

FEBRUARY 2, 2005

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February 2, 2005 LB 96

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Good morning. Welcome to the George W. Norris Legislative Chamber. Our chaplain of the day is Pastor Doyle Karst from St. John's Lutheran Church, Sterling, Nebraska; and that is Senator Heidemann's district, Senator Heidemann's District 1. Pastor.

PASTOR KARST: (Prayer offered.)

SENATOR CUDABACK: Thank you, Pastor Karst, for being our chaplain of the day. I call the nineteenth day of the Ninety-Ninth Legislature, First Session, to order. Senators, please check in. Record please, Mr. Clerk.

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

SENATOR CUDABACK: Any corrections for the Journal?

CLERK: I have no corrections, Mr. President.

SENATOR CUDABACK: Messages, reports, or announcements?

CLERK: I have hearing notices submitted from the Health and Human Services Committee and signed by Senator Jensen, and from Government, Military and Veterans Affairs, signed by Senator Schimek. That's all that I have, Mr. President. (Legislative Journal pages 413-414.)

SENATOR CUDABACK: Thank you, Mr. Clerk. We now go to General File. Mr. Clerk, first LB.

CLERK: Mr. President, LB 96, a bill originally introduced by Senator Janssen. (Read title.) Bill was introduced on January 6, referred to the Government, Military and Veterans Affairs Committee, advanced to General File. I do have committee amendments, Mr. President. (AM0047, Legislative Journal page 331.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Janssen, you're recognized to open on LB 96.

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SENATOR JANSSEN: Thank you, Senator Cudaback, members of the Legislature. It's an honor and a privilege for me to be here today with this, introducing this bill. It's something that I've thought about for quite some time now. As you recall, I think it's been five years ago that I had this same bill and asked for 100 percent reimbursement for the National Guard people in the state of Nebraska on tuition credits. That bill was...that was altered and we ended up with 75 percent of tuition reimbursement for the National Guard members at that time, which, you know, was a step forward. And I believe that the timing is right now. I believe that we should go to the 100 percent. The surrounding states around us all are at 100 percent. And I want to thank Senator Schimek for giving us an early hearing date on this. You know, at the hearing, men and women from the National Guard gave testimony. It entitles any member of the National Guard who enrolls in any state-supported university, college, or community college in Nebraska to receive 100 percent of their tuition credits. Currently, a National Guard member is entitled, as I said, to 75 percent of that tuition credit. That was changed, as I said. In 1999, we went to 75 percent. There are committee amendments that Senator Schimek or someone from Government, Military and Veterans Affairs Committee will address that changes the cap of the tuition credits granted during any fiscal year from \$900,000 to \$1.4 million. With that, I believe that I've covered about everything in my opening. Thank you, Senator Cudaback.

SENATOR CUDABACK: In the absence of Senator Schimek, is there any member from the Government, Military and Veterans Affairs Committee that would like to handle the committee amendments? If not, Senator Janssen, can you handle the committee amendments?

SENATOR JANSSEN: Well, I believe, yes, I believe I can, Senator Cudaback.

SENATOR CUDABACK: Okay.

SENATOR JANSSEN: I touched on them.

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SENATOR CUDABACK: You're recognized to do so.

SENATOR JANSSEN: All right. I touched on them briefly. The committee amendment changes the cap of the tuition credit granted during any fiscal year. It is at \$900,000 now, and I had asked in the bill for \$1.5 million, and the committee amendments just change that to a cap of \$1.4 million.

SENATOR CUDABACK: Thank you, Senator Janssen. And we appreciate you handling that committee amendments. Open for discussion on the committee amendments to LB 96. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'm opposed to the committee amendment; I'm opposed to the bill. I am not a superpatriot. I am not one who will be swept away by emotion. Right now in Congress, they're considering larger death benefits for people who die in combat, and in some instances they're talking about those who are training. What many people don't realize is the National Guard is primarily a federal operation. The vast majority of the money supporting the National Guard comes from the federal government. When the federal government decides to nationalize the people who are in the Guard, that means pull them into a federal activity, they are under the control of the federal government and the state has nothing to say or do about that. When people join the National Guard, they do not join it with the expectation of going into combat or even having to go on active duty. There might be some training sessions but, by and large, it has been a haven for people who wanted to make some extra money and get whatever other benefits were available through the Legislature, one of which at this point is a 75 percent amount paid toward their tuition. When people go off for the federal government, they are not the state's responsibility. I am not in favor of continuing to offer incentives for people to join the National Guard. This war that has led Senator Janssen, my good friend Senator Janssen, with whom I don't often disagree but this time I do, this war which has led Senator Janssen to do this is one of the worst things that America has ever been dragged into. Not only is it a fiasco; in my mind it is a criminal act. The torture of prisoners, the murder of prisoners, the holding of

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hundreds of people without charge, without trial, whose identify is not even to be released is the action of a country which is tyrannical and criminal. Crimes that are committed should be called what they are, regardless of who the perpetrator happens to be. America has more kill power at this point than any other country in the world. There is a person who is President who, in my opinion, is totally inept, incompetent, and unfit to hold that position. He had told people in this country that they'd scoot right into Iraq, Saddam's army would fold, and they'd be out of there in nothing flat. A few months after being there, Bush stood on an aircraft carrier deck and said, "Mission accomplished." There have been more young men and women killed since that announcement, or pronouncement, by him than had happened up to that time. He was surrounded by individuals who convinced him that from 50,000 to 90,000 troops would be more than enough to crush Iraq. Now there are over 120,000 there. They're going to be there for a long time. Members of the National Guard...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...and the Army Reserves have been given open-ended tours of duty in Iraq. They have been required to stay beyond the time that they were led to believe would be the case. Individuals who had mustered out of the military are being called back. Some are women with young children. On one account, it may have been 60 Minutes, there was a 50-year-old woman who was not much bigger than the weapon they had her trying to train with. I'll continue when I'm called next time. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Janssen.

SENATOR JANSSEN: Thank you, Senator Cudaback. Might a been a little misunderstanding here because, if you recall, on this same bill five years ago, I did ask at that time for the 100 percent reimbursement, which was...which was cut back to 75 percent. So it isn't something that I haven't done before. I did ask for the 100 percent five years ago, and I would have probably been back trying to get that 100 percent if something

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hadn't of happened like is over in Iraq right now. So, I was adamant about it at that time, but the Appropriations Committee said that we're going to be a little tight so how about just going to 75 percent? And I agreed with that. You know, if you can get a piece of the pie, fine. And I thought, well, in a few more years I would try for the 100 percent. So, Senator Chambers, this is not because of this. You know, it...of course, there is a lot of...a lot of emphasis put on our National Guard and Army Reserve right now. Needless to say, you know, that I think that the time is right to boost this up or we're going to start losing young men and women who take advantage of helping serve this state and their country to get their education. I give the rest of my time back to the Chair.

SENATOR CUDABACK: Thank you, Senator Janssen. Senator Chambers, the Government, Military and Veterans Affairs Committee amendments.

SENATOR CHAMBERS: Thank you. Mr. President, what I had said, and I intended to say and make clear, Senator Janssen said this is the time, the time is right to do it, and it's because of the war. That's how I tied the two in, Senator Janssen, not that you haven't tried to do this before. It was a boondoggle when he tried it five years ago; it's a boondoggle today. These people were not drafted into the National Guard. They chose to go. In the old days, people joined the National Guard to escape active duty military service, as the man who is President now had done. People want to get convenient amnesia and pretend that real things that happened didn't happen. Actions are committed by people. If people feel that someday they are going to be embarrassed by what they did, they should not have done it. But what was done was done, and the hellish conditions that exist in Iraq were triggered by the United States of America. Bush had a grudge against Saddam Hussein. There was no connection whatsoever between Iraq, Saddam, and what happened in this country September 11, 2001. The vast majority of the individuals that they said were on those airplanes that crashed into those two towers were from Saudi Arabia, so Bush attacked Afghanistan. There has been no connection shown between Saddam Hussein and any of these so-called terrorist acts. Bush knew it. "Condominium" Rice knew it. "Colon" Powell, and I spell

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his name C-o-l-o-n, Powell knew it. The only time Bush would call either of those black persons forward was when his administration had its rear end in a wringer and they needed to put the face of a dark-skinned person before the world supporting what he did. He then said, when the world began to ask, why are you going into Iraq when Saddam and Iraq had no connection whatsoever with this incident in New York, he said, to disarm the man. "Condominium" Rice, "Colon" Powell trumpeted to the world that Saddam Hussein has weapons of mass destruction, chemical, biological, perhaps nuclear. Never was there any whisper of the existence of these weapons. Bush said he was going to disarm Saddam. Word leaked out that he was talking about what they called "regime change," and Bush denied it. Now that's all he's talking about. He's saying they got rid of Saddam. Saddam was not a threat to the world. Saddam was not a threat to the United States. Israel apprehended Saddam as a possible threat, Israel apprehends Iran as a possible threat, and Israel has sicked America on Israel's enemies. Now close to 1,500 young Americans have died for Halliburton--reconstruction contracts that were no-bid for multibillions of dollars. And Halliburton has been found to be gouging the government on the contracts to supply food to the troops, and Iraqi oil. So now more blood money is being offered to the families of these young people who have died for nothing, for some politicians, for some big shots who want their hands on that Iraqi oil.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: Tens of thousands of Iraqis have died. America says they don't keep count of the number of Iraqis who die, and this is being done by the country that's supposed to be the moral leader of the world. Because people are so afraid to speak out at a time like this, we're presented a bill of the kind that Senator Janssen has and people feel they've got to go along with it, but I don't. The National Guard is not entitled to have 100 percent tuition payment simply because people go to the National Guard. They're not drafted. There is no draft. And if you have to bribe them like this to make them stay there, stop talking about patriotism. They happen to have gotten caught up in something that they did not anticipate and that

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they cannot extricate themselves from. I have said in times past, and Senator...

SENATOR CUDABACK: Time, Senator.

SENATOR CHAMBERS: Thank you.

SENATOR CUDABACK: Thank you, Senator Chambers. On with discussion. Senator Chambers, you may continue.

SENATOR CHAMBERS: Senator Friend and I had discussions about my views, my very negative and harsh views about this country's policies in dealing not only with Iraq but Afghanistan and the Middle East, and my strong criticisms of George Bush, whom I consider to be a war criminal. If Hitler was one, Bush is no less a one. Why is not Bush in the dock? Because the only ones who wind up in the dock charged with crimes are the losers. That's why. When America and the so-called Allied Forces firebombed Dresden in Germany, that was a war crime. Dresden was not a military target. The Nazi military had been virtually defeated. The Nazi regime had collapsed. The city was inhabited by civilians, but America, Britain, the most civilized countries, supposedly, on the face of the earth committed war crimes then, but they were never called to account, and they won't be called to account in this instance. But the country is becoming increasingly isolated, as it should. I wish international Communism had not collapsed. When America was trying to compete for the world against the Soviet powers, America wanted to put up the pretense that there was freedom, justice, and equality in this country, and black people and other minority groups made more progress when Communism was raging than at any other time, because America, in its hypocrisy, wanted to pretend that the constitution really was applied in this country. I wish as much effort was put forth to ensure that black people can vote in elections in this country as was put forth to try to ensure that Iraqis could vote in Iraq. I wish they would let some of us vote in other countries and have our votes counted in this country, so that our votes would be counted, in the way they're letting Iraqis vote in other countries. But that's what happens when a hypocritical outfit that wants to consider itself the moral leader of the

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world, that wants to intrude into everybody's affairs and tell everybody how to live their life will try to impose their system on somebody else. If you create a set of circumstances through force of arms, it will take force of arms to maintain and sustain it. There is going to be great disillusionment in Iraq. Expectations were raised so high that people may have gotten the impression, as some black people did when civil rights bills were signed in this country, that unemployed people will have work; hungry people will have food; those without electricity and clean drinking water will have these things; the slums will disappear; there will be fair treatment to all people. They have vulcanized Iraq. That's all they've done. The Shiites, the Kurds, the Sunnis, that's what they have done, and they're trying to find a way to run out. This bill plays into all of that, and these are issues which policymakers should not shy away from. And if anything I've said is inaccurate or untrue, I would expect to be corrected. And if somebody can show me that something I've said is inaccurate or untrue, I will acknowledge it, but it's going to take more than just standing up and saying, Ernie, I disagree with you; you're wrong; you shouldn't say that; America is wonderful; Bush is coming here Friday...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...and everybody ought to be good and join hands and sing "God Bless America." Not me. This bill is not justified. This expenditure is not justified. But if you go for it, then when the budget bill comes there's going to have to be an amount taken out of that budget bill at least the equivalent of this amount. And we can stay on the budget bill for however long it takes, as far as I'm concerned. This is sending good money after bad. Seventy-five percent tuition payment is an amount that is adequate and, in my point of view, from my point of view, it's excessive. So, I'm opposed to this amendment; I'm opposed to the bill. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Thompson, on the Government, Military and Veterans Affairs Committee amendments to LB 96.

SENATOR THOMPSON: Thank you, Mr. President, members of the

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body. Clearly this is a bill that's being brought because we do care so deeply about our troops and the hardships that they are suffering when they're deployed and our interest in creating a benefit for them. I do have some questions about going to 100 percent, however, and maybe Senator Janssen might be able to help me with that, and my questions deal with how, if we...if we go to 100 percent, first of all, that doesn't mean any money will go with the bill. That would still be up to the Appropriations Committee.

SENATOR CUDABACK: Senator Janssen, will you yield?

SENATOR JANSSEN: Well, certainly any A bill goes through the Appropriations Committee, yes.

SENATOR THOMPSON: But the level that is set is part of the overall budget of...this just authorizes to go to a higher level.

SENATOR JANSSEN: That's right.

SENATOR THOMPSON: I'm question...I have questions, and we've talked a little off the mike about how this benefit would fit with the federal benefits and what's available from the federal level.

SENATOR JANSSEN: Right.

SENATOR THOMPSON: And I'm looking at a printout from a benefit that's dated effective the 1st of October, 2004, from the federal level, and what it is, is 100 percent of tuition and authorized fees with tuition caps of \$250 per semester hour and \$167 per quarter hour. And this is for a federal benefit, but you have to work. You can't be drawing the other federal benefit of the monthly amount, which I believe you told me was \$268, prorated if you are a student, depending on how many...if you're part-time, full-time or therein. Is that correct?

SENATOR JANSSEN: It's \$288.

SENATOR THOMPSON: Two hundred and eighty-eight dollars that you

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get from the federal government if you're an enrolled student.

SENATOR JANSSEN: That's right, uh-huh.

SENATOR THOMPSON: And so I'm wondering, just for the record, this particular program says they recommend that they...that they apply for this prior to Pell Grants. In other words, this is the feds saying come to this program first, go to Pell Grants second. How do...what's our philosophy as a state? Do we want people to apply for this program first and then state funds to backfill, or would state funds...I know the conversation was this is more complicated.

SENATOR JANSSEN: This program, what we call the federal Montgomery G.I. Bill, that is available, that \$288 per month is available if you are a student. If you are enrolled in college, in a college or university,...

SENATOR THOMPSON: Okay.

SENATOR JANSSEN: ...that is available to you and you can use that for support. I mean, you could use it towards tuition, or you could use it as living expense. That is a stipend you get from the federal government.

SENATOR THOMPSON: Okay. This program is called the federal tuition assistance, FTA, which is...would replace...if you're drawing those benefits, you're not eligible for this particular program. But it's \$4,500 per soldier and on an annual basis. I'm just wondering how this fits. I'm not on the committee, so I'm just trying to figure this out, and I guess I'm a little more needle-nosed on things than I used to be, having sat on the Appropriations Committee for several years, trying to balance all that we do for the needs of the state. And so I'm trying to figure out, if we go to 100 percent, are we disincenting people from using other federal programs that may exist for tuition assistance?

SENATOR JANSSEN: Oh, I don't think so, because, you know, there are other expenses besides just your tuition credits for...

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SENATOR THOMPSON: Uh-huh.

SENATOR JANSSEN: ...anyone going. Whether they're my age or...

SENATOR LANDIS PRESIDING

SENATOR LANDIS: One minute.

SENATOR JANSSEN: ...or a young person, I mean, you're going to have expenses other than that, and I...and, in my opinion, that's what this is for. The federal dollars are for any expense. It doesn't have to be...only if you're enrolled, a full-time student, you can be...you are eligible for that.

SENATOR THOMPSON: Okay. But this particular...this is not the G.I. Bill kicker benefits, which I think was the Montgomery thing you were talking about. I'm just asking about this additional program. This is for tuition and authorized fees only, not...it's not a stipend.

SENATOR JANSSEN: Oh, I...

SENATOR THOMPSON: I don't know how this...

SENATOR JANSSEN: I'm not familiar...

SENATOR THOMPSON: I guess I would...

SENATOR JANSSEN: ...with that, Senator Thompson.

SENATOR THOMPSON: Okay. Okay. I guess my...and I don't want to hold your bill up or anything, but I do want...I do think we should make a decision policywise whether or not, by going to 100 percent, we're discouraging people from using other benefits that may already exist for everyone around the country, and that might...

SENATOR LANDIS: Thank you, Senator Thompson.

SENATOR THOMPSON: ...have a problem with our ballot...our costs.

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SENATOR LANDIS: Time. Senator Schimek, you're the last light on at the point, at this moment.

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. Senator Janssen, I apologize for not...for being a little tardy up here because I think that this is an important issue and I...if the body could have heard the testimony that we heard on this bill, I don't think there would be quite so many questions. First of all, those federal funds are not always available, and I have a letter here in my hand from a fellow who happens to be in Iraq right now and he's going to be returning to school at the University of Nebraska at Kearney. And he said that before his activation he received 75-cent...or 75 percent state tuition assistance and 25 percent federal assistance, so his tuition was 100 percent covered. The problem is, he says, that federal funding is not guaranteed, and he personally knew of individuals who were not able to receive the 25 percent federal assistance because of depleted funds. Now, we heard from a number of individuals, all outstanding members of the Guard, who attended school not only to benefit themselves personally, but to benefit the Guard as well, to acquire the kinds of skills and education that would help them in the National Guard. I think it's money well spent. We talk about the need for scholarships for people who have needs in this state, for young people who have needs, and certainly one could, in many, many cases, make the argument that these students are needy. They have taken two years out of their lives, put their earning power, their education on hold, to go in harm's way oftentimes, and I think they should be at the front of the line for help from this state in getting scholarship money. These are students who are very, very serious in their intent. They will do well with the scholarship money, and many of them don't have other means of getting their education. In fact, for many of them it is the way to get their education, and they don't have a lot of other alternatives. Education is expensive, as we know. I would just make the argument that this is a relatively small price to pay for educating some of the people who have been defending our country. And, with that, Senator Janssen, would you care to have any of my time, Senator Janssen?

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SENATOR LANDIS: Senator Janssen, would you care to use Senator Schimek's time?

SENATOR JANSSEN: Yes.

SENATOR SCHIMEK: Do you want the rest of my time? Thank you.

SENATOR JANSSEN: Oh, thank you. Thank you, Senator Schimek.

SENATOR LANDIS: About a minute.

SENATOR JANSSEN: Do we...well, that's fine. I've got my light on. I don't know whether I'm next or not. We tend to forget that we're talking about where the Guard and reserves are at now. The Army Reserve cannot...you cannot use them within the state, but I want to remind you that the Nebraska National Guard is used in this state when we have emergencies, such as storms, disasters that happen in the state. They are at the will of the Governor. The Governor can activate that Guard within the state where they can't use the federal troops. So, not only are the Guard being deployed overseas right now, but they are and can be...in past times the Governor has called them up for disasters within this state. I remember when there were tornadoes, bad snowstorms and so on, roads needed to be cleared, they activated the Guard for those types of situations. So I just want to remind you that the Guard, also the Air Guard, you know, can be deployed also within the state. So that's something that I want you to keep in mind. Thank you.

SENATOR LANDIS: Thank you, Senator Janssen. There is an amendment on the desk from Senator Chambers. We'll move to it in just a moment, Senator Chambers. (Visitors introduced.) Senator Chambers, yours is an amendment to the committee amendment, and you are recognized for ten minutes. (FA7, Legislative Journal page 414.)

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, this amendment would strike the words "four hundred thousand" from the committee amendment. Senator Janssen, I'd like to ask you a question.

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SENATOR LANDIS: Senator Chambers, you're asking the Chair to get Senator Janssen for a question, is that right?

SENATOR CHAMBERS: Yes.

SENATOR LANDIS: Senator Janssen, would you answer a question?

SENATOR JANSSEN: Certainly.

SENATOR CHAMBERS: Senator Janssen, is this bill going to have an A bill?

SENATOR JANSSEN: It probably will.

SENATOR CHAMBERS: No, either it will or it won't. Is it your plan to submit an A bill?

SENATOR JANSSEN: Well, yes. We're going to need some more money to use the 100 percent.

SENATOR CHAMBERS: Do you plan to submit (laugh) an A bill with this bill?

SENATOR JANSSEN: Absolutely.

SENATOR CHAMBERS: Okay. Because if you don't, well, there's no assurance that the A bill will pass, is there?

SENATOR JANSSEN: That's correct.

SENATOR CHAMBERS: There is no more guarantee that this money is going to be forthcoming than there is that the federal money that these people complain about not being there will be forthcoming. Is that correct?

SENATOR JANSSEN: That's correct.

SENATOR CHAMBERS: Thank you, Senator Janssen. Members of the Legislature, this is an emotional bill. That's all it is, pure and simple. It is not a justified expenditure of money. I'm going to fight it here and I will fight it whenever it shows its

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head. I'm not going to fight it in every city, in every village, in every street, in every farm, as Churchill said they would fight against the Nazis, should they invade. But I will fight it at every point that it comes up on the agenda. It is not justified. The state did not put any of these young people in harm's way. Instead of taking the easy road, such as this, why don't other public officials stand as I do and condemn what is happening now and say stop sending those young people over there? I'm the one who was criticized on this floor in the past for saying bring them all home now, and that's before over 1,500 of them were killed. Only a few hundred had been killed then. But we have such superpatriots. Bush said they should go, and they go. He doesn't own me. I still think and I still will express my points of view. Black people have fought in every war this country ever had from the very beginning. Black people fought in this...for this country in wars that it had when white people in this country were attacking this country, but white people have more rights than black people have now or will ever have. Chief Justice Roger B. Taney, who delivered the dreadful Dred Scott decision, said black men have no rights which any white man is bound to respect. That's what was in the opinion. Black people are not, never have been and will not be citizens in this country. He said black people had never exercised any rights of citizenship in this country, which were false. His...those words were false. But he's condemning black people and saying that even if a black man escaped from a slave part of the country and went to a part of the country where slavery was not recognized, that did not allow him to be free. He's still a piece of property. He's still owned, like these tables. Yet, black people fought for this country. When black people came back from World War I and World War II wearing American uniforms, having fought for this country, fought for democracy, fought the war to end all wars and came back, more of them were lynched in uniform than had been the case when they were not in uniform. And why was that? Because white people said they're getting uppity and they take on airs just because they've fought in the military. The Croix de Guerre, which the French wanted to give, were not to be given to black troops, and that was pursuant to the highest command in this country, because they said we don't treat black men that way in this country and they will get...they will misunderstand. Rommel was a German, but

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Rommel was not a Nazi. Black people were made to fight in the army of South Africa, too, while there was apartheid, and they were captured by the Germans, along with white South African troops. And the white South Africans told Rommel, we will not be quartered in the same building with these black men; that's not how it's done in South Africa. And you know what Rommel said, who came from a country with a Nazi regime, where they believed in superiority of the Aryan race? Rommel said, you're all in the same army together, you all wear the same uniform of that army, you were all taken captives as members of that army and you will be held in captivity, or prison, as members of the same army; there will be no segregation. So these black men were given more recognition for their humanity by the Germans than by the country which had impressed them into service, and the same thing for black men. A lot of white people don't even realize there were prisoners of war in this country, Germans and Italian, Nazis, fascists, and there were black men who were guarding these prisoners of war. And when they were in the South, the fascists and the Nazis could eat in restaurants, and black men were not allowed to go into the restaurants, in the U.S. uniform, guarding prisoners of war, whose countries were fighting to destroy this country. We saw that. Our ancestors saw it. Our relatives saw it. That's why my eyes are jaundiced and I don't see America the way you all see it. And I see a great waste of life in Iraq going on now, and it will go on for a period of time that nobody can estimate. When they captured Saddam, I had said, and I wrote it down and the World-Herald published it because I wanted a record of it, that Saddam is old news; capturing him means nothing; there will be more violence after his capture than there was before. And that's what came to pass. Am I a seer, s-e-e-r, a fortuneteller? Can I see the future? No, but I can...I've read history. I can see trends, and I will tell a truth that other people are aware of but they won't speak it. Who even thinks about Saddam now? After no weapons of mass destruction were found, and that was before Christmas, all those people stopped looking. It wasn't announced till a few days ago in January, died not with a whimper but with a whisper. And the reason for going to war was wiped away and Americans just go along and accept it. Why would Saddam be considered a threat of any kind? They said he killed his own people, so he had to go. Bush knows that over a

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million Africans were killed in Rwanda. At the same time Jews and white people were trumpeting never again for Jews, hundreds of thousands of Rwandans were dying. Tens of thousands, if not hundreds of thousands, are dying in Sudan now, but they're the wrong color; over a million have been displaced. And when Cheney went overseas to memorialize the Holocaust, the victims and the survivors, he and the rest of them said, never again. How could those hypocritical words come out of their mouth saying never again, meaning no genocide, when that is what's happening right now in that Darfur area of Sudan? It's happening now. What do they mean, never again? This is what black people see. That's reality. But you all won't face it. They won't talk about it in your schools. Your media have become cheerleaders for the Bush administration, for the policies of that administration. This country is going to heaven in a handbasket. Do you know how much the war debt is every month? Five billion dollars.

SENATOR LANDIS: One minute, Senator Chambers.

SENATOR CHAMBERS: Do you think you could get \$5 billion a month out of the federal government for education? Could you get \$5 billion a month out of the federal government for anything that went to human uplift? Certainly not. Where is that money being spent? It's being spent with corporations that are providing services and doing things that this government says are necessary to carry out whatever it is they say they're doing in Iraq, so that's the President's friends, Halliburton and that ilk. Thank you, Mr. President.

SENATOR LANDIS: Thank you, Senator Chambers. That's the opening on the Chambers amendment to the committee amendment. Senator Brown, you're recognized for five minutes, followed by Senator Chambers.

SENATOR BROWN: Thank you, Mr. President. In an article I read at one point in time by an historian, he suggested that the reason that the United States is in the position that they're in, in terms of education, was because of the G.I. Bill; because of individuals, mostly individuals who would not have had the opportunity to have a college education, who are able to

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get an education because of the G.I. Bill. And I'm afraid that we have...this discussion has moved from providing benefits to those individuals who, by virtue of their own decision but also by virtue of their circumstances, are fighting wars when we may object to the people who...and to the decisions of getting into wars. And so I think we need to keep those two things very, very separate. At one point in time, I thought that Senator Chambers, in his amendment, was striking the...all reference to the amount of money totally, which would make some sense in that the fiscal note carries the amount and we really don't need to have the amount in the bill and, therefore, we could leave the bill as it is, which says that they shall fund up to 100 percent, and...for each individual, and then the fiscal note would have the amount in it. If Senator Chambers would wish to yield to a question...

SENATOR LANDIS: Senator Brown, you're asking the Chair to ask Senator Chambers would you...

SENATOR BROWN: Please.

SENATOR LANDIS: Absolutely. Senator Chambers, would you answer a question from Senator Brown?

SENATOR CHAMBERS: Yes, Mr. President, you may tell Senator Brown that I will answer her question.

SENATOR LANDIS: I'll tell her exactly that, exactly. By the way, questions need to run through the Chair. Senator Brown, you're entitled to ask that question now.

SENATOR BROWN: Thank you, Mr. President. Senator Chambers, would you be willing to strike all the references in the bill to a dollar amount and have the discussion or the argument, if that's what you choose, on the appropriations bill?

SENATOR CHAMBERS: Mr. President, may I answer that question?

SENATOR LANDIS: Yes, you may, Senator Chambers. (Laughter) I hope you will.

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SENATOR CHAMBERS: Thank you. I always play by the rules, even when they're ad hoc. All I need to know is what they are. Senator Brown, if I understand your question, we would strike that bottom paragraph out of the green copy that refers to the dollar amount that currently is in the law, or the new part that they're putting in as...by way of amendment?

SENATOR BROWN: In the committee amendment, the portion that refers to the \$1,400,000.

SENATOR CHAMBERS: Well, since Senator Janssen says he's going to bring an A bill, we should strike it anyway.

SENATOR BROWN: Exactly.

SENATOR CHAMBERS: So I would be in agreement with that.

SENATOR BROWN: Would you be willing to change your proposed amendment?

SENATOR CHAMBERS: Senator Brown, are you making that request of me?

SENATOR BROWN: Mr. President, (laugh)...

SENATOR LANDIS: Yes, Senator Brown.

SENATOR BROWN: ...may I ask Senator Chambers a question, please?

SENATOR LANDIS: You may. Senator Chambers, would you yield for a question?

SENATOR CHAMBERS: Yes, I will, and does she need to be informed by you that she can ask now?

SENATOR LANDIS: I think we'll allow her to ask her question now.

SENATOR CHAMBERS: And may I answer without getting the Chair's permission?

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SENATOR LANDIS: It is my hope that you will answer the question. (Laughter)

SENATOR CHAMBERS: Thank you, Mr. President. Carry on, Senator Brown.

SENATOR BROWN: Senator Chambers, would you be willing to change your amendment, your proposed amendment, to strike the amount and have the discussion over the amount take place on the A bill?

SENATOR CHAMBERS: Yes, I'm willing to do that, but let me be sure that I understand what we're agreeing to do, because what the committee amendment does is to amend existing language that sets a maximum amount that can be expended or appropriated. So are you asking me to just strike the total amount in the committee amendment?

SENATOR BROWN: At this point in time, and then we would need a separate amendment to strike the cap that exists in the green copy.

SENATOR CHAMBERS: If the body is of a mind to do that, and I will leave mine, my amendment, up there, then we would just reject the committee amendment and the bill would stay as it is because the original drafting by Senator Janssen did not alter that part of the language. So I'm going to leave my motion up there so that we can get a sense of the body before I pull my amendment, and then we simply try to persuade the body to reject the committee amendment,...

SENATOR LANDIS: Senator Brown, your time is up.

SENATOR CHAMBERS: ...if that's okay with your...

SENATOR LANDIS: Senator Chambers,...

SENATOR BROWN: Thank you.

SENATOR LANDIS: ...yours is the next light, and you're

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recognized for five minutes.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, when these opportunities come to speak and the issue is before us, I want to do it. There are things which white people see, and some ignorant black people who don't know history, that will cause them to mist up and become very sentimental, but I'm infuriated. White people see the American flag and it means a great thing to them. It's a symbol of black people's oppression to me. The American flag flew over every courthouse in the South when black people were being legally lynched in the courts, thrown into jail for things they had not done. A group was just released from a Texas town where they were thrown into prison because some lying white man said they were selling crack and other drugs, and had no evidence, but they were black so the white people convicted them. The news media got ahold of it. It became such a scandal that they were released, but some had been in jail for years. We don't forget that. And yet, you're going to force what you call democracy on Iraq and we can't even get justice in this country, yet fought in every war this country had, every war. I saw one of those bumper stickers with the American flag and the slogan or legend, these colors don't run, whatever that meant. So I wrote something: "They do run run run, they do run run. / Red, white, and blue, those colors don't run. / History says that's not so. / First came Korea, and next Vietnam; / In shame did they run from the foe. / Lebanon saw the running again, / They ran out Somalia's backdoor. / Now being put to the test in Iraq, / Those colors I'll bet run once more." These people don't realize how America left these places that I mention in here: Vietnam, Korea, Lebanon, Somalia. Those are large enough occurrences for people to check them out. This is something else that I put with it: "Ere one lets angry emotions prevail / And drive one to savage my song, / One should read once again what I wrote / And point out a fact that is wrong. / If I have written a falsehood then pounce, / Otherwise, let my words be. / Lockstep, straitjacketed thinking may govern others, / But won't govern me." There are people young students are taught about in school who are presented as heroes. They spoke out when there was danger in doing so. They spoke out when one could go to prison for doing so. And there have been attempts by Congress

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to pass laws that would make it a crime to criticize the government--the Alien and Sedition Acts. Read American history if you want to see a blueprint for tyranny and blueprints for tyrants. We are here in this Legislature to spend the people's money in a way that is prudent. I'm talking about the things that I am discussing for the purpose of showing the context in which Senator Janssen's proposal is presented to us and which context he hopes will carry this bill across...

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...the floor. Who can speak against giving the National Guard 100 percent tuition payment when some of them are in Iraq? I can and I will. Being in Iraq doesn't entitle them to this. They are not there because the state sent them there. They are there at the behest...no, on the orders of the United States government. That's why the federal Congress right now is talking about increasing benefits. The state doesn't need to jump in and try to make a few political points by doing this. And maybe nobody else in this state feels the way that I feel, but I do not take polls before I determine what my position is. My ethical standards are not determined by how many people agree with me. If everybody is on the other side of the issue, it just means everybody can be wrong. How much time did you say I had, Mr. President?

SENATOR CUDABACK: About two seconds, Senator Chambers.

SENATOR CHAMBERS: Oh. Thank you.

SENATOR CUDABACK: We are discussing the Chambers amendment to the committee amendments to LB 96. Open for discussion. Senator Schimek.

SENATOR SCHIMEK: Yes, thank you, Mr. President and members of the body. I think there have been...there has been a good discussion here today. I'm not sure that we've had all the answers to some of Senator Thompson's questions, and I really would like to be able to come back on Select File, Senator

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Thompson, and discuss the federal programs a little bit more in detail so that we all have a better idea of what those federal programs are. Meanwhile, I don't have any trouble, I guess, at this point if we defeat the committee amendment, but what I would like to ask Senator Chambers, if I might, Senator Cudaback,...

SENATOR CUDABACK: Senator Chambers, would you respond to a question from Senator Schimek?

SENATOR CHAMBERS: Are we under the Cudaback regime, or is he carrying on from the prior regime of heavy-handed Senator Landis?

SENATOR CUDABACK: Are you asking me a question, Senator?

SENATOR CHAMBERS: Yes, Mr. Chair.

SENATOR SCHIMEK: Oh, wait a minute. This is my time.

SENATOR CUDABACK: I'm in the Chair and it's Senator Schimek's time. So you may continue.

SENATOR CHAMBERS: Well, I want to know if I have to get permission to answer you. Do I have to get permission to answer her, Mr. President,...

SENATOR CUDABACK: You do.

SENATOR CHAMBERS: ...or should we proceed as we always have when you're in the Chair?

SENATOR CUDABACK: Will you yield to her question?

SENATOR CHAMBERS: I would yield to anything Senator Schimek asks or demand of me.

SENATOR CUDABACK: Senator Schimek, you may ask him a question.

SENATOR SCHIMEK: I have a golden opportunity here, don't I, Senator Chambers? (Laugh)

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SENATOR CHAMBERS: Yes, and the spirit is willing but the flesh is weak.

SENATOR SCHIMEK: Well, I want to...I want to ask you if you...about your intentions here.

SENATOR CHAMBERS: Yes.

SENATOR SCHIMEK: Are your intentions to argue the increase that's suggested by the committee amendment, or are your intentions to argue the entire idea of tuition assistance?

SENATOR CHAMBERS: My intent is not to reduce the 75 percent, but to leave it there.

SENATOR SCHIMEK: Okay. That's what I wanted to clarify for the body. So if we wanted to do this correctly, I think as Senator Brown was suggesting, and taking the dollar amounts out of the bill, the dollar amounts then would go in the A bill. So the committee amendment won't get to that objective. The committee amendment leaves the \$900,000 in the bill. So I think that Senator Brown would be willing to offer a different amendment; that simply we would defeat the committee amendment and then she would offer an amendment to strike the \$900,000 out of the bill itself. Because I...it's been argued to me effectively that we really shouldn't have the dollar amount in the policy part anyway.

SENATOR CHAMBERS: Right.

SENATOR SCHIMEK: So if that's not your intention, to disrupt the existing program, then I think that's what we should do.

SENATOR CHAMBERS: And by "existing," you mean the 75 percent.

SENATOR SCHIMEK: Yes.

SENATOR CHAMBERS: Right.

SENATOR SCHIMEK: Well, no, no.

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SENATOR CHAMBERS: Oh. Go ahead.

SENATOR SCHIMEK: The 100 percent would still stay in the bill. It's how much you fund...how much money you put into the kitty that determines how many people would get funded. The money would still say the same.

SENATOR CHAMBERS: Right. So I'm willing to take it a step at a time and we will take Senator Brown's amendment, which removes all of this money from the bill, because that dollar amount should have never been put in the statute.

SENATOR SCHIMEK: Probably not.

SENATOR CHAMBERS: And then we can focus on whether it ought to go from 75 percent to 100 percent.

SENATOR SCHIMEK: Okay.

SENATOR CHAMBERS: That would then become the argument on this bill.

SENATOR SCHIMEK: Yes. I thank you for that. And I hope everybody understands the little discussion that we just had. Rather than having any money amounts in the bill, what we would like to do is defeat the committee amendment.

SENATOR CUDABACK: One minute.

SENATOR SCHIMEK: But then we also have to have a follow-up amendment which takes the \$900,000 out of the bill, and we will come back another time to decide how much. And I think...I think we do need some further discussion on the federal programs before we decide, if we are going to decide, to go to this \$1.4 million. I'm perfectly willing, and I'm sure Senator Janssen is too, to have that discussion, because if there are federal funds available and we're not making full use of them because we're doing state funding, well, we should examine our heads a bit. So, with that, I would just simply ask the body to vote for Senator Chambers'...no. Senator Chambers, you will

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have to withdraw your amendment and then we will ask to have the committee amendment either amended or defeated. So, with that, Mr. President, thank you.

SENATOR CUDABACK: Thank you, Senator Schimek. Senator Louden, on the Chambers amendment.

SENATOR LOUDEN: Thank you, Mr. President and members of the body. As I've listened to the debate and the discussion and the lesson in decorum, I guess I've come up with some questions that kind of concerns me. And, Mr. President, may I ask Senator Janssen a question?

SENATOR CUDABACK: Senator Janssen, are you available for a question from Senator Louden?

SENATOR JANSSEN: Yes.

SENATOR LOUDEN: Well, as I look through this bill, Senator Janssen, do I read this correctly that this money has to be spent on Nebraska community colleges or universities or something like that? Is this...this tuition money to be spent in state?

SENATOR JANSSEN: Yes.

SENATOR LOUDEN: Then, if I read this, my understanding would be then whatever money that is given to these National Guard people would actually go back into our own colleges and universities in our state.

SENATOR JANSSEN: Yes, any state...any state college or university or community college, anything that is a state-operated school.

SENATOR LOUDEN: Right. So, really then, we're actually recycling our own money. Am I correct at that?

SENATOR JANSSEN: That's exactly right, Senator Louden.

SENATOR LOUDEN: And we're helping do business right at home

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with our own colleges and universities and trade schools or whatever.

SENATOR JANSSEN: Yeah, it would be no parochial school, only...or private school, only a state school.

SENATOR LOUDEN: Well, my observation is, is I think the thing looks pretty good the way it is, so I don't know whether it needs amendments or not. The difference went from 75 to 100 percent of funding in the bill so there probably with the amendment they were raising the cap, if that has to be raised. I don't know if the cap has been reached yet or if that's what it takes to reach a cap. With that, I would...I would return any time I have to Senator Janssen, if he so desires it.

SENATOR CUDABACK: Senator Janssen, would you care to use the rest or remainder of Senator Louden's time?

SENATOR LOUDEN: Sure. I'll use a few minutes of it, Senator Cudaback.

SENATOR CUDABACK: About two and a half minutes.

SENATOR JANSSEN: Thank you. Know, we are...this is what I think is really the biggest part of the bill, is that it has to be used at any community college, any state college or university. We do keep the money in Nebraska. You're right, Senator Louden, that is the way it works, and I think other states are the same way. Other states are at 100 percent that surround us. All the states that surround us are at 100 percent and theirs is written the same way. It has to stay within that...within those state schools. So thank you for joining in the debate and I hope your questions have been answered.

SENATOR CUDABACK: Thank you, Senator Louden and Senator Janssen. Senator Chambers, and this will be your...is Senator Chambers available? Senator Chambers, did you wish to...you're allowed to speak from that mike.

SENATOR CHAMBERS: Thank you, Mr. President. It is so refreshing to have a "nontyrant" in the Chair. However, as I've

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said, I play by the rules, if a tyrant should be there and the tyrant declares what the rule is in advance, I will adhere to it.

SENATOR CUDABACK: Thank you.

SENATOR CHAMBERS: What we are going to try to do is have me withdraw my pending amendment, which is an amendment to the committee amendment. Then the only thing left before us will be the committee amendment as it appears on your gadget. Rather than go through a lot of other rigamarole, a point will be reached when you will be asked to vote no on the committee amendment. That removes it off the table. An amendment then is going to be offered which will strike existing language from the law. That existing language relates to a figure of nine hundred something thousand dollars, which never should have been put in the statutes in the first place. When a substantive bill is passed by the Legislature, such as creating this tuition program, money cannot be appropriated by way of that bill. So to put the dollar amount in the statute in the first place meant nothing. It was surplusage. It never should have been there. It is never too late to correct an error. The amendment that will be offered will correct that error by removing all reference to a dollar amount from the statute. We then will have the main purpose of Senator Janssen's bill, as he introduced it, which is to raise the amount of tuition payment for National Guard members from 75 percent to 100 percent. That is what we're going to do. But before I pull my amendment, I'm going to make sure that the main amendment that we will be discussing to strike those dollar amounts from the bill will have been prepared and placed on the desk so that we can then transition smoothly from our friendly discussion that I've been engaging you in so far, to one that may be a bit more...a bit less gentle. How much time do I have left, Mr. President?

SENATOR CUDABACK: About two minutes, Senator Chambers.

SENATOR CHAMBERS: Were it not for the fact that this bill were being presented in the context of the ongoing Iraq invasion, which started, by the way, with a sneak attack in the middle of the night, if what the Japanese did at Pearl Harbor was bad,

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what Bush did in Iraq was worse. That area is known as the cradle of civilization. Some of the most valuable artifacts, writings, artwork, and things of value that nourish the human spirit and the intellect have been destroyed. That country will never recover. It may have been Tacitus who said, they created a wasteland and called it peace. That is what I see. Maybe you all see a great victory; I don't. Had this...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...bill not been offered in that context, I would just be talking about the lack of prudence in going from 75 percent to 100 percent tuition payment, especially when we haven't considered all of the ramifications. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. On with discussion of the Chambers amendment. Senator Thompson.

SENATOR THOMPSON: Thank you, Mr. President. Members of the body, I appreciate Senator Schimek's comments and I will have an amendment. I have filed an amendment to say up to 100 percent of tuition. And I had...my staff had gone through, in preparation for this bill, the statutes of the surrounding states to see what theirs was, but we also are using a web site that we pulled the information we gave that's been passed out to you about what other...our surrounding states are doing. This web site also has all the states in the United States in it. And we were told by committee counsel this may not be up-to-date, but we did double-check these with the statutes of those states. So the information you have is accurate. I would suggest we do...there are only two states that have 100 percent. One is Wyoming, and they use their mineral tax money for education. It's all directed, and they may be in a position a little stronger than some of the other states to be able to do this as an entitlement program. Kansas language says up to 100 percent, which I think would get to the issue of whether or not, when other federal programs become available, as they are now with money that's being appropriated at the national level because of concern for people who are at war, who have gone to war, and that's an annual appropriation that may or may not be

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there, depending upon the interest of the federal government in this issue at any given time. So I just wanted to let you know that's coming. If Senator Brown is drafting an amendment that gets to the issue of the caps in this bill and wants to move that ahead, I'd be happy to move it farther down the line. But I do think we need to encourage use...if we're going to go to 100 percent, which is, as you can see, a far richer benefit than our surrounding states because of things that we want to prioritize in our budget, we also should phrase it so that an effort will be made to use the federal funds and the federal programs that are out there. And I would be happy to move that amendment, if you want to take the caps out of the bill, as it's written.

SENATOR CUDABACK: Thank you, Senator Thompson. Senator Stuhr, on the Chambers amendment.

SENATOR STUHR: Thank you, Mr. President and members of the body. I think that we do need some clarification in the school that these volunteer...or that the National Guard can attend. I believe it does include, according to the bill, any independent, not-for-profit, a regionally accredited college or university in this state, and that then would also include the state-supported university college or community college. I thought that...and maybe that clarification hadn't been made. But I would also have some questions that I would like to address to Senator Janssen.

SENATOR CUDABACK: Senator Janssen, would you yield to a question from Senator Stuhr?

SENATOR JANSSEN: Yes.

SENATOR STUHR: I was wondering, with the capped amount that we originally had at \$900,000, had that money all been used each semester?

SENATOR JANSSEN: Yes, it has, uh-huh.

SENATOR STUHR: It had all been used.

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SENATOR JANSSEN: Uh-huh.

SENATOR STUHR: Okay. Also, can this money be used for higher degrees, or is it only for bachelor's degrees?

SENATOR JANSSEN: I think it's only for a bachelor's degree.

SENATOR STUHR: Does it...I don't know that it's...does it say anywhere in the bill?

SENATOR JANSSEN: No, but we'll find out for sure.

SENATOR STUHR: All right.

SENATOR JANSSEN: But I'm sure it's just a bachelor's degree, Senator Stuhr. And we have, you know, using figures from the 2004 tuition expense numbers of students applying, the cost to fully fund that would...at 100 percent would have been \$1.3 million, if we were going to do it at 100 percent. That's what the...that's what the cost would have been.

SENATOR STUHR: All right. Thank you, Senator Janssen. I will be supporting Senator Thompson's amendment. I think putting the amount up to 100 percent seems justified in this situation. With that, I'll give the rest of my time back to the Chair. Thank you.

SENATOR CUDABACK: Thank you, Senator Stuhr. There are no further lights on. Senator Chambers, you're recognized to close on your amendment.

SENATOR CHAMBERS: Thank you. And, Mr. President, I am going to withdraw it, but this program does need some discussion, even aside from raising the amount to 100 percent. I want to read something which is in the existing law, because some people are talking about individuals who are in harm's way. Let's say somebody just joined the National Guard and they hadn't entered any university, any college, any independent or not-for-profit, however they've got that phrased. This is what it says: "When determining to whom such tuition credit shall be awarded, priority shall be given to those individuals who have previously

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received tuition credits while a National Guard member." So, if there are people who are now in harm's way, so to speak, but they hadn't gotten any of these tuition credits, but there are people who have gotten them before and they didn't deploy into Iraq, they have priority over those who went to Iraq. That's why it's bad to bring a bill like this during the circumstances that exist in the world today, because it's not necessarily going to benefit those who are in Iraq. They can get the 75 percent. But whether 75 or 100 percent, with an amendment such as this, the ones who get priority are those who've gotten this money before. And if those who have gotten it before gobble up whatever money is appropriated, there's not going to be any left for the others. This is something which, at first blush, seems so alluring, so patriotic that nobody can turn against it. But remember, what is the last hiding place of a scoundrel? Patriotism. When everything else fails, wrap yourself in the flag and say, I'm a patriot. This is not a wise expenditure of state money and it certainly shouldn't be done simply because there is an unwise war going on in Iraq. I'm glad that some people were listening to what Senator Thompson said about the federal programs, because when I had mentioned, from an article that I was reading, some things on it, I think it got lost in the other parts of my discussion that people didn't like. But what I'm going to do, get as much opportunity as I can to speak, but I will withdraw my amendment. When that is done, we will vote to not accept the committee amendment. But when that committee amendment is before us, I'm going to speak on it also. If this country, if Nebraskans are comfortable with young men and women dying for nothing, how can you be uncomfortable when all I want to do is use a little time to speak a few words while you sit in comfort in overstuffed chairs not doing anything, not thinking, just being here? Well, regardless of how anybody else feels, I'm going to say what I have to say. Mr. President, pursuant to what we're trying to do, I would like to withdraw my pending amendment.

SENATOR CUDABACK: It is withdrawn. Thank you, Senator Chambers. We're now discussing the Government, Military and Veterans Affairs Committee amendments themselves to LB 96. Senator Schimek. Senator Schimek.

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SENATOR SCHIMEK: I would like to waive, please.

SENATOR CUDABACK: I'm sorry, I did not see you waive. Senator Chambers, I'm sorry, but you have spoken three times. Okay. Seeing no other lights on, Senator Schimek, did you...would you like to close or did...did you want to close or did Senator Janssen wish to close? Senator Janssen opened on the committee amendments. Senator Schimek, you are recognized, as Chairperson of the Government and Military.

SENATOR SCHIMEK: Thank you, Mr. President and members. Senator Janssen just indicated that he wished that I would do this, and all I need to say is that I would like to have this body reject the committee amendments.

SENATOR CUDABACK: The question before the body is, shall the Government, Military and Veterans Affairs amendment be adopted to LB 96? All in favor vote aye; those opposed, nay. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: 0 ayes, 31 nays, Mr. President, on the adoption of committee amendments.

SENATOR CUDABACK: Committee amendments are not adopted. Mr. Clerk, next motion.

CLERK: Mr. President, Senator Thompson would move to amend the bill. (FA8, Legislative Journal page 414.)

SENATOR CUDABACK: Senator Thompson, you're recognized to open on your FA8.

SENATOR THOMPSON: Thank you, Mr. Speaker, members of the...Mr. President, members of the body. What this amendment does is, instead of the bill saying 100 percent, it says up to 100 percent. This is the, as I mentioned before and I passed this out, this is the way it's written in Kansas, and I think maybe by Select File we might want to even add that the other sources need to be pursued first. The only other state that I mentioned that pays 100 percent has these requirements. To be eligible, you must complete basic training, be on a six-year

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contract, and have served six years in the Wyoming Guard, and then you must give another two years after that. I think, before we move to 100 percent, we need to make sure that when we are in times like we are now and there is some interest at the federal level because of the recruitment problems out there, that they're willing to put some money in their budget for tuition, that we need to make sure those other places are being used and it isn't just, as water often does, take the most direct route to the 100 percent. Having heard from committee counsel, in talking to the people here who are from the Guard, they currently have this money available. They work to make sure the state money covers the people who don't have the ability to access the federal money. I think that may be happening in practice, or is happening in practice, and of course we aren't at 100 percent. But I think it's important that we change the language in order to encourage that use of other sources of funds first before the state funds, and that is what this amendment is about. Thank you.

SENATOR CUDABACK: Thank you, Senator Thompson. You've heard the opening on FA8, which is an amendment to LB 96. Open for discussion. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, at least Senator Thompson's amendment is better than what is here, but I'm wondering how it will be administered, so I have to ask a question. Senator Thompson, currently the amount of tuition paid for would be 75 percent. If you say up to 100 percent, who makes a determination whether it will go above 75 percent, and would additional legislation be required before that 75 percent can be exceeded?

SENATOR THOMPSON: Thank you, Senator Chambers. The current statutory language is, "The Military Department shall retain the responsibility and authority to establish any limitations and controls it deems necessary to ensure maximum fiscal efficiency," so I believe that would be the Military Department, as they expend these funds.

SENATOR CHAMBERS: Thank you, Senator Thompson. And when we talk about the military and put the word "efficiency," or any

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version of it, with the word "military," that is a moronic oxymoron. The military is not efficient. The military makes no pretense at being efficient. The military is usually given everything it wants. That's why \$5 billion will be spent every month for the military without any significant oversight or accounting. I don't trust the military or would-be military people. Now that we have this program before us for scrutiny, I think there are some changes that need to be made. This is money from the taxpayers. I think it should be spent only in a state-supported or public university, college, or community college. No independents, that's plural; no nonprofits; no independents for profit or any others; only the state-supported schools, only the public schools. If we leave it to the military to make a determination, they probably would be able to do it on the basis of individuals. If they like Senator Landis because he rules with that iron fist that the military likes and you need consistency, you need predictability, you need unity of command, he'd get 100 percent, or, like athletes like to say, and their coaches, 110 percent. On the other hand, Senator Cudaback, more low-key, more laid back, willing to accommodate the foibles of his colleagues, would get 75 percent, because he's not really, quote, military, unquote. If we allow a sliding scale, as Senator Thompson proposes to do, and I don't think it's her intent at all, whoever makes these decisions could make them in a discriminatory manner. In times past, I've had complaints from females about how they were not given fair treatment in the National Guard. There were some Jewish members of the Guard who had some inappropriate thing said when they had deployed...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...to Europe and comments were made about the Holocaust, the death camps and similar things. I do not want to give that kind of discretion to the military. So, although on its face what Senator Thompson is offering is less objectionable than what is in the current bill being proposed by Senator Janssen, I will not agree to that and I hope that we won't. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. On with

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discussion of the Thompson amendment. Senator Schimek.

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. Senator Chambers, I should have taken advantage a little while ago of your offer, because I would have requested then that you not bash our National Guard. And, Senator Chambers, I'm quite angry. I'm trying to stay calm. These are our citizens. They are not the Pentagon. They are not spending humongous, horrendous, horrible amounts for ordinary everyday items. I have watched them up close and I sincerely believe that they are very dedicated and they are very honest and trustworthy. And the administration of the tuition program has been excellent. They can only give up to the amount of UNL tuition. They are not going to go crazy. They have very adequately and professionally decided how many of these scholarships they can give in accordance with the cap, and they have tried to make it all fit over the years. They are at the point where they are running out of money to meet the needs. Senator Chambers, I just have to stress, I've watched Nebraskans get ready to go over to Kosovo and Bosnia and Iraq, and I've gone to those going away ceremonies, and they're very, very difficult for the families involved. I've watched the coming home ceremonies, and I've watched people's...people trying to adjust back into civilian life. We're asking a lot of these men and women, and I don't think that we're going to waste any of our money on tuition programs for any of these young people. And I'm sorry, but this discussion has gotten totally out of hand this morning, totally out of hand, and I would just ask that we proceed in a reasonable manner. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Schimek. Senator Thompson, on your amendment, followed by Senator Chambers and Janssen.

SENATOR THOMPSON: Thank you, Mr. Speaker. I just want to clarify. There was a question. What this...the way this will now read is, "Any member of the National Guard who enrolls in any state-supported university, college, or community college or any independent, not-for-profit, regionally accredited college or university in this state shall be entitled to a credit of," and then "up to 100 percent." It's...the amendment is to the

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first "of" in the sentence. So I just want to...I'm just rising to clarify so that, on page 2, it's a credit of up to 100 percent. Thank you.

SENATOR CUDABACK: Thank you, Senator Thompson. Senator Chambers, followed by Senator Janssen.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I can understand Senator Schimek's feeling about the National Guard. Her feelings are not my feelings. When a young black man with the Nebraska National Guard went down south, and they put a rope around his neck, threw it over a tree, and there were people talking Ku Klux Klan stuff, from Mississippi, and hooked it to a truck, and pulled him off the ground, or a group of them pulled him off the ground, nevertheless, he was pulled off the ground by the National Guard, I had to take on the job of getting something done about it in this state. Nobody was doing anything. No senator spoke about it, not one. And the young man was so traumatized that he ultimately committed suicide. He never got over it. And he had also been a student at the university. They didn't say anything. Then-Governor Exon said nothing. Nobody did. I did. So when I hear these emotional appeals made on the floor, I can understand. But it's not going to sway me at all. I still don't trust the military. And I do not want a sliding scale, where a determination can be made by some National Guard bureaucrat--and that's what they are most of the time, because they are not engaged in active military service as we apprehend active duty. If they were on active duty, they'd be under federal control. If Senator Schimek remembers--and I don't know that she was irritated at me last session and other times when I spoke on it--I was the one who condemned sending anybody to Iraq. And I was the one who insisted that we be trying to bring them all back home so you wouldn't have those kind of situations Senator Schimek is talking about. You wouldn't have had people leaving home. You wouldn't have had people coming back in body bags. But it's so easy to say, let's give some tuition money, and don't criticize the National Guard. I'll criticize anybody I think I ought to criticize. And just because the ministers in this state won't speak out as a whole, organizations won't speak out, politicians won't speak out, that doesn't set the standard for myself. I

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said one person dying is too many. And if some of you would read, you would know that George Bush the first had written a book explaining why he did not go into Iraq to pursue Saddam. He said, first of all--and this may not be the order--if you overthrow him, you might have something far worse. America would have to invade and stay there. There would be an untold number of casualties which nobody can predict at this time. The expenditures of money and materiel, it's all too costly. It's not worth it. So his son read that, and everyplace where daddy put a negative, junior put an affirmative. So he said, you should go into Iraq, you should overthrow Saddam, you should have a lot of casualties, you should spend billions of dollars, you should get stuck in a quagmire for a period of time that nobody can determine. I'm going to criticize, and I will not refrain because people don't like what I say. I don't like this bill, so I'm fighting against the bill. I don't like giving these tuition credits and allow them to go to private, independent, not-for-profit institutions. So what do I do? Oh, I rail. But I also offer amendments. And if the amendments are not accepted here, when we get to the A bill I'll fight the A bill. And if the A bill is accepted, I will try to cut an equal amount of money from the budget.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: And when we get to the budget, we're toward the end of the session, and people are going to be cranky. Their nerves are going to be bad. And they're going to tell me, Ernie, don't...this piddling amount, don't even take our time for it. I say, then give me what I want; give me the piddling amount cut from the budget and I'll let you have your way, provided no other issues arise that I feel need my particular attention. I still am in opposition to what Senator Thompson is proposing. I still am in opposition to what Senator Janssen's bill would try to do by way of setting a policy; namely, that because somebody is in the National Guard they're entitled to these tuition waivers or credits. I'm not for that. These people didn't join the National Guard and...I don't know what they told Senator Schimek and these other people. They didn't join the National Guard so they could go fight. They didn't join the National Guard with the expectation of being on active

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duty.

SENATOR CUDABACK: Time.

SENATOR CHAMBERS: They joined to get that money and some benefits...

SENATOR CUDABACK: I did, Senator. Thank you. Senator Janssen, followed by Senator Chambers.

SENATOR JANSSEN: Thank you, Senator Cudaback. Getting back to the basic bill itself, you know, and the program that has been in place for quite a few years now. It's given a lot of young men and women a chance to get an education that they probably wouldn't have had before this was initiated. It's a struggle. It's a struggle for them, like any other young man or young woman has when he's going through school. Now, that doesn't mean that everyone...this tuition program doesn't mean that everyone who joins the National Guard is going to take advantage of this. There are some of the members who have gotten their education before and then decided to join the National Guard. So we're looking at an institution that has been around a long time. The National Guard has been here for a long time. And, of course, 50, 60, 70 years ago, an education wasn't quite as necessary as it is now. Now young people have to pursue a higher education for their own good. Because what you used to could get with a high school degree isn't that available anymore. You're going to have to get higher education. And if you don't have the monetary means, then you have to go somewhere like this program. I'm sure that the people who are in the Guard now probably had no intention, when they were in high school, of joining the National Guard. But when they did find out what it was going to cost them to go to college, they thought, well, you know, if I can give the military four years of my life, or six, or whatever the enlistment is for, that's an avenue they can pursue. Most of us here have probably been in the military service, most of the males anyway, and some of the female senators probably have, too. You know, it's an experience. I believe Senator Chambers was in the Army at one time, like so many of our colleagues. It's an experience that I think everyone should have a little touch of, to find out what

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military life is really like. Up until two years ago, or whenever we started our actions over in Iraq, the most that could be expected of the National Guard members probably was, you know, doing things here in the state, being called out in storms and so on, so forth. But that didn't mean that they couldn't be called up by the federal government, which did happen. So I think that some of the people who haven't taken advantage of the tuition program, when they come back from over there, they probably will. It will give them an opportunity to better themselves and to keep our strength in the National Guard here in Nebraska at a level which it should be. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Janssen. Senator Chambers, on the Thompson amendment.

SENATOR CHAMBERS: Mr. President, members of the Legislature, much of what is said in defense of Senator Janssen's bill, in defense of it, is irrelevant. First of all, I can concede everything he's saying--that people want to have assistance when they go to school. I'd venture to say the young people sitting in the front of the room right now would like to have some assistance in going to school. I have spent decades trying to get assistance for university athletes to go to school, and I haven't always had support on this floor. Yet, they bring millions of dollars to the state, and many hours of entertainment and delight to the citizens of the state. But the citizens are not willing to see them compensated at all. I keep in my mind the way we deal on other issues that come before us. This one takes high priority now, because of Iraq. Some people, as Senator Schimek pointed out has been her experience, have gone to some of these activities when people are leaving to go to Iraq or when they're coming back. But there are others who don't need to go to those gatherings or activities to understand what a terrible thing war is. It is unjust. I don't know of any other person in Nebraska, besides myself, who is in public life, who condemned the policy of your President and your Pentagon, who imposed a rule that the media cannot be present to record the homecoming of these young people in the flag-draped coffins. That's what lets you see the price of the war in human terms. Why don't people get up on this floor and talk about

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that? Because I'm the only one who will. And I'll continue to do it. My concern for people is not dictated by the vagaries of the moment, when it's popular, when it's all right to do so. To me, based on my views, it is all right and appropriate for me to speak my mind whenever I get the opportunity. If people are offended, fine. They say things that offend me. They do things that offend me. But I'm not going to get off the planet, I'm not going to quit the Legislature, and I'm certainly not going to quit expressing my view. There's a young man, his last name was Marlowe, and he wrote one of the Doctor Faustus stories, where Faustus sold his soul to the devil. And he said--he was young--cursed be the man that invented war. This was a young man who died in his mid-twenties, and he saw it. Others will make that statement. But that's all they'll say and they won't go any further. I'm not going to be put in a position where, because some fool in the White House sent all these young people to die, I've got to become a fool and say, I'm going along with any proposal that is made for the military; absolutely and positively not. The stuff has to be brought to a halt if it can. But if it cannot be, it ought to be resisted, and we ought to make it as difficult for these fools to engage in foolishness as we possibly can. And there might be a price to pay. I tell young people,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...if you're willing to pay the price, do anything you want to do; rob banks, rape, steal, murder, be a Peeping Tom, anything you want to do, if you're willing to pay the price. But if you don't want to pay the price, don't do it. If you don't want to pay the piper, don't go to the dance. I'm prepared to accept whatever consequences accompany what I say or do, here or anyplace else. Was that my third time, Mr. President?

SENATOR CUDABACK: It was, Senator.

SENATOR CHAMBERS: Thank you.

SENATOR CUDABACK: Thank you. Senator Thompson, there are no further lights on. You're recognized to close on FA8, which is

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an amendment to LB 96.

SENATOR THOMPSON: FA8 just adds the words "up to." Currently, the bill says 100 percent. This says up to 100 percent. And I'd ask your support. Thank you.

SENATOR CUDABACK: Thank you, Senator Thompson. You've heard the closing on FA8. The question before the body is, shall FA8 be adopted? All in favor vote aye; opposed, nay. The question before the body is, shall FA8, by Senator Thompson, be adopted to LB 96? Have you all voted who care to? Record please, Mr. Clerk.

CLERK: 30 ayes, 2 nays, Mr. President, on the adoption of Senator Thompson's amendment.

SENATOR CUDABACK: The amendment is adopted. Mr. Clerk, items for the record?

CLERK: Mr. President, I do. Thank you. Mr. President, first of all, there is...there will be an Executive Session of the Retirement Systems Committee at 11:00 under the north balcony; Retirement Systems, 11:00, north balcony. Mr. President, the...your Committee on Natural Resources, chaired by Senator Schrock, reports LB 8 to General File; LB 336, General File; LB 544 to General File; those reports signed by Senator Schrock. I have notice of hearings from the Judiciary Committee, those notices signed by Senator Bourne, as Chair. (Legislative Journal pages 414-415.)

Mr. President, the next amendment to LB 96 is offered by Senator Janssen. (FA9, Legislative Journal page 415.)

SENATOR CUDABACK: Senator Janssen, you're recognized to open on your amendment to LB 96.

SENATOR JANSSEN: Thank you, Senator Cudaback, members of the Legislature. In the green copy, in Section 1, at the bottom of the page, line 27, after "fiscal year," put a period, and strike: and the amount of tuition credits shall be granted...shall not exceed \$900,000 in any fiscal year. That

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section, and then you start with "When," and then go on to the next page. It takes out that amount. You can get it on your gadget. In line 27, after "year," strike the existing language until you get to line 28, and through "fiscal year" in line 28. That's the amount of the amendment.

SENATOR CUDABACK: Thank you, Senator Janssen. You've heard the opening on FA9, offered by Senator Janssen to LB 96. Open for discussion on that motion. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Mr. President, to show how collegial I can be, I'm going to support Senator Janssen's amendment. But I think it might be the only vote that I'll give him on this bill. This is the one that Senator Brown began the discussion on, so that it will remove all reference to dollars from the statute. And such a reference never should have been there anyway. But as a bit of the mentoring that I'm willing to do, even though sometimes the mentor may not be in the good graces of the mentees, putting that language referring to specific dollars into the statute achieves no legal result. They're words without meaning, without purpose, and it should not be done. But what does it show? That the Legislature can do anything that it wants to do. Which means, with 25 votes, and in some cases 30, if you want to override a veto, you can put anything on the statute books that you want to. But if the courts decide that what you put there violates the Nebraska or the U.S. Constitution or any federal law, it will be struck down. But nevertheless, you can enact anything you want to. That doesn't mean it will be effective or carry any legal consequence. When people sin in haste, they repent at leisure. This language that is being stricken now I'm sure was probably put there in haste. In the same way that Senator Janssen has tried to raise the amount of this tuition assistance in the past, I have opposed it in the past. But I especially oppose it today, because I think it is exploiting a bad situation. That is not Senator Janssen's intent. But a lot of times things which are done for one intent will accomplish a different purpose. This bill may move forward. It's unwise. But I will not vote for it. And if Senator Janssen brings an A bill, I'm going to fight that bill tooth and nail. If you pass this bill over my objection, you really will not have achieved anything

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except to perhaps mislead some people who don't understand how programs are funded. We could write a law, a bill, and it could be passed into law and signed by the Governor, or if the Governor, exercising prudence, vetoed it, we could override it, which would say, every citizen in Nebraska shall be given \$1 million January 1, 2005, and they'd think they've got that money. But there is no A bill to appropriate it. So passing a statute does not carry with it the money needed to fund it. So you just have made people think that they're all rich, but they got nothing. And I think we ought to do it, give them something to hope for and hold on to, until reality sets in. When they buy these lottery tickets, what happens? But we're not even making them give us a dollar. We're just giving them something to make them feel good temporarily, as so much of the legislation that we pass does--makes people feel good. This bill merely draws the battle lines. The battle comes when you try to get some money to fund it.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: When we adopt this amendment, I believe the Legislature will be conducting itself in a way that is responsible, that is prudent. We will be taking from the law words that never should have been put there. Taking these words out of Senator Janssen's bill will have no effect whatsoever on what he's trying to do. Leaving it in will have no effect whatsoever on what he's trying to do. What taking these words out will accomplish is the vindication of our system of legislating. So I'm going to support Senator Janssen's amendment, because he has brought me to a realization that what he's doing is wise and appropriate.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Janssen, there are no further lights on, wishing to speak. Did you wish to close on FA9?

SENATOR JANSSEN: Thank you, Senator Cudaback. I believe everyone who is paying attention understands what we're doing. We're taking: the amount of tuition credits granted shall not exceed nine hundred thousand dollars in any fiscal year. We're removing that from this section. With that, I ask for your

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support of this amendment. Thank you.

SENATOR CUDABACK: Thank you, Senator Janssen. You've heard the closing on FA9, which is an amendment to LB 96. The question before the body is, shall FA9 be adopted? All in favor vote aye; opposed, nay. Voting on the adoption of FA9 to LB 96. Have you all voted on the issue who care to? Record please, Mr. Clerk.

CLERK: 36 ayes, 0 nays, Mr. President, on the adoption of Senator Janssen's amendment.

SENATOR CUDABACK: The amendment has been adopted.

CLERK: Mr. President, Senator Chambers would move to amend, FA10. (Legislative Journal page 415.)

SENATOR CUDABACK: Senator Chambers, you're recognized to open on your amendment, FA10, to LB 96.

SENATOR CHAMBERS: Thank you, Mr. President. Having sacrificed so much to vote on that last amendment, I'm going to now call in my markers. This bill does not touch on what I'm attempting to do. My amendment goes to existing language in the statute. On your gadget, you will see the amendment described in this fashion. On page 2, in line 5, after the word "college" strike this language: "or any independent, not-for-profit, regionally accredited college or university in this state." That would be stricken. If you adopt the amendment, this is what the language of the law would then read. "Any member of the Nebraska National Guard who enrolls in any state-supported university, college, or community college shall be entitled to a credit of up to 100 percent of the resident tuition charges of such school, except that," and then it goes on. You will see that I didn't strike everything related to independent schools. I'm taking it a step at a time. If you adopt that amendment, then there is more that has to be stricken. But because I have to find out if the approach I'm taking is one that the body agrees with, there's no need in me doing all of the work to draft an amendment that removes everything that I feel should be taken out. I think public money should support public education. If

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there are people who will not support this amendment that I'm offering--and I hope they'll listen if they have an interest in the University of Nebraska's budget--if there are people who will not support this amendment, I don't think they can just automatically count on my supporting the university's budget. And what difference does it make whether I support it or not? It depends on how much you want to get done when we're dealing with the budget bill. There will be provisions in that bill that some senators don't like. If you would vote cloture, that means there can be no further discussion, no amendments, no motions, you vote on the budget bill as it stands at that time. If your annoyance with me is sufficiently strong, then to teach me a lesson you will vote cloture and then move a budget bill with things in it that you don't like. And who will have been taught the lesson? Not me. I know people can become very petty, and if you anger them enough you can get them to hurt themselves in a way that you could never hurt them. It's time for some people to realize, who have just come to the Legislature, that issues get linked early in the proceedings. But the difference between my approach and that of others is that I tell you at the time these issues come up, so you can be forewarned and plot a course so you can stymie or defeat me when I try to do what I want to do on the budget bill. How much is this worth that you're undertaking to do? There is nothing in this bill, as it's amended, which indicates that more than 75 percent will be given to any of these people. I would like to ask Senator...oh, Senator Thompson is not here. I'd like to ask Senator Schimek a question.

SENATOR CUDABACK: Senator Schimek, would you yield?

SENATOR CHAMBERS: Because she may have followed proceedings enough. Senator Schimek, do you remember whether or not Senator Thompson's amendment struck "seventy-five"?

SENATOR SCHIMEK: Her amendment, as I recall, just said up to 100 percent. And I would assume that it struck "seventy-five". Yes. Senator Janssen says yes.

SENATOR CHAMBERS: Let me see. Okay. Reading her amendment, page 2, line 7, insert "up to" after "of." So "seventy-five"

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would remain stricken, because that was the original form of the bill, so we...

SENATOR SCHIMEK: Correct.

SENATOR CHAMBERS: ...only have...I know how to get Senator Thompson here. I know my children. All I have to do is refer to something dear to one of my children, and my child will come, all of my children. Members of the Legislature, as this bill stands, there is no requirement that any person receive even the 75 percent that they receive now. So there is nothing in this bill that tells you how much any person in the National Guard will receive by way of tuition assistance. This is one reason I said that although I voted against Senator Thompson's amendment, it's better than putting in there a flat 100 percent. This is, literally, a sliding scale upwards from nothing to 100 percent, and that would obviously include anything in between. What my amendment is designed to do is to open the discussion on whether or not you think that this public money should go to support schools that are not public. If it is believed by my colleagues that the state has enough money in the public school budgets, then you can reject my amendment and then I will cut this much out of the university's budget. Now not only am I telling you that I will go at the budget, but I'm giving my whole strategy away. I will try to cut the amount of money that this bill could cost out of the university's budget. How will I know what that amount is? Senator Janssen is going to bring us an A bill. When you put a specific amount of money before the Legislature, you know what to ask for in an A bill. But when you create a program that does not tell you any way to judge how much money is needed, how is Senator Janssen realistically going to fashion an A bill? If he says the A bill should contain \$2 million, what is that based on? We don't know how much this bureaucrat with the National Guard is going to determine any or all these people ought to receive. There is nothing in this statute that says every person receives the same percentage of his or her tuition. It's open-ended. The only limitation is found in the number of people who can be benefitted, and that is found in some statute, 85-505.01. That's the only limitation. So how many...I'd like to ask Senator Janssen a question.

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SENATOR CUDABACK: Senator Janssen, would you yield to a question, Senator Janssen, from Senator Chambers?

SENATOR CHAMBERS: Senator Janssen, how are you going to figure out what your A bill should be, when you don't have any idea how many people are going to go to school, other than the maximum number who are allowed, and you don't know what percentage of tuition...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...will be allowed, up to 100 percent? What is going to be the basis for you fashioning an A bill?

SENATOR JANSSEN: Well, we'll take the amount of people that are enrolled right now, and figure that out at 100 percent, and go with that, the enrollment we have right now.

SENATOR CHAMBERS: Then there could be people who would not be...there wouldn't be any money available for others, based on that. Because not everybody in the National Guard is enrolled right now. Isn't that true?

SENATOR JANSSEN: Well, you'd have to start somewhere. And it would probably grow from there, possibly, you know.

SENATOR CHAMBERS: But you...

SENATOR JANSSEN: Or you...with the situation the way it is now, Senator Chambers, I'm not too sure that some people in the Guard would want to reenlist. You know, this could happen.

SENATOR CHAMBERS: So...

SENATOR JANSSEN: So the numbers I doubt would...hopefully, they'd stay the same. Because they...you know, they like to be at the strength of where they're at.

SENATOR CHAMBERS: But in the second that might be remaining,...

SENATOR CUDABACK: Time.

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SENATOR CHAMBERS: ...there are variables, right?

SENATOR JANSSEN: Oh, yes. Yeah.

SENATOR CUDABACK: Senator Janssen, you're recognized.

SENATOR JANSSEN: Okay. Senator Chambers, I've a few things to say, and then we can carry on our conversation a little further. The reason that the portion that Senator Chambers is trying to eliminate now is probably because of location of where that individual lives. If they have...most of them have jobs, even...and even go to school. So if someone was, say, at...in my district, in Fremont, rather than going either to Wayne or University of Omaha...or University of Nebraska at Omaha, or coming to Lincoln, if they...there is a college there, an independent college, they could get the tuition reimbursement, up to what that...the cost of a state school would be. So...and they couldn't get any more than that. They couldn't get the full amount of the tuition at a private school. And I think, five years ago, when we did put that in for the independent colleges, that was the reason behind it. But there would be no more money spent at that college than there would be at a state school. Now, Senator Chambers, if you'd like to keep going with what you're talking, I just wanted to get that in there. So we can carry on our conversation.

SENATOR CUDABACK: Senator Chambers, you may.

SENATOR CHAMBERS: "Thankee," Mr. President. "Thankee,"...

SENATOR JANSSEN: Sure.

SENATOR CHAMBERS: ...Senator Janssen. An A bill is going to have to have a specific dollar amount. Would you agree?

SENATOR JANSSEN: Yes.

SENATOR CHAMBERS: Just so we'll have a basis for discussing, do you have any idea of the total amount currently appropriated for this program? And if not, we'll take an arbitrary figure.

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SENATOR JANSSEN: Yes. I...if you'll carry on a little bit,...

SENATOR CHAMBERS: Okay.

SENATOR JANSSEN: ...I'll get that figure.

SENATOR CHAMBERS: The question that I put to Senator Janssen, which he is going to track down an answer for, is whether or not he has the amount at his fingertips that this program is receiving now by way of appropriation.

SENATOR JANSSEN: About \$825,000, as of last year.

SENATOR CHAMBERS: So then you would ask for \$825,000 in your A bill?

SENATOR JANSSEN: Well, if that's where the strength...that was at 75 percent, Senator Chambers. So you'd have to add another 25 percent...

SENATOR CHAMBERS: No, you...

SENATOR JANSSEN: ...to that and use the same number.

SENATOR CHAMBERS: No, you don't, because this doesn't say 100 percent. This doesn't say 75 percent.

SENATOR JANSSEN: It says up to 100 percent. But first that would have to be...the money, what we would think would be available. Say it would cover 85 percent of the...

SENATOR CHAMBERS: So then you're going to try...

SENATOR JANSSEN: It would be flexible.

SENATOR CHAMBERS: You're going to try to put in an A bill an amount that would fund at 100 percent the number of people who currently are enrolled under this program.

SENATOR JANSSEN: Right.

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SENATOR CHAMBERS: That's what you would do.

SENATOR JANSSEN: That's the only way you could do it.

SENATOR CHAMBERS: Well, no. We can put any amount we want to in the appropriation bill.

SENATOR JANSSEN: Well, but there...

SENATOR CHAMBERS: We can put ten times that amount, or one-tenth that amount. Wouldn't you agree?

SENATOR JANSSEN: Well, yes, we could, if it's...

SENATOR CHAMBERS: How long before you're going to offer an A bill?

SENATOR JANSSEN: Well, it all depends what (laugh) happens to this bill.

SENATOR CHAMBERS: It will probably move to Select File. They'll do that to teach me a lesson, even if they don't like the bill. And I'll take my lumps on General File. But it just lets me know what the tone is that's set. Then I'm going to look at other bills on General File and decide what I'm going to do. There was a person who said, it is a comfort to the...it is a solace to the wretched to have companions in grief. And people popularize that by saying, misery loves company. If moving this bill puts me in misery,...

SENATOR CUDABACK: One minute, Senator Janssen. One minute.

SENATOR CHAMBERS: ...I would like to have company in my misery. And the only way I can do that is to get your bills. So in order to get something out of you before your time runs out, you would ask for an amount that would fund, at 100 percent of the cost of tuition, the number of people who currently are enrolled under this program.

SENATOR JANSSEN: That is where you would start, right.

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SENATOR CHAMBERS: Even though right now they only receive 75 percent.

SENATOR JANSSEN: That's correct.

SENATOR CHAMBERS: Thank you, Senator Janssen.

SENATOR CUDABACK: Senator Janssen, did you wish to use the rest of your time? You have 30 seconds left.

SENATOR JANSSEN: No, I don't believe so. (Laugh) I'll give the 30 seconds back to you, Senator Cudaback.

SENATOR CUDABACK: Senator Chambers, your light is next. You may continue, if you care to.

SENATOR CHAMBERS: Is this my third time?

SENATOR CUDABACK: Senator Chambers, would you mind if I read some guests of Senator Stuhr?

SENATOR CHAMBERS: No. Mr. President, this is your house.

SENATOR CUDABACK: Thank you. Appreciate your consideration. (Visitors introduced.) On with discussion. Senator Chambers. And thank you for letting us announce that.

SENATOR CHAMBERS: Oh, Mr. President, always. I'm happy to be obliging. (Laugh) And I want the tyrant to understand that. Mr. President, members of the Legislature, my colleagues are probably growing weary. Now, this is only about the 13th day of the session. We've got 77 days to go, and you're tired already? Some people told me we've been here more than 13 days. Do you see that when you're having fun, time...maybe I'm not having fun, but time is not flying for me. I'm enjoying the session. But imagine how you're going to feel 20 days from now, 30 days from now, 40 days from now if, on a bill like this, you're wearied, you cannot engage your mind with this bill. But there are important issues before us here. Now, Senator Janssen could end all this by telling me he'll withdraw his bill, which he's

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not going to do. When you have an A bill, the "A" stands for "appropriation." The way the bill is drafted, it says, a person who meets the other qualifications can receive up to 100 percent of tuition assistance. But there is no number of persons, there is no dollar amount to use for the purpose of constructing an A bill. Senator Janssen has put together an ad hoc formula he would use. But I think some of my colleagues are going to require something far different from what he's asking for. I hope he offers an A bill, because I can kill it easily. I will kill it. Because my colleagues will quickly see that legislating and trying to appropriate in that manner is very slipshod, slapdash, hit-and-miss, irresponsible, and imprudent...oh, and unwise, because you don't know what you're dealing with. It's like a pig in a poke, or carte blanche. You don't know, with the way this bill is drafted, that more or fewer people will get assistance than is the case now. How could there be fewer if you're going to fund it at 100 percent? Well, 100 percent may not cover all of the people who want to go. And if you give less than 100 percent, then you will have far more people who can go than are going now, because more money is available. If the Legislature agrees to adopt an A bill of that kind, then I think the new man over in that corner of the building is going to have to be assisted off the floor, he'll be laughing so hard. He'll say, the Legislature has lost its collective mind, save one. And that one will be me. I will not be hoodwinked, I will not be bamboozled, I will not be stampeded into throwing money after what is being presented to us here today. This bill now is a disaster, and I have one of my children to thank for it. Old King David had written in one of his Psalms, I am wiser than my teachers. This is where...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...the student outdid the professor. This body doesn't know what it has done with this bill, because the body doesn't care; it's operating on emotion. If anything is passed, they can run out of here and say, we did something for the boys and the girls in Iraq. Really, they're men and women, but that's what they're called. My amendment would say, whatever amount you appropriate, it can only be spent at a state

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university, college, or community college. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Chambers, there are no further...your light is on. Did you wish to speak, or did you wish to close?

SENATOR CHAMBERS: When I put my light on, that means I'd like to speak.

SENATOR CUDABACK: You may do so.

SENATOR CHAMBERS: Thank you very much, Mr. President. I owe you. Members of the Legislature, this is an amendment which addresses a subject that used to come up every session on the budget bill. I was opposed to a scholarship, as they called it, which set aside money to be used only at private schools. And that was discriminatory. That was support for these private schools, mainly the religious schools, mainly Creighton, probably, and College of St. Mary. And then they threw a couple of Protestants in there, just to make it look ecumenical. But there were three scholarship programs, and the ones who wanted to go to these private schools would have access to all three of them. But there was that third one set aside just for those religious people. That shows the power of the Catholic Church in this state. So I fought it every session. And the Governor, who was a Catholic, would always put money in it, more than I thought should be there. So we'd battle and fight back and forth, and they would reduce the amount. Finally, I was able to reach an accord, where that program is phased out. There cannot be a continual coming to the Legislature by those who say they favor public education...I do favor it, my votes show it...people who say they favor public education, but nevertheless will let money go to support these private schools and colleges. That's who's being supported, not these students. These schools tell the students to come down here and tell us that they're the ones getting the money. These schools are getting the money. And there was some kind of way that they put it in a pot and let those schools administer it. You're going to come here this session, when we're in the budget negotiations and arguing, and say, give the university a certain amount of

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money, and you're throwing money to these private schools? You know that I'm not going to be on your bandwagon. I'm going to be trying to make the wheels come off. And this time, instead of having Senator Wehrbein to kick around, I'll have Senator Don Pederson to kick around. We can stop some of this right here. We don't have to say, because somebody lives in a certain location, they are going to be able to go to some of these private schools and have the state foot the bill. Put public money in the public education system. The Catholics have a parallel, competing system, preschool to postgrad, the only ones, and they're drawing public money at all levels. They get textbooks loaned to them, other ways that the public is underwriting Catholic schools. People are afraid to say that, but that's true. Creighton is a Catholic school. I went there. I know about Catholic education. I know that they all but own Milwaukee. That's where a lot of the books were printed. And when they write "Milwauchicus," or something like that--they Latinized everything on these books to show you where they came from--I'd say, it's straight from the pit. These were so-called philosophy books, but they were really theology books. We don't owe any state money to private education. If the university has all the money that it needs, then maybe I could be prevailed on...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...not to fight so hard. But they come here with a pitiful mouth. And there are members on the floor of the Legislature who will speak in behalf of the university, but they won't speak at a time like this, when we can make it clear that there is not enough money to adequately fund public education. People can send their children to these private schools if they want to. If they want them to be taught religion, let them go to the schools where it's taught. But the public money should not underwrite it. Is that my third time, Mr. President?

SENATOR CUDABACK: It is, Senator.

SENATOR CHAMBERS: Thank you.

SENATOR CUDABACK: But you may now close, if you care to.

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SENATOR CHAMBERS: Thank you, Mr. President. I'm not through with this issue. I'm going to see what we do with this bill. And I will be plotting my course. And if it makes it to Select File, I am not going to be as easygoing as I've been today. I'm not going to be as kind and gentle as I have been today. I'm going to enter my mode of doing all I can to stop a bad bill. It's not just the amount of money. It is a policy that is bad. The timing of the bill is bad. The provision in the existing law that allows public money to go to these private schools is bad. Three strikes and you're out in any league. So, if Senator Janssen succeeds in moving this bill across the floor in its present form, he has not really gained that much. I will feel that if there is a victor in all of this, I am. There is no guaranteed amount of tuition support for anybody. So, if he brings an A bill, that can be wiped out. Then, if the budget committee, under Senator Don Pederson--I wish he'd listen--if the budget committee, under new champion...I meant new Chairman, mint...freshly minted Chairman of the Appropriations Committee, will agree to appropriate the amounts of money that Senator Janssen and the National Guard and others are going to ask, when we don't have any standard by which to judge, I will consider that irresponsible. But I'm just one person. But it will jaundice me toward the budget bill, and I will have to make changes. Brothers and sisters, viruses are smaller than bacteria, I believe. Viruses can go through openings that are too large for...too small for bacteria, so they can get places where bacteria cannot. And they have to get inside of a cell to survive. Their genetic material is designated RNA. But when it gets in there, it combines with the nuclear material in that cell, and it's converted to DNA. Then it's able to replicate itself, leave that cell, and infect another one. Viruses are tricky little devils. They probably are the politicians of the germ kingdom. But nevertheless, this that is being done in this bill is like a virus that can infect the rest of the session. Am I a virus lover? It depends on what the virus' role is. Not all viruses are bad. My amendment I think should be adopted. Then I will take my hands off the bill, and it can move to Select File, at which time I will then draft additional language to remove every reference to these private, independent, not-for-profit, regionally accredited schools, colleges, and

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whatnots. But if my amendment is rejected, then I know the nature of the battle that I'm going to have to wage, and I assure Senator Janssen and his minions that I'm prepared to do that. Mr. President, I will ask for a call of the house.

SENATOR CUDABACK: Thank you, Senator Chambers. There's been a request for a call of the house. All in favor of the call vote aye; those opposed, nay. Record please, Mr. Clerk.

CLERK: 18 ayes, 0 nays, Mr. President, to place the house under call.

SENATOR CUDABACK: It was successful. The house is under call. All unauthorized personnel please leave the floor. Unexcused senators report to the Chambers. The house is under call. The house is under call. Unexcused senators please report to the Chamber. Senator Cunningham, Senator Byars, Senator Langemeier, Senator Heidemann, Senator Schimek, Senator Stuhr, Senator Landis, Senator Burling, Senator Smith, and Senator Synowiecki. Senator Bourne. The house is under call. All unexcused senators please check in. Senator Brashear, Senator Byars. Senator Burling, Senator Synowiecki. Thank you. Senator Burling and Senator Bourne. Senator Burling, the house is under call. Please check in. Senator Burling. Senator Chambers, all members are present or accounted for. How did you wish to proceed?

SENATOR CHAMBERS: (Microphone malfunction)...vote.

SENATOR CUDABACK: There's been a request for a roll call vote on the question. The question is, shall FA10 be adopted to LB 96? Mr. Clerk, call the roll on the question, please.

CLERK: (Roll call vote taken, Legislative Journal page 416.) 16 ayes, 27 nays, Mr. President, on the amendment.

SENATOR CUDABACK: The motion was not successful. The amendment has not been adopted. And I do raise the call. Mr. Clerk, anything further on the bill?

CLERK: I have nothing further at this time, Mr. President.

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SENATOR CUDABACK: Thank you. Discussion of LB 96 itself to E & R Initial? Open for discussion. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, although I didn't win that vote, the number of votes was heartening to me. You learn how to read things after you've been here a while. By the time we get to the appropriations process, the appropriating process, things are going to be a lot different. But I want you to read this bill and ask yourself, what have you done, those of you who support it? There is no amount guaranteed to any person in the National Guard, zip. There is no money currently that exists, and it's going to have to be appropriated. Senator Janssen said he's going to bring an A bill, and he cannot formulate an A bill. And I don't believe anybody on the appropriations...well, is Senator Foley still on the appropriations bill? Oh, he's...nobody on the appropriations bill would agree (laugh) with what Senator Janssen will put together, in my view. So he's going to have to come to the Appropriations Committee and say, give me some money. And the Appropriations Committee is going to have been listening to all of these agencies and departments, where the state has a concrete responsibility to appropriate money, whining, crying, begging, cajoling, manufacturing reasons as to why they should get a certain amount of money. And when something like this comes in, it's not going to be high on the priority list. By the time we reach the appropriation process, a lot is going to have happened in Iraq, and there's not going to be people running to jump on the bandwagon like there will be this morning. Reality is going to have set in. And I say again, an election doesn't change anything. The Sunni Muslims did not even participate to any extent. According to American and other intelligence sources, the Sunnis constitute the backbone of what they call the insurgency. I call them freedom fighters. But that doesn't mean only Sunni Muslims are involved. There are Shiites who have set off suicide bombs in the northern part of Iraq. People way over here on this side of the world don't even know what's happening in their own country, in their own state, in their own city, in this Legislature, and they're going to act like they know what's happening a half a world away? That's why I'm not worried too much about losing

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these preliminary little skirmishes like we're having here today. Senator Janssen has gotten as much mileage out of this thing as he can. He has tried to say, do something for the people in Iraq. He has expressed a wish. I've expressed a broader wish--bring them all home. Maybe neither of our wish will be granted. But there is nothing in this bill, and as it's written, there's less here now than there was before. But people don't read these bills. They don't know what's in it. They don't even know what we're voting on now when we vote to move it. But I know. And I don't lose my concentration, and I don't lose my ability to keep in mind several things at the same time. Because what we're dealing with is not that complicated, as far as I'm concerned. But a bill like this, if it moves, puts a complicating factor into whatever else happens...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...this session. Since we have a new sheriff in town, this bill may not be getting as much time, from now on, as it's getting today. It's going nowhere. There's nothing in it. It does nothing. It does less than what the current law does. This is one of those George Patton-esque escapades. This is one of those George Patton-esque escapades. A whole lot of noise and bravado and people going here, people going there; when it's over, things are worse than they ever were before, and they finally say, that man is...he's got a mental problem. And he did have one, by the way. (Laugh) I have a Patton devotee in here, and he and I just kind of go back and forth sometimes. But he is not George Patton. I want to make that clear. I think George Patton's middle initial is "F." Is it...?

SENATOR CUDABACK: Time.

SENATOR CHAMBERS: (Laugh) Okay.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Friend, on the advancement.

SENATOR FRIEND: Thank you, Mr. President. You know, I'm...we're behind the eight ball here, so I thought I'd address those lunatic comments that Senator Chambers threw out about 20

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seconds ago. Actually, I had spoken to him previously, maybe about two hours ago, that I've been studying him in various ways. And in order to study him, I've been reading up on, you know, some of the military endeavors in European history. He reminds me of Napoleon, and I remind myself of Wellington. And I...all I would say is, be really careful, because I think we all know how that one ended up. The bottom line is this bill is going to pass, and I can't wait for it. Hopefully, it will be before "Captain Lunch-hunter" calls me. So that would leave us about 25 minutes, and I'm looking forward to it. Thanks for...thank you for the time.

SENATOR CUDABACK: Thank you, Senator Friend. Further debate on the advancement? Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, Senator Friend is going to talk about Napoleon and Wellington. Well, I have a little rhyme for him already. And I'm just waiting, I'm just waiting patiently. (Laugh) But in reality, when Senator Friend said this bill will pass, he meant it would advance, because we can't pass the bill today, but I knew exactly what he meant. And, Senator Friend, I have not made it up in my mind that I'm going to try to stop it from moving today, because I...I don't care where it is in the system, in the pipeline. And I like that term "pipeline," because they mean a pipe, a tube, and a tube has two ends. A tube has two ends. So anything you put inside that pipe, if it's going to get out, it has to get out the end it went in, or come out the other end. But if you block up both ends, it's not going anywhere; you've got it. This bill is mine. But I'm willing to trade. I'm willing to bargain. I'm willing to negotiate. Before it's over, I might even draw Senator Schrock into the negotiations. I just happened to see him walking down the aisle. But he may have a role to play. Senator Aguilar, Senator Howard, Senator Loudon. People have interests around here, and pretty soon they're going to begin to see that their interests don't exist in a vacuum. Everything that happens here can affect everything else. Picture the Legislature like one of those circular, seamless webs. Anything that touches the web on one side will communicate vibrations throughout the entire web. So things that are done in the early parts of the session are

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setting a tone, even though some people may not perceive what that tone is. But I'm watching very carefully. I'm listening to what everybody is saying. And this bill has been something like a sounding board. If the body is going to move this bill in the condition that it's in, then I know I'm absolutely correct when I say, either you haven't read it or you don't understand it. In either case, you play into my hands. Ignorance is what I can deal with, because most people in this society, unfortunately, fit into that category. They're uninformed; they're misinformed. And they are lazy and will not read these bills, will not inform themselves. They'll look to see how certain people may be voting, and that's the way they vote. At this point, it makes not too much difference. But as we get deeper into the session, it's going to make a lot of difference, because you're casting votes now, and a pattern will be established. So I can use this bill for a number of purposes. But Senator Janssen is such a kindhearted person, he deserves to get a vote on this bill to advance it. And I'm going to make sure that I don't do anything to stop him from getting that vote. Is this my third time speaking, Mr. President?

SENATOR CUDABACK: It is your second, Senator Chambers.

SENATOR CHAMBERS: My second. I'll speak just one more time, because I don't think anybody else is interested. And then Senator Janssen can get his vote, and then he can tell the National Guard people that he rescued them. They'll say, what did you give us? He'll say, well, I took away the guaranteed 75 percent, and you might get 100 percent, but again, you might get nothing. And they'll say, with that kind of help, I'm not sure whether I've been helped or not. So they'll think about that. You all won't think about it, and I hope you don't think about it. But we'll just see how things play out from this point on. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Further discussion? Senator Chambers. Senator Chambers, did you wish to speak?

SENATOR CHAMBERS: Yes. Mr. President, members of the

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Legislature, assuming that any money is appropriated, the way the bill is drafted, there is nothing in the law that requires the same percentage of tuition payment to go to all of the ones who receive assistance. Discrimination can be built into the program, as this bill is drafted, because a bureaucrat makes the decision as to who will get the money and as to how much. I don't know if you give that kind of leeway to anybody in the state when it comes to dispensing public money. I don't know that the university even operates like that. I think they might have criteria, and whoever fit within these criteria are entitled to certain things in the way of consideration. What you have done is to say that you're going to allow a bureaucrat to say, 100 people may be in this program...no, I think 50...well, 70...well, I think 300. Somebody will get \$8, somebody will get \$80, somebody will get \$8,000. And none of that will violate the law, as you've written it. When you write a law that is that loose, you have not behaved prudently. This is not the work of reasonable, prudent persons. But it's typical of the Legislature, because I controlled you this morning, and I made you do something that's against your best interest as a Legislature. Oh, Senator Friend is gone. But I was going to say, I bet he didn't realize that at some point I would make him rise to the bait and talk back to me this morning. Because he made up his mind, I'm sure, that he wasn't going to say anything. I tell you, you know your children, all my children, and I care about all my children. Some are obedient, some are disobedient, some are hard-headed. But that's what you find in life, and that's what you find in families. I don't think this bill ought to move. A message, though, I think, was given by that vote on these private, independent, nonprofit schools...or not-for-profit. I'm going to have a host of amendments by the time this bill gets to Select File. I'd like to ask Senator Janssen a question.

SENATOR CUDABACK: Senator Janssen, would you yield to a question from Senator Chambers?

SENATOR JANSSEN: Yes.

SENATOR CHAMBERS: Senator Janssen, have you started counting your votes to see if you have 33?

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SENATOR JANSSEN: Senator Chambers, as a rule, I don't count votes. But I believe in this case I probably have about 42.

SENATOR CHAMBERS: Forty-two, you said?

SENATOR JANSSEN: Yeah.

SENATOR CHAMBERS: Okay, you would...we're going to put that to a test.

SENATOR JANSSEN: (Laugh) Is that enough, Senator Chambers?

SENATOR CHAMBERS: Well, all you need is 33. That's more than enough. You ought...

SENATOR JANSSEN: Well, you always have to...

SENATOR CHAMBERS: ...you ought to keep some of those off, lay them aside for something really significant.

SENATOR JANSSEN: You always have to have a little cushion in there, you know.

SENATOR CHAMBERS: Okay. Well, you're going to get the opportunity. You're going to see if all those 42 who may commit to you today are going to be with you when the heat is on. And then, as I wrote that little rhyme, their bills are coming up. Will you support the bill of everybody who votes for you on cloture? Will you give that guarantee?

SENATOR JANSSEN: Senator Chambers, no, I've never given that kind of a guarantee to anybody.

SENATOR CHAMBERS: You mean you're going to ask them to support you, antagonize me, and you're not promising to support them in return?

SENATOR JANSSEN: Well, I believe that the bill has enough merit that people will support it anyway.

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SENATOR CHAMBERS: But some of them may not have enough merit.

SENATOR JANSSEN: Well, I believe they will.

SENATOR CHAMBERS: Because some get a cloture vote, but they don't get that many votes to pass it.

SENATOR CUDABACK: One minute.

SENATOR JANSSEN: Good things come to those who wait.

SENATOR CHAMBERS: And you feel if you wait long enough you'll get 42 votes, 42, and your colleagues who vote for you cannot count on one vote from you. You see what I mean about when I characterize the intelligence level of my colleagues?

SENATOR JANSSEN: No, I wasn't listening.

SENATOR CHAMBERS: I just want you to help me dramatize it for them.

SENATOR JANSSEN: I wasn't listening to that portion of your speech this morning.

SENATOR CHAMBERS: Okay. Well, thank you. Then that makes it even better, because you feel the same way that I feel. I'm not going to do anything else to delay or impede Senator Janssen's bill. It will die of its own lack of merit. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Schimek, followed by Senator Don Pederson.

SENATOR SCHIMEK: Yes, thank you. Mr. President, members, I wasn't going to speak again, but I think that we need to correct something that's been said on this floor, and the figure that was just tossed out by Senator Chambers, we might be spending \$8,000 or \$18,000 or whatever on one student. If you'll look at the language in the bill, it says that any student who gets this kind of support shall be entitled to a credit of up to 100 percent of the resident tuition charged of such school,

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except that any member who attends an independent, not-for-profit, regionally accredited college or university in this state shall receive a credit in the amount no higher than that person would receive if they attended the University of Nebraska at Lincoln. So that definitely puts a cap on the amount of the tuition that can be granted to anybody. They can't be granted a tuition amount of a private university or college if it's more than what it is at the university. So that does help put a cap on it. And if I understand the way this has worked in the past, the Guard estimates the amount of applicants, and they look at the amount of money, and they try to decide then if they're going to be able to meet the need or not. And if they aren't, they just have to cut the numbers that are actually going to receive the aid. So they've always pretty much stayed under this cap. Senator Chambers, I think we do need some more work on this bill. I wouldn't disagree with you at all. But it's not a badly written bill. And in fact, it's served us very well since 1999, I think, is the last time that we changed it. So I think it works. And there are some issues that have been brought up that I think need answers. And we may even want to play with the wording a little bit yet. And we'd be happy to have you involved in those kinds of discussions. So with that, Mr. President, I would conclude my remarks.

SENATOR CUDABACK: Thank you, Senator Schimek. Senator Don Pederson, you're recognized.

SENATOR D. PEDERSON: Thank you, Mr. President, members of the Legislature. I'm a bit concerned as to where this bill is actually going, quite honestly. And I think that Senator Chambers has some very good points here. And I'd like to ask Senator Janssen...I'm reading the fiscal note for this bill, and it says what this bill does is increases from 75 percent to 100 percent the amount that may be given by tuition benefit. But it doesn't increase the total amount that's available under the program. So apparently, what would happen is, if you have more people, it's going to, in some way, be ultimately capped by the \$900,000. And the amendment that committee proposed of increasing that cap was not advanced. So I'm not really certain what you've gained by this. Could you tell me what the benefit is to the bill, as you have it now?

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SENATOR CUDABACK: Senator Janssen, would you yield?

SENATOR JANSSEN: I believe that by raising this to 100 percent, we are going to quite possibly be a little bit on the short side on our figures. But if we have \$900,000, or if we have \$1,200,000, the reimbursement is going to be for that amount. You're not going to be able to go over that cap. So you're going...the amount of people that are eligible for that tuition will have to fall under that amount.

SENATOR D. PEDERSON: If you have more people that are asking for this than you have funds available, what happens?

SENATOR JANSSEN: Well, with the way the bill is now, it would say up to 100 percent. It would be on a sliding scale, the money that's available, what the percentage would be. If it comes out to be 75 percent with the money that's available, then you'd be at 75 percent. Or if it was a 62 percent, the money available for...and the amount of people you had.

SENATOR D. PEDERSON: Well, I think we're in the position, as a Legislature, that we don't want to do anything that in any way negates the efforts of our soldiers. But on the other hand, I think that we should be realistic, and I think that what is being proposed, candidly, doesn't accomplish anything. Thank you.

SENATOR CUDABACK: Thank you, Senator Don Pederson. Senator Thompson.

SENATOR THOMPSON: Thank you. I think what this is coming down to is a benefit versus...I mean, we're mixing it up with what we do with scholarships. And the scholarships of the state are need-based, or merit-based. This is a pure benefit. It is not need-based, although we hear from the people who are pushing the bill that a lot of people who join the Guard don't have resources for education, and this is a draw for them. So this is a benefit we're talking about here. My concern with going to 100 percent...and I think we've started there this morning, talking about what that benefit should be. Should it be

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75 percent, 50 percent? Currently, it's 75 percent, probably, on average, a pretty competitive one, in terms of what other states do, whether this is the tool that the National Guard needs to be able to recruit. Now, we can get into larger societal issues of rewarding people who are willing to serve. At this point in time, we're debating it, probably because we've had a large number of troops who have been...had to go overseas. We're worried about them. We want to do the right thing for them. I think we need to get this back into, I believe, what the context is, as a Legislature. And I think Senator Pederson is kind of getting to that. In the scheme of everything that we must do, we have to decide what this benefit is, and how it's administered, and what its purpose is. I mean, if the purposes that I've heard, one is to encourage recruitment. And that's what...every time this has come up, in increasing this, over the years that I've been in the Legislature, it is to help recruit. We're getting it now into kind of a little different category of reward for the people who have served. So we have two public policy issues here. But what it comes down to is how we structure this. I don't have a problem with it being 0 to 100 percent, and letting the department--I have a lot of confidence in the department--manage an amount of money to the best they can for the people coming in. Now, that's if this is a reward. If this is a benefit to recruit, then we really are better off saying 75 percent, so that anyone coming in would be able to say, if I do this for X number of years, I get this benefit. So with my amendment, we've kind of twisted it around to a reward. And I think it also calls up a lot of other discussion that we have in general about our scholarship programs. What kind of GPA does someone need to maintain to stay in them; where they can go to school; what...do they have to pay for any of it themselves? This would be a little different in that regard. I think we've stirred all that up, and I know that a number of people are going to work on this in the...if it moves to Select File. But I don't think anyone who has challenged the mechanics of this, or has challenged how this fits in our whole budget picture, or has challenged what we need to do to create a benefit to recruit, should be in any way labeled as disloyal or antimilitary or antiwar or whatever else you want to throw into that, with the exception of Senator Chambers, who uses these bills to talk about broader issues than

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the bill themselves. But it's okay for us to get into the details of this bill and its philosophies and how it's going to work.

SENATOR CUDABACK: One minute.

SENATOR THOMPSON: And so I appreciate the fact, in my private conversations with Senator Schimek and Senator Janssen, about what they're going to work on in-between here, because it does have a lot of implications. Thank you.

SENATOR CUDABACK: Thank you, Senator Thompson. Seeing no further lights on, Senator Janssen, you may close, if you care to.

SENATOR JANSSEN: Thank you, Senator Cudaback. Well, we've spent the morning on this particular bill. And thank you, Senator Chambers, for allowing us to discuss this very extensively. It's always my pleasure to be with you or against you. It's always a thrill, no matter which side you're on. But I believe we have...we've made some changes. Yes, we have. There have to...there will certainly have to be a little more adjusting on this bill, especially on the finances of it, how and that...and how that will transpire. With that, I believe that we've got something we can begin to work with. And I would appreciate a vote of...a yes vote on this to move it over to Select File. And between now and then Senator Pederson, Senator Schimek and I will work on the financing of the bill. Thank you.

SENATOR CUDABACK: Thank you, Senator Janssen. You've heard the closing on the advancement of LB 96.

SENATOR CHAMBERS: (Microphone malfunction) Roll call vote.

SENATOR CUDABACK: The question is, shall LB 96 advance to E & R Initial? There's been a request for a roll call vote on the question. Mr. Clerk, call the roll, please. Senator Janssen.

SENATOR JANSSEN: Can we have a call of the house, please?

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SENATOR CUDABACK: There's been a request for a call of the house. When you get time, Mr. Clerk. There's been a request for a call of the house. All in favor of the house going under call vote aye; those opposed, nay. Record please, Mr. Clerk.

CLERK: 26 ayes, 0 nays, Mr. President, to place the house under call.

SENATOR CUDABACK: The house is under call. All unauthorized personnel please leave the floor. Unexcused senators report to the Chamber. The house is under call. The house is under call. Senators, please check in. Senator Cunningham, Senator Cudaback, Senator Flood, Senator Fischer, Senator Schrock, Senator Kremer, Senator McDonald, Senator Bourne. The house is under call. Senator Flood, would you check in, please? Thank you. Senator...all members present or accounted for. There's been a request for a roll call vote on the question. Mr. Clerk, call the roll, please.

CLERK: (Roll call vote taken, Legislative Journal pages 416-417.) 37 ayes, 3 nays, Mr. President, on the advancement of the bill.

SENATOR CUDABACK: LB 96 does advance. And I do raise the call. Mr. Clerk, do you have items for the record?

CLERK: I do, Mr. President. Your Committee on Transportation reports LB 70 to General File; LB 79, General File with amendments; LB 67 indefinitely postponed; and LB 156 indefinitely postponed. Business and Labor reports LB 99 to General File with amendments; LB 122, General File with amendments. Transportation reports LB 295 to General File; LB 471, General File; LB 251, General File with amendments.

Mr. President, an amendment, Senator Landis, to LB 216, to be printed. New resolutions: LR 35, by Senator Byars; LR 36, by Senator Synowiecki; LR 37, by Senator Synowiecki. All of those will be laid over and considered at another time. And a priority bill designation: Retirement Systems has selected LB 503 as one of its two committee priority bills. Senator Dwite Pedersen would like to add his name to LB 64; Senator

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Foley, LB 64; Senator Combs, LB 332; Senator Jensen, LB 542.
(Legislative Journal pages 417-421.)

Mr. President, a priority motion: Senator Aguilar would move to adjourn until Thursday morning, February 3, at 9:00 a.m.

SENATOR CUDABACK: You've heard the motion from Senator Aguilar to adjourn till February 3, 9:00 a.m. All in favor of the motion say aye. Opposed to the motion say nay. We are adjourned.

Proofed by: J. Hurlbut