

February 12, 1991 LB 125

and strike section 3 of this bill, we're once again, in my opinion, in very poor shape and a very vulnerable position on this matter. Thank you.

SPEAKER BAACK: Thank you, Senator Beutler. Senator Chambers, yours is the only light on. Do you want this to be your closing or do you want to continue?

SENATOR CHAMBERS: I want to continue.

SPEAKER BAACK: Thank you, Senator Chambers.

SENATOR CHAMBERS: And the reason I don't want it to be a close because I'm going to address what Senator Beutler said. Senator Beutler has been in the Legislature before and we have been on opposing sides of an issue. Senator Beutler has a very keen, meticulous and logical mind. Senator Beutler generally is very informed so when he makes statements that don't comport to the reality that is before us, I have to feel that either he has gone to sleep or he is trying to be disingenuous. So I'm going to give him a chance to tell us which he is being this morning. I have a couple of questions I'll ask him, but I want to make some comments first. He knows as a lawyer that argument is not evidence. He also knows as a lawyer that if we have no concrete cases involving an issue which we're discussing and we come up with speculation and offer examples by way of analogy, they might be given weight or they may not be given weight. That is all in the realm of the hypothetical and the court will allow you to ask a hypothetical question to get at an issue if you don't have a factual example to present. Senator Beutler follows everything I am saying. Now here is where we are. We have before us a concrete case of a city council in the largest city in this state, and you notice Senator Beutler didn't touch this issue at all, although it is the one with which this amendment deals, we have a concrete issue in this state where the city council and, pardon the expression, said to hell with the Constitution and the court. They said it's unconstitutional, we're going to leave it on the books anyway because we're the city fathers of Omaha and we know what is best. Senator Beutler heard me articulate that example and he had a copy of the article on his desk so there was an opportunity to peruse it and gather all of the facts as made public and which have not been denied or rebutted by any of the people quoted in the article. Senator Beutler, here is my question to you. This amendment of Senator Elmer that I want to