

**FEBRUARY 9, 2005**

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February 9, 2005 LB 499

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Good morning. Welcome to the George W. Norris Legislative Chamber. Our chaplain of the day is Dr. Reverend Bob Chitwood, Brownville Christian, Charter Oak Christian, Talmage, guest of Senator Heidemann. Doctor.

REVEREND CHITWOODD: (Prayer offered.)

SENATOR CUDABACK: Thank you, Reverend Chitwood, for being with us. We appreciate you being here. I call the twenty-fourth 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: Are there any corrections for the Journal?

CLERK: I have no corrections, Mr. President.

SENATOR CUDABACK: Messages, reports, or announcements, please.

CLERK: Mr. President, a notice of priority bill designation. Revenue Committee has selected LB 499 as one of its two priority bills. Hearing notices from the Appropriations Committee and from the Revenue Committee, signed by the respective chairs. And I have confirmation reports from the Education Committee, two separate reports offered by the Education Committee, signed by Senator Raikes. That's all that I have, Mr. President. (Legislative Journal pages 459-460.)

SENATOR CUDABACK: Thank you, Mr. Clerk. We now go to legislative confirmation report. Senator Schrock. Mr. Clerk, did you wish to...I'm sorry. I'm sorry, Mr. Speaker. You wish to make an announcement, and you have the floor. Apologize for that.

SENATOR BRASHEAR: Thank you, Mr. President. Please don't, it's fine. Colleagues, good morning. If I could have your attention briefly, continuing the practice of trying to let you know what we're doing and why, we're going to schedule some special...some

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time for special Exec Sessions of Committees. And so I'd like to highlight the schedule. It will be confirmed to you as I'm presenting it in writing by e-mail, so you need not be overly concerned. But Friday, March 17 is the last day of scheduled hearings by the committees. Monday, March 21 we'll convene in the morning; but in the afternoon, Monday and Tuesday committees will have the afternoon for Executive Session. On Tuesday, March 22 we'll do our first, quote, full day on the floor. We'll recess for lunch, of course. On Wednesday 23, again, we'll be here in the morning, but then allow Wednesday, Thursday, Friday committees to have Wednesday afternoon for special Executive Sessions and work. Thursday is the last...Thursday, March 24 is the last day of the week, and we'll continue our traditional practice of...it's always my intent, on the last day of the week, to adjourn early. But we will work over the lunch hour, to the extent that we need to. Then on March...Monday, March 29 we will be in full day on the floor, for ever and ever and ever, until we're done. So thank you very much. This will be confirmed in writing.

SENATOR CUDABACK: Thank you, Speaker Brashear. The body appreciates being informed. We now go to legislative confirmation reports. Mr. Clerk.

CLERK: Mr. President, I have a confirmation report from the Natural Resources Committee involving the appointment of James Ziebarth to the Game and Parks Commission.

SENATOR CUDABACK: Senator Schrock, as Chairman of the Natural Resources Committee, you're recognized to open on your report.

SENATOR SCHROCK: Mr. President, members of the Legislature, on February 3, James Ziebarth appeared before the Natural Resources Committee. He is a new appointee to the Game and Parks Commission, representing District 4. He's president of Ziebarth Farms, Incorporated, a family farm corporation. James is the fourth generation involved in the operation. He is a member of the National Corn Growers, Nebraska Farmers Union, University of Nebraska President's Advisory Council, and was former vice chair of the Nebraska Ethanol Board. James Ziebarth did have to resign from the Ethanol Board to accept this appointment. I

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know him very well. He lives in my district. His father is the former senator from that area of the state, Wayne Ziebarth. And his father also served on the Game and Parks Commission. He will be one of three farmers serving on the Game and Parks Commission, a requirement that we have for three of the eight commissioners. The committee's vote was unanimous to advance his name to the full body, and I recommend that the full legislative body confirm James Ziebarth to the Game and Parks Commission.

SENATOR CUDABACK: Thank you, Senator Schrock. You've heard the opening on the legislative confirmation report offered by the Natural Resources Committee. Open for discussion on that report. Seeing no lights on, Senator Schrock, did you wish to close on your report? He waives the opportunity to close. The question before the body is, shall the confirmation report offered by the Natural Resources Committee be adopted? All in favor vote aye; opposed, nay. The question before the body is, shall the confirmation report offered by the Natural Resources Committee be adopted? Have you all voted on the question who care to? Record please, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 461.) 34 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

SENATOR CUDABACK: The report has been adopted. We now go to General File, LB 53. Mr. Clerk.

CLERK: LB 53, by Senator Schimek. (Read title.) The bill was introduced January 6, referred to the Government Committee, advanced to General File. Committee amendments were presented yesterday, Mr. President, as was the bill. I do have committee amendments pending at this time. (AM0058, Legislative Journal page 340.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Schimek, would you like to give us a review on the...where the bill stands at the present time?

SENATOR SCHIMEK: Yes, thank you, Mr. President. We are on the

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committee amendment, I believe. And I would just say that the committee amendment makes a simple addition to the bill, and it requires that a two-year period of time would pass before this automatic restoration of a vote would...of the right to vote, would occur. And if you recall, the bill itself restores the right to vote for people who have completed their sentences. It doesn't mean when they're on parole or probation or anything like that. They have completed their sentences, they've served their time, and they've been released by the Department of Corrections. Thank you.

SENATOR CUDABACK: Thank you, Senator Schimek, for the review. Mr. Clerk, motion on the desk.

CLERK: Mr. President, Senator Smith would move to amend the committee amendments with AM0330. (Legislative Journal page 461.)

SENATOR CUDABACK: Senator Smith, you're recognized to open on your amendment, AM0330.

SENATOR SMITH: Thank you, Mr. President and members. As I indicated yesterday, that I had a concern about the integrity of the election process, and that I believe that we do not focus enough on voter fraud, especially in light of recent circumstances. But this amendment basically pulls out the voter fraud felon from the rest of the process...or, I shouldn't say the rest of the process, but it acknowledges the fact that a person who's committed voter fraud would not qualify for the automatic restoration of voting rights, as the committee amendment does. And as well, though, it also still allows the Pardons Board, as they are constitutionally charged, with still being able to provide that pardon. But that pardon would stay with the Pardons Board, rather than an automatic restoration. So I would encourage its favorable adoption. And certainly, if you have any questions, I'd be happy to answer them. Thank you.

SENATOR CUDABACK: Thank you, Senator Smith. You've heard the opening on AM0330, which is an amendment to the committee amendments to LB 53. Open for discussion. Senator Chambers, followed by Senators Schimek and Smith. Senator Chambers.

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SENATOR CHAMBERS: Mr. President, members of the Legislature, I'm not going to take much time on Senator Smith's amendment. I think it's totally inappropriate, based on what we're trying to do with the bill. I don't mean it's inappropriate for him to offer an amendment. Any amendment that a person wants to offer may be offered. But in view of the thrust of this bill, there is no need to allow Senator Smith or anybody else to start picking away and designating certain classifications and categories of people who cannot be given the restoration of what is a civil right. When a person...if a person is convicted...first of all, let me ask Senator Smith a question.

SENATOR CUDABACK: Senator Smith.

SENATOR CHAMBERS: I don't want to presume anything.

SENATOR CUDABACK: Senator Smith, would you yield to a question?

SENATOR SMITH: Yes.

SENATOR CHAMBERS: Senator Smith, who has been convicted of election fraud, that you know of, in Nebraska?

SENATOR SMITH: I'm not aware of any, Senator.

SENATOR CHAMBERS: Thank you. Members of the Legislature, an amendment looking for a problem to mess with is a waste of our time, and it clutters the bill. Senator Smith made it clear yesterday his opposition to the bill. He has some political opposition to existing statutes, such as Motor Voter registration, as they call it. And his party is interested in restricting the franchise as much as it possibly can. So in order not to get us bogged down on a side issue, I just want to make it clear that I'm opposed to his amendment. Then, after we deal with his next one, which is to raise the bar from two years to five years--and I will oppose that--we can get back to the bill itself. And at that point, I will discuss a memo that one of the employees of the Attorney General wrote to the Attorney General, which says, in effect, that arguments exist, based on Nebraska Supreme Court decisions, that this bill is

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constitutional. But I will go into more detail about that when a more appropriate juncture is reached. I'm opposed to Senator Smith's amendment. And remember what he said--he knows of nobody convicted of election fraud in Nebraska. I don't either. It would be like saying, if somebody has gone into a polling place and struck a poll worker; it has never happened. Somebody has gone into a polling place and commandeered a voting box, a box which contained ballots, and made off with it; which has never happened. This bill has a narrow, specific focus. And I think Senator Smith should ride his political hobbyhorse on a different bill, or bring his own. Thank you, members of the Legislature.

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

SENATOR SCHIMEK: Thank you, Mr. President and members. I'll be brief. Actually, I was going to say almost exactly what Senator Chambers said. If we start trying to decide which things are...which kinds of convictions are supposed to be covered by this and which aren't, we'll be here for the rest of the legislative season. And maybe that's what Senator Smith wants. I don't know. But I would be opposed to this amendment, as I will be opposed to any amendment that tries to define more specifically what the policy should be.

SENATOR CUDABACK: Thank you, Senator Schimek. Senator Smith, on your amendment.

SENATOR SMITH: Thank you, Mr. President and members. I want to say that...as I indicated yesterday, that I don't think that our state, and probably other states as well, focus enough on the prevention--let me emphasize, the prevention--of voter fraud. There seems to be this wave that, if we have 100 percent voter turnout and half of that is fraudulent, it's a good day. I disagree with that. And there is this movement afoot to make Election Day a holiday, a paid holiday sometimes, or make Election Day on a Saturday. I think that's ridiculous. We can't force people to vote. We have an open system. I've even supported opening up absentee balloting. We can't call it that anymore; it's called early voting, I guess. And even though

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that does open up the system for fraud, I still did support that, because I think it was a good thing to do. However, I think this is very reasonable. And this is not just tacking on something. And while I can't cite the name of anyone who committed voter fraud, this is about prevention. And this is very reasonable. And I think that it's...and very relevant. It's very relevant to have this. And certainly, I would urge its favorable adoption. Thank you.

SENATOR CUDABACK: Thank you, Senator Smith. On with discussion of the Smith amendment to the committee amendments to LB 53. Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I'm going to vote against the Smith amendment. I side with Senator Schimek and Senator Chambers here, that going back and forth between trying to pick those offenses that should have an automatic restoration and those that shouldn't, on a piecemeal basis, doesn't make sense. Let me tell you that I'm going to vote for LB 53. But it's not because I am enamored of LB 53 on its own, but it's because, oddly enough, we continue to have the death penalty in this state. From my perspective, the loss of liberty is the most powerful thing that the state has to give and has to take back. It has what it contributes to the process of a criminal's life--because we create the conditions for liberty; we do not create the conditions for life. And the loss of liberty, I think, is a profound punishment, a profound punishment. If it was my preference, my preference would be that we do not take life as a state, that we be in the business of choosing the life sentence to be...I mean, I'm sorry, the death penalty, to be carried out, and that we play in that arena. Not that we don't have the constitutional power to. We just shouldn't. We just should eschew that penalty. In the event we were to eschew that penalty, I then think that it would be important for us to consider the quality and nature, the vitality, of the liberty that we take, the length, the profoundness of that deprivation, and the clawing back into acceptance by society from a state of an absence of freedom, as in incarceration. Under those circumstances, I do think that giving back the privileges of sharing an unfettered, free existence would be open to discussion, open to some weighing,

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open to being used as an incentive in some cases and a disincentive in others. If the...if our, as a state, modicum of exchange, if our chief deterrent, if our chief punishment was the absence, the profound absence of liberty, then I would think this would be one of the tools as part of that system. It's not. Our capstone is the death penalty. And if that's the case, if that's our capstone, and we're not as concerned about the use of liberty and its deprivation as our chief tool against law offenders, then as far as I'm concerned, we can do with this and have an automatic form of restoration. Were we in the business of using liberty itself as the chief principle of law enforcement, I would consider the graduated, careful, and sometimes arbitrary even, perhaps, reimposition...or the use of voting. But as long as the death penalty is here, this tool is not necessary. It's not a dead letter, but it's simply piling on, and we don't need it. Automatic restoration makes sense. And I will vote for LB 53. I mean, I just rise to say that in a different context, if we were in a different state and if we didn't have the death penalty, then I think voting rights would have a significant aspect of the...of restructuring the liberty that we would give to somebody, if that's what we really treasured,...

SENATOR CUDABACK: One minute.

SENATOR LANDIS: ...prized above all others, and deprived of those who wrong us in return. We would make use of this. We don't need to, and I support LB 53.

SENATOR CUDABACK: Thank you, Senator Landis. Mr. Clerk, announcement, please.

CLERK: Mr. President, Transportation Committee will have an Executive Session at 9:30 in Room 2022.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Louden, on the Smith amendment.

SENATOR LOUDEN: Thank you, Mr. President and members of the body. I entered into some of this discussion yesterday. Whether I am for or against the amendment I haven't decided. I

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don't think, if we're going to do something like this, that just voter fraud could go the difference. I guess the problem I have with what we're doing here today is, if somebody steals a truckload of corn someplace, and that's a felony, and they serve their time and do whatever they're supposed to do and jump through the hoops, then they get the right to vote; if somebody goes over there and tosses somebody off of a grain elevator and they kill them, and they serve their time, and probably get to parole after a period of time, they still have the right to vote. So I guess what looks like to me, where we already have something in place to take care of people that want to restore their rights to vote, it looks like, to me, as a Legislature, what we're sending out is the fact that all felons are created equal. Thank you.

SENATOR CUDABACK: Thank you, Senator Louden. On with discussion. Senator Smith, on AM0330.

SENATOR SMITH: Thank you, Mr. President and members. Yesterday in the discussion we heard that there is a penalty, a sentence, following a conviction, and once that sentence is completed, everything is back to normal, everything should be back to normal. We seem to forget that there are some victims to crime, and those victims have scars that go far beyond the end of the sentence of that felon. This is aside from voter fraud. These are different issues. These are violent crimes. And for us to have this highest priority of restoring voting rights to rapists and murderers, I have a problem with. This is very reasonable, to say that it's relevant to the voter fraud issue, this amendment. And I would urge its adoption. Thank you.

SENATOR CUDABACK: Thank you, Senator Smith. Senator Kopplin, you're recognized to speak.

SENATOR KOPPLIN: Thank you, Mr. President, members of the Legislature. I very much support LB 53, but I am having trouble with both amendments. It seems we are so eager to punish, we will use the death penalty in spite of the fact that it costs two or three times as much as life without parole. We'll build new jails to put in nonviolent offenders and pay for their families, when we could just as easily use other methods of

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punishment, and keep them in the workforce. This amendment, the latest amendment, seeks to add another type of punishment to that already ordered by the courts and completed by the felon. We could go on and on by adding more and more reasons that we shouldn't do this. My personal feeling is that we need to kill this amendment and the second amendment. And when sentences are completed, they are done, and we welcome back the felons to our life, which includes voting. Thank you.

SENATOR CUDABACK: Thank you, Senator Kopplin. (Doctor of the day introduced.) On with discussion. Senator Smith, there are no senators wishing to speak. You're recognized to close on your amendment, AM0330, to the Government Committee amendments.

SENATOR SMITH: Thank you, Mr. President, members. I'll reiterate the fact that this amendment simply excludes those who commit voter fraud from being included in the automatic--emphasis, automatic--restoration of voting rights upon the completion of their sentence. I urge its favorable adoption. Thank you.

SENATOR CUDABACK: Thank you, Senator Smith. You've heard the closing on AM0330, which is an amendment to the Government, Military and Veterans Affairs Committee amendments to LB 53. The question before the body is, shall that amendment be adopted? All in favor vote aye; opposed, nay. We're voting on the Smith amendment to the committee amendments. Have you all voted on the question who care to? Have you all voted who care to? Record please, Mr. Clerk.

CLERK: 8 ayes, 16 nays, Mr. President, on the amendment.

SENATOR CUDABACK: The amendment was not adopted. Mr. Clerk, motion on the desk.

CLERK: Mr. President, Senator Smith would move to amend with AM0328. (Legislative Journal pages 461-462.)

SENATOR CUDABACK: Senator Smith, to open on AM0328 to the committee amendments.

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SENATOR SMITH: Thank you, Mr. President and members. This amendment simply extends the waiting period from two years to five years. I'd prefer ten, quite frankly. When we look at corrections issues, recidivism is one of the biggest issues we have to deal with. And I tried last year for ten years in committee. I was unsuccessful. And so I think that five years is more reasonable, perhaps. And it's certainly an item for good discussion here, based on the merits of its straightforward approach, simply changing the two-year that's in the current committee amendments to the five-year waiting period; and certainly, as it addresses recidivism and attempts to prevent that. And I would urge its favorable adoption. Thank you.

SENATOR CUDABACK: Thank you, Senator Smith. You've heard the opening on the Smith amendment to the committee amendments to LB 53. Open for discussion on that motion. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, as I stated on the previous amendment, I'm opposed to this one. I will not take a lot of time. And I want to make just a general observation. If there's a bill before the Legislature to which I am opposed, I state my opposition to the bill, I make it clear that I'm going to do everything I can to stop it or kill it, but I never pretend that I'm trying to make what I consider to be a bad bill better. I'm always very open and aboveboard. I'm speaking for myself, with regard to the tactics and the strategies that I employ on the floor. What Senator Smith is asking us to do now is to, in effect, gut the bill. From the discussions that have taken place yesterday and the brief amount that has taken place this morning, I believe the body is of a mind to accept the committee amendment, which would require the two-year delay before a person can vote after having completed his or her debt paying to society. I don't like that amendment. I would like no waiting period. But in a political setting, dealing with a political body, political decisions are made. I know when to hold 'em, I know when to fold 'em. And on this amendment, I'm folding 'em. But I'm going to support it and LB 53. I'm opposed to Senator Smith's amendment. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator

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Schimek, followed by Senators Fischer, Smith, Redfield. Senator Schimek, on the Smith amendment.

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I, too, would oppose the amendment. The committee did talk about this, and the committee did hear the testimony. And you know, there were some of us who really didn't want a waiting period. There are only six other states in the United States that are like Nebraska. We have the most restrictive kind of anti-felon voting law, I think, in the whole United States. But in the discussion, it was apparent that some people would feel more comfortable if we had a waiting period. And so after a lot of discussion, we decided on the two years, which takes you through one election cycle. It also gives that person an opportunity to get back into the community, to get their lives back on track, and then to apply to register to vote after that two-year period. I...we could argue, again, from here until the end of the session, about what that waiting period should be. I hope that you will trust the committee's instincts on this, and go with the two-year provision. Thank you.

SENATOR CUDABACK: Thank you, Senator Schimek. Senator Fischer, on the Smith amendment.

SENATOR FISCHER: Mr. President, members of the body, I am a member of the Government Committee, and I voted against advancing this bill to the floor. When we had discussions on the waiting period, we were also provided with information on policy changes from other states. I would like to read some of those to you. I do not believe that Senator Smith's amendment is out of line. Until recently, Delaware imposed a lifetime voting ban for felons. In June of 2000, the General Assembly passed a constitutional amendment restoring voter rights to some ex-felons five years after the completion of their sentence. When it says "some ex-felons," I don't know if that means...obviously it doesn't mean all ex-felons. And there may be a distinction between nonviolent and violent. In Maryland, in 2002, the Legislature repealed its lifetime ban on two-time ex-felons, with the exception of felons with two violent convictions, and imposed a three-year waiting period after completion of sentence before rights can be restored. In

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Virginia, the Virginia Legislature passed a law in 2000, enabling certain ex-felons to apply to the circuit court for the restoration of their voting rights, five years after the completion of their sentence. Those convicted of felony drug offenses must wait seven years after completion. The circuit court's decisions are subject to the Governor's approval. In Wyoming, in March 2003, the Governor signed a bill to allow people convicted of a nonviolent first-time felony to apply for restoration of voting rights, again, five years after completion of their sentence. I support Senator Smith's amendment in trying to make this a better bill. But I do not support this bill.

SENATOR CUDABACK: Thank you, Senator. Senator Smith, on your amendment.

SENATOR SMITH: Thank you, Mr. President and members. I learned this morning, reading the newspaper, that the Pardons Board actually is working toward a plan of expediting pardons for voting rights in three years. So that, I'm sure, is going to move forward, regardless of what we do, perhaps, unless it's just this automatic zero if the committee amendments would for some reason fail; zero waiting time. But it disturbs me greatly when there are comments made that everything is back to normal upon the completion of a sentence. It's not. Ask a victim's family. Ask a victim, if you can. I believe that this is part of an effort of opening up voting that's based on political reasons. And that's fine. This is politics, and that's what it's about. But a five-year waiting period addresses recidivism, and hopefully prevents that, hopefully gives a period of time so that an ex-offender will not reoffend. That's what our goal needs to be. It's reasonable. Senator Fischer pointed out what other states do. This is not abnormal. A two-year waiting period basically doesn't even make sure that someone doesn't vote in the next presidential election. I value those voting rights, and it's something that any responsible citizen should do. But we also have a system in place that recognizes when some rights should be taken away. And this isn't even taking away rights forever; it extends the waiting period. Thank you, Mr. President.

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SENATOR CUDABACK: Thank you, Senator Smith. Senator Redfield, on the Smith amendment to the committee amendments.

SENATOR REDFIELD: Thank you, Senator Cudaback, members of the body. I supported the last amendment. Actually, I was one of very few that supported that, mainly because we were talking about a provision that is automatic, and I can guarantee you that a bank would not automatically rehire someone who had embezzled funds, and they would look at the crime, and see how pertinent it was to the actual activity that they were being hired to perform. And voting and voter fraud, I thought, were connected. Having said that, I would also say I'm not going to support this amendment, because I don't believe our discussion has really focused on where it needs to within this bill. I would agree with Senator Landis' discussion, Senator Louden's discussion on what the crimes actually were. I think that most of us have been young and foolish, and sometimes we have been older and foolish, and we have made mistakes. And I don't think that we want to pay for those forever. If we have someone who has committed a felony for a nonviolent crime, I would be absolutely in support with the original intent of the bill to automatically restore those voting rights as soon as their penalty had been paid. I don't think even in those cases we should wait two years. At the same time, I do believe that there are crimes of such a nature, or there are repetitive crimes where there have been repeated felonies, that I am not comfortable with a two-year period of automatic restoration. So I'm hoping that during the discussion of the bill, we will focus on that direction. Because I don't think the automatic time frame is the issue. It may be the nature of the crime, and whether it was a one-time event or whether it is a pattern of commonality, a pattern of repetition. Thank you, Mr. Cudaback.

SENATOR CUDABACK: Thank you, Senator Redfield. Senator Smith, there are no lights on. You're recognized to close on AM0328.

SENATOR SMITH: Thank you, Mr. President, members. Very briefly, in case you weren't already aware, this extends the waiting period in the committee amendments of two years to five years. Very straightforward. I encourage its adoption. Thank you.

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SENATOR CUDABACK: Thank you, Senator Smith. You've heard the closing on AM0328. The question before the body is, shall the amendment, AM0328 be adopted to the committee amendments? All in favor of the motion vote aye; opposed, nay. The question before the body is the Smith amendment to the committee amendments to LB 53. Senator Smith, for what purpose do you rise?

SENATOR SMITH: Mr. President, I would ask for a call of the house and a record vote.

SENATOR CUDABACK: 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: 22 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. Unexcused senators please report to the Chamber. Senator Combs, Senator Dwite Pedersen, Senator Price, Senator Foley, Senator Baker. Senator Price. Senator Price, the house is under call. Please report to the Chamber. All present...members are present or accounted for. He asked for a record vote. Mr. Clerk, we are taking votes from the floor. We're authorizing the Clerk to take call-in votes.

CLERK: Senator Thompson voting no. Senator Wehrbein voting no. Senator Stuthman voting no. Senator Dwite Pedersen voting no. Senator Brashear voting no. Senator Dwite Pedersen, you voted no, didn't you, Senator? I made a mistake. Excuse me. Senator Janssen voting no. Senator Byars voting no. Senator Don Pederson voting no. Senator Kruse voting no. Senator Jensen voting no. Senator Aguilar voting no. Senator Landis voting yes. Senator Price voting no. Senator McDonald voting no. Senator Cornett voting no. Senator Synowiecki voting no. Senator Hudkins voting yes. Senator Burling voting no. Senator Pahls voting no. (Record vote read, Legislative Journal

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page 462.) 8 ayes, 30 nays, Mr. President.

SENATOR CUDABACK: The vote was not successful. The amendment has not been adopted. I do raise the call. Mr. Clerk.

CLERK: I have nothing further to the committee amendments at this time, Mr. President.

SENATOR CUDABACK: Back to discussion of the committee amendments themselves. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I don't want to speak at great length on the bill. And unless it's necessary to do so, I'm not going to continue speaking. This memo that was handed around--and some of us got them in our offices, I've discovered--was to Attorney General Jon Bruning from Dale Comer, Assistant Attorney General. And the conclusion is that there are arguments in favor of the constitutionality of LB 53. That is what is stated in this memo. Now, I want to tell you all something. Even if he had come down to say that the bill, in their view, is not constitutional--all of these new senators need to listen up. I am your benefactor. I got you all a check that will be bigger, in most cases, each month, than your paycheck. A series of Attorneys General Opinions came down saying that it was unconstitutional for senators to receive expenses during the session. I didn't accept it. I didn't accept it. I brought a bill, which the Legislature passed. The Governor vetoed it, and the Legislature overrode the veto. And my feeling was that every senator who voted against the bill ought not to have accepted the check. But they did. And the bill went before the Supreme Court. Now, the Attorney General's Office did not want to take any action. So I had stated, if you don't take this matter to court, then I am going to do it myself and seek a declaratory judgment. So the matter went to court. And the fact that you get this expense check lets you know that the bill that I offered and that the Legislature passed was in fact constitutional. Senators could and do receive expenses during the session. And all of those Attorneys General were wrong. They take political positions. You will notice that this is not an Attorney General's Opinion. This is a memo to the Attorney General from a person in his office. He wouldn't

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want to write a formal opinion which points out that a bill such as LB 53 is likely to be constitutional, based on decisions by the Nebraska Supreme Court. And as for Senator Smith continuing to say, erroneously, erroneously, absolutely and positively erroneously, that this bill suggests that everything is the same for a person who has been convicted of a felony, served all of his or her time, and waits two years before being granted the right to vote again, there are any number of disabilities that remain on a person convicted of a felony. One of the cases cited by the Attorney General dealt with a bill that would allow the courts to restore certain specified civil rights. A lower court judge said that that amounted to a pardon, or a partial pardon, which is prohibited. Only the Pardons Board can do such a thing. The Nebraska Supreme Court said explicitly--and the Attorney General's Assistant had to acknowledge it--that bill did not purport to restore all of the civil rights that a person had lost, only specified ones. Therefore, it was not a pardon, it was not a partial pardon,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...and the person was not put in the status that Senator Smith erroneously thinks LB 53 is trying to do. If he had read that memo that I'm talking about, he would have seen where it was written that the only civil right this bill deals with is the right to vote. If a bill was held constitutional which restored a number of civil rights but not all of them, then you know this, which restores one, is also constitutional. The Nebraska Supreme Court would so rule, in my opinion. I just don't want errors in our discussion. People can be as erroneous as they want to. They can be as ignorant as they want to on this floor. They can stand and jump up and down for five minutes if they want to. But it's my responsibility and my job, as I perceive it, to point out errors when they are articulated, and correct them. I'm in favor of the committee amendment, and I will be in favor of LB 53 as amended by the committee amendment.

SENATOR CUDABACK: Time.

SENATOR CHAMBERS: Thank you, Mr. President.

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

SENATOR SMITH: Thank you, Mr. President and members. I rise in opposition to LB 53 as amended by the committee amendments. And it goes back to the fact that I think we could have a better bill, perhaps. But more than that, I'm concerned that there is an attitude that there are no victims of crime, certainly no long-term victims, that it's all short-term, and when the completion of a sentence occurs, all scars to the victim go away as well. Now, the sex offender registry is a punishment, if you will, that exists beyond the end of a sentence, unless you want to consider that as part of the sentence as well, as part of the time frame. But LB 53, I think, is unreasonable in saying that voting rights are automatically restored. My concern about the bill, as I just stated, has to do with victims. But it also has to do with our election system. And I think this is nothing more than an effort to recruit a few more voters and help determine the outcome of an election. So be it. That's part of the political process. I just do not want to contribute to that. And when we think about the scars to a victim of a violent crime--and I don't want to even be graphic about a violent crime. But there are a lot of felons who serve their sentence. And I'm glad they're reformed. I'm very glad. In fact, it reminds me of a ministry called Prison Fellowship, probably one of the most successful programs in prisons, in terms of reforming criminals. They reduce recidivism among their participants I think by some 60 percent. It's a great program. I think we should get behind that more as public policy, and support that effort, because Prison Fellowship makes a difference. But when you look at the bigger picture of the completion of a sentence and things automatically going back to normal, I wish they could, I wish they would, but they don't. And I think it's very reasonable to maintain our current system, and especially when the Pardons Board is looking at a three-year expedited system of restoring voting rights. That's reasonable. In fact, they could even do that quicker than the two-year waiting period if they wanted to. And it happens. There are a lot of folks who pursue a pardon even without an attorney. It's not expensive. It's not difficult. It takes a little time and effort, but I think a little time and effort is very reasonable

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to request with such a weighty issue as this. I hope that we can defeat LB 53. Thank you.

SENATOR CUDABACK: Thank you, Senator Smith. (Visitors introduced.) On with discussion. I don't see anybody wishing to discuss it. Senator Schimek, you're recognized to close on committee amendments, as Chairperson of Government, Military and Veterans Affairs Committee.

SENATOR SCHIMEK: Thank you, Mr. President and members. And thank you all for your part in this discussion, even Senator Smith (laugh), who's giving us a bad time here this morning. Senator Smith, this isn't about politics. This really isn't about politics. I mean, this proposal came out of the Vote Nebraska Initiative, which was a bipartisan, nonpartisan kind of group. It was actually selected by Secretary of State Gale. And they came to the conclusion by a...it was either 14 to 2 or 12 to 2 vote, I don't remember which without looking...that this is a policy that should be instituted. And yes, it was all part of that idea that we need to look at all kinds of ways that we can have better voter turnout. And so in that instance I think that you're right. We looked at it as a way to encourage people to vote. I'd also remind you that the Ford-Carter task force, back in the mid-nineties, I think it was '96, actually recommended that this happen, that we restore the right to vote to ex-felons. So I don't think there's anything political about it, nothing that would suggest it would be an advantage to anybody in particular. I'd also remind you that there are many organizations, such as the American Bar Association, that have stood in favor of doing this for some time. Just to remind you, the committee amendment is the two-year provision, which would allow some time between release and between the restoration of the right to vote. With that, Mr. President, I would urge adoption of the committee amendment.

SENATOR CUDABACK: Thank you, Senator Schimek. The question before the body is, shall the Government, Military and Veterans Affairs Committee amendments, AM0058, be adopted to LB 53? All in favor of the question vote aye; those opposed to the question vote nay. Have you all voted on the question who care to? We're voting on the adoption of the committee amendments. Have

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you all voted who care to? Record please, Mr. Clerk.

CLERK: 26 ayes, 3 nays on adoption of committee amendments.

SENATOR CUDABACK: Committee amendments have been adopted. Mr. Clerk, anything further on the bill?

CLERK: I have nothing further on the bill, Mr. President.

SENATOR CUDABACK: We'll now discuss advancement of the bill itself. Open for discussion. Senator Smith, followed by Senators McDonald, Chambers, and Kruse. Senator Smith.

SENATOR SMITH: Thank you, Mr. President and members. I was ready to be quiet, but Senator Schimek provoked me. (Laugh) And that is, the statement that this is nonpolitical. And I simply beg to differ. I mean, that's...I think...I realize that Secretary of State John Gale supports felons' restoration of voting rights, and that's fine. And he came to that, perhaps, with advice by a task force that was composed of an equal number of members of each political party. But I guess I am wanting to know more about the Vote Nebraska Initiative, if Senator Schimek would yield to questions.

SENATOR CUDABACK: Senator Schimek, would you yield to a question from Senator Smith? Senator Schimek.

SENATOR SCHIMEK: Yes.

SENATOR SMITH: Senator Schimek, how many different recommendations did this Vote Nebraska initiative come up with? Do you know, roughly?

SENATOR SCHIMEK: Sixteen. I don't know, somewhere around that vicinity.

SENATOR SMITH: Sixteen. And did any of those relate to maybe tightening down our system to attempt to reduce voter fraud?

SENATOR SCHIMEK: I'd have to go back and look. Only four of the recommendations did I actually introduce legislation for. A

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lot of them were things that could be accomplished in the Secretary of State's Office. I don't recollect, right off the top of my head, that there were any like that, Senator Smith. But I could be wrong.

SENATOR SMITH: Okay. Thank you. It reminds me of an effort that I attempted to engage in...I did engage in the effort, and that is relating to identification at the polls. Constituent came to me, a new constituent, so to speak, new from out of town. Moved in, and was amazed at our system, at how open it is, and how great a potential there is for voter fraud in Nebraska. I gave it some thought myself. And I thought, we have some room for improvement. And I introduced the voter ID at the polls. And part of that was adopted along the way, but not as much as I think should be required. But we're better now than we were before. But it amazed me, the opposition to simply asking for ID at the polls to verify that a voter is the person they pretend to be. So it is an issue that I think needs more attention. And I hope we will give it more attention. But I rise, again, to say that this is a political move, and that's part of the process. But I do want to emphasize that this is strictly political. Thank you.

SENATOR CUDABACK: Thank you, Senator Smith. On with discussion, the advancement of LB 53. Senator McDonald.

SENATOR McDONALD: Mr. President, members of the body, I have served on the Government Committee for the last few years, and only this year did I change committees. So I have heard this bill several times. I do have some questions to ask Senator Schimek.

SENATOR CUDABACK: Senator Schimek, would you yield?

SENATOR SCHIMEK: Yes, I will.

SENATOR McDONALD: And I think every time this has come up I have not supported it. This year I am looking with an open mind, and do have some concerns about ex-felons that we have in other states that move to the state of Nebraska. How do we know that they're not voting now? Are we giving them the authority

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to vote, or not?

SENATOR SCHIMEK: Right now, we don't know for sure, Senator. And that was one of the reasons that the election commissioners and county clerks who served on the task force...that's just one of the reasons they were in favor of doing something like this, and addressing the ex-felon from other states, which we tried to clean that up in this bill, to make it clear that it was...that it didn't apply to them. And so I would say that this is better. I mean, this makes it better, in knowing exactly how to treat ex-felons from other states, than existing statutory language did. But the election clerks and county clerks told us they don't know when somebody comes in. They don't have a clue.

SENATOR McDONALD: Absolutely. And if someone is on the voting records, becomes a felon, and then...an ex-felon, and goes back, or even moves to another area, do we have any way of identifying them as an ex-felon?

SENATOR SCHIMEK: I'm going to have to ask about that. Because I don't think so; that's part of the problem.

SENATOR McDONALD: And I'm guessing so. Because at this point in time, I'm thinking that we are allowing ex-felons from other states to come in and vote. We are also allowing felons...ex-felons that have voted previously in elections to continue to vote. So some are being allowed to; some are not being allowed to, maybe because they know someone on the election board that says, hey, listen, you're an ex-felon, you're not allowed to vote. So we're not consistent in our voters at this point in time. And as we look at the numbers of people that have voted in the last elections, sometimes we have less than a 50 percent turnout, many times between 25 and 35 percent turnout in our elections. For those that have the right to vote, a lot of them don't even care to vote. And so if you're an ex-felon and you do want to vote and you at least care, I believe you should be given the right to vote. So I have totally changed my thought on ex-felons given the right to vote. Because up until this year, I would have said no. And this year, I believe that we should give them the right to vote, because they care. Thank you.

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

SENATOR CHAMBERS: Mr. President, members of the Legislature, I see Senator Redfield here. I don't see Senator Louden. But I didn't want to get off into a discussion of types of felonies until we got to the bill itself. Now the side issues have been taken care of. We have the bill in the final form which it will take should it become law. I have talked about discriminatory charges being brought against people based on race, discriminatory sentencing based on race. And there is a commission established, under the auspices of...jointly, of the Nebraska Supreme Court and the State Bar Association, and they have found these disparities. So when you are going to look only at who gets charged with and convicted of a felony, and you see a disproportionate number of people who are unpopular across the board in this society, then you know racism is at play. When they're the same people who are discriminated against in housing, employment, education, tenure at the university, medical, obtaining medical and health care, being stopped, hounded, harassed by the police, being subjected to racial profiling, why all of a sudden are people going to become dummed-up and naive and say, well, I don't think there's discrimination in the criminal justice system? But I want to show you where it exists and favors certain people, especially cops. There is a State Trooper, his last name is Hauser, H-a-u-s-e-r. I've talked to the man's wife, I've talked to some women who were supporting her, because he had committed physical domestic violence, assaults against her, on several occasions. He is a bully, he is a coward, he is a criminal. But I want Senator Redfield and others to know that he was not charged with a felony. A deal was struck so that he would be charged with a misdemeanor and he could continue being a Trooper. To his credit, Colonel Nesbit, a man that I've criticized on numerous occasions, fired him. There is some kind of board that will review complaints by employees who feel they have been unjustly terminated. So they reinstated him. So he's sitting at a desk as a State Trooper, who has committed some of the worst violence against a woman. And it was written about in the newspaper. But because of the way this criminal justice system is

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skewed...and prosecutors will go along with it and favor people. I don't want to hear people stand on this floor and say, well, I'm going to look at the kind of felony or the kind of offense. You don't know what the person actually done...had done, based on the name of the offense that the person is charged with. I've dealt with this mess even before I got in the Legislature. And I've been here 35 years and I've been on this earth, officially, 67 years. But if you look in other quarters, you'll find that I've been here much longer than 67 years, much longer than 67 decades, much longer than 67 centuries. As a matter of fact, some studies were undertaken on genealogies of families. Under my formal name, which cannot be uttered, I was several...

SPEAKER BRASHEAR PRESIDING

SPEAKER BRASHEAR: One minute.

SENATOR CHAMBERS: ...eons old when a certain book you all read started, "In the beginning." I was eons old then. So I'm in a position to talk authoritatively about these subjects that I'm discussing. And all the other that I recently set aside, any person who has served his or her debt as laid out by the law should be restored to the right to vote. Thank you, Mr. President.

SPEAKER BRASHEAR: Thank you, Senator Chambers. Please allow me, while the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR 33 and LR 34. Thank you. Senator Kruse.

SENATOR KRUSE: Thank you, Mr. Speaker and members. I rise in support of the bill that is before us. But more than that, I rise in support of the discussion that we have had. My seatmate, Senator Smith, has been one who has helped that to happen, and I appreciate that, I affirm that. This is a very important subject that's been dangling around for years. And it's time for us to talk about it in such ways that we can communicate it to others. I would respond to a comment which he made about the victims of felonies. My family is a victim of a felonious act. It was not fun. It still isn't fun. We have not recovered. All of that. But I would sincerely hope that

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that person, who is now out of prison, would start voting, would start being part of the community. This is a democracy, and I would like for him to be a part of it. I am quite sure he will not. I expect him to reoffend. That is very painful. But as a victim of his act, I affirm that we should be pushing him to vote, that we should be affirming the base that we are a democracy, that we must make sure that everything that we do encourages a person like him to get back into the community, back into his family, and back with us in the actions of our state. Thank you.

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Thank you, Senator Kruse. Further discussion on the advancement of LB 53. There are no lights on. Senator Schimek, you're recognized to close on the advancement of LB 53.

SENATOR SCHIMEK: Yes. Thank you, Mr. President and members. And thank you, Senator Kruse, for your thoughtful remarks on this issue. And I need to say to Senator Smith, I was teasing. I mean, I think you know me well enough to know that that's what it was. So I am sorry if I caused any bent feelings on your part. But I see you smiling over there, so I think we're okay. I think the discussion has been good, as Senator Kruse said. I would simply ask for your vote on the bill. And I would ask for a call of the house, please, Mr. President, and a machine vote.

SENATOR CUDABACK: 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: 23 ayes, 0 nays, Mr. President, to place the house under call.

SENATOR CUDABACK: The house is under call. Senator Smith, for what purpose do you rise?

SENATOR SMITH: I'd like to request a roll call vote in reverse order.

SENATOR CUDABACK: Thank you, Senator Smith. The house is under

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call. The house is under call. Senator Johnson, would you check in, please. Senator Byars, Senator Pahls, Senator Cornett, Senator Burling, Senator Foley. Senators Friend and Stuthman. The house is under call. All...Senator Foley. Thank you. Senator Pahls, Senator Byars. Senator Pahls, the house is under call. Please report to the Chamber. Senator Pahls, the house is under call. Please report to the Chamber. Mr. Clerk, all members are present. There's been a request for a roll call vote on the question in reverse order. Mr. Clerk, call the roll, please, on the question.

CLERK: (Roll call vote taken, Legislative Journal page 463.)  
41 ayes, 8 nays, Mr. President, on the advancement.

SENATOR CUDABACK: LB 53 does advance. And I do raise the call.  
Mr. Clerk, items or messages or announcements.

CLERK: Mr. President, thank you. Your Committee on Urban Affairs reports LB 161 to General File with amendments; LB 372, General File with amendments. Business and Labor reports LB 484 to General File; LB 485, General File. Urban Affairs, again, reports LB 268, General File; LB 406, General File; LB 452, General File; LB 662, Indefinitely postponed. I have hearing notices, Mr. President, from the Judiciary Committee and from the Government Committee, all of those reports signed by their respective chairpersons. That's all that I have, Mr. President. (Legislative Journal pages 463-465.)

SENATOR CUDABACK: Thank you, Mr. Clerk. We now go to General File, 2005 committee priority bills. Mr. Clerk, LB 162.

CLERK: LB 162, Mr. President, introduced by Senator Stuhr. (Read title.) Bill was introduced on January 7, referred to Natural Resources, advanced to General File. I do have Natural Resources Committee amendments, Mr. President. (AM0044, Legislative Journal page 372.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Stuhr, you're recognized to open on advancement of LB 162.

SENATOR STUHR: Thank you, Mr. President and members of the

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body. LB 162 is a bill brought at the request of the Nebraska Game and Parks Commission, and proposes a number of changes in their current permitting processes and associated fees. These changes originated from the responses by the public and work done by the staff over the past two years. The commission established a work group this past year to examine a number of ideas that had been proposed. The entire board of eight commissioners approved the permit changes proposed in LB 162. The commission also solicited comments from constituents via direct e-mails, news stories, and newspapers, and on the radio, their web site, and meetings. They had an e-mail on-line survey, with over 7,000 people responding. The report was based on responses from over 6,000 hunters, 5,000 anglers, and over 6,000 park visitors. So you can see that thousands of people across the state were involved. I want to briefly review some of the provisions of LB 162. This bill would establish a new one-day resident and nonresident fishing permit, and a new two-day nonresident hunting permit. It would require migratory waterfowl stamp for any person 16 years or older. It requires a lifetime aquatic habitat stamp to be purchased with lifetime fishing and combination permit. It creates a nonresident lifetime fishing, hunting, and combination permit. It requires an aquatic habitat stamp, an Nebraska migratory waterfowl stamp for lifetime permit purchases. And it would remove the range of some permits to allow the commission to reduce the price of these permits. It also broadens the definition of a disabled veteran, and that existing permits are grandfathered. It establishes a \$5 veterans permit that begins at age 64. A resident over the age of 69, instead of 70, would also be allowed for a permit for a fee of \$5. Existing permits are grandfathered. It requires all licensed anglers to possess an aquatic habitat stamp issued with fishing permits. It requires Nebraska residents over the age of 16, and all nonresident migratory waterfowl hunters, to possess a Nebraska migratory waterfowl stamp. It provides for an increase in the daily park entry fee, from \$3 per day to \$3.50 in 2006, and then to go to \$4 in 2007. It established the cost of a statewide buck-only permit at two and a half times the amount of regular deer permits. It clarifies that one-in-a-lifetime limit on elk permits applies only to antlered elk. It allows persons under the age of 12 to hunt wild turkey. But they must be accompanied

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by someone 21 years of age or older, who also has a hunting permit. It allows the commission to issue auction or lottery permits for deer, antelope, elk, and wild turkey, but no more than 5 percent of those available permits. It allows a disabled person with a special permit to hunt and fish from a vehicle. There was no opposition to this bill in committee. It is also supported by the Nebraska Sportsman Council, and it fully supports the bill, and they represent over 100 to 150 different organizations. So I thank the Natural Resources Committee for selecting this bill as their priority bill. And Chairman Schrock and I will certainly be willing to answer any questions that you might have on the bill. So thank you.

SENATOR CUDABACK: Thank you, Senator Stuhr. You've heard the introduction of LB 162. There are committee amendments, offered by the Natural Resources Committee. Senator Schrock, you're recognized, as Chairman, to open on those committee amendments. Senator Schrock.

SENATOR SCHROCK: Excuse me. Mr. President, members of the Legislature, the committee amendment clarifies that permits that have been issued to veterans who have been rated as 50 percent or more disabled or reached the age of 65 and obtained a free permit prior to the adoption of this bill, will not expire, nor will the permit expire that a person 70 years old has obtained prior to the act. It also requires that a person between the age of 12 of 15 years of age that is hunting deer, antelope, elk, or mountain sheep, be accompanied by a person who, in addition to being at least 21 years old, must also have a valid hunting permit. This requirement is also placed on individuals who are accompanied by a person 12 years old or younger who is hunting wild turkey. And that would put them in line to be the same as pheasants and grouse and quail. The amendment raises the permit fee for nonresidents to hunt wild turkey from between \$65 and \$75 to between \$85 and \$95. This is the committee amendments, and we appreciate your consideration.

SENATOR CUDABACK: Thank you, Senator Schrock. You've heard the opening on the committee amendments to LB 162. Open for discussion on those amendments. Senator Chambers.

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SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I should have put on my hunting togs this morning. I have to ask Senator...I think I will ask Senator Stuhr a question or two, because she is the primary introducer. And then I may draw Senator Schrock in.

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

SENATOR STUHR: Yes.

SENATOR CHAMBERS: Senator Stuhr, I was listening to what you said, rather than trying to follow in the bill as you said it. You mentioned something about certain things or licenses being grandfathered. Which were those? First of all, how many are involved? How many types?

SENATOR STUHR: How many types of licenses?

SENATOR CHAMBERS: Uh-huh. Will be covered by this.

SENATOR STUHR: I believe there are two.

SENATOR CHAMBERS: Okay, two. And what are they?

SENATOR STUHR: Are you asking about the veterans? Are you asking about the amendment?

SENATOR CHAMBERS: I want to know which ones are being affected by this grandfathering provision.

SENATOR STUHR: Yes. It would be the veterans. And...

SENATOR CHAMBERS: Okay. And now can you describe what that entails? Is there a certain age of people who will have these licenses? Or it has nothing to do with age?

SENATOR STUHR: Yes, there is something to do. It will establish a \$5 veterans permit that begins at age 64. And I believe that originally was at 65, so we're lowering that to 64. And then a resident over the age of 69 would also be allowed a

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permit for a fee of \$5.

SENATOR CHAMBERS: But those who already have these permits are going to be handled a certain way?

SENATOR STUHR: Yes.

SENATOR CHAMBERS: That's what I'm asking.

SENATOR STUHR: Yes.

SENATOR CHAMBERS: How will that work?

SENATOR STUHR: They are grandfathered.

SENATOR CHAMBERS: And are they called "grandfathered" because they are grandfathers?

SENATOR STUHR: (Laugh) I don't know.

SENATOR CHAMBERS: Well, I mean, they're old enough to be grandfathers, though?

SENATOR STUHR: Yes. Yes, they are.

SENATOR CHAMBERS: But that's not why we use the term "grandfathered."

SENATOR STUHR: Or grandmothers.

SENATOR CHAMBERS: Oh, or grand...well, you didn't say "grandmothered." Are there grandmothers involved, too?

SENATOR STUHR: There certainly could be.

SENATOR CHAMBERS: That makes me very much more sympathetic. Because I've always thought more...they talk about the founding fathers. I've always thought more of the founding mothers, because they had to put up with those founding fathers, who were some real scamps and rascals. So the founding mothers are entitled to get some kind of consideration. Now that that part

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is clear for me, you mentioned that disabled people could hunt from vehicles. Is there a definition anywhere of what constitutes being disabled?

SENATOR STUHR: Senator Chambers, I don't recall it being particularly in the bill. I...

SENATOR CHAMBERS: And we'll have time to check that, because I'm not pinning you down right now on things that you may have to do a little research on. What kind of vehicle may such a person hunt from?

SENATOR STUHR: I believe...I don't know that it describes...are you asking me what kind of vehicle?

SENATOR CHAMBERS: Could a person hunt from an airplane? And there are people who want to hunt certain creatures from airplanes. So the question on its face might sound humorous, but that's not my intent.

SENATOR STUHR: Okay. We are adding "and except for a disabled person holding a special permit to hunt and fish from a vehicle issued under section 37-421." So we'd have to look that up.

SENATOR CHAMBERS: Would you mind accepting a little assistance from Senator Schrock, if he's able to give it?

SENATOR STUHR: Yes.

SENATOR CHAMBERS: Senator Schrock, are you able to...?

SENATOR STUHR: They're not able to hunt from an airplane.

SENATOR CHAMBERS: Okay, so that's out.

SENATOR STUHR: That's out.

SENATOR CHAMBERS: Senator Schrock, are you willing to help clarify for me what kind of vehicles are involved?

SENATOR SCHROCK: Senator "Chamber," I'm just going to go on

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the...Chambers, I'm going to go on the assumption that they can hunt from their personal vehicle, a car, or they can hunt from maybe an all-terrain vehicle, or possibly one of these four-wheelers,...

SENATOR CUDABACK: One minute.

SENATOR SCHROCK: ...if they're disabled.

SENATOR CHAMBERS: Is one of...

SENATOR SCHROCK: I'm not 100 percent certain on that, but I will double-check them. But that is my presumption.

SENATOR CHAMBERS: I would like to be reassured. And the presumption, I think, is based on what might seem commonsensical to all of us. But I would like something a bit more precise, if I can get it. And I think my time is just about up, so I will ask this final question, and then turn my light on. Senator Stuhr, it mentions hunting wild turkeys. What other kind of turkeys would there be that a person might hunt, if we didn't use the specification "wild"? Or are these wild, crazy turkeys who party, party, party all the time?

SENATOR STUHR: Well, I don't know. But I know that we never...Senator Chambers, we never used to see wild turkeys in the area where I live. But in the last few years, they are wild.

SENATOR CHAMBERS: Okay. And I'll put my light on. Thank you, Mr. President. Thank you, Senator Stuhr.

SENATOR CUDABACK: Senator Stuhr.

SENATOR STUHR: Thank you, Mr. President and members of the body. I thought there might just be a couple things that I would like to point out to you in regards to the bill, is that the bill would establish a one-day resident and nonresident fishing permit. And this was something that was brought to the attention of the commission. The cost would be \$5 for residents and \$6 for a nonresident. And \$1 of that would go towards the

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Aquatic Habitat Fund. And we really feel that this would be very beneficial in bringing people to our state. Often, they do come and visit, and it would then allow them the opportunity to spend a day fishing. Also, the aquatic habitat stamp would no longer be printed separate. It would be made part of the permit. This might seem like really not an important issue. But a lot of the anglers did complain about having a stamp that must be attached to the permit. So I believe that's also an important issue. Changing to \$5 for senior and veteran permits, we have the support of the Silver-Haired Unicameral and also AARP came in and supported that. They really do support the \$5 fee because then that does allow some matching funds from federal, and they are most willing and very supportive to allow that. I did want to talk also a little bit about the park fees. You did receive as a handout the blue sheet, and if you would look on the back of that sheet, or on one of the sides, you will see that from the other states that are listed, the average cost that people are paying for an annual park fee is \$44.80. In Nebraska, we are paying \$17 per vehicle. What this bill is proposing is to look at that daily fee, and right now that is \$3 a vehicle. That is the lowest fee of 38 states. And it's become imperative that we look at that because of the increasing costs. And you can turn the page over and you can note, we're looking at 1993 compared to 2004. And just looking at some of the contracts, for instance, maybe a car, a half-ton pickup and what it cost in 1993 and 2004, we have over a 40 percent increase. And you can go right down the line, and the cost of items to operate and maintain a state park have increased over 50 percent, and yet in this bill we are asking for a 50-cent daily increase for one year in 2006, and then in 2007 another 50 cents. I think one thing we need to remember is that many...in many of the other states, the Game and Parks have the authority to raise their own fees to accommodate those increase in costs. In Nebraska, we have to do everything through statute. Not that that's a bad thing, but it does seem that we're coming to the...

SENATOR CUDABACK: One minute.

SENATOR STUHR: ...Legislature every so often and asking for an increase, and that is why. And actually in the last 11 years,

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we have had a very, very small increase. And this, if you would look and notice that this is also a vehicle. That is not a person. I thought it was very interesting to look at California. They have a fee, I believe, at \$125 for their vehicle, and a daily fee from \$2 to \$14. And many of the states will have a separate fee for each individual. And we are asking to just have that increase of a vehicle fee of 50 cents. So those are some of the...

SENATOR CUDABACK: Time, Senator Stuhr.

SENATOR STUHR: Thank you.

SENATOR CUDABACK: Thank you, Senator Stuhr. Senator Chambers, on the Natural Resources Committee amendment.

SENATOR CHAMBERS: Mr. President and members of the Legislature, I'm not going to tinker with the committee amendments as such as far as offering amendments, but some of the underlying material in the existing law that those amendments deal with and changes they want to make in the existing law relative to the age of these hunters, I will deal with. And I tried to strike a deal with the Game and Parks people, but they don't want to deal. It seems to me this bill should be worth more than 50 cents to them, but apparently it's not, so we're going to see who wins. And this is going to be an example of what I touched on earlier this morning when I said, when I'm opposed to a bill, I will tell you. I won't pretend that I'm trying to make it better. I had told Senator Stuhr, and she could pass it on to those people out there, which she did, that if they eliminate the section dealing with the increase and the daily fee, and if they would do away with the attempt to allow people under the age of 12 to become hunters, I'd let them have the rest of the bill, but they don't want that. There's a provision in this bill that talks about an auction. On page 21, starting in line 25, "The commission may issue auction or lottery permits." I'm not concerned about that language. But people know what an auction is, and when the person who is the auctioneer tries to get people to bid as high as he or she can, and a point is reached where no other bids are coming, they knock that down. So what do they say? Senator Stuhr, isn't this what they say: Going,

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going? Senator Stuhr, isn't this what an auctioneer says: Going, going, gone? All right. I offered a deal. Game and Parks doesn't want it. I'm going to see how long this bill is going to stay on the agenda. Senator Stuhr, I'd like to ask you a question.

SENATOR STUHR: Yes.

SENATOR CHAMBERS: Are you willing to accept the deal that I offered? Going, going, ...are you willing to accept it?

SENATOR CUDABACK: Senator Stuhr.

SENATOR STUHR: I would like to have some more discussion, Senator Chambers.

SENATOR CHAMBERS: Since a lady is making the request, and I'm putty in the hands of my female colleagues, I will hold off on striking the third time, and we'll have additional discussion.

SENATOR STUHR: Thank you.

SENATOR CHAMBERS: I'm going to discuss something else, though, before we get to that. The other day, Senator Beutler pointed out how poorly some existing legislation, existing law, reads. I'm looking on page 21 in lines 19 through 24, where the current law allows youngsters at least 12 years of age, "except that any person who is 12 through 15 years of age shall only hunt deer, antelope, elk or mountain sheep when accompanied by a person 21 years of age or over." If you take that literally, it means that when they're accompanied by such a person, those are the only things they can hunt. But if not accompanied by such a person, they can hunt anything. That word "only" is misplaced. They should strike it out of line 22. Instead of saying "shall only hunt" these different animals, and say, "shall hunt these animals only when accompanied." That's what you're talking about. Only when the person is accompanied by somebody 21 or over...

SENATOR CUDABACK: One minute.

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SENATOR CHAMBERS: ...may they hunt. And the names of the creatures that they can hunt are specified. So you should not say, they shall only hunt these animals when accompanied by a person, because you could leave the implication that when not accompanied, they can hunt anything. But even if that is not what you would gather as an implication, it would be better to place words that are going to limit what a person can do where that word should be placed, so there is no ambiguity or confusion. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Schrock, on the committee amendments.

SENATOR SCHROCK: Senator Chambers, I see what you're getting at there, but I think if you're 12 to 15, you can hunt quail and pheasants without being accompanied by an adult. So if we can help clarify that up, I'm with you there, but I'm not quite sure where we're at on that. And, yeah, I'm sure you can read it better than I can, but right now you don't have to be accompanied by an adult to hunt some of those other species. I want to just...so we could probably work with you on that. I just want to talk a little bit about the role of Game and Parks in the state. Game and Parks' facilities cumulatively are the number one tourist attractions in the state of Nebraska, and they have continually gotten less money, state money, from the Appropriations Committee to operate their facilities, so they're more dependent on fees for hunting, fishing, and park fees and camping fees. They're more dependent on that all the time for their revenue. Now if there's someone in here that wants to keep the daily park fee at \$3, but let's appropriate more money from the General Fund to keep our parks open, that would be fine with me. That would be fine with Game and Parks. But I think it would be an injustice to the state of Nebraska and to our parks if we don't allow Game and Parks to have a reasonable fee so they can maintain their parks. Four dollars is pretty cheap, you know. I went to a basketball game last night and the ticket was 25 bucks. I think you can get a lot of entertainment for a \$4 fee and a car...and you can put the whole family in the car, you all get in for four bucks. That's pretty good entertainment value in this state. But you know, I'd like to work with Senator Chambers on this, but I think it's very important to

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understand that Game and Parks now is probably about two-thirds to three-fourths funded by fees. There's not a lot of General Funds going to Game and Parks anymore. And of the last two budget years the way they've been, there's been some cuts. So if you have any idea how we can maintain the parks and maintain the revenue without increasing fees, I'm certainly open to that, Senator Chambers. But we have a dilemma here and I would try to work with you on a compromise here, but the revenue is needed. And they already have the authority to go to \$20 for an annual fee. The trouble is, if they raise the annual fee higher, why, then people will quit buying the annual fee and just buy the daily fee. And so that gets to be their dilemma also. I thank Senator Stuhr for bringing this bill to us. It's brought to us by the Game and Parks Commission. It's been approved and reviewed by all the commissioners and the staff at Game and Parks, and there's general consensus on this needing to take place, so.

SENATOR CUDABACK: Thank you, Senator Schrock. (Visitor introduced.) On with discussion, Senator Engel.

SENATOR ENGEL: Mr. President and members of the body, this request from the Game and Parks to raise...I'm talking about park fees. I'm not talking about the hunting at the present time. But over the past few years, serving on Appropriations, we have cut back on their appropriations drastically. They have had to cut back as far as the maintenance, a lot of the maintenance on some of the different parks across the state of Nebraska. If any of you have every traveled to a park, ever used those facilities, you would certainly appreciate what Game and Parks has done over the years. It's a great place to take your family, and even without a family, it's a great place to go by yourselves. They've done a great job in our state of Nebraska, and it's brought in a lot of tourist dollars, too. And so I believe that these last few years their fee that they charge is totally inadequate. When you compare to the states around us, Colorado charges \$55 per person as far as the park permit, and \$3 to \$7 per person when you visit the park. In Nebraska, it's \$17 presently per vehicle for an annual permit, and \$3 per vehicle for a permit to utilize the park facilities for a day. So we've been...Colorado; then you've got Wyoming,

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it's \$25 per vehicle for a permit; in Minnesota, \$25 per vehicle, \$7 per vehicle as far as coming in on a daily basis; and South Dakota, \$20, our neighboring state, and that's where we have a lot of our competition between our parks, \$20 per vehicle for an annual permit, \$3 per person or \$5 per vehicle. So in other words, we have the best deal right now for supporting, as far as anyone using these parks, and I think we're going to have to raise this fee in order to keep up the quality that we are enjoying in these parks in the state of Nebraska. So another thing is, the last few years, the costs...since 1993 and to 2004, the cost of maintenance of these parks has gone up 50.2 percent. That's for gravel, electrical rates, plumbing, natural gas, landfill fees, gas, waist-high grills, ground grills. Everything that they've done has gone up 50.2 percent and our fees have only gone up 20 percent, so it's not keeping up. So I think this is a very modest request on their part. And again, I think it's one of the best bargains we have in the state of Nebraska for people who like...love nature, who love to live outdoors, and it's for families, and rich or poor. And \$17 for an annual permit is very reasonable and this slight increase is very, very reasonable. My wife and I use this considerably. We used to use it more when we had more time. We take our grandchildren, we used to take our children camping, and that's a place where families can go for a full day for \$3 or \$4 and enjoy that whole day or spend several days there, and it's just a very reasonable way to spend time with your family and teach them more of the values of life. Thank you.

SENATOR CUDABACK: Thank you, Senator Engel. Senator Chambers, and this is your third time, as you know.

SENATOR CHAMBERS: Right. Thank you, Mr. President. Members of the Legislature, Senator Engel, Senator Schrock, Senator Stuhr, and those who support this bill, you're not going to change my mind on those daily fees. You're going to have to use the Rule of 33. That means you're going to have to get enough votes to get cloture. I have opposed the increase in these daily fees, and I will continue to do so. I'd like to ask Senator...I don't see Senator Schrock. I'd like to ask Senator Engel a question.

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SENATOR CUDABACK: Senator Engel, would you yield to a question?

SENATOR ENGEL: Yes.

SENATOR CHAMBERS: Senator Engel, how do people become Game and Parks Commissioners?

SENATOR ENGEL: Well, they're appointed, I believe.

SENATOR CHAMBERS: And they are political appointments, aren't they?

SENATOR ENGEL: I believe.

SENATOR CHAMBERS: They are people who have...generally, they have plenty of money, don't they?

SENATOR ENGEL: I don't know about that. I think most of them are recommended by people out in the areas to the Governor.

SENATOR CHAMBERS: Are you aware of what could be called a blue-collar person having been...ever having been on that commission?

SENATOR ENGEL: I'm not aware of, no.

SENATOR CHAMBERS: Thank you, Senator Engel. Members of the Legislature, that is a group of elitists. The representation, the method by which it is determined, is skewed. And they fight against anything that would make an equitable districting, because some of the blue noses and upturned noses wouldn't be on the commission. So when I hear senators come in here putting up a pitiful mouth, saying, take some money out of the pockets of ordinary people, when the elitists have plenty of money...and they're not donating enough. They're not putting on fund-raisers. But they can get the cabins, they can get all of the special benefits. And I'm not impressed by that. They need to get some political advice so that they understand reality. I happen to be a political reality in this Legislature. My views are known on bills such as this. So when they bring a bill like this and they know I'm opposed to it, it means that they're

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ready to do battle with me and they think they can win, and perhaps they can. If they get 33 votes, they will triumph at that stage of the debate. But we have a different Speaker now who is going to start looking at the significance of these bills and see whether or not they merit taking all the time that they take, especially when they have these kind of bombshells that the introducers know are going to run afoul of me. And this bill is going to meet that fate, and if you all give it 33 votes, I will take my whipping on it, but it will be a Pyrrhic victory. That's when this King had won a battle against the Romans, but he lost so much he said, any more victories such as this and I am undone. So the Pyrrhic victory means you win this battle but you lose the war because so much in the way of resources is expended and lost that you cannot consider...continue the struggle. And before you all start voting cloture on nonessential bills such as this, you think about bills that you've got, and you ask the senator who wants you to vote cloture is he or she is going to be with you on your bill. And that senator will tell you, well, no, no, no, we take them a bill at a time. And you ask, in your naivete, what does that mean? Well, the bill we're taking right now is mine, so I want your vote. Your bill is another one, we'll decide what we're going to do on that when your bill comes up. And if you have any smarts, that means the answer is no. But you're expected to be so dumb you don't get it, so I'm being very blunt as I mentor some of my new colleagues...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...if they're willing to be mentored. If you want to study what being a successful politician is, you ought to look at my career; one person, outnumbered, doesn't belong to a political party, has no backing of any special interest group, has no money, but can be as effective as I am. I understand this system and I understand people, and nobody has strings on me. The Game and Parks Commission can't make me do anything, but they've antagonized me today, so I'm going to show what I can do to them. Thank you, Mr. President.

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

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SENATOR STUHR: Thank you, Mr. President and members of the body. I do want Senator Chambers to understand that we do appreciate his input and would like to work with him on this issue. But we are really getting at a very critical point in the fact that in the last few years, because of the budget cuts, actually Game and Parks have lost \$850,000 annually that they had been receiving from the General File...from the General Fund. And as I pointed out previously, many states take all of the support for their parks from their General Fund appropriations. In Nebraska, we take only about 20 to 25 percent, so we rely on the rest of that coming from fees. And that is the juncture that we're at right now, is that, as I stated before, the fee increases, if we do not have some of those increases to go along with the cost that we are experiencing in maintaining a high-quality service to all of our residents, then we will have less and less people actually coming to our parks. Our parks are a wonderful addition to our state. And of all of the park visitors, they did a survey and 69 percent of them were willing to increase the daily park permit to \$4. They are willing to increase it. In Nebraska, we have to do it through statute. We are not like the other states, many of the other states that, as I said earlier, go through rules and regs and set...can set their own rates without coming to their Legislatures. So I do think that this is a sense of reality, and we are trying to do, and they do a very good job with the amount of money. What I would fear happen is that our parks start deteriorating. And I know that when we have had the budget cuts, that some of the parks and parts of those parks have been closed off because we simply didn't have the administration to take care of all of the facility, and so they had to cut back, closing off some of those areas. So I think this is a modest request. I did also want to point out, because one of the senators did approach me and wondering since, on the sheet that you have, that we have only 36 states listed. And those are the 36 states that do have park entrance fees. And the other states do not rely on fees; again, they rely on General Fund appropriations. So that is the dilemma that we are facing in the state. What we're trying to do is to just increase that daily fee so that it can be in proportion to the annual fee. And a couple of years ago we did have...we did allow the annual fee to slide up to \$20,...

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SENATOR CUDABACK: One minute.

SENATOR STUHR: ...but they have kept that at \$17. And we asked for a sliding fee for the daily, but we did compromise with Senator Chambers and did just allow a very small increase. And what I'm talking about is a very small increase in the past 11 years, and that's why again we're at a critical point of trying to reach that 50 additional cents per year per vehicle for as many people as you could get into that vehicle, and I really don't know of almost any kind of recreation that you spend...would only spend \$3.50 per car. Yes, I know we've talked about...Senator Schrock talked about going to a basketball game. I know I've been to a movie, not recently, but \$8 per person to attend a couple hours,...

SENATOR CUDABACK: Time.

SENATOR STUHR: ...whereas we're looking at an entire day. Thank you.

SENATOR CUDABACK: Thank you, Senator Stuhr. Mr. Clerk, motion on the desk.

CLERK: Mr. President, I have a priority motion. Senator Chambers would move to bracket LB 162 until May 29, 2005.

SENATOR CUDABACK: Senator Chambers, you're recognized to open on your bracket motion of LB 162.

SENATOR CHAMBERS: Yes. Mr. President and members of the Legislature, this is going to be a political struggle. Game and Parks people think that they can wear me down and then wear me out and that I will quit. There's no need in me allowing the committee amendments to go forward. There's no need in my offering amendments which they will have to be told, try to get them rejected. Then we go through reconsiderations by somebody who voted on the prevailing side to reconsider them so that my motion can then be accepted. There has to be a fight, so I would rather start the fight sooner than later. I realize that Senator Stuhr, and Senator Schrock, who is the cosponsor, are

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accommodating the Game and Parks people. But when we choose to carry bills, then we take what goes along with that territory. So Senator Stuhr is going to be in for a long, long struggle on this bill. This will give my new colleagues the opportunity to see how I operate, and whether at my advanced age I will fold before a collection of other senators who can hand the baton off will fold. These kind of bills are not under the control of the senator who brings it. The senator agrees to take marching orders from the special interest group, so they have to ask them, have we gotten there yet where we can do something on this? No. So then they got to come back, and even though they're the senators, the lawmakers and the bosses, they have to put themselves in a subservient, subordinated position to whatever that special interest group is. I don't do that. I don't allow that happen to me. So if that is the basis on which we're going to consider this legislation, I'm accepting it. A motion to bracket a bill to a specific day, date, is a priority motion, and it comes ahead of everything else. That's why, until we get through with this, there's not going to be any consideration of the committee amendments. They can talk about them if they want to. You can talk about anything pertaining to the bill that you please. But I just want to lay out what is happening and why. I am not going to yield on that daily fee. And the young man who works with the Game and Parks Commission knows that. The ones who drafted this bill know that. Senator Stuhr knows it, Senator Schrock knows it, but they're going to make me work and I don't mind doing that because whatever doesn't kill us makes us stronger. And there's no bill that anybody can bring before this Legislature which will kill me. Why am I so adamant on not raising the fees? There are things built into this bill that will help the rich and the favored. I had mentioned this auction, lottery earlier. I'd like to ask Senator Schrock a question about that, because it may become an issue and subject of one of my amendments. Senator Schrock, this language starts at the bottom of page 21. "The commission," in line 25 "may issue auction or lottery permits for at least one permit and not more than five percent of deer, antelope, elk, and wild turkey permits and establish regulations and limitations for such permits. The auction or lottery shall be conducted according to rules and regulations adopted and promulgated by the commission."

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SENATOR CUDABACK: Senator...

SENATOR CHAMBERS: Has there ever been such an auction or lottery before?

SENATOR CUDABACK: Senator Schrock, will you yield to a question?

SENATOR SCHROCK: I'm going to say that I believe on the big game sheep they have had auctions in the past.

SENATOR CHAMBERS: And what is the price that a person usually pays to prevail at the auction?

SENATOR SCHROCK: I think for the sheep it can range anywhere up close to \$100,000.

SENATOR CHAMBERS: So this is being put into the bill for the elitists, carving out something for them that the hoi polloi on this floor would not even be a part of? Isn't that true?

SENATOR SCHROCK: Well, they already have that authority, Senator Chambers.

SENATOR CHAMBERS: So what do we need this for?

SENATOR SCHROCK: I'm not sure. But...

SENATOR CHAMBERS: Is your name on the bill as a cosponsor?

SENATOR SCHROCK: Yes, it is.

SENATOR CHAMBERS: Thank you. I'd like to ask Senator Stuhr that question. Senator Stuhr.

SENATOR CUDABACK: Senator Stuhr, would you...

SENATOR CHAMBERS: Mr. Chairman, would you see if she would yield to a question?

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SENATOR CUDABACK: Senator Stuhr, would you...

SENATOR STUHR: Yes.

SENATOR CHAMBERS: If they're already having these auctions and lotteries, why is this in the bill as new language, if you know?

SENATOR STUHR: I don't know except that it does list not more than 5 percent, so I...you know, unless that might be the reason.

SENATOR CHAMBERS: But you don't know for sure that that's why it's in here?

SENATOR STUHR: No, I don't. But I...

SENATOR CHAMBERS: When you signed onto this bill,...

SENATOR STUHR: ...I will find out.

SENATOR CHAMBERS: ...they didn't tell you everything that was in it or explain it, did they?

SENATOR STUHR: Well, not all 23 pages of it.

SENATOR CHAMBERS: Okay. Thank you, Senator Stuhr. Members of the Legislature, I'm opposed to the bill. Why should I have to read it more carefully than the ones who sponsor it? We've got new senators here being pressured by lobbyists to carry bills and to prioritize bills. And I want to say on the mike that any senator who allows himself or herself to be badgered and bulldozed in that fashion is going to be marked as a cupcake from now on. You are an easy mark, you are an easy target, you are not your own person, and you will be judged and treated accordingly. You don't owe these lobbyists anything. You were not put here by the lobbyists. The lobbyist has one vote. Thousands of people voted for you, but you have a greater obligation to the lobbyists. There needs to be some civic lessons given to these new senators and the older ones, too, so they understand what it means to be a representative of the people. You trick the people into voting for you to get you

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down here, then you turn your back on them and you take your orders from somebody else who may not even live in your district and cannot vote for you. We have people bringing bills which they don't understand, the contents of which they don't know. That has happened all the time, not just here, in state legislatures, in the Congress. There are staff members at the federal level who will slip things into bills that Congress will vote to enact because congresspersons don't read the legislation. Then when some reporter writes a story, the senators or the congresspersons, whichever ones were victimized by it, will say, gee, we didn't even know. Aren't they elected to know? Aren't they paid to know? Don't they feel a personal responsibility and obligation to know? You all may begin to see why sometimes I read these bills carefully when I have the time to do so. And I expect, when I bring legislation, people to question me about it, and I should be able to explain it because I signed my name to it as the chief introducer. This motion that I have is for the purpose of me pointing out flaws that I see in the bill and why it ought to be bracketed. If we bracket this bill, it gives the sponsors the opportunity to learn what is in their bill and why. I'm giving them a chance to salvage a modicum of self-respect. There are other bills, as they come across the floor, and when they're being discussed, I will ask the sponsor what I'm asking the sponsor and cosponsor of this bill: Why is such and such in there and what does it mean? And they'll say, I don't know, I don't know. Can you explain it? No. Then why did you bring us the bill? So-and-so asked me to bring it. And that's representation? Is this the democracy that you all want to spread all over the world? Would you want the democracy as practiced in this country, in this Legislature, put in countries all over the world? I can see why Bush and his people would want to, because they know that people in legislatures don't know anything. They accept what somebody tells them or orders them to do.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: (Ringing) You all ain't going to be saved by that bell. (Laughter) I'm going to keep us here on this bill until we recess for the day. There are some people who don't care if we stay on it all session because there's a bill coming

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after it that they don't like, but I'm not doing this for them. I don't like what is in this bill. I'm not going to ask you to hold up your hands because you may not have paid attention. But if I were in school, I would say, how many people heard me say when I first began what it would take to get me off this bill? I told them. Don't let these children under 12 years old go out there with these shotguns. There are people much older than that who are careless in the handling of these weapons, and people get injured.

SENATOR CUDABACK: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

SENATOR CUDABACK: You've heard the opening on the bracket motion. Open for discussion on that motion. Senator Schrock, followed by Senators Stuhr, Louden, and Chambers. Senator Schrock.

SENATOR SCHROCK: Senator Chambers, on the issue of auctioning, the only ones they have auctioned in the past is big game sheep, or is the mountain...is the bighorn sheep. They have a limited number of those in this state. They usually do one per year on a lottery basis. For \$20, you can put your name and there'll be a drawing. And then about every other year, if they feel the population is strong enough, they will allow one to be auctioned off. The average price for that auction--and I can't believe there's been more than only three or four auctioned off--the average price for that has been \$60,000. And whether you approve or don't approve of that, it is an important fund-raising activity for the Game and Parks because Game and Parks uses that money for habitat enhancement and to help fund their operations. Hunting and fishing are important activities in this state, not only for residents but for out-of-state residents. And of course, the parks are an important part of recreation in this state. And I'd be willing to drop the fee, or leave the fee where it is, if you could talk the Appropriations Committee into appropriating more funds. I think Game and Parks would be willing. But somehow or another, they've got to have the ability to have these funds if they're going to maintain the parks. If they don't maintain the parks,

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people will quit going to the parks. That's a fact. You have a poorly-maintained park with rest room facilities that are not maintained, people won't go to the parks. They won't come back. And so it's important that we have a Game and Parks that is well-financed and that can perform the daily duties that it takes to maintain the parks. Most of the historical parks and some of the recreation parks lose money at the present time. There's only a few of them that are money-makers. One of them is Lake Mahoney. Your issue of the Game and Parks people being elitists, I have some sympathy for what you're saying there, but I will also tell you that three of the members on the commission are farmers, and I would consider them for the most part blue-collar people. And next week we're going to hold a hearing on a commissioner from Frontier County who is a school teacher. And so I don't know what you would consider that. But in the past, there's been some thought that a lot of times it's elitists appointed to the commission. But I will say this. As near as I can ascertain, the people who serve on that commission have the best interests of the state at heart and they're interested in hunting and fishing, and they're interested in the recreational opportunities for the residents of the state of Nebraska. So I do think that's something that most all of the commissioners have in common. Thank you for your time.

SENATOR CUDABACK: Thank you, Senator Schrock. On with discussion of the bracket motion, Senator Stuhr.

SENATOR STUHR: Thank you, Mr. President and members of the Legislature. I oppose the bracket motion, and did also want to share I have the information that Senator Schrock shared on that option or lottery that it was opened only to the bighorn sheep, and we are now adding deer, antelope, elk and wild turkey to those available for auction or lottery permits. I, too, just wanted to make a comment about the commissioners. I do think that they are...they do come from all walks of life, but I do share some of the concerns that Senator Chambers has expressed. I don't feel that they have any additional privileges. I have heard that they, too, have to wait in line for cabins or such as other people do. There are a number of things besides the fee increases that this bill does create, and I shared with you some of those when I opened on the bill, and that's a one-day

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resident and a nonresident fishing permit, a two-day nonresident hunting permit. It does add a \$5 Nebraska migratory waterfowl stamp. It also will permit nonresident lifetime permits and a nonresident lifetime habitat stamp. So those are some of the additional things. Again, we have tried to point out that the parks are operating on a very slim margin. The handout that I shared with you does point out that, with the increase of costs, and I know that in our daily homes also, that expenses have increased. And we could go through each one of those items, but the average cost of increase of maintenance and operation in the state parks in the last 11 years has increased over 50 percent. So I don't believe that the fee that we are asking is exorbitant. In fact, we would not want to alienate any of our park visitors. And we have done surveys. I believe I shared with you that there was one survey where over 7,000 people responded. Overwhelmingly, there was support for an increase in the fees. Also, another report that was done considered over 6,000 hunters, over 5,000 anglers, and over 6,000 park visitors and they, too, were all in agreement and in support that they could see the need for the increase in the park fees. If we don't, as I pointed out, some states take all of the funding from appropriations. If we couldn't get...receive an increase in appropriations to accommodate some of those needs, then we could certainly work with Senator Chambers and maybe we could work on that item together. So with that, I give the rest of the time back to my Chair, and hope that you would oppose.

SENATOR CUDABACK:. Thank you, Senator Stuhr. Senator Louden, on the motion to bracket.

SENATOR LOUDEN: Thank you, Mr. President and members of the body. I've listened to the discussion here this morning on this LB 162 and, of course, I was in Natural Resources Committee when some of this was all brought forward. And I guess I was under the impression that Senator Chambers has some sections that he's not comfortable with. And I was wondering, may I ask Senator Chambers some questions?

SENATOR CHAMBERS: Senator Louden, I will answer.

SENATOR LOUDEN: Okay. One of them was Section 15 that you

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wanted deleted from that. Now was that the whole section, or just the new wording down there on adding the cost of the money?

SENATOR CHAMBERS: Well, see, the way it is when we're drafting legislation, if we delete Section 15, it means the existing law will remain as it is. So if you just struck the new language, all you would be doing, in effect, is striking Section 15 from the bill. So by saying I would strike Section 15, it means this amendment to the law that Section 15 is carrying.

SENATOR LOUDEN: Okay. Now that deals with raising the fees for motor vehicles and that sort of thing, and I think it's mostly the one-day fees or something. What's your problem with that? Do you think they have plenty of money now, or do you think they should get their motor vehicles in for nothing, or...I mean, what's the reasoning, I guess, to strike it?

SENATOR CHAMBERS: I have agreed from time to time to allow this daily fee to be raised, and I'm interested in ordinary people who might happen to drive past a park and decide that they want to go in to do so. And if there are people who go on a regular basis, I want them to go, and I don't want them to pay any more money. What I would let the Game and Parks Commission do is raise hunting licenses and fishing licenses as high as they want to. And I've told them this is the area of concern that I have. They have other fee increases in this bill. I haven't touched any of them or suggested that I would touch any of them. And if they want to fight me on this, I will fight them on this and they'll lose the whole bill because the senators will get tired of the debate before I'll get tired of debating.

SENATOR LOUDEN: Yeah. What I'm wondering then, then your position is that there shouldn't be any fees to drive into a Game and Parks facility or...

SENATOR CHAMBERS: There will still be fees. The existing fee schedule will still be there. They just won't be allowed to raise it during the four years that I have left in the Legislature.

SENATOR LOUDEN: I see. Okay. Thank you, Senator Chambers. I

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believe the other parts is Section 18 and Section 20 or whatever it is that has to do with people 12 to 15 years old.

SENATOR CHAMBERS: No, under 12.

SENATOR LOUDEN: I probably have...don't...have problems with that, too, because if you're going to have a big game sheep out there and it's going to cost you an average of 60,000 bucks for a license, I don't know what a 12- or 15-year-old kid should be out there running around trying to shoot one of them for. I think some of this was brought about years ago when anybody under 16 could hunt without a license, and that was mostly when about all we shot was ducks and rabbits and probably some game birds. But nowadays, they've...Nebraska does have some big game to shoot. Elk, antelope, deer, all of that has come in within the last 45 years or so. And of course, the elk has just come in in the last 15 years, and now we're talking about sheep. So I'm probably with you on this Section 18 part. I question that myself whether or not we should put...

SENATOR CUDABACK: One minute.

SENATOR LOUDEN: ...have kids allowed to run around with big game rifles out there trying to shoot animals like that. First of all, I don't know if some of the kids can handle a .300 Savage anymore or not. So with that, that answered my question. Thank you, Senator Chambers, and I'll return the rest of my time to the Chair.

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

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, there's certain amount of physical capability a person would have to have to handle these weapons. And as Senator Louden pointed out, if they were shooting rabbits or whatever, that's a different kettle of fish. I had stated, tailgating on what Senator Beutler had said earlier about some existing legislation or laws in the realm of elections being atrociously written, some of these provisions have been there a long time and they should not be there anymore. They want not only to allow those between 12 and 15 to hunt some of

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these...this big game, but they want to re...lower the age below 12 to let them hunt wild turkeys. I'd like to ask Senator Stuhr a question.

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

SENATOR STUHR: Yes, I would.

SENATOR CHAMBERS: Senator Stuhr, on page 22, starting in line 26, it says, new language, "Any person who is twelve years of age or under shall only hunt wild turkey when accompanied by a person twenty-one years of age or older." Do you see that language?

SENATOR STUHR: Yes, I do.

SENATOR CHAMBERS: A child 6 years old could hunt wild turkey under it, isn't that true?

SENATOR STUHR: Yes. That language, I...that is...

SENATOR CHAMBERS: And you agree that 6-year-olds ought to be out there...

SENATOR STUHR: No.

SENATOR CHAMBERS: ...with guns, shooting turkeys?

SENATOR STUHR: No, I don't.

SENATOR CHAMBERS: Well, why would you authorize it?

SENATOR STUHR: I know that in another area it says 12 and up to 15, and...

SENATOR CHAMBERS: That's the one that Senator Louden and I were talking about where they're letting these kids hunt big game, which I disagree with also.

SENATOR STUHR: Right.

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SENATOR CHAMBERS: But on this, if a child is 8 years old?

SENATOR STUHR: We would certainly be...I'm willing to work with you on that issue in clarifying that.

SENATOR CHAMBERS: So if we say that between the ages of 12 and 8, then that means anybody 9, 10, or 11, can be out there hunting. You see a 9-year-old child with a shot...what do shoot...what do you hunt turkeys with, wild turkeys?

SENATOR STUHR: Shotguns.

SENATOR CHAMBERS: So you see a 9-year-old child out there with a shotgun, and that is what happens in the state of Nebraska and that is considered rational. True? Do they have child...do they have...

SENATOR STUHR: They have to be...they have to be accompanied by someone that has a valid hunting permit.

SENATOR CHAMBERS: But the child has...do they have child-sized shotguns?

SENATOR STUHR: I don't know.

SENATOR CHAMBERS: So the child has a shotgun as big as the one that I'm carrying, and I stand up and I see a wild turkey and I go "ka-boom" and the turkey is still there. The little fella goes "ka-boom" and the turkey is not there and the little fella is not there anymore. And I say, where did he go? And I see him about 20-feet behind where he was standing when he discharged the shotgun. And I'm...then I scratch my head and say, what in the world is going on in Nebraska and what are those legislators thinking about? And they say, Senator Chambers, you ain't seen nothing yet. And there's a song like that, and this guy says his girlfriend stutters. And she says, b-b-b-baby, you ain't seen n-n-nothing yet. And then he goes on to tell these various things. That's what they would say to me. We've got a 4-year-older over there with a shotgun being trained in the noble art of hunting, and that could be done under this

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language. Senator Stuhr, who drafted this language, if you know?

SENATOR STUHR: Game and Parks and the committee staff.

SENATOR CHAMBERS: Game and Parks agrees with this, though? Right?

SENATOR CUDABACK: One minute.

SENATOR STUHR: Yes, and Senator Chambers, could I share with you, we did find in 37-413 that a person under the age of 12 years who is accompanied by a person 19 years of age or older having a valid hunting permit. And I believe that language was probably for small game. That language is already in the statute for small game.

SENATOR CHAMBERS: So what is this for?

SENATOR STUHR: And this just adds...

SENATOR CHAMBERS: So they can hunt turkeys.

SENATOR STUHR: ...wild turkey.

SENATOR CHAMBERS: And what do they shoot turkey with? Shotguns is what they're using.

SENATOR STUHR: Uh-huh.

SENATOR CHAMBERS: And a 6-year-old could use a shotgun under this, right, and under that, too, to shoot the other game?

SENATOR STUHR: They could. It is already in statute.

SENATOR CHAMBERS: Can they shoot turkeys with a 30.06? Are they allowed to do that, or are they told what kind of weapon they have to use?

SENATOR STUHR: I wouldn't believe they would be told.

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SENATOR CHAMBERS: So they could use a 30.06?

SENATOR CUDABACK: Time, Senator.

SENATOR STUHR: I don't know.

SENATOR CHAMBERS: Oh, thank you, Mr. President.

SENATOR CUDABACK: Thank you. Senator Engel.

SENATOR ENGEL: Mr. President, I, too, oppose the bracket motion. I know Senator Chambers mentioned it gives everybody time to ponder this a little more, but actually bracketing till 5-29-05, I think we wouldn't have much time to act. But as far...I want to add to what Senator Schrock said as far as the elitists on the commission. Like you say, there are three farmers and which we...they all consider themselves blue-collar, and then, of course, this one school teacher. There are eight on the commission, so half of the people are not elitists. And even those who are supposedly elitists, who happen to have some wealth, those people also have, besides being on the commission, they're able to secure endowments, et cetera. So I think you have to have a mixed match on this commission, and so that part I think is taken care of. The only thing is, I do want to compare to...going to a state park and taking...if you have a family, and that's what state parks are basically family-oriented, if you have a family and you take this family to a movie, what's that cost you? You know, when you take...if you have four or five children, you take them to a movie nowadays, and you have to buy popcorn and so forth, which you don't have to do, but if you're just getting in the movie, you spend \$50, \$60, and before the evening is over, you spent \$100 there just for family, for entertainment. And in the park itself, you can get in there for \$3 or \$4 a day, spend the whole day out there. You can be picnicking, you can have games, you can...all kinds of activities. You read, you can do whatever you want to do. It's a very relaxing atmosphere. And you can do it for so little money. So I think this additional fee is such a small price to pay for the benefits that people receive from this. So with that, I do believe that we need this, we need this fee because, like I say in Appropriations, they've

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been cut so drastically the last few years, and the money has to come from one place or the other or you're going to lose the quality of our parks. And they're not all...I know Mahoney Park is, of course, right next to Omaha, and it's in the...and it's a nice park. I've never stayed there myself but when you get out into the west...northern Nebraska or out in the middle of Nebraska, there's so many facilities out there that cost you nothing. Some of them have swimming pools where you have to pay to swim. Others are along the lake where you can swim for nothing. I mean, there's just so many activities that cost you nothing except the fee to get in. I think this is very reasonable. And I'd just like to ask Senator Chambers, have you ever been camping other than bivouac in the army? Senator Chambers, would you respond...

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

SENATOR ENGEL: ...to a question, please? Have you ever been camping other than bivouacking in the army?

SENATOR CHAMBERS: Not being facetious, what would camping entail,...

SENATOR ENGEL: Oh, just going...

SENATOR CHAMBERS: ...in your opinion?

SENATOR ENGEL: ...going out into the...like to into the parks and pitching a...

SENATOR CHAMBERS: In the daytime or just at night?

SENATOR ENGEL: Oh, it's...

SENATOR CHAMBERS: Because I've been to some of the parks.

SENATOR ENGEL: Oh, have you? Okay? Well, it's daytime and night. Sometimes people camp at night, day...

SENATOR CHAMBERS: Okay. Would going to the park be sufficient,

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or would I have to...?

SENATOR ENGEL: Yes, you've been to the parks then?

SENATOR CHAMBERS: Yes.

SENATOR ENGEL: Okay.

SENATOR CHAMBERS: And I've been to some and I see how poorly some of them are maintained. I quit going to them. But they were not all maintained like we're being told they're maintained.

SENATOR ENGEL: Thank you very much, but the reason some of them aren't maintained is because they don't have the dollars to maintain them the way they'd like to be maintained. So with that, I'd like to return my time to the Chair. Thank you.

SENATOR CUDABACK: Thank you, Senator Engel. Senator Schrock, on the motion to bracket LB 162.

SENATOR SCHROCK: Mr. President, members of the Legislature, I do oppose the bracket motion. Senator Chambers, I started hunting at a very young age and was brought into that by my father, who, by the way, did not hunt a lot. But one thing I learned from my father, if you shoot it, you clean it and you eat it. And that was kind of the rule on our farm, and you didn't ask somebody else to clean it for you. And so we have...when I grew up, we ate quite a few rabbits and we shot pheasants; we ate them. And I think I've passed that on to my sons. We don't...if we shoot it, we don't waste it, we eat it. The thing about the elitists hunting bighorn sheep, you can, for \$20, buy a chance to be drawn out of a lottery. So you don't have to be a rich person to participate. And if you don't win, why you just donated \$20 to the Game and Parks, which I think is a good cause. So if you really want to hunt bighorn sheep and you're not wealthy, you can, on an annual basis, apply for \$20 and then your name will be entered into the lottery. And so, yes, they do auction off one once in a while, and the revenue is very well used. But I think the discussion here today is good. I would like to accommodate some of Senator Chambers' concerns.

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I'm not willing to wholesale...decide who can hunt at what age, but if there's things in the bill that we are allowing to happen that are not taking place now, I would be willing to discuss that with him. But under adult supervision, and preferably by a parent, hunting is a good activity for kids to learn. And I know I started shooting a rifle before I was 12 years old, but I'll also tell you we do have youth guns. I will be attending a Pheasants Forever banquet Friday night, if things work out right. My son is sponsoring the youth gun. There are many sizes of shotguns, and there are many shotguns that a younger person can handle because they are smaller. Now if you put them with a 12 gauge and let somebody who weighs about 70 pounds discharge that, it'll probably back them up a little bit and they'll have a sore shoulder. But those are all things that people who are involved in hunting and fishing know. Most of you in this body, I don't have to tell them that. But I don't think we want to start putting restrictions on what age kids can hunt, if they're out with their parents and under proper supervision. Sure, accidents happen. They happen anywhere, but we have very few hunting accidents in this state. I remember one time when I was a freshman senator, Senator Landis wanted to have a free day of fishing in the state of Nebraska. I thought, well, that's not a bad idea, and you can fish one day in the state of Nebraska and not have to buy a permit. So I put an amendment on it to have one free day of hunting also, and Senator Landis let me know in very uncertain (sic) terms--and of course, I was a freshman senator--why would you do something like that? How stupid. People would be running around shooting each other, and it would be just chaos. And so I bet Senator Landis a Coke that we lose more people from fishing accidents than we do from hunting accidents in this state. And we went to Game and Parks, and we couldn't quite quantify what were fishing accidents. But I can tell you, there are more people drowned in this state every year, and some of that is from fishing activity, than are injured or killed from hunting accidents. So for the most part, hunting is a very safe activity, and it's a very safe activity for young people, especially if they're with adult supervision. And in most cases, if you're on the farm or ranch, that would be by a parent, or in my case, maybe it will be a grandparent before too long. You never know. But I would agree with you, Senator Chambers. I have grandchildren that are

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7 years old. They're probably not capable of handling a rifle or a shotgun yet. But it may not be too long, if that comes about, that they'll be ready for that. I don't know when that is but I think that's up for the parents to determine.

SENATOR CUDABACK: One minute.

SENATOR SCHROCK: And I'm expecting that someday I can hunt with my grandchildren. But probably fishing would be more higher priority for me, for what that's worth.

SENATOR CUDABACK: Thank you, Senator Schrock. Senator Chambers, and this will be your third time, Senator.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'm starting to get my legs under me now. It's something like a marathon where when you first start out, you're a little sluggish and you feel every step that you take. You start getting those stitches, those pains in your side and wonder, is it worth it? But you work your way through that, then pretty soon there's a euphoria that sets in, and you say, it couldn't be any better than this. If this is what heaven is, I'll die now and go. And if I can maintain this frame of mind, I'll stay here or go anyplace else. I'm starting to enjoy what we're doing because it's putting me in shape for what is going to come later in the session. Senator Engel and others have mentioned people on the commission of Game and Parks who are not what even I would call elitists. But the policies of Game and Parks are elitist. Before Game and Parks is...I'd like to ask Senator Engel a question before I proceed.

SENATOR CUDABACK: Senator Engel, would you yield to a question?

SENATOR ENGEL: Yes.

SENATOR CHAMBERS: Senator Engel, since you have been on the Executive Board, are you aware of Game and Parks ever having accepted gifts of land?

SENATOR ENGEL: Yes.

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SENATOR CHAMBERS: Thank you, Senator Engel. While I'm on the Exec Board, I'm going to resist the acceptance of any more land by Game and Parks. They cannot maintain what they've got. Why are they going to continue taking land if not to build a fiefdom, when they then come back and hear us...and tell us, we can't maintain it. Well, if you can't maintain what you've got, why do you keep accepting land that is dumped on Game and Parks? That observation was made to me by one of my colleagues who is very, very perspicacious. That's not saying anything bad. And the colleague involved will understand very well what the word means. But it did put me on a new path as a member of the Executive Board. I will resist Game and Parks accepting anything else. And the parks that I went to are not suffering from lack of maintenance because there's not the money. They were in locations where they felt probably not many people are going to go there anyway, so we just let it get overrun. And as for how enjoyable it is at these parks, they have mosquitoes, they have stinging insects, not just bees; they have little creatures that crawl that you may not see anywhere else, and if they get on you, they can deliver an unpleasant interaction; they communicate with you in their own way. Game and Parks should not become an industry which is going to continue to grow through accepting this land, be unable to maintain it, then come to the Legislature and say, make the people who are interested in using the parks pay for bad management decisions. Create what they want to call a crisis, then come in here and say, you have to help us because a crisis is here. But it's of their own doing, their own mismanagement, maybe even greed, maybe a lust for power, to be land barons and baronesses. But in any case, Game and Parks is going to take us to our first cloture vote.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: And if they win, Game and Parks will be on my list for the rest of the time I'm in the Legislature. Everything they want, I don't care how inconsequential, they're going to have to go to cloture to get it. They need to count up the cost. And if they think I'm shooting blanks, let them test me on this bill. I've said things like this before and I'm never called on it. They fold before they make me deliver. Do you all realize there are other bills I don't like that are

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coming up? The more time I can spend on this bill, the less time there is for other things. This doesn't hurt me. I'm going to spend 90 legislative days here. It doesn't make me any difference what I'm doing during those 90 days, whether I'm discussing this bill or some other one. But I can do what I'm doing on this one because these people with Game and Parks know that I take this as a personal challenge.

SENATOR CUDABACK: Time, Senator.

SENATOR CHAMBERS: Time for what? For me to stop? Okay, Mr. President.

SENATOR CUDABACK: If you wish to. Thank you for volunteering. Senator Stuhr.

SENATOR STUHR: Thank you, Mr. President and members of the body. I just had a couple items that I would like to share with you in the fact that we do have 84 park areas across the state. And not only do they provide a scenic value, also scientific value, but also historic value. And among those parks, we do have a number of historic areas, and maybe some of you have had the opportunity to go visit Fort Robinson, which is a wonderful state park with a lot of historic significance in the western part of our state. In the eastern part of the state, we have Fort Atkinson, and that's been particularly interesting because of the Lewis and Clark Expedition. Buffalo Bill home in the center of the state at North Platte; I remember taking our family when they young and studying history and wanting to get away for a short weekend to visit. Arbor Lodge; Arbor Lodge, I think, is one of the most important and one of the most beautiful historic parks that we have, and if any of you have not visited that area, you should attempt to do so. A point that I've been trying to make this morning, and other speakers have also, is that Game and Parks are not increasing their fees for extra cash. They are increasing these fees because of inflation, and that there is a need to continue to maintain our parks so that they are of high quality and that we do encourage people, not only from Nebraska but from out of state, to come and visit. Also, the hunting and fishing fees that we've been talking about this morning go towards some wildlife management.

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They go towards disease control. They also go towards monitoring weed, weed control and disease control. So those are some of the areas. Again, they have...the commission has worked hard. And they've had a study for the last two years, and contacted over 7,000 people. And 67 percent of those visiting the parks have been supportive of...actually 69 percent of those visiting the parks have been supportive of the increase in the park fees. I think those are only some of the reasons that we were looking at to increase the fees, include this in this bill. And as we have continued to discuss with you, it also does...the bill contains a number of other areas, establishing the one-day resident and nonresident fishing permit, and we think that that would be very desirable, again, to encourage people to partake of that activity while they are visiting our state. And, there's also, expand the lifetime habitat stamp to nonresidents. And also I think another important aspect are the veterans, reducing that age to 64 and charging the \$5 which then could also be met by...

SENATOR CUDABACK: One minute.

SENATOR STUHR: ...federal. And again looking that of those 38 states that do charge fees, Nebraska is the lowest. Looking at the average of all of those states, it averaged about \$44 for an annual fee. We're looking at \$17 right now. But what we're trying to do is make up that gap between the daily fee and the annual fee, and increase that only by 50 cents a year for the next two years, or raising that fee by \$1, from \$3 to \$4, which would still make us at the lowest of any of the states. Thank you.

SENATOR CUDABACK: Thank you, Senator Stuhr. There are no further lights on for the bracket motion till May 29. Senator Chambers, you're recognized to close on your motion to bracket LB 162 until May 29.

SENATOR CHAMBERS: Mr. President, if I withdraw a proposition before it's voted on, I can offer it again, because it's not a reconsideration; it's as though nothing was done. Senator Schrock and I are talking, so I'm going to withdraw that motion at this time.

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SENATOR CUDABACK: The motion to bracket is withdrawn. We're back to discussing...Mr. Clerk, motion on the desk? Back to discussion, AM0044 by the Natural Resources to LB 162. Senator Beutler. Senator Beutler, you're recognized, if you care to speak.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, I understand Senator Chambers' concerns in a couple of respects. With respect to the age requirement relating to turkey hunting, of course, that's a safety issue and we all have different opinions on that, but it is certainly a legitimate issue and certainly an item that's somewhat on the edge; also the provision in Section 19, on page 21, with regard to the additional latitude that's given to the commission with regard to auctioning certain types of permits. That, I think, reflects a strain within the department, a debate over whether or not this kind of provision leads to a more elitist organization, an organization that caters more to people who can pay for it and less to the broad general public. And I would agree with Senator Chambers that it probably points in a direction that we wouldn't want to go very far in. But where I have a hard time agreeing with Senator Chambers is on the fee item. As you look at the fiscal note, the daily park fee which is the subject of discussion results in \$44,000 a year of revenue in '05-06. That's not huge but it's substantial. In the following year, it would come up to \$128,000. Compare that to the increase which will probably...which has a good chance of being the final increase that the Appropriations Committee has given thus far in General Funds to the Parks Division. The total increase in funding comes to about \$85,000. If you consider that in light of salary increases, health increases and the inflation, including the inflation that it was showing on the sheets handed out to you, we are putting them in a bind. We are putting them in a position where either they have to come up with some other cash funds or their operations are going to be curtailed or done with much lower quality in certain areas geographically or in all areas to some lesser extent. So I'm hoping that Senator Chambers will relent in whole or in part on the fee item, particularly if he's able to wangle out of proponents of the bill and excise from the bill those provisions that seem to be

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leading us in the wrong direction and on which I think there would be not a total consensus anyway in this body. So I just wanted to acquaint you mainly with the facts that...with the fact that they're not crying wolf on the money side.

SENATOR CUDABACK: One minute.

SENATOR BEUTLER: They really do need that money. Only certain kinds of money can be spent for certain purposes. They may have money, for example, on the habitat or wildlife side, but that can't necessarily be used in the parks operation at all. So you have to understand their budget in terms of what their various revenue sources can be used for. And in truth and in fact, when you look at the parks part of their operation, and look at what we are going to do to them in the Appropriations Committee...and I say that with some degree of certainty even though the process is not over, simply because the way the Governor's budget is structured and our budget is likely to be structured, we're trying extremely hard to repair damage to ed...in the education area, and we're trying extremely hard to...

SENATOR CUDABACK: Time, Senator.

SENATOR BEUTLER: Thank you.

SENATOR CUDABACK: Thank you. Further discussion on Natural Resources Committee amendments? There are no...Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I just want to mention that Senator Schrock, Senator Stuhr and I have been discussing what can be done with this bill to get through the impasse and let some things be done. If we reach an accord on those things that are troubling to me, I will not then be of a mind to say just the bill cannot move. But they understand that even if we reach our accord, but other amendments are offered by others, I'm not saying I will not support other people's amendments, but that adamant position that the bill cannot move will be taken away. And we're working on that and I don't believe we're going to be able to get it done before we adjourn this morning. Senator Schrock is going

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to have to discuss what we talked about with people he is working with. We don't want to try to throw an amendment together on the spur of the moment which would invite the making of errors. When you have the people who are battling in agreement, at least to negotiate, then time is no longer of the essence because nobody is trying to beat the other down or wear the other one out. It's a matter of laying on the table what the things are that we disagree on, then seeing if we can work toward each other and come up with something that will allow us to move forward. What Senator Schrock offered to me would allow me to let the bill move forward. But again, he's working with others so he feels he owes it to them to let them know what is going on, and I have no objection to that. But I certainly don't want the bill to move at this time. There might be another amendment to the committee amendments so I'm not going to say anything else to prevent the adoption of the committee amendments, if that can be done in the time that we have remaining. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Schrock, you may either speak to the committee amendments or close on them, Senator Schrock.

SENATOR SCHROCK: I would ask you to adopt this amendment.

SENATOR CUDABACK: Are you closing, Senator Schrock?

SENATOR SCHROCK: I will close.

SENATOR CUDABACK: You're recognized.

SENATOR SCHROCK: It's more technical in nature than anything...no, wait a minute. I am going to not close on this. I'm going to talk for a little bit. I don't want...

SENATOR CUDABACK: You're recognized to speak.

SENATOR SCHROCK: ...this body to get the idea that I'm a softie and that I think Senator Chambers is a nice guy, but I do appreciate him working with us, and I think we're getting closer to coming to an agreement, and that is encouraging to me. And I

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understand Senator Chambers' tenacity and his willingness to stay on this issue for a while. But Game and Parks is a very important resource for the state of Nebraska. I had about four maps under my desk from two years ago, if you can believe that, and I passed them out. And the Game and Parks has a lot of property in this state and it's a lot of responsibility. And when you think of the fact that this state is almost...I believe the number--and maybe Roger Wehrbein can help me out--I believe the state is 98 percent privately-owned property, only 2 percent is publicly-owned. And for states in the western part of the United States, you get to states like Colorado and Wyoming and South Dakota, there's a lot of publicly-owned land that is available for hunting and that type of activity, and Nebraska, it's pretty near all sold up...sewed up by private landowners. So that presents a challenge to the average person who wants to hunt and fish. If you don't know a farmer or have a friend who owns a...knows a farmer or rancher, it makes it tough to hunt. Quite frankly, on my farm we allow people to hunt if they ask permission, and we get along quite well that way. And now for the most part, hunters are very responsible people. Senator Chambers, you'll find it interesting that my son was out hunting on our property one day and he saw a 1 county car. That's back before we changed the license plates--which I don't like the system we have now, by the way, but that's neither here nor there. I kind of like to know if they're from Douglas County or Sarpy County or Lancaster County. And my son met up with this hunter and they were both very courteous to each other, but the son informed...but the hunter informed my son that he was trespassing...that my son was trespassing on our property. And it got to be a mix-up because the hunter had talked to the neighbor and thought he was on land that he'd gotten permission to hunt on. So there was a friendly exchange and I think they both went on and hunted together then for a little while before it was all said and done. So that's kind of the way things work in rural Nebraska. And I appreciate when, the first day of hunting season, we get some out-of-state hunters, and I'm very happy when they have a successful hunt. And so, Game and Parks property is very important, and you did mention the fact about the fact that people sometimes give land to Game and Parks. That's not a very common occasion, and a lot of times that property can be traded for something that is worthwhile habitat

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for not only hunting but for the reproduction of wild game, which helps the state of Nebraska and which helps...which is a resource that helps the state of Nebraska. So with that, I thank you for your consideration on these issues, and I appreciate you being interested in them. I hope this has been a good lesson for all the members of this body. We have eight new members, and I think it's important that they know that the Game and Parks is an important recreation for the state, that hunting and fishing is a very important activity for this state. And all you got to do is go down to, was it the shopping mall here in south Lincoln, there's a Scheels Sporting Goods Store. If you haven't walked through it, it's worthwhile. If you haven't been to Cabela's in Kearney or Cabela's...

SENATOR CUDABACK: One minute.

SENATOR SCHROCK: ...in Sidney or Cabela's in Kansas City, for that matter of fact, you'll know the number of people and the type of activities people have an interest in hunting and fishing. And I know one of the problems...I don't like to go to Cabela's because it seems like I always go and my wallet is lighter when I leave because I usually buy something I don't necessarily need. I like to fish when I have time. My brother likes to fish. And I'm concerned about water levels in the western part of the state and what's going to happen at Lake McConaughy. And I'm an irrigator, too, so I have a dilemma there. But I hope that the lake, the fisheries can be salvaged and we can get some snow this winter and things will work out so that we'll have that opportunity for both the irrigator in this state and the fisherman or fisherwoman, whatever you may please. And, Senator Chambers, if you would like to go fishing with me someday at Lake...and I know those hooks hurt those little fishes' mouths, but if you would like to go fishing with me some day, I'd be glad to take you. I'd be happy to have you on the boat with me for an afternoon.

SENATOR CUDABACK: Time. Mr. Clerk, a motion.

CLERK: Mr. President, Senator Schrock would move to amend with FA18. (Legislative Journal page 466.)

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SENATOR CUDABACK: Senator Schrock, to open on FA18.

SENATOR SCHROCK: This is an amendment that I think was agreed upon and it's one of the reason I talked so much the last time I had. This amendment strikes the turkey portion dealing with the 12 and under hunting, and it's Section 20. And we reinstate the language in Section 18 regarding wild turkey, and on page 18, Section 15, the daily permit could go from \$4 on January 1, 2007. That means the increase of 50 cents for...to \$3.50 on January 1, 2006 would be struck. And so that's the amendment that we have here. I hope that's clear enough. But I think that takes up the concern about youth under the age of 12 hunting turkeys, and then the park fee would not go up until January 1, 2007, and at that time the Game and Parks would have the authority to raise it to \$4. They wouldn't have to raise it to \$4. Right now the annual fee is \$17. They do have the authority to go to \$20, but they haven't done that because they figure if they get the annual fee too high, people will buy the daily permits instead. So I hope that is understood, that we're clearing up the 12-and-unders cannot hunt wild turkey, and it also states that the park fee will not go up until January 1, 2007.

SENATOR CUDABACK: Thank you, Senator Schrock. You've heard the opening on FA18, which is an amendment to the committee amendments to LB 162. Open for discussion. Senator Schrock, there are no lights on. You're recognized to close on FA18. He waives the opportunity to close. The question before the body is, shall FA18 be adopted to the Natural Resources Committee amendments? All in favor vote aye; opposed, nay. The question before the body is adoption of FA18, offered by Senator Schrock to the Natural Resources Committee amendments to LB 162. Have you all voted who care to? Record, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of Senator Schrock's amendment to the committee amendments.

SENATOR CUDABACK: The motion was successful. Back to discussion on the committee amendments. There are no lights on. Senator Schrock, you're recognized to close on AM0044, which are committee amendments to LB 162. Senator Schrock, you're

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recognized to close if you care to. He waives opportunity to close. The question before the body is adoption of committee amendments, AM044, to LB 162. All in favor vote aye; opposed, nay. The question before the body is adoption of the Natural Resources Committee amendments, AM044, to LB 162. Have you all voted on the question before the body who care to? Have you all voted who wish to? Record please, Mr. Clerk.

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of committee amendments.

SENATOR CUDABACK: Committee amendments have been adopted.

CLERK: Mr. President, Senator Stuhr would move to amend the bill, AM0325. Senator Schrock, excuse me, Senator. Senator Schrock would move to amend, AM0325. (Legislative Journal page 458.)

SENATOR CUDABACK: Senator Schrock, to open on AM0325.

SENATOR SCHROCK: Mr. President, members of the Legislature, this is a technical amendment to correct mistakes that were made in the drafting of the bill. On page 12, strike beginning with "A" in line 4 through the period in line 6 and show as stricken unnecessary language. So we're striking some language that's not necessary. And then on page 13, line 18, strike the word "more" and insert the word "less." That corrects a drafting error. So that is the amendment, AM0325. It's a technical amendment to correct some drafting errors.

SENATOR CUDABACK: Thank you, Senator Schrock. You've heard the opening on AM0325, offered by Senator Schrock. Open for discussion on that amendment. Anyone wishing to discuss it? There are no lights on. Senator Schrock, did you wish to close? You waive closing. The question before the body is adoption of AM0325, offered by Senator Schrock to LB 162. All in favor of the motion vote aye; opposed, nay. The question before the body is AM0325, whether it should be adopted to LB 162. Have you all voted on the question who care to? Voting on AM0325, which is an amendment to LB 162. Have you all voted who care to? Record please, Mr. Clerk.

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CLERK: 26 ayes, 0 nays, on adoption of Senator Schrock's amendment, Mr. President.

SENATOR CUDABACK: Motion was successful. The amendment has been adopted.

CLERK: I have nothing further, Mr. President.

SENATOR CUDABACK: Senator Schrock, your light is on, on advancement. Did you care to...he waives his opportunity to speak. No other lights are on. Did you wish to close on advancement, Senator Schrock...Senator Stuhr? I'm sorry. Senator Stuhr, it's your bill. Don't want to give him credit.

SENATOR STUHR: I'll waive closing.

SENATOR CUDABACK: She waives closing. The question before the body is advancement of LB 162 to E & R Initial. All in favor of advancement vote aye; those opposed, nay. The question before the body is advancement of LB 162 to E & R Initial. Have you all voted on advancement who care to? Voting on advancement of LB 162. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB 162.

SENATOR CUDABACK: LB 162 does advance. Mr. Clerk, items.

CLERK: Mr. President, I have a confirmation report from General Affairs Committee. Your Committee on General Affairs reports LB 562 to General File, LB 563 to General File; Agriculture Committee reports LB 330 to General File, LB 150 to General File with amendments; those reports signed by their committee chairs. Agriculture Committee selected LB 150 as one of the committee priority bills. Senator Chambers would like to add his name to LB 584. (Legislative Journal pages 466-467.)

And a priority motion, Senator Cornett would move to adjourn until Thursday morning, February 10, at 9:00 a.m.

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SENATOR CUDABACK: You've heard the motion by Senator Cornett to adjourn till Thursday morning. All in favor of the motion vote aye, say aye. Opposed, nay. We are adjourned.

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