is unnecessary, legislation is unnecessary. I think that Senator Kelly knows that.