

FEBRUARY 28, 2005

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SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Good morning. Welcome to the George W. Norris Legislative Chamber. Our chaplain today is Pastor Aaron Pingel from Christ Lutheran Church, Falls City, Nebraska. Pastor Pingel.

PASTOR PINGEL: (Prayer offered.)

SENATOR CUDABACK: Thank you, Pastor Pingel. Pastor Pingel is from Senator Heidemann's district, District 1. Thank you for being with us this morning, Pastor. I call the thirty-fifth day, 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?

CLERK: Mr. President, your Committee on Enrollment and Review reports LB 570, LB 66, and LB 66A to Select File. That's all that I have at this time, Mr. President. (Legislative Journal pages 633-634.)

SENATOR CUDABACK: Thank you, Mr. Clerk. We do have one announcement this morning. There are apples over under the balcony and those are distributed by Senator Raikes on behalf of the NSEA. So help yourself to an apple, if they aren't passed around to you. We thank you for that.

SENATOR JANSSEN PRESIDING

SENATOR JANSSEN: Chair recognizes the Clerk.

CLERK: Mr. President, I have a report from the Executive Board regarding the appointment of the Public Counsel, Mr. Marshall Lux. (Legislative Journal page 628.)

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SENATOR JANSSEN: Recognize Senator Cudaback, the Vice Chair of the Exec Board, for the report.

SENATOR CUDABACK: Mr. President and members, I'm pleased this morning to ask your support for reappointment of Marshall Lux as the legislative Public Counsel, better known as the Ombudsman's Office. The Public Counsel is appointed by the Legislature to serve a six-year term after recommendation by the Exec Board. Last week, the Exec Board met and voted unanimously to recommend Mr. Lux to the Legislature for another term. That's a six-year term, by the way. Mr. Lux has held this position since 1980 and has done an outstanding job. I just would ask your support. I think most of you probably know Mr. Lux and he's done a great job for the public and everybody concerned. So I ask your support, and this does take 33 votes and so I would hope that everybody would stick around and do what they feel best. Thank you, Mr. President.

SENATOR JANSSEN: Thank you. Thank you, Senator Cudaback. Is there any more discussion? Seeing none, Senator Cudaback, would you like to close? He waives closing. I would remind the body that it does take a two-thirds vote on this appointment. All those in favor please vote aye; those opposed, nay. Have you all voted? Record, Mr. Clerk.

CLERK: 34 ayes, 0 nays, Mr. President, on the appointment.

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Thank you, Mr. Clerk. We now go to General File. Mr. Clerk, LB 298.

CLERK: Mr. President, LB 298, a bill by Senator Landis. (Read title.) The bill was introduced on January 10, referred to Natural Resources, advanced to General File. The Legislature did discuss the bill, Mr. President, on Friday. At that time, Senator Landis had pending AM0250 as an amendment to the bill, and Senator Beutler had pending FA57 as an amendment to that amendment. (AM0250, Legislative Journal page 445.)

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SENATOR CUDABACK: (Doctor of the day introduced.) Senator Landis, would you like to give us a quick review of LB 298? Senator Landis, would you like to give us a quick review of LB 298?

SENATOR LANDIS: LB 298 is the fix of the definition of "motor vehicle fuels" for the purpose of the LUST Fund. The amendment is the Uniform Environmental Conveyance (sic) Act that allows for a regulator and a landowner to agree to a remediation process, and that the regulator then, once those remediations are done and the limitations of uses are constructed into a covenant, that covenant runs with the land to that user and every other user, but allows the land then to enter back into the stream of commerce. When we left it last, there was a Senator Beutler amendment. Over the weekend that work has been continued and I believe Senator Beutler will offer an amendment shortly to which I will accede and agree, and we'll be able to move on I think.

SENATOR CUDABACK: Thank you, Senator Landis. And that included AM0250? Senator Beutler, would you like to give a review on your amendment to AM0250?

SENATOR BEUTLER: Senator, there's no point to giving my review on that FA because I will withdraw it and I will also withdraw the subsequent one, FA58.

SENATOR CUDABACK: Thank you, Senator Beutler. They are withdrawn. We will now go to the bill itself and amendments to it. Mr. Clerk, when you get time.

CLERK: Mr. President, Senator Beutler would move to amend AM0250 with AM0620. (Legislative Journal page 635.)

SENATOR CUDABACK: Senator Landis, you're recognized to open on AM...didn't I say Senator Beutler? I'm sorry, I said Senator Landis. Early in the morning. Senator Beutler, to open on your amendment.

SENATOR BEUTLER: Senator Cudaback, thank you. This amendment contains a couple of clarifications that were worked out with a

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number of parties who spent part of Saturday talking about this, and hopefully they're agreeable to Senator Landis. It makes clear that with regard to the definition of "agency," that other states are not involved here but these are Nebraska and federal agencies that we're talking about. It clarifies and retains the provision that the state of Nebraska, municipality or other local government may not be a holder, but it makes an exception in the case where the municipality, for example, may be an owner of the property. There are a couple of strong reasons why that exception should be made. It goes on to identify that with regard to requirements that may be put into an environmental covenant that you can identify, if you so choose, the right to enforce the covenant, and you can give that right to any person or entity. It goes on in Section 9 to indicate that in the case of these kinds of covenants, subordination agreements will be filed. In the case...it clarifies in another instance that in the case where DEQ is not the lead agency on the cleanup and the federal government is that DEQ will be given copies of documents so that they can follow what's going on and be apprised...be apprised of the action. And then there's one more page on...one more change on page 10 that will be deleted by a floor amendment that will be next, so I won't talk about that one. And finally, there is some language added that clarifies that nothing that might happen with regard to negotiating this agreement would preclude anybody who has a right under other law to claim damages for environmental harm, nothing in this law would preclude such a right of action. So, basically, those are the items that are dealt with by the amendment, and I would yield my time to Senator Landis, if he would wish to use it.

SENATOR CUDABACK: Senator Landis.

SENATOR LANDIS: Senator Cudaback, Senator Beutler, these amendments are satisfactory to me. I'll accept them to the amendment and then we can dispatch the bill, I believe.

SENATOR CUDABACK: Thank you, Senator Landis. Senator Beutler, did you wish to use your remaining time? You've heard the opening on the Beutler amendment, AM0620, which is an amendment to the Landis amendment, AM0250, to LB 298. Open for discussion on that AM0620. Senator Beutler, there are no lights on. He

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waives closing. The question before the body is, shall AM0620 be adopted to AM0250? All in favor of the motion vote aye; opposed, nay. Voting on adoption of the Beutler amendment, AM0620, to AM0250 to LB 298. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: 32 ayes, 0 nays, Mr. President, on the adoption of Senator Beutler's amendment.

SENATOR CUDABACK: The motion was successful. The Beutler amendment has been adopted.

CLERK: I have nothing further pending to Senator Landis' AM0250, Mr. President.

SENATOR CUDABACK: Open for discussion on AM0250. Senator Landis, there are no lights on. You're recognized to close on AM0250.

SENATOR LANDIS: Thank you. This is the adoption of the uniform state law commissioners' Environmental Covenants Act, and it's been reported out twice now by the Natural Resources Committee. The amendments and the general idea in this version this year comported with the recommendations of the committee last year, and with Senator Beutler's amendments, I would ask for the adoption of AM0250 to LB 298. Thank you.

SENATOR CUDABACK: Thank you, Senator Landis. You've heard the closing on AM0250. The question before the body is, shall that amendment be adopted? All in favor of the motion vote aye; opposed, nay. The question before the body is the Landis amendment, AM0250. Have you all voted on the question who care to? Record please, Mr. Clerk.

CLERK: 33 ayes, 0 nays, Mr. President, on the adoption of Senator Landis' amendment.

SENATOR CUDABACK: AM0250 has been adopted. Mr. Clerk, motion on the desk?

CLERK: Mr. President, Senator Beutler would move to amend the

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bill with FA70. (Legislative Journal page 635.)

SENATOR CUDABACK: Senator Beutler, to open on FA70.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, I want to make perfectly clear that this is an amendment to the Landis amendment that we just adopted, and it deals with Section 12 of the bill where the amendment struck the word "the" in...as shown in line 18, page 10 of the form I have, which is AM0250. But basically, we're reinstating the word "the," which looks very minor but has a significant import so that the total effect of all this is that nothing is changed from Senator Landis' original bill. So we're just striking part, a small part, of the amendment we just adopted. Thank you.

SENATOR CUDABACK: Thank you, Senator Beutler. You've heard the opening on FA70. Open for discussion on that motion. There are no lights on. Senator Beutler, did you wish to close? He waives closing. The question before the body is adoption of FA70, offered by Senator Beutler to LB 298. All in favor of the motion vote aye; opposed, nay. The question before the body is the Beutler amendment, FA70. Record please, Mr. Clerk.

CLERK: 34 ayes, 0 nays, Mr. President, on the adoption of Senator Beutler's amendment.

SENATOR CUDABACK: The motion was successful. The Beutler amendment has been adopted.

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

SENATOR CUDABACK: Thank you, Mr. Clerk. Discussion of the advancement of LB 298? Open for discussion. Seeing no senators wishing to discuss advancement, Senator Landis, you're recognized to close.

SENATOR LANDIS: Thank you. This will allow us to restore the definition of the motor vehicle fuels for the LUST Fund, giving it the broader definition it deserves, and it allows us to make some progress, particularly on those kinds of claims that are the outgrowth of leaky ground...leaky underground storage tanks,

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and that's the use of the Environmental Covenants Act, which we have just adopted by amendment. I ask for the advancement of LB 298.

SENATOR CUDABACK: Thank you, Senator Landis. You've heard the closing on advancement of LB 298. The question before the body is, shall LB 298 advance to E & R Initial? All in favor vote aye; opposed, nay. The question is, shall LB 298 advance? Have you all voted on the question who wish to? Record please, Mr. Clerk.

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB 298.

SENATOR CUDABACK: LB 298 does advance. Mr. Clerk, LB 335.

CLERK: LB 335, a bill introduced by Senator Schrock. (Read title.) The bill was introduced on January 11, referred to the Natural Resources Committee, advanced to General File. At this time I have no amendments to the bill, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Schrock, to open on advancement of LB 335.

SENATOR SCHROCK: Mr. President, members of the Legislature, this is a fairly simple bill and it codifies what has already been occurring with municipal users and the Department of Natural Resources. This bill clarifies that the Industrial Ground Water Regulatory Act does not apply to any public water supplier providing or intending to provide ground water for industrial purposes, nor does the act apply to any person who's using or intends to use ground water for industrial purposes that is supplied by public water...by a public water supplier. The easiest way I can say this is if you're an industrial user and you're getting your water from a municipality or public supplier that already has the permit, then you don't have to get an individual permit. And there was some question as to whether we had to have the municipal permit and the industrial...and the permit for the industrial user. And if you're getting your water from a public supplier or a municipal supplier, then you don't have to have the permit also. So, yes, the permit is

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there, but the municipality holds it. Now, we're not doing anything different than what's already being done in practice, but there was some question as to whether they were doing it correctly, and so this bill clarifies that and codifies this into the...into what...how the municipal users and the Department of Natural Resources deals with this issue. I hope that's clear, and I would ask you to advance LB 335.

SENATOR CUDABACK: Thank you, Senator Schrock. You've heard the opening on LB 335. Open for discussion on that motion. Senator Schrock, there are no lights on. You're recognized to close on the advancement of LB 335. He waives closing. The question before the body is, shall LB 335 advance to E & R Initial? All in favor vote aye; opposed, nay. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB 335.

SENATOR CUDABACK: LB 335 does advance. Mr. Clerk, LR 8CA, when you get time.

CLERK: Mr. President, LR 8CA, offered by Senator Schrock and others, proposes an amendment to Article I, Section 28, of the Nebraska Constitution. The resolution was read on January 6 for the first time, Mr. President; referred to the Natural Resources Committee for hearing; advanced to General File. I do have amendments pending, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Schrock, to open on LR 8CA.

SENATOR SCHROCK: Mr. President, members of the Legislature, this constitutional amendment was brought to me by the Sportsmen Foundation, which consists of over 100 sportsmen's organizations in this state. It would let us put into the constitution, by a vote of the people, a constitutional amendment that would protect the right of our citizens to hunt, fish, and trap, and I think it's a very important, symbolic statement that we can make in this state. It allows the citizens to clarify the constitution on this right, the rights that they already

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perceive to have. Now ask me why should we do this. Well, there's ten other states that have done this and there's other states contemplating this. Four states--Florida, New Hampshire, Louisiana, Georgia--have statutes to the same effect as the sportsmen constitution. In the state of Nebraska there are 173,000 hunters, there are 296 (sic) fisher persons, and there are total job expenditures...and there are...the total expenditures for hunting and fishing equipment and for this activity is about \$455 million a year. There's a total of 8,800 jobs in this state that are attributed to sportsmen, and their salaries and wages amount to about \$182 million. The state tax revenue from this type of activity is...the sales is about \$31 million, and the ripple effect on the state's economy is about \$751 million. The Nebraska sportsmen outnumber the residents of Lincoln. Nearly one out of every five Nebraska residents hunts or fish. Nebraska sportsmen annually spend more than the box office receipts for "Jurassic Park," one of the top money-making films of all time, and spending by Cornhusker state sportsmen equals 23 percent of the cash receipts from corn in the state of Nebraska. We...I have distributed a little thing for you to look at and this sportsmen amendment has been put on the ballot more recently in Montana, Wisconsin, Louisiana, and I'm missing a state there, and in all cases it passed by over 80 percent. I have that information here. Okay, the four states that amended were Wisconsin, Louisiana, Montana, and Minnesota. In all cases, it passed by over 80 percent. I think we are elected by the people to do their will and this has been brought to be by I think a very important organization in this state, and I think we should put this on the ballot for the people to decide on this. It's been very popular in other states that have done it. I can tell you that the Nebraska Game Commission has passed a resolution in support of this constitutional amendment. The Nebraska Cattlemen's Association and Nebraska Farm Bureau have had their annual meetings in the past and they have discussed this issue, and they have overwhelmingly endorsed us putting this on the ballot. And so I bring this to you as someone...as a messenger from those organizations and especially from the Sportsmen's Foundation, which I've been privileged to work with the past few years. This concept was brought to me about three years ago and it was in the form, the last two legislative sessions, of LR 4CA. We

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did discuss it briefly on the floor, but because of time constraints I did not pursue it. So I'm asking you to consider this. It did come out of committee with an 8 to 0 vote. And you now have...you are now being given a rather glossy piece of information that tells the importance of hunting, fishing, and trapping in the state of Nebraska, and it compares it to other states. So Nebraska is a wonderful place to live. It provides great opportunities for this type of activity. It's a type of activity that I grew up with. I think it's something that's probably part of our heritage. It's a type of activity that my sons enjoy. It's a type of activity that a lot of my friends partake in. The first day of pheasant season is a big deal in my area of the state. The first day of deer season is a big issue in my area of the state. Everybody is excited. The first day of deer season I can have all the football tickets I want to the Nebraska football game because everybody is deer hunting in my family. So I'm asking you to consider this. I know it's controversial. I know my friend Senator Chambers has many amendments and, by golly, by the way, I believe the first one we kind of like, Senator Chambers, so you will have your say on this. This might take a lot of time, depending on the debate, but I would ask you to give this fair consideration, I think that's only fair, and let's see where this goes. I will say this. If it isn't passed this year and put on the ballot, the issue will be back next year. If it doesn't happen next year, the issue will be back after that. It will be back after I'm gone. Somebody will carry this. The sportsmen will keep putting this out there. They do want this to be put on the ballot. I'm going to be attending a Pheasants Forever banquet in Holdrege Friday night. It's going to be a topic of conversation. And so we can go on and on, Ducks Unlimited, there's a turkey organization, all these sportsmen organizations are supporting this and they raise a lot of money at these funds to protect our habitat, to protect the environment. And so I have brought this to you this morning. I hope that you will help me in advancing this constitutional amendment to the ballot through the three rounds of debate that we shall have on it. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Schrock. You've heard the opening on LR 8CA. We're now open for discussion. Mr. Clerk,

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motion on the desk?

CLERK: Mr. President, I do. Senator Chambers would move to amend with FA32. (Legislative Journal page 599.)

SENATOR CUDABACK: Senator Chambers, to open on FA32 to LR 8CA.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I do come here this morning with what could be described as a heavy...what must I say, gizzard, since I don't have a heart? Were I one of those possessed of a heart, I would say I come here with a heavy heart. It should not be necessary for one whose ancestors did not participate in the drafting of this constitution, who were owned as property at the time the U.S. Constitution was put together. That was drafted, by the way, in 1787. It was adopted by the public, the people, in 1789. I've had to learn more about America's constitution than these white Americans. They can take things for granted, and because they take so much for granted, they know not how to respect those things that are worthy of respect. I don't have anything more against hunters, anglers, or trappers than I have against Jack the Ripper and other mass murderers, so there's nothing I intend to do to take from them their enjoyment. As much as I think it is inappropriate for human beings to bring pigs into the world in a domesticated state, release them, or allow them to escape so that they can become wild or feral for the purpose of hunting, I was the one who did much of the work to craft an amendment which said that these animals shall be killed. Circumstances can arise where the overall good of society will require a prudent, sincere lawmaker to take decisions which would not be taken were not the circumstance so grave. I became convinced, through what I read and the discussions I heard on the floor, that feral pigs pose a hazard in this state, not due to any fault of their own. They could teach human beings a lesson. Feral pigs do everything they do because they are acting in accord with their nature. There are people on this floor who believe things other than I do about some overarching intelligence that put everything here, impressed order upon the physical universe, and judges people based on standards of morality or right and wrong. That overarching intelligence put into the feral pig the nature that

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the feral pig has. Human beings could learn from that animal by acting in accord with the nature we are told human beings have, and that is being a rational animal, one who thinks, who has self-awareness, who is conscious of death, who can even fabricate notions about a world and a life after this one ends. The ability to rationalize or think carries with it certain moral responsibilities. Knowledge is power, but knowledge does not often bring a sense of moral responsibility, and by "moral" I just mean that which is suitable, appropriate, proper, to keep you doing what you ought to do, while not harming other people. There is no way that this Legislature will ever banish hunting, trapping, and fishing, but there are some people who hide in trees. And if you look at the glossy handout that Senator Schrock gave us, you'll see a person hiding in a tree with a bow and arrow. Now, I don't know who he's hiding from, I don't know what he's afraid of, but he is armed with a lethal weapon. When people are encouraged to be fearful, that fear can spread and infect public officials. We should not befoul the constitution of this state with frivolity, with triviality. I have something in my hand which contains an excerpt from a book, whose title is Original Meanings. The New York Times book review said of this book, quote, a deeply satisfying account of the political world from which the United States Constitution issued, unquote. I'm going to speak very seriously about what we're doing. Even though some of my amendments may see frivolous, they are showing that I'm in the spirit of what LR 8CA is doing. LR 8CA is one of the silliest, most asinine, simple-minded pieces of trash that has ever come before this Legislature, and I don't care who is offended by that. I think more of the constitution of this state than I do of the simple-mindedness behind this LR 8CA. When debate was going on, amongst those men known as the Founding Fathers as to what the Constitution of the United States should consist, one of the most hotly debated questions was whether the rights that the government is going to acknowledge in that written document should be enumerated, or should there just be general statements in the constitution that would give the idea of what kind of rights the government cannot infringe? The U.S. government is a government of granted powers. Only those powers granted in the Constitution of the United States are to be exercised by Congress. All other powers to legislate are retained by the states. Those powers the U.S.

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government has are called granted powers. Those retained by the states are known as residual or leftover powers. They are acknowledged in the Tenth Amendment to the U.S. Constitution. Why should I even have to talk like this about you-all's constitution? It's not mine. But there are many times when people don't appreciate what it is they have. They don't value it. So they treat it with disrespect, they befoul it. This Constitution of the state of Nebraska does have many things in it which, in my mind, ought not to be there. A constitution is a body of principles which form the organic or basic law of a state. It is to consist of general principles that will allow it to be adaptable to changing times and circumstances. Those people who put together the U.S. Constitution were not Nostradamuses. They were not seers. They were not fortunetellers. They did not know what the future held. So very general terms were used, except when it came to the handling of my ancestors. Very specific language is in the constitution to ensure that my ancestors would be retained as property. Other than that, there are general statements. When the debate was going on as to whether rights should be enumerated, some of the so-called Founding Fathers argued that if you'd failed to list every right that the government cannot infringe, those which are not listed the government may feel free to not only limit but to abolish.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: So great care had to be taken. Others felt that there were some rights so essential, not only to individual freedom but to the order of the state itself, that they should be guaranteed in the constitution against infringement by the national government. When I'm recognized, I'll continue with my lecture. Thank you, Mr. President.

SENATOR CUDABACK: You may continue, Senator Chambers. Your light is next.

SENATOR CHAMBERS: Thank you. There were some people of the ilk that brought LR 8CA, but as much as I condemn those white men who put that constitution together, because a big proportion of them were slaveholders, they had some intelligence and some

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respect for what ought to be in a constitution. So here's what you will find on page 329 of this book, Original Meanings: To prove the absurdity of enumerating rights, federalists lampooned, lampooned one of the amendments proposed by the minority in the Pennsylvania convention. And this is what that silliness would have tried to put in the U.S. Constitution which would have affirmed that Americans would retain the, quote, liberty to foul and hunt in seasonable times and on lands they hold and, in like manner, fish in all navigable waters and others not private property, without being retained. They tried to put a hunting, fishing amendment in the U.S. Constitution, but they had more intelligent people then than they have now, or they had people with a little more moxie than are on the floor of this Legislature. I don't know how they could get 39 people to sign this. Children ought to be given copies of this to show the nature of people who wind up on the floor of this Legislature. Let me read what happened. Nearly transported by laughter, and why could this man that I'm going to read about laugh? Because he knew there was not enough stupidity among those there to give this nonsense a chance of acceptance. Let me continue. Nearly transported by laughter at this clause, Noah Webster proposed a further restriction, quote, that Congress shall never restrain any inhabitant of America from eating and drinking at seasonable times, or prevent his lying on his left side in a long winter's night, or even on his back, when he is fatigued by lying on his right. That's how Noah Webster ridiculed what you're talking about befouling the constitution with today. Why do they not have a pure democracy where the people participate in governing and actually vote? Because it's unwieldy, it's impractical, and the people don't know enough to govern themselves. They have narrow, parochial, individual issues and might not know about anything other than what is in their front yard, their backyard, their side yards, and what goes on in their neighbor's house. So they develop a representative form of so-called democracy where people who are supposed to be intelligent and informed will do the business of governing and represent the best interests of the people, and put words, language and ideas into a constitution that not only detail rights that the people have, responsibilities they are required to assume, rights which the government may not infringe, rights which are inalienable, meaning a person cannot

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give them up even if he or she chooses to do so, but in addition to those things, words which when taken as a whole will reflect a vision,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...an idea of what this government is supposed to be about, the standards that will guide those who become a part of it, and the kind of society which ultimately is to be developed. And hunting, fishing, and trapping would demean, degrade, and trivialize that document, so when it came before them they lampooned it and were almost transported with laughter. Oh, I'll wait until I'm recognized the next time.

SENATOR CUDABACK: Thank you, Senator Chambers. On with discussion. Senator Schrock, followed by Senator Kruse, Connealy, and Chambers. Senator Schrock.

SENATOR SCHROCK: Mr. President, members of the Legislature, for the record, we're talking about FA32 right now, and I think Senator Chambers would acknowledge that. I am asking the body to support that, that amendment, and as you read the part of the legislative resolution or constitutional amendment we have here, it shall add the words "are deemed to be." It presently reads, "Fishing, trapping, and hunting are a valued part of the heritage of the people and will be a right forever preserved for the people subject to reasonable restrictions as prescribed by law." With Senator Chambers' amendment, it will read: Fishing, trapping, and hunting are "deemed to be" a valued part of the heritage of the people and will be a right forever preserved for the people subject to reasonable restrictions or...as prescribed by law. And so I will support that part, that constitutional amendment. Senator Chambers, I haven't looked at all the rest of them, but I presume the rest of them maybe will be ones I will oppose. Somebody says we aren't under threat now, this isn't an issue. There are organizations out there that it kind of can become an ag and an animal confinement issue also. There are organizations out there that want to change the way we do business. You say it's not a problem. Well, in California, they have banned mountain lion hunting. That was done by a referendum of the people. And guess what. Mountain lions are

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eating people out there now and they're concerned about it. They have banned trapping in the state of Colorado. And the issue becomes, well, is it okay to trap mice? I don't know the answer to that, but they have done that. And it's interesting, I'm not picking on my urban friends here, but it was overwhelmingly supported by the people in the Denver metropolitan area and it was overwhelmingly opposed in the rural area. And so I think we should probably get out ahead of this. I don't see Senator Beutler, but I would like to tell you a little bit about Fred L. Morrison. Fred Morrison is considered to be the author of the constitutional amendment in Minnesota and he is an attorney. And a year ago when we discussed this briefly on the floor I was asked by one of the members of the Legislature, well, who is Fred Morrison? Well, he received his A.B. degree at the University of Kansas, and an M.A. degree at Oxford University, and a Ph.D. from Princeton University, and his J.D. degree from the University of Chicago. He has been both a Rhodes scholar and a Fulbright scholar. He taught at the University of Iowa College of Law before joining the University of Minnesota Law School faculty in 1969. Professor Morrison has also been a visiting professor at the University of Bonn and at the University of Kiel, what is that city, in Germany. He has served as the Counselor of International Law for the United States Department of State, and as a counsel for the United States before the International Court of Justice. He was a member of the Advisory Committee of International Law of the United States Department of State and a member of the International Advisory Board, Institute for International Christian...no, I'm not reading this too right. He is a director of the American Society for the Comparative Study of Law. Professor Morrison is also a member of the American Law Institute, the American Society of International Law, and the Board of Editors to the American Journal of Comparative Law. He was also honored by the university President's Award for Outstanding Service. If anybody would like to have a copy of this, I'll do this, but he is considered the author and the instigator and the person who helped the Minnesota Legislature get this constitutional amendment through Minnesota, and I understand since then they've had a lot easier time changing game laws that are more friendly towards the hunter and the fishermen in that state. And I could get in more detail there

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because I did attend a conference this fall south of Fort Worth, Texas, that the Sportsmen Foundation...

SENATOR CUDABACK: One minute.

SENATOR SCHROCK: ...asked me to go to. So since then, since the constitutional amendment was passed in Minnesota, it's my understanding from legislators I've talked to up there it's been a great help to them, and yet it's not been used mischievously. This constitutional amendment also says subject to reasonable rules and regulations. I don't think it will impede our Game and Parks commissioner or this Legislature from passing bills that are reasonable. And I think the feral pig bill is a good example of a reasonable rule and regulation. They can do a lot of damage. They're not a game animal and we want them to be...we don't want them in the state of Nebraska. So my time is about up so I will complete, but we will continue this discussion further.

SENATOR CUDABACK: Thank you, Senator Schrock. On with discussion of the Chambers amendment, FA32. Senator Kruse.

SENATOR KRUSE: Thank you, Mr. President and members. I stand to not support these but I will vote for the amendment and the underlying resolution, partly because I have gotten as old as I am by not voting against motherhood and other things like that down through the years. This kind of looks like that kind of an event. I would certainly agree with the sponsor that this cannot create mischief, and so I'm not taking it lightly, but I see the chances of any future Legislature compromising fishing and hunting as about equivalent to Nebraska annexing Kansas in order to get back to the original intent of the Nebraska Act, which became the Kansas-Nebraska Act and took away from us a major chunk of land. We need to get that back. I don't think that will be happening. I think I would also support a resolution on motherhood, though I would like to amend motherhood, and I suppose if we put in a constitutional amendment on it then I couldn't. My amendment to motherhood would be that it would be available only to those who have taken out a license. I think we could give quite a bit of correction to problems in our society if only those who have a license are

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allowed to become mothers. Since I don't see that as a likely possibility and I really have given up on even having good serious discussion on it, I'm going to give that up too. Again, I will vote for the amendment, I will vote for the underlying resolution, because at this point I don't see a viable alternative and I certainly don't see mischief within it. Thank you.

SENATOR CUDABACK: Thank you, Senator Kruse. Senator Connealy, FA32.

SENATOR CONNEALY: Thank you, Mr. President and members. I do rise in support of the amendment. I am in support of the constitutional amendment also. I had the opportunity to go to the large convention in Omaha for a few hours for Pheasants Forever and it brought to me mind of how much we can do with economic development in this area. There are actually, I think, three businesses that make their living off of hunting in my county now, and that's growing. We have some challenges here in Nebraska compared to a place like South Dakota, that's really the star of pheasant hunting, because of the fact that our land is actually valued by a couple hundred dollars more per acre, on average, than South Dakota is, and a couple of other things. But I think that we can make an expansion and it's one of the things that we've continued to do in economic development and economic stimulus for rural areas. I think that this fits within more of a niche market that we have to do in the Midwest to broaden out our economic base. If you can make money from...along the Missouri River from, and the Platte River, from duck hunting and the upland from pheasants and deer, I think it's a good stimulus for those small communities and it's great for our state. I want to encourage that. That's why the amendment actually pleases me that it shows commitment to that and it shows, as we talk about it over the next year, people will get more interested in trying to develop that "agritourism" of hunting and fishing here in Nebraska. Thank you.

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

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

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you're not going to hear people stand on this floor and talk about the constitution, because they don't know anything about the constitution. They talk about economic development in the rural areas. How is befouling the constitution going to lend anything to economic development in the rural areas? Let these people have all the conventions that they choose. Let them dress in funny clothes. Let them spend thousands and thousands of dollars at Cabela's buying uniforms and guns that they can't shoot straight, traps they don't know how to set, angling equipment with which they can't catch a fish. But don't implicate the constitution. You don't have to do that. The mere fact that Senator Schrock reads all of this material about the nincompoop who brought the first version of this shows that the thing will not stand on its own merit. He has to tell you how great and intelligent the guy is who did this. Do you know who elaborated the first notion of a constitution? Aristotle. Aristotle, and he has a much higher intellectual standing throughout the world than this fellow that Senator Schrock read to us about. But a person who is intelligent is not intelligent in every way. Aristotle is given a lot of credit because he developed a scientific approach to knowledge. Rather than develop a lot of mental images and fanciful constructs within the mind, he observed the world around him. He would take items or animals or entities that seemed to belong to a category. He would study them, and when it appeared that they all behaved a certain way in a certain set of circumstances, he would formulate a principle that he would articulate about how these, whatever they are, would operate. But as intelligent as Aristotle was, even though he might be called the father of science, in a sense, Aristotle felt that, I don't know how you determine that an elephant had a headache, but if an elephant had a headache and you rubbed his shoulders with salt, that would cure the headache. Aristotle felt that men had more teeth than women. All he'd a had to do was count the teeth in his head, then ask Mrs. Aristotle to open her mouth and count the teeth in her head. But he didn't do it. So intelligent people are not intelligent in every way. They might lay out a scientific approach, then violate it in the most basic and fundamental ways and areas of searching. So I'm not going to be swayed because this fellow graduated from Yale or wherever he went to school. The fact that he teaches law, that means

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nothing to me. I want to look at what it is he has produced as a work product and see if it has any validity. That's why we're taught that human beings have a brain. We analyze. We evaluate. Analysis is breaking the thing down into its constituent parts.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: Synthesis is putting things together. So you analyze first. You break the thing down. Then, when you feel you understand all of the parts and have recognized all of them, then you put them back together and you come up with the entity, but now you understand it. You know something about each of the constituent parts, you know what happens when you put them together, and you arrive at the realization that one of these parts may behave a certain way when it stands alone, but it behaves a different way when it's combined to others of its kind. So we come to something like the constitution and, instead of analyzing what a constitution is and its purpose, we hear things about rural development and some fellow who got Minnesota to adopt some silliness like this and therefore Nebraska ought to do it. You might do it, but like that old guy who ran the NRA said,...

SENATOR CUDABACK: Time.

SENATOR CHAMBERS: ...you will pry the constitution from my cold dead fingers.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Janssen, on FA32.

SENATOR JANSSEN: Thank you, Senator Cudaback, members of the Legislature. Listening to Senator Chambers talk about the constitutional amendment and the way he is, I can understand his position. There are people that don't think that the constitution should be messed with at all. Well, I look back at, say, when I was...when I was a young man. Of course, my father was an avid hunter and fisherman, and he knew and tried to instill in me the way to protect the environment and protect the wildlife that have been put on this earth along with us, and

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he taught me a lot of things about hunting, fishing, and even trapping. Several years go, we probably had this wildlife in the state on the brink of disaster because we were overdoing it. We were trapping a lot of fish and shooting a lot of the waterfowl and so on, and we were depleting that...the wildlife, not only in this state but across the country. And then organizations like Ducks Unlimited, Pheasants Forever, they came on board, seeing what was happening, and started to hold classes for young people and show them that the abundance of wildlife we had, not only in this state but across the nation, was there for a reason and it should be protected. And through education and conservation, these organizations have helped to maintain what I had when I was a young man and what my father had when he was a young man, and through the conservation, the pheasants, and we're seeing more ducks and pheasants and that is one of the reasons why, you know. We get into fishing. I think a lot of the problems there have come from industrial pollution and so on, so forth, has hurt the fish in this state, not only in this state but across the nation. We do have people from all over the country and other countries also that come to Nebraska, enjoy some of the outdoor activities that we have in this state. South Dakota has done a lot with their pheasant population and through government holdbacks on agriculture and the...I can't remember what they call them now, soil banks, so on, so forth, have given a lot of cover for these...the pheasants in that state. So I know we have...I live on a highway that kind of goes right up into South Dakota, and several of those hunters will stop at my store and buy hunting needs, and so on, so forth, and food to take up to South Dakota, and they make it an annual trip. But with the conservation we have in this state, I think you're seeing more of that, more of the wildlife is coming back again. And so whether this...whether this amendment helps, I can't see that it hurts anything. The constitutional amendment, I believe it just...it more or less says that we do have the right to hunt, fish, and trap. So I'm going to support Senator Chambers'...

SENATOR CUDABACK: One minute.

SENATOR JANSSEN: ...amendment and the underlying bill. Thank you.

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

SENATOR STUHR: Thank you, Mr. President and members of the body. I, too, stand in support of the amendment and also Senator Chambers' amendment. As has been mentioned, ten states already have passed similar legislation, including amendments that primarily, I feel, because of the declining population in rural areas, and also then with the upcoming changes respectively then in those Legislatures. Also I see that we do have an increased number of animal right groups, and I think that we all realize that these groups have tremendous amounts of money that can influence opinions. I am supportive of this measure. I believe hunting, fishing, and trapping are important to the cultural and economic aspects of our state. Although I do not personally hunt or trap and have not fished recently, I know that there are many members and many constituents in the 24th District that do partake of these activities frequently. I will be supporting this amendment because one only has to look across the ocean to Great Britain to see that it is possible, in fact, to have serious efforts to outlaw sporting activities. I know that it may not seem possible in our country, but we may some time be forced with a movement that would put a ban on hunting, fishing, and trapping. I believe that these activities are part of our country and our state's heritage, and I believe that it is something that should be preserved for future generations. Not only do these sports, as have been mentioned before, are important, I believe, in shared family experiences, also enjoyment, but they do impact our state's economy. Those are just some of the reasons that I will be supporting this constitutional amendment to protect our sporting activities for our future. Thank you.

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

SENATOR SCHROCK: Mr. President, members of the Legislature, I kind of have to ask myself, why don't we want to put something on the ballot that probably 75 to 80 percent of the people will vote for? And I can tell you the Sportsmen Foundation is very dedicated to running a campaign that will promote this constitutional amendment, should we be able to put it on the

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ballot for them. Why are we afraid of this? I ask you that. I'm going to read something here from the U.S. Sportsmen Alliance. This is happening in our neighboring state: A national animal rights group is calling for an end to the use of traps in national parks. On January 25, People for the Ethical Treatment of Animals, that's PETA, and if we keep talking about this I can get you more information on PETA, announced its latest antitrapping campaign during a press conference in Rapid City, South Dakota. Imagine, our neighboring state, South Dakota. The group had taken issue with the Badlands National Park use of traps and is now calling for Interior Secretary Gale Norton to prohibit their use in all parks. The organization created a web site to promote its campaign. The site calls for trapping...calls trapping inherently cruel and urges visitors to contact Secretary Norton and demand that she ban them from national parklands. William Supernaugh, superintendent for the Badlands National Park, told the Rapid City Journal that banning the use of foothold traps in the Badlands would cripple some wildlife management programs. Through trapping, the park is able to monitor the health of coyotes, and he added the program has been crucial to the successful reintroduction of Swiss fox and the black-footed ferrets to the Badlands. So there's an example where our national parks are using traps to help the endangered species. Traps, I know, on surface seem cruel, but this is where the anti hunting and fishing people will start. They will start there, and then it will be a creeping type of thing, and we want to say, in Nebraska, we're not going to allow that to happen. I thought it was rather interesting in the...Friday's Omaha World-Herald, "Law angers wild horses' supporters." I'm not 100 percent sure what this has to do with this constitutional amendment, but for the first time in more than a generation the mustang, the very symbol of the American West, can be slaughtered, and I'd say it's probably about time. The federal government, in a facility north of Elm Creek, has probably, I don't know, has hundreds of horses that have been captured from Nevada and Arizona. They're wild mustangs, probably descendants when the Spaniards brought them over, and they don't know what to do with them, so they feed them at your expense. Now, I don't have anything against the wild mustang. He's not native to this country, but the federal government would allow slaughtering of them again. And, of course, there

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are countries that enjoy horse meat, so it could be beneficially used. I can tell you that I rode on a trail ride once in Red Cloud, Nebraska. At that time I had a paint horse who was very docile. But the person...a couple people riding on that trail, that were bragging about the mustangs that they got from Elm Creek, because they were such nice horses, they were the meanest, orneriest, scoundrel horses I'd ever been around. First of all, they were kind of pint-sized things and if...and considering my stature, if I'm going to be on a horse, I want a big horse. And whenever I'd walk close to them, they'd try to kick. They tried to kick at my horse. You know, the animal rights people, they're well-intended, but a lot of times they're misguided. And this is just one good example. And I think that's what the people in these states who have passed this constitutional amendment are fearful, that the animal rights group who are concerned about the welfare of animals in this state, whether it be our wildlife...

SENATOR CUDABACK: One minute.

SENATOR SCHROCK: ...or our confined...

SENATOR CUDABACK: Thank you, Senator Schrock. Senator Dwite Pedersen.

SENATOR Dw. PEDERSEN: Thank you, Mr. Speaker. President, members of the Legislature, thought I would stand and just tell you why I signed onto this CA. I do think hunting and fishing is a wonderful sport. I've never been a fisherman, but hunting has been my favorite sport ever since I was old enough to go hunting the first time, and that was at a very young age. It's...I wish we didn't have to do something like this, but it is...I think it needs to be protected. Lots and lots of people use hunting and fishing for their sports, and it's something that has been here since the beginning of this country. It is...we can't have things happen like Senator Schrock was talking about in South Dakota, which is my home state, and ruin it for these people who have done it for many, many, many years and still get a very, very good time from it and find it to be a good, honest, whole sport. Thank you.

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SENATOR CUDABACK: Thank you, Senator Pedersen. Further discussion on the Chambers amendment, FA32? Seeing no lights on, Senator Chambers, you're recognized to close on FA32.

SENATOR CHAMBERS: Mr. President, members of the Legislature, we're going to have all the time needed to discuss every element of this proposed amendment, and as much about the constitution and the concept of a constitution as I want to discuss. I've been told by a couple of people that they wouldn't vote for cloture on this. Maybe others will. If you think that this is so important we should spend the amount of time on it that I want to spend, so be it. I think protecting the constitution is that important, and I'm going to fight it. Senator Stuhr had to go all the way across the ocean to England to find a situation where what she called a sporting event was outlawed. And what is this sporting event? Fox chasing, fox slaughtering. Foxes are animals that have what they call a hot scent, so they get their packs of hounds of the four-footed variety, and the hounds of the two-footed variety, with due apology to every member of the canine family but sometimes analogies have to be drawn, so I apologize to all members of the canine family, but they would understand. The two-footed hounds find it exhilarating and thrilling to set those packs of dogs after a small animal. They have their guns. They "yipety-yap" and run these horses and that's called sport. What kind of men and women would call that sport? That is uplifting? Why, that goes back to the savagery of the early days in England when they lived in caves and painted themselves blue and cut themselves. And that is to be preserved. As we go along, I'm going to talk about the fact that England has no constitution. Parliament is supreme. In states that have written constitutions, there generally is a provision that the courts will be a restraining influence on the legislative body. Senator Schrock talked about these small horses which he would not ride because of his stature and weight. He didn't say weight, but I thought I'd throw that in. And these horses are mean. Why are they mean? Because they don't want to be treated like the docile, enslaved animal that he has broken to his will and destroyed in terms of its native wildness. And why do they kick at that horse? Because they're telling that horse, I will not be enslaved in the way you have been; I will not have one of those creatures sitting on your

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back sitting on my back; he can kill me, but he'll never ride me; he won't break my spirit; he can break my neck, but he won't break my spirit. You all, who have never had a history of being enslaved, don't understand at all what I'm talking about. It's fun to you to go out and kill these helpless things that harm you in no way. If you take animals for food, I have never criticized that. I tell you again, I worked to craft the amendment that would let them kill these feral pigs because I was shown the danger that they pose, but animals often pose a danger to human beings because human beings encroach on their habitat. The animals don't come where humans are. Most animals fear humans and will run from them. You know the animals that don't fear human beings? The ones that come around human beings and take on human beings' ways. And some of those will kill...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...because they can. They will take down animals that they cannot eat. They take on the worst attributes of human beings. Human beings need to learn something by watching nature and not always want to kill it. You know what the people who support this amendment would like to do? They see a beautiful, majestic mountain sheep. They say, good God, what a beauty of nature, (gunshot sound) I got to kill it, I got to have his horn, I got to have his head stuck on my wall, and I want my children to come here so they'll go out and kill them too. And that ennobles them. That brings them closer to God. That makes them appreciate nature. And this final thing, because I know you're going to support this amendment of mine, the first amendment I offer is agreed to by Senator Schrock because it improves on the work of that genius up in Minneapolis who wrote the thing that you all are voting on. And my first amendment is going to improve it and you're asked to adopt the amendment. I don't care whether you adopt any of mine or not. Thank you, Mr. President.

SENATOR CUDABACK: Time. Thank you, Senator Chambers. The question before the body is adoption of FA32, offered by Senator Chambers to LR 8CA. All in favor of the question vote aye; opposed, nay. The question before the body is adoption of FA32. Have you all voted on the question who care to?

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SENATOR CHAMBERS: I want a call of the house.

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

CLERK: 17 ayes, 5 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 Cunningham, Senator Combs, Senator Pahls, Senator Schimek, Senator Landis, Senator Stuthman, Senator Synowiecki. Senator Stuthman, Senator Synowiecki, Senator Landis, Senator Brashear. Senator Landis, the house is under call. Senator Brashear and Senator Landis, the house is under call. The house is under call, Senator Landis, Senator Brashear. Senator Chambers, they are looking for them. Did you wish to wait, or do you wish to proceed?

SENATOR CHAMBERS: (Microphone malfunction) (Inaudible.)

SENATOR CUDABACK: The house is under call. Senator Landis, Senator Brashear, please check in. Senator Landis. All members are present or accounted for. Senator Chambers, how did you wish to proceed?

SENATOR CHAMBERS: Roll call vote in regular order.

SENATOR CUDABACK: There's been a request for a roll call vote, regular order. Mr. Clerk, when you get time, please call the roll on the question, FA32.

CLERK: (Roll call vote taken, Legislative Journal page 636.) 39 ayes, 0 nays, Mr. President, on the adoption of the amendment.

SENATOR CUDABACK: The motion was successful. FA32 has been

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adopted. I do raise the call. Mr. Clerk.

CLERK: Mr. President, a priority motion: Senator Chambers would move to reconsider the vote just taken.

SENATOR CUDABACK: Senator Chambers, you're recognized to open on your reconsideration motion.

SENATOR CHAMBERS: Thank you. Mr. President, we're going to be on this bill a long time and people may as well get an idea of how it goes when you get engaged in extended debate. But you're going to notice the difference between me and some of the incompetents who might try to do it. I'm not going to read from a telephone book. I'm not going to just tell jokes. I'm going to talk about some things of substance that need to be in the record, whether anybody on this floor understands, whether anybody on this floor appreciates it. But I have to start with a mea culpa. Brothers and sisters of the Legislature, I have sinned; forgive me. I do not want anything that I offer to be a part of this atrocity unless it's one of my other amendments which will show the silliness of what we're doing. This amendment is one that would improve the language that you have been presented. That's why I don't want you to accept it. Why was it the first of my offered amendments? To show you that you all do not read when you sign your name to something. Because you have a short attention span, or something is wrong with you, let me read all that you had to concentrate on to realize it had a problem, not pages and pages, not even a whole page, not half a page, not a quarter of a page, not a fifth of a page. You didn't even have to go to the backside of the page, as you usually do, and this is what you could not analyze: "Fishing, trapping, and hunting are a valued part of the heritage of the people and will be a right forever preserved for the people subject to reasonable restrictions as prescribed by law." That's all. So why do I, who am opposed to it, come up with an amendment and the very first one is actually an improvement on what was offered? To show you how little regard you all have for your constitution. We keep hearing people say, and we're probably going to hear it more and more because there is no substantive reason to support this thing, that they don't see any mischief in it. If it's poorly drafted, isn't that

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mischief? What do you mean by mischief? You say words that sound good, but they make no sense and have no connection to reality because they don't even influence your conduct. I don't want my amendment adopted. So what are you going to do? You're going to punish me by adopting an amendment that I don't want you to adopt. Why don't I want it adopted? I don't want to improve this thing in any respect. When you say in this language "a valued part of the heritage of the people," what people? Am I not a people? Are not those of my complexion and my view, whether they're my complexion or not, included in the word "people"? We don't like hunting. We don't like trapping. Fishing, you can take it or leave it, because there are a lot of people who go out there and they don't catch anything so they're harmless to the fish, might even give the fish a little bit of humor. But listen to the statement, "a valued part of the heritage of the people," so it shows again the narrow, parochial approach. When a few white men get together and decide that something is to be done a certain way, their way becomes the way. Their group constitutes the people, and whatever they say they want, they get, because the others just tag along behind. There is more to damaging a constitution than putting something in that would violate the rights of the people. Shouldn't there be some integrity in the document itself? When children sit up in grade school, if they have civics lessons in grade school, or high school, if they still call those courses civics, why are they not taught about the foolishness and the thoughtlessness of legislators? Why are they not given concrete examples of how legislators have no respect for the constitution, don't understand the constitution, don't know what's in the constitution? I bet I could pick out any ten members on the floor and if I called you like Santa Claus called the name of his reindeer, whistle, shout hey, and call you by name, you couldn't tell me how many articles there are in the Nebraska Constitution. Why not? Because you don't care. It doesn't mean anything to you. But the constitution, brothers and sisters, means something to me. And I take seriously what it is we are supposed to be doing. I do not want that amendment that I offered to be added to this bad provision. I'm going to go back to my lecture and, because some of my colleagues are hiding, I'm going to have to repeat, during the coming days, and we will be on this for days, some of the things I'm saying now.

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One of the tactics of instructors is to repeat. I had a teacher named North, that was his last name, when I was going to law school at Creighton, and he would always repeat the last few words of each sentence, of each sentence, and it would drive you crazy, drive you crazy. And pretty soon it would be like on television, he would finish a statement, finish a statement, and everybody could mouth what he was going to say, what he was going to say, because they knew, because they knew. Wouldn't that get on your nerves and annoy you after awhile? I stopped going to the class. I read the textbook. It was income tax. And I think the students were so distracted by the way he indulged in that annoying habit that they lost track of what the course was about. When I would occasionally go to class to see how far they had progressed through this very thick textbook, Professor North would ask a question and the students just sit there with their eyes glazed over. And he'd say, Mr. Chambers, will you answer this question, answer this question? And I would answer it. And the students would be flabbergasted. They thought I was a genius. And they'd ask me, how could you answer the question? I'd said, I read the book. The book has the answers to the questions that he asks. I'm not reading this book just to answer his questions, though. I'm reading the book to understand income tax law. So I probably read more than is necessary to answer his questions, but in the process I will have read enough to answer any question that he is likely to ask. So repetition sometimes is necessary when you're trying to bring to people's understanding a comprehension of that which they ought to understand but which they don't. It's not that they don't have the intellectual capability. They just not have attended to it. If you do not attend to something, it makes no impression on your mind. So I have to underline some things, not by saying I'm underlining this, underlining this. I repeat it, repeat it. But I'm not going to keep doing that because it would drive me out of my mind. Now, for me to be driven out of my mind it would be like going around the world. For some of my colleagues to be driven out of their mind, they wouldn't have to drive. They could walk, take baby steps, and they'd be out of their mind in about two seconds. This bill enables me to mock, to taunt, to scoff the master race, and I'm going to do it because you brought it here. You don't respect your constitution. And I'm going to talk about some of the ironies

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that a black man faces. The U.S. Constitution, when it was being drafted, saw a lot of time being spent to figure how to keep my people...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...enslaved. So here I come today, the descendant of enslaved people, trying to free the white people's constitution from white people's foolishness. And I don't mind undertaking the job. Nobody told me that this job would be easy. In fact, nobody told me anything about the job at all. Once I got here, I developed my own concept of what it is that I should do as a responsible lawmaker. And although you all are getting irritated, some of you, I am behaving more responsibly than those who want to befoul this state's constitution. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. On with discussion of the reconsideration motion. Senator Combs.

SENATOR COMBS: Thank you, Mr. President and members of the body. I've just been taken back in time this morning a little bit. I grew up a lot living with my grandmother in Kentucky, in southeast Kentucky, in Appalachia, in a place called Clay County, Kentucky. And houses were pretty far apart, pretty similar to here in Nebraska, and we liked to go around and visit, you know, and we'd walk a couple of miles even to visit our friends. And I liked the older people, so I always went to visit them. And it was always expected when I went there that I would help with whatever was going on and that I wouldn't just play with the other kids. And my grandmother was very strict about that and she always reminded us kids, she'd say, children, now when you go down there don't you be making no plague out of yourself. So I'm just taken back in time a little bit this morning with thinking about what my grandma used to tell me. PETA I don't think existed at the time of The Origin of Men, when the idea was lampooned when...Senator Chambers, was that the name of the book? I think was The Origins of Men? Yeah.

SENATOR CHAMBERS: Original Meanings.

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SENATOR COMBS: Oh, Original Meanings, okay.

SENATOR CHAMBERS: Uh-huh.

SENATOR COMBS: See, I need a hearing aid. The Original Meanings. But I wondered, this is just kind of a rhetorical question, if PETA did exist at that time, would he have been so heavily lampooned for his desire to pass that type of legislation? Just kind of a curiosity to me. So we never know when they're going to show up, and PETA could actually be outside in the lobby any given day. We never know. Senator Schrock and others have mentioned people that have passed laws, other states, I think Washington State had a problem with trapping mice, and some of the unintended consequences of laws that do get passed that prohibit trapping. And, of course, we would want to avoid that if at all possible. I don't know that that would be passed, but in the case that it would, we would like to be prepared and just, as in the case of my food bill, have a stop sign at the border that says, not here, not in Nebraska. We value the right to hunt, trap, and fish. And, of course, growing up in Appalachia, we did it and we ate everything. Like Senator Chambers referred to earlier, that we ate everything and if you shot it, my grandma can make gravy out of it. So we had squirrel and rabbit and we had gravy from that. We didn't eat possum like the Beverly Hillbillies, but we ate a lot of rabbits, ate a lot of chicken, and we ate a lot of pork, and hogs were kind of used to trade back and forth, you know, as kind of like money. And if you had beef, that was the very best. But we did shoot squirrels and rabbits and ate them for food. We do want to protect that. We don't want to endanger...there are people, believe it or not, here in Nebraska that do live on just what they kill. And there's a guy who's retired from the State Highway Patrol that I know and they live entirely on the meat that he kills every year. He gets a couple...a bow permits and a muzzleloader and a rifle permit, and they eat a lot of venison. So there are people who do exist on just what they eat...what they shoot. Yeah, (laugh) exists on what they eat. So I do rise in support of this amendment. I voted for it the first time. I think it's a good amendment. The "deemed to be," I think those are good words to use and I thank Senator Chambers for bringing that,...

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SENATOR CUDABACK: One minute.

SENATOR COMBS: ...and welcome the opportunity to continue to talk about hunting and trapping and fishing, and participating in the debate on it. I would like to say that it is a significant impetus to our economy. The book that was passed out, I won't read it just yet, but there are millions of dollars, over \$200 million that does flow into our economy as a result of people coming here to do just that, and we want to protect that and I do believe that it would pass overwhelmingly if presented before the people in the form of a constitutional amendment. Thank you.

SENATOR CUDABACK: Thank you, Senator Combs. On with discussion of the reconsideration motion. Senator Friend, followed by Senator Schrock and Chambers.

SENATOR FRIEND: Thank you, Mr. President. Members of the Legislature, if you're listening somewhere out there, most...yeah, I see Senator Heidemann waving. Great. (Laugh) Fourteen minutes till what Senator Chambers really refers to as Captain Lunch-Hunter. The reconsider motion? I guess, sure, why not? Senator Chambers' amendment, FA32, I might vote no on it now. LR 8CA, you know, where's the passion? Napoleon was a guy. Remember I brought this up a few weeks ago? Napoleon was a guy. Between 1807, for the most part, and 1814, he pretty much ravaged Europe and he ravaged it, as I look at my...as I look at the Chamber Viewer, much in the same way Senator Chambers is ravaging this amendment. The funny thing about it is Napoleon's marshals were good but they weren't great, and when they were on their own they were susceptible to problems. The French were...when Napoleon was ruling the world, the world was absolutely terrorized by Napoleon. But if he wasn't there, they knew it and then they were suspect, and then they got...then they got beat, in Spain, for example. The French Corps did not liberate Spain. They didn't have a great supply line. They didn't have people coming in to support them the way our...the way historically the United States has waged...been involved in battle and waged war against our enemies, the Germans even, things like that in World War II. Supply lines

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were important. The French didn't have that. They looted. They pillaged. They made...they didn't liberate Spain. They made enemies of every French...or, excuse me, Spanish household and that made them even more susceptible. They would beat every...the French would beat everyone, including the British, until the French alienated themselves from half of Europe, and then the armor just started showing little clinks. The British had passion about what they wanted to try to accomplish. They didn't want their island taken over. All the rest of Europe had been, but the British didn't want to see it happen that way. It was passion. The only thing, when you look down at this Chamber Viewer right here at the 37 amendments, the only thing that's going to defeat this and move this bill forward is passion. Does anybody out here really, except for Senator Chambers, feel that passionate about LR 8CA? We're going to find out because, frankly, the arguments that he's made, some of them make sense, some of them he's taken an hour and a half of time and that's what he wanted to do. But the bottom line is, do you really think that this is necessary? That's what's going to win the day--33 votes. You won't get to all the amendments. There's no way. Somebody is going to call cloture eventually. Do you really want it to happen? If you do, I'm there with you. I'll vote yes because remember the chinks. He's pounding away at the armor. That's all he has to do. If it's not this, it's going to be something else and it's going to be something you are passionate about, and then what are you going to do? You're going to have 25 other people saying, you know what, the more he talks, the more sense he makes. Passion, that's all. I don't really feel that passionate about this. The more he talks, I don't know, the less passionate I become. I mean, do we need it?

SENATOR CUDABACK: One minute.

SENATOR FRIEND: Let's talk about it. All I would say is, to close, I thought I'd take easily five minutes with this, but, frankly, I'm hungry. Napoleon was beat. We're going to encroach on this later because there's going to be other opportunities like this. He was eventually beaten on the field of battle because the French couldn't pound enough artillery into the British. And they were unorthodox, the British were

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unorthodox. Unorthodox nature and passion is what won the day. I haven't seen anything unorthodox today at all, except some of Erdman's comments, and those are off the record. So how much time, sir? (Laugh) That's all I'll have, Mr. President.

SENATOR CUDABACK: None.

SENATOR FRIEND: Thank you.

SENATOR CUDABACK: Thank you. Thank you, Senator Friend. Senator Schrock.

SENATOR SCHROCK: Mr. President, members of the Legislature, Senator Chambers, this constitutional amendment is okay with your amendment, it's okay without. Either way works for me. Will I vote to reconsider? If you want me to, I will. If you want your name off of it, I'll vote to reconsider. It's fine without it. I probably shouldn't say this before lunch, but have you ever come upon a mama cow and her calf, and the calf is party eaten but it's still alive? One of the biggest...one of the biggest predators we have in this state is the coyote and every year we always have a couple calves that don't have any tail because the coyotes got to it before the mama cow could fend the coyote off. Coyotes are something that we need to control in this state. I don't hate coyotes. They're fine. Matter of fact, my sons enjoy hunting them. I have neighbors who have dogs that run them down and kill them. They're greyhounds. I've been with them on the hunts. Yes, it seems rather vicious, but if I'm a coyote, I'd rather die that way than the ones in southeast Nebraska that have mange and don't have any hair on them. They'll freeze to death in the wintertime. There's a lot worse ways to die than by the hands of a hunter or trapper, and Mother Nature is not kind. But we try to protect our calves and coyotes are a predator. I had a neighbor who had a friend who does this for the pelts and for the sport, whatever it is. Wanted somebody to trap coyotes in his pasture about five years ago, and my neighbor thought, well, there's probably not too many coyotes down there. He trapped over 100 coyotes that winter and three-fourths of them were females, all who were going to have litters of six to eight, even up to ten pups. Coyotes are prolific. You're not going to

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eliminate them. I don't hunt them. It's, for me and my sons, it's a good sport to kill them, but it's also one less predator to worry about when our cows are calving. And so Mother Nature just gave us that, and we deal with it in the country. As far as your constitutional amendment...as far as your amendment, I will vote to reconsider. I will vote to take it off if you don't want any part of this, but I assume you won't drop the rest of your amendments, so...but that's something to ponder before lunch. Thank you. I'll give the rest of my time back to the Chair.

SENATOR CUDABACK: Thank you, Senator Schrock. Senator Chambers, on your motion to reconsider.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, the word "predator" should be reserved for human beings. In all of the literature, whether sociological, psychological, psychiatric, scientific, zoological, the most vicious and cruel predator is the human being. Why cruel? Because you have to have a mind to be cruel. You unnecessarily inflict pain and suffering because you enjoy it. What is not talked about in America but it's in a lot of the literature, there are a lot of people who inflict torture because of the sexual gratification that comes from it. That's why some of these bad houses will have the mimicking of torture, and in some places they carry it out. Some of the hottest selling pornographic videos depict torture. So I'm not surprised to see that Nebraskans love to hunt. I'm not surprised to see that they're happy if their little boy can shoot down a deer, or that they got the heads of animals strung around the walls of their rooms. That doesn't surprise me. Why did Ernest Hemingway become what they call a great hunter? I found out when I listened to Paul Harvey tell the rest of the story. Did you all know that until he reached adolescence he was dressed as a girl, that he had long curls like a girl, and that's the way he went through part of high school? So, because of the way his parents raised him, he had something to prove. He had to go out and kill more, drink more, roust about more, write stories that portrayed him as the opposite of what he grew up being. So a lot of defects in human beings are worked off and worked out through killing those who are helpless, whether they're

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four-footed, two-footed. There are more pregnant women...or pregnant women, more of them die from murder than any other cause in this country. They're helpless. So we don't talk about protecting the woman. We talk about protecting a fetus. My standards are different from the standards of the people on this floor, and my view is different from the view of the people on this floor. What Senator Friend asked, which I think went over the heads of most of my colleagues because they don't want to confront it, is this thing even necessary? With all the people standing up on this floor, blubbering almost about you must save hunting, we got to fish; good God, don't talk about take trapping from me; you're going to take my trapping; oh, how can I live without trapping? What will I tell my son? Son, you can't use those traps to catch the coyote by the foot and tear his foot off or let him get infected. You can't do that anymore. And the little boy will say, oh, Daddy, why can't I do that? Because those mean people said that trapping is cruel. So they go home and cry about they can't trap. How many of you all think a Legislature is going to outlaw trapping? As much contempt as I have for trappers, as much foolishness and cruelty that I see in hunting, nobody can show where I ever brought a bill to try to abolish either one of them. You're not going to get a Legislature to do that, so you're going to let some man in Minnesota make fools of you.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: This state is not going to ban trapping, hunting and fishing, and if you think so, you need to go take some medication because you've got some chemical imbalances in your brain because your mind is not functioning. And if it's not necessary, why do you want to befoul your constitution, your constitution? How does it hurt me or my people if you act foolish and put silliness into your constitution? Not at all. It gives me something to talk about on my weekly television program. Look what these white people are doing. How many of you, black brothers and sisters, think that in Nebraska they're going to ban hunting and fishing and trapping? That's what they give their time to. That's what they go around collecting signatures for. That's what they're proud of, because some hunters and fishers and anglers came to Omaha and put on a road

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show and they said a lot of people like to do this so put it in the constitution so nobody can stop them. Who wants to stop them?

SENATOR CUDABACK: Time.

SENATOR CHAMBERS: Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Mr. Clerk, items for the record?

CLERK: Mr. President, I have new A bills. (Read LB 70A, LB 249A, and LB 689A by title for the first time.) Senator Landis has an amendment to LB 66 to be printed. Senator Fischer would like to add her name to LB 664, as cointroducer. (Legislative Journal page 637.)

And I do have a priority motion, Mr. President. Senator Byars would move to adjourn until Tuesday morning, March 1, at 9:00 a.m.

SENATOR CUDABACK: You've heard the motion to adjourn till Tuesday morning, March 1. All in favor say aye. Opposed, nay. We are adjourned. (Gavel)

Proofed by: D. Smith