

**APRIL 14, 2005**

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SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Good morning. Welcome to the George W. Norris Legislative Chamber. Our chaplain this morning is Pastor Evie Johnson. Pastor.

PASTOR JOHNSON: (Prayer offered.)

SENATOR CUDABACK: We thank you, Pastor, for being with us. The Pastor represents the United Methodist Churches of Tecumseh and Sterling, in Tecumseh, Nebraska; Senator Heidemann's district, District 1. Thank you for being with us. I call the sixty-second 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?

CLERK: Mr. President, reports received include from Health and Human Services System, the Investment Council, the Ombudsman's Office, and the Department of Roads. Those will be on file in the Clerk's Office. The report of registered lobbyists for this week to be inserted, Mr. President. And an announcement: Business and Labor will have an Executive Session at 9:15 underneath the north balcony; Business and Labor at 9:15. That's all that I had, Mr. President. (Legislative Journal pages 1201-1202.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Also, at noon, in honor of Senator Schrock and his wife Judy's anniversary, there will be some refreshments or whatever supplied in the...and he's a little short of money so Cudaback will be paying some of the bill for this particular event. So anyway, make plans to have a little bite to eat at noon. Thank you. Mr. Clerk, next agenda item, legislative confirmation report, Education Committee report. Mr. Clerk.

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CLERK: Mr. President, the Education Committee reports on the appointment of Joyce Simmons to the Coordinating Commission for Postsecondary Education. (Legislative Journal page 1172.)

SENATOR CUDABACK: Senator Raikes, you're recognized to open on the confirmation report by the Education Committee.

SENATOR RAIKES: Thank you, Mr. President, members of the Legislature. The Education Committee recommends the confirmation of Dr. Joyce Simmons to the Coordinating Commission on Postsecondary Education. Dr. Simmons is a new appointment to the commission. Her term of service would be for nearly six years, extending from February 23 of this year through January 1 of 2011. I'll remind you that the Postsecondary...the Coordinating Commission for Postsecondary Education is vested with the authority for the coordination of public postsecondary educational institutions. The commission consists of 11 members, residents of the state or the districts for which appointed. They're appointed by the Governor with the approval of the majority of the Legislature. Six of the members are chosen from six districts, and five are chosen at large. Dr. Simmons hails from Valentine, Nebraska. She has operated a private orthodontics practice in Valentine for the past 17 years. Dr. Simmons received her degree, dentistry degree, from the UNMC College of Dentistry, and also holds a master of science degree from the University of Nebraska Medical Center, and a bachelor of arts degree from Chadron State College. She has been an active member of several boards and organizations in her community, including serving as mayor of the city of Valentine from 2000 to 2002. She's also been active in the Sandhills Area Community Foundation, the Valentine Rotary Club, the Valentine Arts Council, the Nebraska Humanities Council, as well as several other organizations. Dr. Simmons is filling a vacancy caused by the death of at-large Commissioner Helen Morten. Ms. Morten dedicated a great deal of her time and effort to the Coordinating Commission and certainly will be missed. However, the commission seems to have found a very qualified replacement in Dr. Simmons. With that, I'll close by encouraging your support for the confirmation of Dr. Joyce Simmons to the Coordinating Commission for Postsecondary

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Education. Thank you.

SENATOR CUDABACK: Thank you, Senator Raikes. You've heard the opening on the confirmation report by the Education Committee. Open for discussion on that report. Senator Fischer.

SENATOR FISCHER: Thank you, Mr. President, members of the body. I, too, rise in support of the confirmation of Dr. Joyce Simmons for the Coordinating Commission for Postsecondary Education. Dr. Simmons is a lifelong resident of Cherry County. As Senator Raikes said, she is from Valentine, which is in the 43rd District, and she's been very active in a number of local and statewide boards and commissions. I know Dr. Simmons personally and she is a very qualified individual for this position. She will be an active member of the commission and she will serve the state well, so I urge your support. Thank you.

SENATOR CUDABACK: Thank you, Senator Fischer. Further discussion on the confirmation report by the Education Committee? Seeing none, Senator Raikes...Senator Raikes waives closing. The question before the body is adoption of the confirmation report by the Education Committee. All in favor of the report vote aye; those opposed, nay. Voting on the confirmation report from Education Committee. Have you all voted on the issue who care to? Record please, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 1202-1203.) 30 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

SENATOR CUDABACK: The confirmation report has been adopted. (Doctor of the day introduced.) Next agenda item, General File, 2005 senator priority bills, the Bourne division. Mr. Clerk.

CLERK: Mr. President, LB 673, offered by Senator Louden, relates to agriculture. It adopts the Black-Tailed Prairie Dog Management Act. The bill has been discussed. Committee amendments have been presented. A series of amendments to those have been presented. When the Legislature adjourned yesterday, Senator Chambers had pending FA163 as an amendment to the

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committee amendments. (Legislative Journal page 1177.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Louden, would you like to give us a quick review on contents of LB 673?

SENATOR LOUDEN: Thank you, Mr. President. And good morning, members of the body. LB 673 is a bill to manage black-tailed prairie dogs in Nebraska. LB 673 is to be used to address two purposes: one, to manage the overpopulation of prairie dogs when they are devastating to the environment and their ability to live in their habitat. Encroachment of a colony on adjacent lands is addressed also in LB 673. The other part, Nebraska, at the present time, doesn't have a plan to manage black-tailed prairie dogs. Thus, as the federal government is developing a management plan on land controlled by the National Forest Service System, a federal regulation provides for deference to state and local management goals. I have circulated a handout that's a page from the March 2005 impact statement, and I must thank Regional Forester Rick Cables for his cooperation and intent to work with states that have a management plan. LB 673 is a management plan for counties that wish to adopt it, and for Nebraska to participate in the National Forest Service plan. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Louden. Senator Kremer, Chairman of the Ag Committee, would you like to add anything? He waives his opportunity. Senator Chambers, your light is first. I'll give you an extra minute to update us on your amendment.

SENATOR CHAMBERS: I will be very brief on the update. This amendment is designed to offer a name to the bill which accurately reflects what the bill is about. Thank you, Mr. President.

SENATOR CUDABACK: You may continue with your...on your time.

SENATOR CHAMBERS: Thank you. Members of the Legislature, this bill is going to be before us for the entire day that we're here. On the last day of the week we go through the noonhour so, for my part, I will not be offended if people want to leave

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the floor and do other things. My job is to look after these little prairie dogs and I intend to do that, and it will not be too difficult for me to take the time. I have plenty of amendments, much that I intend to say, and when time comes for a vote I will ask for a call of the house, so whoever would want to vote one way or the other will have the opportunity to do so. There will be nothing done undercover, but all will be out in the open. This amendment that I'm offering may seem to be offered tongue in cheek, but it is not. Senator Louden has provided a name for this bill, a title that I think is misleading in two regards. First of all the title he would suggest for it is the Black-Tailed Prairie Dog Management Act. That word "management" should be replaced by "eradication" to be accurate, but there's another overarching principle which is more consequential than that one. The approach this bill is taking would shift to the individual landowner a responsibility which, in my opinion, belongs to the state. When Senator Louden handed out the paper today, I want to acknowledge my appreciation for him doing this because I'm the one who requested that he give us something in writing that would give us an idea of what the federal government's intentions are. He knows, I know, everybody on this floor knows that the federal government cannot be bound by the state. We know that this written comment is not going to bind the federal government. And when they put words in, as in the last sentence, "Any changes in direction for prairie dog control will be done with appropriate consultation and coordination," that means the federal government can decide to go in an entirely different direction from the one initially stated, and we understand that. So I'm expressing my appreciation because of the fact that Senator Louden provided the information that was requested by me. It does not alter my opposition to this bill. He is not willing to say that eradication shall not be an option, so a more accurate name for this bill would be the Black-Tailed Prairie Dog Eradication Act. That failing...well, I haven't offered that yet. I'll try that later. But my amendment would change it to the "Dump the Responsibility of the State of Nebraska onto the Individual Landowner." You will notice that in the statement Senator Louden provided us, there is nothing which talks about the federal government shifting the cost of this work to the state. There is nothing in this statement that

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indicates the federal government is going to try to dump the responsibility for paying the cost of this activity onto individual landowners. I am interested in those people who have no representation on this floor. The individual landowner has no representation on this floor when an actual, specific threat is posed to the landowner. Most people on this floor will talk in general terms about property taxes and being against property tax increases.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: To my way of thinking, an assessment against a property for whatever purpose constitutes a tax in the broad sense of the word, because it is levied by the government. The individual must pay it or sanctions will be imposed, up to and including disposition of that property, deducting the amount of the levy or the assessment, then letting the landowner keep the rest of it. But the landowner will no longer be a landowner. Somebody else will own that property. When we come to these specific items such as this one, it gives an opportunity for some "polygraphing" to take place. Are all these "yipity-yappers" about property taxes sincere, or do they like to talk in general terms where everybody is safe, just as if they say, I'm in favor of motherhood, but they're not in favor of providing assistance...

SENATOR CUDABACK: Time, Senator.

SENATOR CHAMBERS: ...to those women who are mothers and need it? Thank you, Mr. President.

SENATOR CUDABACK: You may continue.

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, what I would like to do, but I'm not going to, is to get each member of the Legislature on the record as to his or her attitude toward these assessments against individual landowners to make them pay for some work that is the responsibility of the federal government. And as the morning wears on, that might be precisely what I will do. I've got to

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figure out, if I can, or recollect, if it's possible, who those people are who have expressed the strongest opposition to raising property taxes. I just thought about it. Before Mr. Smith goes to Washington, I would like to ask Senator Smith a question.

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

SENATOR SMITH: Today? Yes, sir.

SENATOR CUDABACK: Senator Smith.

SENATOR CHAMBERS: (Laugh) Senator Smith, do you favor, as a general principle, raising property taxes?

SENATOR SMITH: No, and I'm also in support of motherhood.

SENATOR CHAMBERS: You're also in front...in favor of what?

SENATOR SMITH: Motherhood.

SENATOR CHAMBERS: I know that. That...well, I won't mention why I know that. We all are. Senator Smith, except perhaps...well, I'll go into her later on. But you all know the one who took an axe and gave her mother 40 whacks, and when she saw what she had done, she gave her daddy 41. Senator Smith, are there some circumstances in which you might favor an increase in property taxes?

SENATOR SMITH: I would have to take it on a case-by-case basis, Senator Chambers.

SENATOR CHAMBERS: Well stated. Senator Smith, are you as concerned about the individual property owner as you might be about property owners in general? Let me ask it a different way. If a tax is going to be levied against individual landowners here and there, are you just as opposed to raising their taxes as you are raising the property taxes of landowners in general?

SENATOR SMITH: You mean if a landowner does not contain the

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prairie dog population?

SENATOR CHAMBERS: Yes.

SENATOR SMITH: If a landowner acts irresponsibly and not contain the prairie dog population, I would...I would think there should be a way to assess the negligence of a particular property owner.

SENATOR CHAMBERS: Senator Smith, you have probably a general knowledge and understanding about prairie dogs and where they come from, don't you?

SENATOR SMITH: Yes.

SENATOR CHAMBERS: Okay. Now, is it being alleged by those who support this bill that we're talking about that the individual who has prairie dogs that may encroach on somebody else's property brought those prairie dogs to his or her property? That's not being alleged, is it?

SENATOR SMITH: I haven't heard it in this discussion. I know that there are some activists out there who would go to pretty extreme...(laugh) would take pretty extreme action to restore some of those prairie dog populations and I introduced some legislation myself that addressed that a couple years ago.

SENATOR CHAMBERS: But that's not what this bill is addressing, is it?

SENATOR SMITH: No, this is more of a management practice issue and it's probably even more reasonable than the legislation I introduced.

SENATOR CHAMBERS: Do you agree that wild animals belong to the state?

SENATOR CUDABACK: One minute.

SENATOR SMITH: I can't say that I entirely agree with that.

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SENATOR CHAMBERS: Well, in point of law, that's true. That goes all the way back to common law. The animals who are wild belong to the king. The animals that are wild belong to the state. That's why, if you have deer on your property, you cannot deal with them in any way you choose because they are on that property but they don't belong to you. I'll turn on my light, not try to finish it all right now, because I might ask a question, you'd be in the middle of answering it, and we'd run out of time. Thank you, Mr. President.

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

SENATOR CHAMBERS: Thank you. Senator Smith, I would like to resume with you.

SENATOR CUDABACK: Senator Smith.

SENATOR CHAMBERS: And you might be giving...you may be setting the template for others that I will ask similar questions.

SENATOR SMITH: Oh, I thought you were going to say I'm a party to your delaying tactics here. But anyway, go ahead.

SENATOR CHAMBERS: A party to my delaying tactics here. People might be aware of a group in England known as the Fabian Society. They don't really know who Fabian was, but it might serve them well to look up "Fabian." Senator Smith,...

SENATOR SMITH: Not to be confused with Fabio or...

SENATOR CHAMBERS: Well, it's all right. If they confuse Fabian with Fabio, that would improve their education even more. Senator Smith, you have confronted bills on this floor with which you disagreed and you have engaged in extended debate in those instances, haven't you?

SENATOR SMITH: Yes.

SENATOR CHAMBERS: Okay. Just so the new people understand that I'm not treating you unfairly; letting them know you are a

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veteran in this area. Senator Smith, if it's true that the state owns wild animals, should it be the responsibility of the state to manage those animals if they need management?

SENATOR SMITH: Senator, I'm not an expert on the situation. I can envision a circumstance where an activist would bring in a population of prairie dogs.

SENATOR CHAMBERS: No, I'm not talking about activists. We're talking in general terms. I want you to free your mind...

SENATOR SMITH: But we have to be mindful of the situations that can and may occur.

SENATOR CHAMBERS: Say it again.

SENATOR SMITH: We have to be mindful of situations that can and will...are bound to occur.

SENATOR CHAMBERS: Let's deal with the bill that we have here and the issue it's addressing. If it is...well, let me phrase it in a way that might make it easier for you to understand what I'm talking about. If the state owns a vehicle and that vehicle breaks down in front of your house, should you have to pay to have the state's vehicle towed away and repaired?

SENATOR SMITH: Was it sitting on the city street?

SENATOR CHAMBERS: Yes.

SENATOR SMITH: I don't believe I should have to pay, no.

SENATOR CHAMBERS: If the vehicle comes into your driveway and it breaks down, should you have to pay to have it towed away?

SENATOR SMITH: Was it a wild vehicle?

SENATOR CHAMBERS: It may have been driven in a wild manner, but it belongs to the state. We know who has the title.

SENATOR SMITH: Perhaps out of control?

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SENATOR CHAMBERS: Should you have to pay to have the car towed away when it belongs to the state and it's on your property?

SENATOR SMITH: If it rolled up in my driveway and the circumstance was that I needed it towed away before the state could get to it, I would be more than happy to pay for it to be towed away.

SENATOR CHAMBERS: You're being very evasive. You're not on the floor of Congress just yet, Senator Smith. And I think your evasion is answering my questions, maybe more effectively than if you gave direct answers, but I'm going to see if I can get one from you. If a state vehicle breaks down on your property, should you have to pay to have that vehicle towed away?

SENATOR SMITH: Would depend on the circumstance.

SENATOR CHAMBERS: Tell me the circumstances under which you would be required to pay to have a state vehicle towed off your property.

SENATOR SMITH: Well, if the state was slow in removing the vehicle, I would be more than happy to at least front the resources to have it (inaudible).

SENATOR CHAMBERS: That's something you assume. Do you believe that you can be required under the law to have a state vehicle,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...which a state employee left on your property, towed away? Do you think under the law you can be required to do that?

SENATOR SMITH: I'm not sure under the law, as it stands right now, that would be possible.

SENATOR CHAMBERS: You want to go to Congress to represent all those people in the 3rd District and you can't answer these

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questions and you don't know what the responsibility that the state can impose on a citizen, you don't know those basics and yet you want people to send you to Congress? Is that what I'm to understand?

SENATOR SMITH: You can understand whatever you would choose to understand, Senator Chambers.

SENATOR CHAMBERS: But I want you to help me, because we're talking about your position. And if you get this irritated because you can't answer a question...

SENATOR SMITH: Wait a minute. Wait a minute. Who's more irritated, you or me?

SENATOR CHAMBERS: You are, beyond a doubt. I want to reason with you, Senator Smith.

SENATOR SMITH: Come, let us reason together.

SENATOR CHAMBERS: We are here together; now let us reason. You know the answers to these questions. You're just...

SENATOR CUDABACK: Time, Senator.

SENATOR CHAMBERS: ...afraid to give them. Thank you, Mr. President.

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

SENATOR HOWARD: Thank you, Mr. President and members of the body. I was recently given a document by a concerned individual in the Rotunda, and I'm just going to read this. I'm not familiar with the county regulations, but I'm going to share this information: The process for giving notice to landowners to control prairie dogs and placing a lien on property for landowners who do not comply is based on existing statutes for the eradication of noxious weeds. Those statutes are in need of review, especially in the process of placing liens on property taxpayers. Having said that, I would like to grant the remainder of my time to Senator Chambers. Thank you.

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SENATOR CUDABACK: You may continue, Senator Chambers. You have about 4.4 minutes.

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Howard. And I'm going to release Senator Smith this morning because he doesn't want to engage in this discussion. But you know what it shows? That a man who has been in this Legislature and if he had just half listened or if he'd paid attention to the civics classes that he took, and I think he said a member of his family was a teacher, he would know that he cannot be compelled to pay for the removal of a state-owned vehicle from his property which was brought there by a state employee. He knows that. But he also knows that these animals are owned by the state. If he would acknowledge what he knows to be true, that the state cannot make him pay to discharge the state's responsibility in that regard, with reference to the vehicle which belongs to the state, the principle can be extended to what we're talking about here so that the state ought not extend to the property owner the cost of managing a situation which the state ought to manage. Now, if Senator Louden wants to amend his bill to make it easier for his Republican colleague to answer these questions, he should state simply that prairie dogs belong to the person on whose property they are found, and it is the responsibility of the owner of those prairie dogs to manage them in such fashion that they do not encroach on the property of anybody else. But Senator Louden is not going to do that. That would establish a principle that people would want to apply to other animals who might want to have a set of circumstances where critters, which these city folk and others want to come out and hunt, would be fenced in on that person's property, and that person would charge an exorbitant amount to let these people come on and slaughter these animals with their big guns. People wonder why I have an attitude that I do about hunting, and it falls in line with this. Because a person called my office yesterday and suggested that they go out and shoot each one of them. Can't you imagine that? A 30.06, that's what hunters like to do. They like to totally destroy. It makes them feel like men. That's why they hunt. They've got to do that. "Meeeces" at home, scared of their shadow, but they can go out here and they can shoot up tree stumps, they can kill little

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animals, they can shoot cows and other livestock. I saw where some insane people in, I think it was, Milwaukee, a heavy Catholic enclave,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...to voted to allow people to go out and hunt cats, even domesticated cats, if they don't wear a collar. Can you imagine these men putting on these camouflage clothes, commando boots, night goggles, 30.06s, shooting up cats in the neighborhood? And they voted to allow that happen, but the Legislature would have to agree. That's the attitude and mind-set of these people called hunters, and I think it indicates why this country is in need of far more people like me in these Legislatures. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Howard and Senator Chambers. Senator Louden, followed by Senator Howard.

SENATOR LOUDEN: Thank you, Mr. President and members of the body. I guess I'm...thank you for all coming today for the party. This is something that will probably get worked on through. But anyway, as I was listening to Senator Chambers today and, of course, we...I was thinking about his worrying about the taxes on people and how it's done on the landowner and how terrible it is that we're going to try to manage our prairie dogs, I go back...I still go back to this Omaha authority of what they do with the Norwegian rat. That's similar to what prairie dogs are probably in some areas. It has the same type of problems. If they get overpopulated, they'll have bubonic plague. And so these large cities have developed ordinances, or whatever you want to call them, to how they're going to take care of that. And city of Omaha, and I presume that's where Senator Howard also lives, they're concerned about what we're doing with the prairie dogs out west. Why aren't they concerned about what you're doing with your rats in your own community? Why aren't you concerned about your own, how you lien...have property...liens against property of owners that don't do something about the rats on the property? It's way more severe in Omaha if you don't follow the ordinance than it ever is anything in this bill. It's \$500 a day, or \$500 if you do not

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comply, and a period of time in jail, and yet on...and each day that you don't comply is considered another sentencing. So I think as people discuss this...and of course I understand that Senator Chambers has got to have something to talk about and this is where he wants to go. This is something that I think I question whether Senator Howard has probably ever been around any prairie dogs or so. Does she realize that when you have prairie dogs you got to have rattlesnakes out there too? Those are all part of the ecosystem and this is the reason there is a management plan. It isn't to get rid of the entire population. There's...can be populations maintained. And some of the paperwork that I circulated around shows where the National Forest Service is conducting a plan now that they're off of the endangered species list or a candidate for the endangered species list. So it's a program that we're trying to bring Nebraska along with, set Nebraska up so they can go ahead and manage these in areas. But I really do get kind of tired of listening to Omaha senators trying to tell us how to run problems out in the western end of the state when they have very seldom been out there. You should go out there and look at the situation before you start making big decisions and then start screaming to the heavens that we're being very dishonest with the taxpayer and we're dumping everything on the local people and the state of Nebraska should be responsible because they're supposed to own all the wild animals, which, as far as I know, we've checked with the Game and Parks, they do own all the wild animals. Some of them they have a control over and, if you'll notice, it's usually those that have some type of revenue base with them. But they are the ones that they've always had control of that sort of stuff so there's no point in trying to change the laws or that sort of thing. So this is a management plan that we're probably trying to take care of a problem that does exist, if you realize it or not, but this is affecting the livelihood of people in the areas where they are being overpopulated. There's people that are going to have...that probably won't have any pasture this summer to run cattle on because of the...

SENATOR CUDABACK: One minute.

SENATOR LOUDEN: ...devastation. Not only that; it won't be

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because their cattle are there; the fact will be because there's nothing there. The prairie dog won't even have anything to eat. So this is something that I would like to see some of the people that are so concerned about it really get out and investigate it on their own. Thank you.

SENATOR CUDABACK: Thank you, Senator Louden. Senator Howard, on amendment FA163 to the committee amendments. Senator Howard.

SENATOR HOWARD: Thank you, Mr. President and members of the body. Thank you, Senator Louden. I appreciate the information and, actually, I have been to western Nebraska and very much appreciate that area. I've spent time in the Johnson Lakes area and also up in the Fort Robinson area, taken my children out there. We've spent summertimes out there. We've spent months in the summer out there, and it's a lovely area that I don't think there's any place that can equal that area. And I'd like to just share this...share this with the body. Only about 1 percent of the habitat remains of what was historically prairie dog town. Breaking native ground for farming and poisoning to eliminate competition for cattle grazing has taken its toll. The problem is that many other wildlife species also thrive on the presence of prairie dog towns. The black-footed ferret, which once preyed solely on prairie dogs, has vanished. Other species, such as the badger, the coyote, the eagle, and burrowing owl are also negatively affected by the loss of a food source and living quarters. Having shared that information, I would like to give the remainder of my time to Senator Chambers.

SENATOR CUDABACK: Senator...

SENATOR HOWARD: Thank you, Mr. President.

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

SENATOR CHAMBERS: Thank you, Senator Howard. Thank you, Mr. President. Senator Louden thinks that what happens in his district is the whole world. He and other people from the rural areas may as well realize that I'm a state senator and let them get offended. I have saved rural people from their narrow-minded, timid senators. There was a rural organization

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association that was going to be abolished by the Legislature last session or the one before, and I rescued it, not Senator Louden. Let him be upset. But ground squirrels, gray squirrels, red squirrels, flying squirrels, prairie dogs, so-called, are all squirrels. If Senator Schrock was...oh, Senator Schrock is here. I'd like to ask him a question.

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

SENATOR SCHROCK: Yes, I will.

SENATOR CHAMBERS: Senator Schrock, is there a squirrel hunting season in Nebraska, or may they be taken any time?

SENATOR SCHROCK: Senator, I can't say with any certainty there. I would find out, if you'd like for me to do that.

SENATOR CHAMBERS: I wish you would. Thank you.

SENATOR SCHROCK: I will.

SENATOR CHAMBERS: And I really don't know the answer.

SENATOR SCHROCK: I don't either.

SENATOR CHAMBERS: Okay.

SENATOR SCHROCK: My suspicion is that there is, but I better check.

SENATOR CHAMBERS: Okay. And if there is, we're going to get a definition of squirrel and see whether or not what Senator Louden is talking about would violate the law relative to the squirrel hunting season and see how exemptions to that law would be obtained. I looked...I have a very thick encyclopedia on mammals, and based on what Senator Howard told us yesterday about ground...prairie dogs being squirrels, I looked it up and they are. They're members of the squirrel family. When Senator Louden continues to talk about Norway rats in Omaha, he doesn't bother me. I don't even care how much he talks about that.

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Senator Louden does not want to see this bill killed. It affects his district. I can understand his concern, but many bills that I've supported have helped the rural people. Many bills that I've killed protected the rural people and if I was as narrow in my scope as some of my rural colleagues are, my work would be so much easier here. And if I focus just on my district, as some of the other senators around here...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...seem able only to do, my work would be a lot easier. When you all want to contaminate your constitution, it doesn't affect me or the people in my district. If I didn't have the attitude toward the constitution and the Legislature as an institution, I'd let you all go to Hades in a handbasket. But my scope is broader than that. Education broadens one's scope. Thank you, Mr. President.

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

SENATOR LOUDEN: Yes, thank you, Mr. President and members of the body. When they mention that some of these animals that rely on prairie dogs for habitat, that isn't entirely correct. When they mention the coyote, the coyote has survived quite well without prairie dog populations. There never has been much of a prairie dog population in the Sandhills, not like in the harder country. There's been...there were prairie dog populations there, they usually were confined to the lower ground, and there still are some scattered populations that, for the most part, don't bother anybody. The burrowing owl is another one. I've been around them all my life. Usually, they move into badger holes because they're a little bit bigger holes than what a prairie dog hole have. We have plenty of burrowing owls migrate up in the summertime on the ranch out there. We see them all the time. They're called burrowing owls. I guess we always called them ground owls, but they were a small bird that never seemed to bother anything and it's questionable. I suppose they eat small rodents and that sort of thing. They have a place in the ecosystem, so it isn't anything that's...that they've been deprived of any kind of habitat. They've adjusted to whatever holes were necessary. So when we talk about the ecosystem being

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completely ruined for various animals, you got to be...got to be consideration on...put some consideration on this because some of the other animals don't rely entirely on the prairie dog for habitat. Most generally, the prairie dogs were something that was...been there since time began in areas. Of course, their range is cut down, been cut down considerably. But you also want to remember that we cut down the farming area by urban sprawl and that sort of thing and a lot of these areas are where prairie dogs have lived. Get around the Denver area, they're moving right out over the top of the prairie dogs. Usually when they do, why, those prairie dogs, they're eradicated. There's no problem, there's no management to them. They finally have been able to hold off a small area there in the north side of Denver that has a small dog colony in there, that they've been taken care of. So when we talk about bills like this, this is something that you're going to have to face some time or another or else there will be no room left for the prairie dog, as no room was left for the buffalo. Right now, there's...and there's been landowners that have been back in the buffalo business. We've had people south of Rushville, the Budds, have had buffalo for probably 40 years or so. They've raised them for years and years. Ted Turner presently gets all the press and publicity on the buffalo ranches that he's raising. Now I can tell you this, that as he's being...bringing buffalo into the Sandhills, and he's been in there now for a period of years, the buffalo are destroying the Sandhills. They're causing a lot of that country to start blowing again because buffalo have a tendency to get in an area and wallow and dig around till they get the grass system taken off. So there's all kinds of aspects to it. But if you're going to have people in this country and animals also, you're going to have to have plans to manage these animals as well as usually you have zones on managing people, as really that's what your zones are is a management of people. So this is something that can happen with...side by side with people and animals, and our prairie dog is no different. At the present time, there isn't any way to manage them in Nebraska. I think this time has come that we need to set up some direction on how...what direction we're going to take. Whether...if you leave it up to private people, I'm sure there will be no management plan. They will be annihilated, if possible. I saw that...

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SENATOR CUDABACK: One minute.

SENATOR LOUDEN: ...back in the fifties. Did you say one minute or time?

SENATOR CUDABACK: I did say one minute, Senator.

SENATOR LOUDEN: Okay. Thank you. Back in the fifties there was a plan to eradicate the prairie dogs. There was huge prairie dog towns out in the western end of Nebraska over there north of Scottsbluff and off into that country, and that's when the federal government got mixed up in the plan. And they nearly annihilated them out of there. We didn't see much for prairie dogs for years and years, not until into the nineties probably some time. Late eighties and nineties then they were making a comeback in areas. So they...don't kid yourself, if somebody doesn't have a plan in place the process can happen again and they may succeed next time. So I think this is a reasonable way to go about this and I think it's within reason that this plan would be taken care of and I think this would be something for the...

SENATOR CUDABACK: Time, Senator Louden.

SENATOR LOUDEN: Thank you.

SENATOR CUDABACK: Thank you. Senator Howard, followed by Senator Schrock.

SENATOR HOWARD: Thank you, Mr. President and members of the body. And thank you, my learned colleague Senator Louden, for that corrective information and we will notify the U.S. government web site that they were in error. I've also received some information from Game and Parks, who do a wonderful job maintaining our state and our public areas, and I have such an admiration for them. Interestingly enough, the Nebraska prairie dog is native to our state, unlike the much mentioned Norwegian rat, who's been brought here by man. To me, that casts a different light on the situation regarding the rat versus the Nebraska prairie dog. And, once again, I have great respect for

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the prairie dog and its abilities to survive man. And with that said, I will...would wish to grant the remainder of my time to Senator Chambers. Thank you.

SENATOR CUDABACK: Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Lady Howard. Members of the Legislature, when these kind of bills are brought I'm going to fight them. It's funny how my extended debate is referred to as a filibuster because I'm the only one, other than Senator Howard, who will speak in opposition to a bill such as this, but when those water carriers for the tobacco and liquor industry were standing up, going after Senator Thompson's bill, which would have put a statewide ban on smoking, that wasn't called a filibuster. That's why I disregard how the media will characterize what I do, what these senators will characterize...how they will characterize what I do, and just press right on. So I'm going to keep us on this bill all day today, and if it's on the agenda Tuesday, I'm going to do the same thing. You all are going to have to start deciding when you're going to put me in my place by getting your 33 votes, but mark well what you do. When you seek those 33 votes you will get what you ask for, but you won't get what you want. You will get something else. You just think about Pandora's box. When you open that lid, don't come to the things that come out of that box and say, we didn't know what was in here and we want you to go back. Oh, no. Once knowledge comes, a person can never go back to that innocent stage of naivete' and ignorance. That knowledge can never be erased from the mind. A person may not act on it, a person may be resistant to it, but it is there. I'd like to ask Senator Schrock a question, because he just informed me that he has an answer to a question that I had posed.

SENATOR CUDABACK: Senator Schrock, do you yield?

SENATOR SCHROCK: Yes, I will.

SENATOR CHAMBERS: Senator Schrock, the question was, is there a squirrel hunting season in Nebraska?

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SENATOR SCHROCK:      Yes, there is, and the season runs from August 1 to January 31.      The daily bag limit is 7, and possession is 28.      And I might add that on our farmstead we have quite a few trees and so we have squirrels around there, just like you do in your cities, and once in awhile one of them will get caught up in the elevator leg.      Now, an elevator leg is a contraption that carries grain and then dumps it down a downspout to a grain bin.      And about once a year, when we're running that elevator leg, why, the leg will quit working and we'll have grain scattered where it shouldn't be and at the bottom of the leg is a dead squirrel who got caught up in the belts.      And so there's more than one way for a squirrel to end its life and once in awhile they get tangled...

SENATOR CUDABACK:      One minute.

SENATOR SCHROCK:      ...up in those elevator legs.

SENATOR CHAMBERS:      There being a squirrel hunting season, does it apply throughout the state or only in what would be called rural areas?

SENATOR SCHROCK:      Senator Chambers, my presumption would be that you can't discharge a firearm inside city limits, so it would be wherever hunting is appropriate for rabbits and pheasants, any other game that you might have.

SENATOR CHAMBERS:      And I was aware of that, but I'm trying to get a complete record.      Is there any definition in the game laws of a squirrel, do you know, or does it just use that word?

SENATOR SCHROCK:      I can make another phone call, but I do not know.

SENATOR CHAMBERS:      Okay.      And specifically, since ground...since prairie dogs are members of the squirrel family, are they exempt from the squirrel hunting season?      That's what I'm trying to get at and I would appreciate it if you could get that answer.

SENATOR SCHROCK:      I will find out.

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SENATOR CHAMBERS: Thank you, Senator Schrock. And I believe my time is up that Senator Howard gave me. Correct, Mr. President?

SENATOR CUDABACK: It is.

SENATOR CHAMBERS: Thank you.

SENATOR CUDABACK: One second. It's up now. Senator Howard, that was your third time, Senator Howard. Senator Schrock...I'm sorry. His light just went off. There are no more lights on. I will recognize you to close on FA163, Senator Chambers. Sorry.

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, these issues are not quite as simple as they might appear when a bill is brought before us addressing them. There are issues related to human beings that I have great concern about and I deal with those issues, too. It's a funny thing. I don't have a corpuscle of religion in my body. I don't have an atom of religion in my body. I don't have an electron, a neutron, or a proton of religion in my body, but I'm aware of the source of the religion of most people on this floor. It's in their "Bibble" that there is talk about being a good husband man, not married to a woman. The Bible is not that foolish, whoever wrote that. Men wrote it. They know men are not going to do that, but it had to do with taking care of the environment, taking care of these creatures. When it said in that first Book of Genesis that humans were given dominion over the creation, it didn't mean carte blanche to slaughter, destroy, maim, kill for sport and pleasure. Why, there are animals who will make it wherever your God is going to be when some of you all won't. Why do I say there will be animals there? Your "Bibble" says the lion shall lie down with the lamb. Animals will make it when some of you all won't. And you talk that religion all the time, and I'm going to bring it back and rub your face in it to show that when it comes to a real issue it means nothing to you. Money is what counts to you. When you look at that dollar bill and it says in God you all trust, the god is the piece of paper on which those words appear. That is the god in whom you trust. This bill goes contrary to what proper husbanding of the environment would

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require. In various parts of Nebraska and other states such as Nebraska, cattle were brought in by greedy, avaricious men. They brought them in. There was enough grass to go around. There was enough land to sustain all of the animal life. Buffalo had been here long before the white man came, long before Buffalo Bill and his ilk killed hundreds of them for sport and fun. Those animals and the people here--yes, Native Americans are people--they coexisted. They understood nature. And I'm going to talk about something more in detail because it applies. The World-Herald wrote an editorial, upset because some man took a cracker that the Pope spoke over and wanted to sell it to some fools who'd pay a lot of money for it. And because this Catholic editor believes that this unleavened bread becomes the body, blood, and soul of Christ, that everybody sees it that way. If I held up these glasses and said God is in these glasses, these glasses are a part of God, they'd say that I'm an infidel, that I'm an idol worshiper. But when they turn their unleavened bread, through magical incantations, into something, everybody is supposed to accept it. Let them be...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...what they want to be. Let them believe what they please. But before they put it out here and try to force their views on other people, let their conduct be in accord with what they say they believe, and that's where they all fall down. That's why their Jesus said, why call you me Lord, Lord and you don't do the things I say and you teach for doctrines the commandments of men? That's the hypocrisy I see, and is why I have no use for all this praying, self-righteous posturing and the rest of it. I would ask for a call of the house, Mr. President.

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

CLERK: 10 ayes, 0 nays to place the house under call, Mr. President.

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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. All unexcused senators please report to the Chamber. (Visitors introduced.) Members, the house is under call. Members, please check in. Senator Cunningham. Thank you. Senator Cornett, Senator Heidemann, Senator Engel, Senator Raikes, Senator Fischer, Senator Kremer, Senator Kruse, Senators Smith, Schimek, and Connealy. The house is under call. All unexcused senators please record your presence. Senator Heidemann and Senator Connealy. Senator Connealy just checked in. Senator Heidemann. All members are present or accounted for. Senator Chambers, how did you wish to proceed? Machine vote has been requested. The question before the body is adoption of FA163 to the committee amendments to LB 673. All in favor vote aye; opposed, nay. Voting on adoption of the Chambers amendment, FA163. Have you all voted on the issue who care to? Record please, Mr. Clerk.

CLERK: 1 aye, 19 nays, Mr. President, on the adoption of the amendment.

SENATOR CUDABACK:      The amendment has not been adopted. Mr. Clerk, items for the record? I do raise the call.

CLERK: Mr. President, an amendment to be printed to LB 548 by Senator Chambers. LR 77 is by Senator Mines, and that will be laid over. (Legislative Journal pages 1203-1204.)

Mr. President, the next motion with respect to LB 673, Senator Chambers would move to reconsider the vote just taken with respect to FA163.

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

SENATOR CHAMBERS:      Thank you, Mr. President. Members of the Legislature, I'm doing this because I want to lay on this issue that my amendment deals with. It would change the name of this bill to, "Dump the Responsibility of the State of Nebraska onto the Individual Landowner." Earlier, Senator Loudon welcomed people to the party. Well, there is singing at a party. There

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was a group--I think it was called Herman and the Hermits, but I'm not sure--they sang a song called "Henry the VIII." Some people, when they were going to camp, sang a song called "99 Bottles of Beer" on the wall, and you sang that over and over, and you sang it once, then you'd say now 98 bottles, and you came all the way down. Well, these guys said something like I'm Henry the VIII, I am; Henry the VIII, I am, I am; I got married to the widow next-door; she's been married seven times before and every one was an Henry, not a Willy or a Sam, and my name is Henry so Henry the VIII, I am, I am; Henry the VIII, I am. Second verse same as the first: I'm Henry the VIII, I am. Third verse same as the first, on and on and on. Now if I should ever run out of things to say not only am I going to use the lyrics, but I'm going to set them to a tune and render it the best that I can under the circumstances. But we haven't reached that desperate turn of events yet. I just want those who are sitting here thinking that nothing worse could befall them than what is happening now, to be aware that something very well could. And if I'm pushed the wrong way, I may bring it to fruition. Do you all understand that a religion can be created by anybody; a religion can consist of anything? I have just this morning been converted and I have started a religion to which anybody is welcome to belong. I will not have a church, a cathedral, a mosque, a temple or any structure or edifice, because the principle is so broad and all-encompassing that it cannot be contained and confined in a building, not even a collection of buildings like the Vatican, where you have the most ostentatious show of materialism than you'll find anywhere in the world; a man talking against materialism and he's wearing robes and gowns and crowns and sitting on a throne. And that old gentle Jesus, who's supposed to be the reason for it all, when he was approached he said, what did you come out here looking for, somebody wearing fine robes? Those who wear robes dwell in palaces. That wasn't his way. So how's the Pope going to be the representative of Jesus when what he does goes contrary to what Jesus talked about? Can you imagine Jesus having people fall down, prostrate on the ground in front of him as is done in that church? Some people are naive and foolish enough to talk about the possibility of a black man being the Pope. That is impossible. With...there are 117 cardinals who are twittering in Rome right now, trying to see if they can get

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enough of them twittering the same note with reference to the same person to elect a Pope. Can you imagine cardinals from Europe, the North American continent, and Australia, mates, kissing the ring of a black man, a member of the race that is more despised, reviled and scorned than any other on the face of the earth? Although my wayward prodigal brothers and sisters, why do I call you that? Because you hail from my continent. My motherland is your motherland. That's why you are my brothers and sisters. You kind of bleached out, but in the old days it was not so. So sometimes when you all are of a mind to ask me or somebody of my complexion who is conducting himself or herself in a way you don't like, why don't you go back where you came from? First of all, I came from Omaha, Nebraska. But let's take it where you really mean--go back to Africa. I was never there, but if we're talking about our origins, I'd say, well, let's you and I link arms and we'll both go back where both of us came from. That's how arrogant these people are who call themselves Caucasians. But here I am. If I'm that black man, I put my black hand out with that magical ring on it and I get a scowl, because the Pope can do whatever he wants to--he can grin, he can play, he can joke--and I make those white European cardinals kiss my ring. Then those Australians, who took the land from the original people and still discriminate against them, make those cardinals kiss my ring. Then those North Americans, who had their country in America built by people of my complexion stolen from the motherland, who dug ore from the mines, who helped build railroads, who worked in infested by diseases areas producing rice, indigo, cotton and every other product, you all kiss my ring. You think that's going to happen? Absolutely not, and I know it's not going to happen. So my religion is not going to be like that. What is my religion? The Rescue the Poor Defenseless Prairie Dogs from the Predations of Sinful Homo Sapiens. That's the name of the religion, and it is against my religion to kill prairie dogs. You don't respect my religion? Fine. If my religion were like yours, you would feel an affinity because it's close enough. I had talked about an editorial in the Omaha World-Herald this morning. Some guy had had what he called a blessed piece of unleavened bread, they call it a host, and he put it on eBay and some other artifacts that Catholics apparently think a lot of. So some fellow, instead of letting it be bid up to a high

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amount, bought all this stuff for \$2,000 and the World-Herald was irritated. The purchaser had said, if the World-Herald's account is correct, words to the effect that he didn't want this going on, didn't want this guy making all this money. So you know what the World-Herald did? The Catholic editor wrote...and there is definitely a Catholic slant to the World-Herald. Sure got quiet in here. People, listen. One can only imagine...I'm reading from this morning's editorial...one can only imagine the community outrage if someone posed as a member of a Jewish congregation and made off with the Torah scrolls, offering them on eBay. Multicultural revulsion would erupt if someone looted a Native American burial site and tried to auction the bodies as memorabilia. You mean to tell me this is not disparaging those other religions? Do you all know what the Torah is? This is not a roll of toilet tissue. This piece of...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...unleavened bread has been equated with the Torah and with taking corpses from native burial grounds. So that's what this Catholic editor is saying. People should be outraged because this man was going to sell some unleavened bread. Then he's going to reduce the Torah, in its significance, to a piece of unleavened bread; the buried remains of Native Americans to a piece of unleavened bread. He equates them. Then he's offended because not everybody is hollering about being...this unleavened bread being sold on eBay. Do you all think this unleavened bread is the equivalent of the Torah, or that the Torah is of no greater significance than that? That's the arrogance of these Catholics, the intolerance and disrespect for everybody else. Let them worship their plaster saints if they want to. Let them believe they can magically...

SENATOR CUDABACK: Time, Senator Chambers. You've heard the opening on the reconsideration motion. Senator Schrock.

SENATOR SCHROCK: Mr. President, members of the Legislature, Senator Chambers, another phone call has a little more information, so I'm learning something here. So I thank you for that. The fox we're talking about I guess is called the fox...or the squirrel we're talking about is called the fox

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squirrel. That's the one we see around here. There's also the ground squirrel we see out in the country, and there is no protection for the ground squirrel. And we also have the chipmunks that are not protected but they're a part of the squirrel...but there is a flying squirrel in southeast Nebraska and apparently it has the webbed things and can glide. You know, if I jumped out of a tree I'd fall pretty hard, but one of these flying squirrels can glide to another tree and so...but I guess it is protected. It's found in southeast Nebraska. So that's what little I can add to the conversation, but the...there is no protection for the ground squirrel or apparently the chipmunk, but I can't imagine anybody going out and shoot chipmunks, and I would assume their range is somewhat limited in this state. Probably up in the Chadron area they have chipmunks in those rocks and hills. So...and if you have a question, why, I'd be glad to try and answer any more on my time. So, Senator Chambers.

SENATOR CHAMBERS: From your...from gathering your information, did they say anything about prairie dogs being deemed squirrels for the purpose of being protected under...

SENATOR SCHROCK: No.

SENATOR CHAMBERS: Okay.

SENATOR SCHROCK: No, the prairie dog is not protected;...

SENATOR CHAMBERS: Okay.

SENATOR SCHROCK: ...can be hunted year-round and...

SENATOR CHAMBERS: Okay. Thank...

SENATOR SCHROCK: ...the only thing you need is a...if you're a resident, you don't need a hunting license. If you're a nonresident, you need a...you need a hunting license.

SENATOR CHAMBERS: Okay.

SENATOR SCHROCK: All right. If Senator Chambers has no more, I

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cannot add any more to the conversation. Thank you.

SENATOR CUDABACK: Are you yield...are you yielding your time back, or are you...

SENATOR SCHROCK: I'll give the rest of my time back to you, Senator Cudaback.

SENATOR CUDABACK: Thank you. I'll put it in my file. Senator Chambers. (Laughter)

SENATOR CHAMBERS: I was wondering when the Chair was going to find some response to people always yielding the Chair all that time. Members of the Legislature, in fairness to this editorial writer, I should read the entire editorial. It's called "For Love of Money." Then, in a little boxed-off area, quote: And so it comes to this, sacred beliefs disrespected just so one can make a buck. Now the Catholic Church has sold indulgences. You all may not know what those are. Wealthy Catholics, well-placed politicians can get what Protestants and other heathens call divorces. Your last Governor was a divorced man married to a divorced woman. He's a Catholic. He wears it on his sleeve, talks about being a Catholic. So that church is able to modify its own sacred beliefs. So before this Catholic editor gets on his high horse, he ought to pay attention to what his church does. And when they introduce what their church is doing into the public realm for discussion, they need to realize not everybody is afraid of Catholics or the Catholic Church or the Pope or any of that, or any other religion for that matter. They start the discussion expected to be joined. Now, to read what he wrote: After the Virgin Mary grilled cheese sandwich and the Madonna and Child pretzel, perhaps this was the logical next step in a downward cycle. Someone in Sloan, Iowa, offered on eBay a package of items allegedly blessed by Pope John Paul II at a Mass in Rome. Notice he said allegedly. If there are fools out there who would do this, I got a box of Krispy crackers at home and I'm going to sell each one of those on eBay, and there are fools out there who will buy them, let me be an American entrepreneur and make money wherever I can, just like the World-Herald does. They're against gambling, but they accept gambling ads from all the casinos. Let me continue:

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Included was an allegedly consecrated communion wafer. The god of mammon didn't smile this time, though. Before the items could be snatched up by some outfit like the casino that spent \$28,000 for the sandwich and \$10,600 for the pretzel, a California man secured them for \$2,000. Two thousand dollars is enough to make somebody smile, for a cracker. Continuing: Bill Osbourne, O-s-b-o-u-r-n-e, said he just wanted the "host" off the market, according to an account of the transaction on the SpiritDaily.com and in the Sioux City Journal. "That's Jesus in that host," he said. That's what sets this particular tackiness apart. Catholics believe that unleavened bread, blessed by a priest in a Mass with Jesus' words at the Last Supper, ("This is my body") is permanently changed into the "body, blood, soul, and divinity" of Christ, not that the seller seemed to notice. Quote: First of all, the seller wrote, I am not Catholic and do not believe I'm going to hell for selling this collectible, unquote. The seller claimed to have been in Rome, notice claimed, to have been in Rome for the Mass in question. He wrote that he entered the line...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...to receive communion, then went back for another host which he kept. One can only imagine the community outrage of someone posed as a member of a Jewish congregation and made off with the Torah scrolls, offering them on eBay. Multicultural revulsion would erupt if someone looted a Native American burial site and tried to auction the bodies as memorabilia. People of good will and good taste would understand and defend those reactions. Catholics, no doubt, will be watching for signs of similar sensitivity when their beliefs are seen as just another commodity to be exploited in the global marketplace. End of the editorial. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Chambers, you're recognized to speak and this will be your third time.

SENATOR CHAMBERS: Thank you, Mr. President and members of the Legislature. When I see this kind of sensitivity over a

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cracker, but no sensitivity toward the people who may eat the cracker, then I think of Jesus' words to those hypocrites who condemned his disciples for going through the cornfields and picking up corn to eat on the Sabbath Day. He said, fools, the Sabbath was made for man and not man for the Sabbath. What is the purpose of all of this? And I say Catholics are free to believe whatever they want to, and they're free to reject whatever they want to, but don't be putting this out here expecting somebody else to be bound by this. I don't believe in magic, I don't believe in voodoo, whatever term is applied. And I notice that those people who believe in the magic cannot make it work to improve the world or even their own conduct. How does that have anything to do with what we're talking about here? Because my religion is offended when you want to go out here and kill off these prairie dogs because men came here first and brought their cattle and stole the land that was there for the prairie dogs, the buffalo and other critters. If you-all's religion means what you say it means, these things were put here for a purpose. And when you step in and interfere with that purpose, problems erupt and there are prices to pay. There was another article, and there have been editorials, condemning the "Repelicans" for not getting rid of Tom DeLay. Why should they get rid of him? He typifies not just the "Repelican" Party, not just those people in Congress. He's just an immoral, dishonest man. But the reason he has people speaking against him is because he's up-front with it and he flaunts it, and he tells all these Americans, I am what you are. And he tells the voters in Texas, you sent me here. You knew what I was when you sent me here and I'm going to be true to what you knew me to be when I was down there in Texas. And the "Repelicans" are going to rally around him, as they should. Who expects a politician to be honest? Who expects a politician to be moral? Who expects a partisan politician to be nonpartisan? Nobody. So, while there's all this hubbub about Tom DeLay who, in my opinion, is no worse than the rest of them, he's just open with it, that same group of congresspersons are going to change the bankruptcy laws so that people who contracted tons of consumer debt cannot get out from under the grinding heel of these credit card operatives. As one person said, the government is going to hold these unfortunate people down for five years so that the credit card people can punch them and grind them and soak from them

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everything they can, words to that effect. Some people might say why do people go into debt? That's the nature of American society. When these credit card operatives encourage people, who they know are up against it, to make use of this plastic and they charge exorbitant interest rates because they know a lot of people are not going to be able to pay these...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...cards off, so they recoup the money that they provided several times over. But these outraged congressmen and senators, congresswomen are going to pretend that they're so offended by what Thomas DeLay is doing. He's just showing the world what all of these people in Congress, by and large, are. That's why they're mad at him. He let the world see it. You think he just became this way? No. You all have tried to change the rules on the floor of the Legislature to stop me, so why are they mad? Because he changed the rules of how the Ethics Committee operated so that "Repelicans" cannot be brought to book in the way that Tom DeLay has been three times by the Ethics Committee. You all amended the constitution to get me out of the Legislature. How is that anything any better than what Tom DeLay is doing? How is what he's doing any worse...

SENATOR CUDABACK: Time, Senator.

SENATOR CHAMBERS: ...than that? Thank you, Mr. President.

SENATOR CUDABACK: Uh-huh.

SENATOR CHAMBERS: Was that my third time?

SENATOR CUDABACK: That was, Senator.

SENATOR CHAMBERS: Okay.

SENATOR CUDABACK: Senator Howard, you're recognized.

SENATOR HOWARD: Thank you, Mr. President. In researching the management issue, I would like to just...to add apparently there

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is a program that addresses management of these creatures, these native Nebraska creatures, in that hunting is legal for the species but hunting alone does not harm a population. If anything, the hunting keeps the present towns from expanding, so that landowners do not want to eliminate them entirely. And I'm sure I've made it very clear that I'm very opposed to placing the burden of the cost on the homeowner, on the landowner, and additionally on the counties. And, Mr. President, since you already have quite a collection of time, I would like to grant the remainder of my time to Senator Chambers. Thank you.

SENATOR CUDABACK: Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Howard. And I want to thank Senator Schrock for the article he handed out. Across the top it says, "Open season on Wisconsin kitties unlikely." Let me just read the first paragraph for you because I would apply it to Senator Schrock's attempt to put hunting, fishing and trapping into your constitution, your constitution, I emphasize, you-all's constitution. This is a reprint from the Milwaukee Journal Sentinel. It appeared in the Omaha World-Herald this morning, Thursday, April 14: Despite the wishes of some residents who voted this week to legalize the shooting of stray cats, Wisconsin felines can rest easy. Both Governor Jim Doyle and Wisconsin's Natural Resources Secretary said Wednesday that they doubt lawmakers will allow kitties to become fair game. Bless you, Governor Doyle. Bless you, Resources Secretary, whoever you might happen to be. I would like to change some of that wording and read it in this fashion: Despite the wishes of some frightened, paranoid people who petition the Legislature, through Senator Schrock, to put hunting, fishing, and trapping into the constitution, Senator Ernie Chambers said that he doubts lawmakers will be allowed to do that and befoul the constitution. You don't give in to everything that a fringe group wants you to do in order that you can cheese up to them and please them. What I'm doing today is just a part of my ongoing struggle to protect the constitution, on the one hand, and to protect those critters that I think should be protected. Senator Loudon was opposed to an amendment I offered which said that eradication would not be an option. Senator Loudon continues to insist that this is not an

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eradication bill. If eradication is allowed, that's exactly the kind of bill that it is, and the fact that he does not want to take eradication off the table means he also knows that eradication is what will be contemplated. And the federal government, knowing how state legislatures, other than in Nebraska because of Chambers, will knuckle under and give these narrow, parochial groups what they want, retains the right to go their own way when it comes to managing these animals. I got a call yesterday in my office from a person who mentioned that there was a landowner who had used poison--this landowner didn't know what kind it was--to poison these prairie dogs, and other animals...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...did suffer. There were coyotes who ate these animals, apparently, and died. There were birds that had died. This is the carelessness that is utilized. But I do care and you all are just giving up a few hours of your time. That's all. This bill has not been in place ever and Nebraska has not ceased to exist, so it can continue not to be in existence, meaning this bill, and Nebraska still will exist and the prairie dogs will have been spared. There is an amendment I'm going to offer, but Senator Loudon has already said he's against it, but I want it to be discussed on its own, that eradication will be a last resort as a means of managing these animals. He can't go for that because he knows eradication is what some people will have in mind and will probably be the first thing...

SENATOR CUDABACK: Time, Senator Chambers.

SENATOR CHAMBERS: ...undertaken. Thank you, Mr. President.

SENATOR CUDABACK: Senator Chambers, there are no further lights on, so I will recognize you to close on your reconsideration motion.

SENATOR CHAMBERS: Thank you, Mr. President. Second verse same as the first, because this is a reconsideration of my original amendment, which was to give the proper name to this bill. It would be changed from the misleading, inaccurate designation of

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the Black-Tailed Prairie Dog Management Act into the more accurate "Dump the Responsibility of the State of Nebraska onto the Individual Landowner Act." That is one of the key points of opposition that I have to this bill, but the other is that it gives carte blanche to anybody who has these animals on his or her land to do anything he or she chooses. I'd like to ask Senator Louden a question.

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

SENATOR LOUDEN:      Yeah.

SENATOR CHAMBERS:      Senator Louden, would there be anything in your bill, the way it's written, to prohibit a person from injecting steam into these burrows as a means to get rid of these prairie dogs? Could that be used?

SENATOR LOUDEN:      Steam you say?

SENATOR CHAMBERS:      Steam, yes.

SENATOR LOUDEN:      Well, they do gassing, so I suppose if one of the...one of the federal guidelines is that they use...can use gas cartridges a certain time of year, so I suppose whether it's gas or steam, would probably work either way.

SENATOR CHAMBERS:      What about flamethrowers?

SENATOR LOUDEN:      (Laugh)      I would have no idea what methods could be used. I guess it's never been spelled out that far. Usually nobody has ever thought about flamethrowers. I don't know if it's legal to have a flamethrower. Depends on what you're talking about. Then you start getting into the firearm situation.

SENATOR CHAMBERS:      That's all I will ask you. Thank you, Senator Louden. But, members, can't you see what an enterprising landowner could do, especially if you could get...find some way to put a barbecue flavoring into the flame? Then, after you kill the little critters you can just sell them

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for food--barbecue prairie dog. And if they could get away with that, that's exactly what they would do. But they're not going to do it this session. But I might be willing to compromise with Senator Loudon, but he already made it clear that the step I would be willing to take he's not willing, so I won't even offer that again, and that would be to take eradication off the table. That would not be allowable. And eradication could either be defined by the county board or by the Legislature. When we talk about last resort as a Legislature, if an amendment that I would present were to be considered, we would be in a position to define what we mean. But most people know what last resort means. There are other options preceding that which are recognized as being allowable under the circumstances and the laws and regulations that govern what steps can be used against these animals. If those are found not to work, then and only then could eradication be resorted to. This is an eradication bill already, but eradication can be the first option undertaken. And somebody may think that a methodology will result in eradication, but it won't, and it could cause untold damage.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: I don't see anything in here which says that once the notice is given to the individual landowner and that landowner is told about what the county would recommend as the preferred method, but there are others that would be acceptable, I don't see any place where it says the county must explain to this landowner how to properly implement any of these alternatives so that more damage is not done than the supposed good that will be achieved. There's a lot wrong with this bill and we're going to plow our way through it. I'm going to be just like those little prairie dogs, just burrowing and tunneling my way through this bill, and there's no way that I can be stopped other than by a cloture vote. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. You've heard the closing on the reconsideration motion. The question before the body is, shall the vote taken on FA163 be reconsidered? All in favor of the motion vote aye; those opposed, nay. We're

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voting on the reconsideration motion. Have you all voted who care to? Have you all voted? Record please, Mr. Clerk.

ASSISTANT CLERK:      3 ayes, 9 nays on the motion to reconsider, Mr. President.

SENATOR CUDABACK:      The reconsideration motion was not successful. Mr. Clerk, next motion.

ASSISTANT CLERK:      Next motion, Mr. President, Senator Chambers would move to amend with FA164.      (Legislative Journal page 1195.)

SENATOR CUDABACK:      Senator Chambers, to open on FA164.

SENATOR CHAMBERS:      Thank you, Mr. President, friends all. This amendment deals with the following language which I would strike from the bill, if you adopt my amendment:      "Colony means the series of burrows and tunnels created by the black-tailed prairie dog where black-tailed prairie dogs live." I'd like to ask Senator Louden a question about this language.

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

SENATOR CHAMBERS:      Senator Louden,...

SENATOR LOUDEN:      Yes.

SENATOR CHAMBERS:      ...does this language, which says at the end of this comment, "where prairie dogs live," does that mean they currently live there, or they're the burrows and tunnels in which prairie dogs would live? Is your intent that they currently are living in these burrows and tunnels?

SENATOR LOUDEN:      Yes.

SENATOR CHAMBERS:      So if the tunnels go into another person's land but there are no prairie dogs in them, this bill would not apply. Is that correct?

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SENATOR LOUDEN: Yeah, I think that's what you mean, yeah. If there wasn't...if there was burrows out...empty burrows out there, is that what you're asking?

SENATOR CHAMBERS: Yes.

SENATOR LOUDEN: Yeah.

SENATOR CHAMBERS: Now, do you want this definition to include the animals themselves?

SENATOR LOUDEN: Well, this is where I talked with Senator Beutler and stuff and there probably has to be some cleanup language done in this thing, and if you feel, Senator, that this description isn't accurate, why, as we work with Senator Beutler, you'll be more than welcome to participate in making this language more focal, I suppose, yeah.

SENATOR CHAMBERS: That's all I will ask you. Thank you, Senator Louden. I'm glad he sees that there are some situations here that can be improved, but that's not my job. But if I were going to write that definition for a statute...I haven't seen what Senator Beutler is offering or how much he's going to deal with in this bill, and at this point my only aim through my amendments is to offer to strike language. But I would have said, if my real intent is to manage these animals, is to say colony means the series of burrows and tunnels created by the black-tailed prairie dog where black-tailed prairie dogs live and the prairie dogs themselves, to make it clear exactly what is being managed so that a question would not arise because there's ambiguity here and say, well, let the court decide that because of what has been said this is what is probably meant. When you're drafting legislation, in my opinion, as little should be left to interpretation as possible. If the issue about which ambiguity may exist is one as simple and straightforward as this, it's easy to craft a definition that would not lead to any misunderstanding about what is intended here. I'll tell you why I say that. You rejected the name for this bill that I offered. The name of the bill says not anything about colonies. The act shall be known and may be cited as the Black-Tailed Prairie Dog Management Act, but in the

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definition you don't mention the prairie dog. You mention the burrows and tunnels created by the dogs...the squirrels. How much trouble would it be to add "and the prairie dogs themselves?" No trouble. Will you get the opportunity to do that? I doubt it, but who knows? I'd like to ask Senator Louden a question that is kind of touchy and he may not want to answer it, but I'm going to ask him anyway. Senator Louden.

SENATOR CUDABACK: Senator Louden, would you...would you respond, Senator Louden?

SENATOR LOUDEN: Yes, I think so.

SENATOR CHAMBERS: Senator Louden, if, before this bill is taken off the agenda, whatever powers may be decide that I should croak and I no longer am here to stand in the way, would you try to amend this bill to clean up some of this language, or out of respect for my having croaked you would just let the bill die also as a tribute to me? (Laughter)

SENATOR LOUDEN: Well,...

SENATOR CHAMBERS: All this laughter about my croaking? (Inaudible).

SENATOR LOUDEN: No, no, I'm not laughing about your croaking. I'm deciding if you would want it printed as an epitaph on your stone, as I guess is what my thought was, and I was trying to think...

SENATOR CHAMBERS: Well, I will be cremated so there won't be anything left, no stone.

SENATOR LOUDEN: Yeah.

SENATOR CHAMBERS: So it would...

SENATOR LOUDEN: Well, we can always spread your ashes over one of these dog towns. (Laughter)

SENATOR CHAMBERS: Well, what I'm going to do is something that

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will spread them even further throughout the world. All rivers run to the sea, so I'm going to have them channel to a river. That river will run to the sea. Then they will be broadcast throughout the world.

SENATOR LOUDEN: Well, you'll have to check with the Clean Water Act.

SENATOR CHAMBERS: Well, where I'm going to have them disposed they don't worry about cleanliness at all.

SENATOR LOUDEN: Okay.

SENATOR CHAMBERS: But here's my question. Would you continue pushing for this bill if I happen to be born into eternity?

SENATOR LOUDEN: Well, we would take your considerations or your wording into consideration, that's for...but, what is it, I think whenever someone passes on I guess life goes on just like it did before. So, yeah, we would...I would probably continue to try and improve this bill and we would...we would probably put some place in there where Senator Chambers had contributed to it and that sort of thing. We would certainly want to put some kind of a notification in there that you had worked...you'd done work on it and helped with the process of it.

SENATOR CHAMBERS: Thank you, Senator Louden. And that was a very good answer because I believe that life must go on no matter who ceases to be here. Life will go on in the Legislature, but it won't go on as efficiently or as painstakingly caring. Since I don't know when I may croak, but I do know that I'm here now, I'm going to do everything I can while I'm here now. And what I'm looking at now is that the name of the bill talks about managing the animals, but in the definition there is nothing that refers to the animals. When I look at the definition of "person" I see something interesting, but I'll get to that later. Let me show you something else in this definition, because people were praising how well this bill is crafted. Although I will have an amendment to strike all of this language, if you look in line 14, which you probably won't, it says, "Managed colony means a colony that is confined to the

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land owned by one person"; owned by one person. So if more than one person owns that land it does not fit within the definition. The definition talks about land that is owned. When you read the bill, which it is my unpleasant duty on many occasions to do, it talks about land owned or controlled by. So why in the definition don't they say managed colony means a colony that is confined to land...(recorder malfunction)...and they didn't cover it. In the bill they refer to "persons" in the plural. So why, in your definition, don't you simply say, managed colony means a colony that is confined to land owned or controlled by one or more persons? How hard is it to do that? It's not my bill.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: You got all these people out there saying this is the greatest thing in the world. Why don't they do that? They are giving the definition, and I have to do the work. But I'm not going to offer those amendments and, if I have my way, nobody else is going to have the opportunity to do it. Because if you get cloture, you get the bill in the form that it's in, just like it is, with inaccurate, inadequate definitions. So maybe what you ought to do is strike all these definitions, then maybe some of the mistakes that grow because the definition does not accord with what's in the bill, you might can get away with dealing with just what's in the bill. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. (Visitors introduced.) On with discussion. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, another reason that I think some reference in the definition probably when you're talking about colonies should refer to the animals is because on the same page, so that it doesn't take a long attention span to get to it, in line 21: "A county may adopt by resolution and carry out a coordinated program for the management of black-tailed prairie dogs." It doesn't say for the management of the burrows and the tunnels created by black-tailed prairie dogs. It talks about managing the prairie dogs. Why don't you put that in the definition since you're

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going to define a colony? If you're going to manage the animals, that would mean wherever you find them, so you don't even have to define "colony." Get rid of it. But if you're going to define it, make it have some relevance to what's in the bill. I don't see where you define "jet airplane." Well, why wouldn't you define "jet airplane" in a bill designed to manage prairie dogs when one of the methods might be to fly very low over the place where the prairie dogs live and let loose a sonic boom that might destroy them, or turn on the afterburners and get rid of them? So maybe you ought to define "jet plane" also, but you wouldn't. These things that apparently have direct bearing are, in my opinion, not defined in a way that causes the definition to give guidance or mesh with what is in the bill. This thing that I've got, by that I meant a copy of the committee amendment which we're discussing, is marked all up with red ink, because I took it seriously enough to read it, and those whose name will be on the bill have not done that. They don't have to. Most of the time things like this just pass right through the committee and pass right through the bill...the Legislature. That's the Ex-Lax principle--this too shall pass. But it's not going to pass that easily. There may be an obstruction along the way and the system will backup, and that's what these bills are going to cause to happen. I didn't introduce it. I didn't put it on the agenda. But when it comes out here, my responsibility is to deal with it. If a county adopts by resolution a plan that relates to managing these animals then a county shall assume the authority and duties provided in the act. You say the county shall do this. If the county chooses not to do it, what are you going to do? You going to disband the county? In some cases I'd say amen, hallelujah, that's what you ought to do, but you're not going to do that. Are you going to fine the members of the county board? No. Senator Louden talked about it perhaps constituting misconduct in office or malfeasance in office. I don't see that mentioned in the bill. When it comes to the individual landowner, you're very specific there. You have a set of circumstances where that person can be fined \$100 per day for a maximum of...

SENATOR CUDABACK: One minute.

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SENATOR CHAMBERS: ...15 days. Assessments can be made against the property of that individual. But the county, which causes all this by adopting a resolution, will have nothing happen to it if it decides not to do anything in compliance with this law. Preposterous, but I guess we'll just have to proceed and see where we wind up. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. You're recognized, and this will be your third time, Senator.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, this amendment would strike lines 7 through 9, which deals with the definition of a colony. And I don't know who fashioned this definition or where it came from. Some people might ask what is the difference between a burrow and a tunnel. The definition of burrow could also fit a tunnel because it's piercing or penetrating the earth, which is what a tunnel does, but it also can stand for the den or the location where an animal takes up residence. So maybe the two words should be there, but there is nothing that includes the animals explicitly. And although Senator Louden feels that it means burrows where animals currently are living, it can also mean the types of burrows in which prairie dogs would be expected to live, not necessarily that they're living there currently. A few words would take away the ambiguity or the question, but I'm not going to offer any amendments such as that. I'm not paid enough money to do that on a bill like this. That's not to say that I believe in piecemeal in the Legislature, p-i-e-c-e, where I do certain things because of the amount that I receive. I make that statement to make a point. There are some things which affect a bill for which I feel so much opposition that I'm not going to offer anything to improve it. Senator Jeanne Combs has a "four-finger," as she and I describe it, which I think is amenable to numerous amendments that would improve it based on what she's trying to do with it, but I don't want the bill to succeed so I'm not going to offer any of those amendments. I'm not paid enough. But I'm going to discuss Senator Louden's bill because it violates my religions, my religious beliefs. And I told you, according to my religion, killing prairie dogs is a sin. And just like all these Christian missionaries run around here trying to convert people to their way of thinking, I want

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to convert people to my way of thinking. I want to save your slightly soiled souls from eternal damnation. And where will you go if you are eternally damned? You will go into the deepest prairie dog tunnel that was ever dug. And what will be in that...in the bottom of that tunnel? There will be every methodology that has been used by human beings to kill prairie dogs. There will be gas. There will be bullets. There will be steam, every thing that has been used, poisons of every variety, and you will be required to partake of every one of them throughout eternity, just like your God is going to punish people who won't become whatever your religion is. Y'all going to stand up here and disrespect my religion? (Laugh) Of course you are, because you disrespect your own every day. You stand up there and pray. That's blasphemous, that's sacrilege when you don't intend to comply with those things. Stop bringing them in here I've told you time and time again. I'm more upset about that than you all are about...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...prairie dogs. Our point of view determines how we behave. You think because it's your view it's entitled to special consideration. I don't, unless you're going to give the same consideration to mine, which you won't. So we're just going to battle, and I think I will be the last one standing. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. There are no further lights on, Senator Chambers. Mr. Clerk, I recognize you for an announcement.

ASSISTANT CLERK: Thank you, Mr. President. Senator Landis would like to convene a meeting of the Revenue Committee in 2022 at 11:00; that's Revenue, Room 2022, 11:00.

SENATOR CUDABACK: Thank you, Mr. Clerk. As stated, there are no further lights on. Senator Chambers, you're recognized to close on FA164.

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I think this amendment should be adopted. Strike

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this. Then, if Senator Louden at a future date wants to put a definition into the law, he can do so. As it stands now, he has a definition which, as I read it, is inadequate. Would it nullify the bill? No. The body of the bill tells what things are to be done, what the triggering events are, who has the responsibility and authority to get this entire scheme rolling. It starts with the county board. So, despite the fact that the term "colony" is used, the only time it would result in ambiguity, if we find the term "colony" used in the body of the bill. And why would that cause ambiguity? Because sometimes the language talks about managing prairie dogs. Then it talks about managing colonies. So the two must be different, otherwise the same word would be used throughout. So when you use more than one word, it's expected that you're talking about more than one thing. So get rid of colonies and talk about the animals. Senator Louden could even use some intent language and say the intent of the Legislature is to have this bill mean what a court says it means when a court understands what we mean but we didn't succeed in saying it. That's what he should put. What else I think he ought to put in it is that it is not the intent of the Legislature that this bill be interpreted as an eradication bill, but that won't be put in. Senator Louden is as rock solid against that as I am against the bill. If I am unreasonable in my opposition to the bill, he is just as unreasonable in his opposition to declaring that eradication is not an option. So you have us at an impasse. There is nobody who can mediate between us; nobody who can bring us to what somebody might call a compromise. Abraham Lincoln said words to the effect that a man should never interpose his head between the skillet in the hand of an angry wife, and the head of her husband at whom she is angry. Because, see, when a skillet is in an angry hand, it's going to just go the most direct line to the target, and if your head gets in that line, your head has got to go when the skillet comes, too. And some people, namely me, think that when George Bush wound up with that big old bruise upside his head, it didn't come from him choking on a pretzel and falling on the rug. It came from a well-placed skillet in the hands of a woman with deadly aim who was very irritated and annoyed at him. So he got a "Crawford caress," and that's what they call it when you pop somebody upside the head with a skillet in Crawford, Texas. I don't know why

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Senator Louden would have a definition like this in his bill.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: I'm sure he believes that it's adequate. And he probably disagrees with what I'm saying about it. He thinks what I'm saying ought to be in it is unnecessary. I think that it is necessary, so we just have another impasse. And I'm sure on my next amendment we'll disagree again. But I said I was going to go through it section by section and talk about it word by word. If you look at this definition, you see that it is language that could be removed from the bill and it wouldn't hurt a thing. But if it is felt to be necessary it should have some words that relate to the animals who are being looked at, because Senator Louden already says it definitely does not apply to a colony...

SENATOR CUDABACK: Time, Senator.

SENATOR CHAMBERS: ...or these tunnels if there are no...thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. You've heard the closing on FA164 to the Agriculture Committee amendments to LB 673. Senator Chambers.

SENATOR CHAMBERS: I'll ask for a call of the house.

SENATOR CUDABACK: There has been a request for a call of the house. All in favor of the house going under call vote aye; opposed, nay. The question is, should the house go under call? Record please, Mr. Clerk.

ASSISTANT CLERK:            9 ayes,    0 nays    to go under call,  
Mr. President.

SENATOR CUDABACK: The house is under call. All unexcused senators please report to the Chamber. The house is under call. I did. All unexcused senators please report to the Chamber. The house is under call. Senator Janssen, Senator Cunningham, Senator Stuhr, Senator Schimek, please check in. Thank you.

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Senator Kruse, Senator Synowiecki. Senator Schimek, would you please check in? Thank you. Senator Howard, would you check in, please? All members are present or accounted for. Senator Chambers, how did you wish to...

SENATOR CHAMBERS: Machine vote.

SENATOR CUDABACK: Machine vote has been requested on the question of adopting FA164 to the committee amendments to LB 673. All in favor of the motion vote aye; opposed, nay. Voting on adoption of the Chambers amendment to the committee amendments. Have you all voted who care to? Have you all voted? Record please, Mr. Clerk.

ASSISTANT CLERK: 1 aye, 15 nays on the adoption of the amendment, Mr. President.

SENATOR CUDABACK: The amendment was not adopted, and I do raise the call. Mr. Clerk, next motion, please.

ASSISTANT CLERK: Mr. President, I have 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, members of the Legislature, one time long ago in a different land was a man, and he used to go walking just because he liked to walk and experience nature. Well, one day he wasn't paying close attention and he kicked a piece of wood and the next thing he knew a net fell out of the trees and he became enmeshed in the net and he couldn't get loose. It was in a land where predators existed, and these predators, they had jaws that would bite and claws that would scratch, and this man knew that he was doomed because he couldn't defend himself, and he was wondering why he had come to this. He began to cry out for help at the top of his voice, but there was no human being to hear him. Then he heard a strange little sound and he looked around and guess what he saw. He saw a little prairie dog gnawing at the strings that comprised that net. So the little prairie dog gnawed through

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one string and it popped. The little prairie dog gnawed through another string and it popped. And the little prairie dog continued to gnaw till there was a large enough hole in the net for the man to escape. Brothers and sisters, that man was LeRoy Louden. Prairie dogs do not hold grudges. In many respects, animals can teach human beings a lot. In the days during the time that this bill has been before us, people had put various pieces of information on our desks which they got off the Internet by way of their gadgets. It talked about the social structure that holds together the society of these animals. It talked about...and I got this from the encyclopedia of mammals that I have, how during the summertime there is intermingling among these coteries, which is what these smaller groups are called, and in the wards, as Senator Hudkins read to us. As you get closer to the fall of the year and then the winter, there is more exclusivity and the dominant male will not allow visitors from other coteries or wards to come into that area. As the weather grows warm, spring comes, the exclusive rule begins to loosen. Then, when summer comes, everybody can just come together and all just get along. Human beings could learn something from these animals. They do not have wars. They do not kill for the sheer love of killing. Senator Louden mentioned that if there happens to be overcrowding then they will turn on their young and consume them. Human beings, where there is no overcrowding, will shake their little babies to death, they'll throw them against a wall, they will kick them, they will stomp them, they will desert them. That's not what prairie dogs will do. When people who study to try to determine the origin of human beings were doing so, there was a critter they called Consul and one called Proconsul in England. This was a chimpanzee, and George Bernard Shaw put words into the mouth of this animal, because in those days, those sophisticated, civilized Britishers were performing what they called operations. They were really experiments, vivisection on living animals; put them through this terrible pain. So when some of these people were offended because the suggestion was being made that human beings descended from apes, Proconsul was offended and said, don't put on us what these human beings are; there does not have to be a society for the prevention of cruelty to baby apes as there is among human beings; there are no apes who cut open the heads and burn the brains of human beings for the

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purpose of sport or what they call experimentation. And he went on in that way, talking about the wars the human beings have which destroy their own kind, which the apes do not engage in. There are things which animals can teach human beings, but human beings choose not to learn. Senator Loudon talked to us about the bubonic plague perhaps being brought to this state from another state where it exists among prairie dogs. Why should the bubonic plague organism have less right to wipe out human beings than human beings have to wipe out prairie dogs and other critters that happen to get into the way of human beings making money, or creating developments which make money? Why is it a one-way street? People would think it's terrible if a mountain lion came among human beings and killed one of them, ate what it could, buried the carcass, because it's just food for that animals, and then would visit it periodically when it got hungry. They'd say, oh, it's terrible, it's terrible. Well, look what you do to animals. All the mountain lion has to do is look at you and go by what you do to animals related to the mountain lion by virtue of being one of the so-called lower creatures. Human beings do terrible things to each other, so it should be no surprise they do these things to animals. But whenever I have the opportunity to engage in this kind of discussion, not just for academic purposes but pursuant to an effort which I expect to be successful to stop the Legislature from giving carte blanche to people to use any and every cruel, inhumane method to destroy these animals who were there first, who pose a problem because these men brought cattle here and they don't properly manage the area where these cattle operate. There used to be disputes between sheepherders and cattle growers because one ate too much of the grass and cropped it too close to the ground. So not only would they go after animals. They'd kill each other. So why should anybody be surprised that the prairie dog would fall victim to the same rapacious, inhumane spirit? Well, today, brothers and sisters, friends, enemies, and neutrals, the prairie dogs are not without support. When people want to ask, have I ever been where prairie dogs are, no. There might be people in here who felt like they should give something to the tsunami victims, and they hadn't been there. They've never seen a tsunami. And they're not contributing to people who are in need all the time in their own communities, in the cities of Nebraska, in the state of

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Nebraska. But if there's something that's high profile, then they'll jump into that and give a few nickels or dimes. I look every day at these barrels on the first floor that say Food Bank Collection Point, and I watch to see how much is going to be put in those barrels.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: There will be times people on this floor will talk about compassion. One of the favorite words of my friend, Senator Friend, is "passion." There is no passion for helping the less fortunate. How many people walk past those barrels and don't even look at them? Am I a hypocrite because I mention it and I haven't put any cans in it? Not really, because I'm going to find out the organization that put those barrels there and I'm going to give them some money so that they can buy whatever they think is suitable. I'm not going to go look in my kitchen, which you'd probably find in any bachelor's quarters, and find rusty cans that have been there perhaps since the Civil War that I have no intention of consuming the contents of, and I would take it and drop it in that barrel. I wouldn't do that. And I don't really know what these food pantries need, so I'll give them money, because, as the "Bible" says, money answereth...

SENATOR ENGEL PRESIDING

SENATOR ENGEL: Time.

SENATOR CHAMBERS: ...all things. For what, Mr. President? Time for what?

SENATOR ENGEL: On the...time on your reconsideration motion.

SENATOR CHAMBERS: Thank you.

SENATOR ENGEL: Senator Howard, you're recognized.

SENATOR HOWARD: Thank you, Mr. President, Mister...new Mr. President and members of the body. I was handed some additional information in the Rotunda and I'd like to share this. Several counties with prairie dogs are already

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contracting with APHIS, Animal and Plant Health Inspection Service of the USDA. Under Section 23-358, counties are authorized to carry on an animal damage control program and may cooperate with APHIS, state agencies, private associations, and individuals to control various predatory animals, nuisance birds, and other nuisance wildlife. Although prairie dogs are not listed specifically in this section, counties may already use their broad authority to enter into interlocal agreements to cooperate with other entities and control prairie dogs. Their question to me was why is there a need for this bill, which I thought was very interesting since I am recognized as an Omaha senator. With that question being asked to all of us, I would like to grant the remainder of my time to Senator Chambers. Thank you.

SENATOR ENGEL: Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Lady Howard. The reason I asked the Chair, when he said time, he meant time for what, I thought he meant time for the Legislature as a body to decide to contribute something to the food pantry. So that's what I was getting at. I'm the poorest person on this floor, poorest. I will bet that I couldn't get my colleagues to join me in taking up a collection to contribute to that pantry which has those virtually empty barrels down there for people to give their castoff can goods or whatever else they want to dump in there. That couldn't be done, so I wouldn't even suggest that. There are so many opportunities for you all, who profess religion, to put it into practice. Why did you just do it on Sunday or Christmas or Easter or if your church decides to have some kind of food drive? People are hungry all the time. These food pantries are trying to help people. You'll bring a bill to kill God's creatures. Well, why won't you give some money to help those creatures of his which look just like you? You'll kill off the baby prairie dogs. Why don't you give some money to help human infants who are hungry because their parents or parent cannot afford to provide adequate nutrition? You don't want to hear that and you don't want to talk about that, do you? What is the Legislature for? What is the purpose of everything we do? Supposedly to make a better world to live in for human beings and their offspring. That barrel should be a tweaking of

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the conscience of everybody who walks by it, but I dare say most people don't even see it. It's like the hungry people on the street. You turn your eyes the other way, you Christians. Jesus told you to love everybody, and how do you show it? By disregarding them and thanking God by saying, there, but for the grace of God, go I. What kind of God has grace by making somebody miserable and causing you to feel self-righteous and you thank God because he cursed that person and not you? What kind of nonsense is this? You call this a "Chrishian" country. Why, it is the biggest caldron of hypocrisy you'll find on the face of the earth. You all are the ones who meddle in other people's affairs and try to tell them...

SENATOR ENGEL: One minute.

SENATOR CHAMBERS: ...how to do everything. You send missionaries to save everybody around the world. Charity begins at home and spreads abroad. Ralph Waldo Emerson said that charity abroad usually translates to oppression at home. It's easy to give your charity to people thousands of miles away that you never see, but it's hard to do the right thing by those people who dwell with you in your very house. You all ought to read what these other white Americans have said and they teach you something, but it all goes for naught. So I'll give my little pittance to the food pantry. You all will walk past those barrels and you'll probably tell DAS to get them out of the bay...get them out of the Capitol Building...

SENATOR ENGEL: Time.

SENATOR CHAMBERS: ...because they give me something to talk about. Thank you, Mr. President.

SENATOR ENGEL: Senator Chambers, your light is on. You're recognized.

SENATOR CHAMBERS: Thank you, Mr. President. I think the prairie dogs are going to be safe. As long as I am here, the prairie dogs are safe, and I plan to be here. I will never seek affirmation from anybody of my right to do what I think I ought to do. I will not seek anybody's approval, and I will not

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apologize. If I ever fail to do what my mind and conscience tell me I should do, I would owe an apology to myself for not living up to what I know is the right thing for me to do. And I don't care if nobody anywhere in this world does anything that accords with what I think is right, it does not relieve me of my responsibility to do what I think is right. That's why I'm given a judgment, so that I can determine what is the appropriate course in life for me to follow. And some people might look at these prairie dogs and say they are inconsequential; they are rodents. Some people call them rats. Well, politicians have been called worse things than that, but you don't want to be exterminated, eradicated. (Laugh) Maybe the world would be better off, but I don't even advocate that. Jack the Ripper, if he had children, may have loved him, and nobody knows for sure who Jack the Ripper was. Jack the Ripper could have been a member of the royal family. There have been all kind of speculations. Everybody, whatever he or she may have done, will have somebody who cares. That's the nature of the way "Ma" Nature put things together. The survival of the species is what nature is interested in, and nature doesn't care if the one who is going to lead to that survival is a saint or a sinner; makes no difference. The species' survival is what counts. So those members of the species who can adapt their conduct to hostile environments and survive are the ones who will survive, pass on their genes through procreation, and keep the species alive with their fingerprints and genes all over it. The prairie dogs, other animals, who are not able to fashion weapons that would make a fair fight out of what happens between them and human beings, need some human beings who can stand up for them. And I don't think this is trivial. I don't think it's trifling. If everybody thought it was, so what? They show what they think by supporting a bill like this. I show what I think by killing it. Less harm is done to the world if I kill this bill than is done to the world if these prairie dogs are killed. These prairie dogs have a right to live, a right to survive. I'm glad Ted Turner is buying up land in this state. When I get out of this Legislature, by whatever means, provided it's not feet first on a cooling board...all right, you all, stop cheering. I can hear them all over the state. It hasn't happened yet. That's not an announcement and that's not a promise. But if I get out of here and have the powers of my

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mental faculties, I'm subject to seek a job with Ted Turner and work with him, if he will hire me, in achieving...

SENATOR ENGEL: One minute.

SENATOR CHAMBERS: ...what he's trying to achieve in this state. That would really be a worthwhile end to my long sojourn in this sin-cursed world on this sin-cursed earth. But maybe I won't be blessed to do that, so I've got to just labor in the vineyard each day, doing what is there for me to do each day. Thank you, Mr. President.

SENATOR ENGEL: Thank you, Senator Chambers. Senator Friend, you're recognized.

SENATOR FRIEND: Thank you, Mr. President. Members of the Legislature, I'm not tired of hearing him talk. I just felt like talking about this, about this issue to a degree, I guess. We at times, and this seemed like a good time to bring it up, have talked about Napoleon and Wellington. I say "we." That's a...there's a very select two who actually do it. Wanted to let you know, let the body know, I apologize that...for that ahead of time because it probably offends a few. But if it does, please come to me and let me know. The funny thing about it is Wellington said this, the Duke of Wellington said this. I thought Senator Chambers and the body would be interested in it. This is...this was one of his quotes. I don't know when it was: Educate people without religion and you make them but clever devils. I just thought that was kind of interesting. I don't exactly know what it means. I don't think we can...we could probably read some stuff into it. Here was a story about Wellington, and I don't know...I'm not sure that this is true. We'll get into his military prowess later if we actually have time. I figured we could elaborate on that right now, but I found this more interesting. He met a little boy, he met a little boy crying on the side of the road, and this is when he was a field marshal, and he stopped by the little boy and he said, you know, come now, that's no way for a young gentleman to behave. He said, what's the matter? And the little boy said, I have to go away to school tomorrow, and he was sobbing and...the little boy was, and he said, I'm worried about my pet toad. He

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pretty much said there's no one else to take care of it and I shan't know what to do about this. And Wellington, I guess, for all intents and purposes, wanted to ease the little boy's demeanor or his...take his discomfort away. The Duke of Wellington promised to attend to the matter of the toad personally. Now, after the boy went off to school, about a week later he received a note. Says, the field marshal, Duke of Wellington, presents his compliments to Master Smith and has the pleasure to inform him that his toad is well. That story is not about the toad. This story isn't about prairie dogs. It's about people. And that story is about people. He, you know, I mean...I'm trying to add some interest to this from a different perspective. I don't think Senator Louden hates prairie dogs. At least he hasn't said that. I would...I would ask Senator Louden a question, but I'm not going to because he just sat down. I want to find out if he hates prairie dogs. I don't particularly care about toads, prairie dogs, anything else. I just think these stories are about human beings. The Duke of Wellington was a very kind person; Napoleon wasn't. Mister...I don't know how much time I have left, Mr. President, but I don't...that's about all I have to say. Thanks.

SENATOR ENGEL: Thank you, Senator Friend. Senator Chambers, this is your third time. You're recognized.

SENATOR CHAMBERS: Mr. President, members of the Legislature, on a cold winter day, sky overcast, gray-laden clouds that cause other people to be depressed, a little fellow was standing with one arm in his coat and a three-cornered hat on his head and he is known by the name of Napoleon Bonaparte. Next to Napoleon, because Napoleon was a short fellow, was a towering officer, and when this officer was talking to Napoleon, it seemed that Napoleon was distracted. And what made him think Napoleon was distracted was the fact that he wasn't looking at the officer, but his eyes were following something on the ground and his head was moving rapidly as though whatever was on the ground was moving not only rapidly but in kind of an erratic pattern. Then suddenly Napoleon Bonaparte slowly bent his knees, brought him even closer to the ground than he was, and his hand shot out fast as a snake would strike, and when he came up this officer saw a little mouse in Napoleon's hand. This story is not about

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mice. It is not about toads. I agree with what Senator Friend said. That's why I'm telling you this story. So the officer is looking at this mouse in Napoleon's hand, wondering what the outcome of this drama is going to be. Well, the mouse bit Napoleon and the officer said, uh-oh, poor little mouse, he never should have done that. But instead of doing what the officer thought, Napoleon reached down and gently released the mouse. And the officer said, I have seen you kill men for less than that; why, after this animal bit you, did you not simply crush the life out of it? Napoleon said, I wanted to teach you a lesson. There is nothing so small and so weak, but if it fights for its life it does not have an opportunity to survive. That was the lesson Napoleon was teaching. He didn't care about the mouse, but he used the mouse to teach a lesson. I care about prairie dogs, but I'm using this opportunity to try to impart lessons based on what I think about other things in addition to the prairie dogs. The prairie dog's life and fate have been interwoven with the lives and the fates of the members of this Legislature, and your fate, as long as this bill is on the agenda, is to listen to me or not listen, but at least not be able to get done what you wanted done, because I'm going to talk and talk and talk. There was a man approached by a woman, and because he was intelligent she asked him what his thoughts are about religion. He said, Madam, I don't want to go into that, but I can tell you this; there is only one true religion, as every wise man knows. She said, and pray tell, sir, what is that one true religion? He said, Madam, every truly wise man knows also that he never states what it is. That's a message, too, not just about religion. I, unlike my friend Senator Friend, have much more to say and I intend to say it and say it and say it again.

SENATOR ENGEL: One minute.

SENATOR CHAMBERS: I'm going to say it till the cows come home and the prairie dogs shout hosanna. But because the time is just about out this time, I will not launch into another thought. Thank you, Mr. President.

SENATOR ENGEL: There are no other lights. All right, Senator Howard, you're recognized.

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SENATOR HOWARD: Thank you, Mr. President, members of the body. Since I have taken this office, since I was sworn in on January 5, I've had a great education down here. I...it's been marvelous. And I continue to learn, and I've learned additional information regarding the prairie dogs. This summer, there were many celebrations to honor Lewis and Clark, and in fact the explorers Lewis and Clark sent a prairie dog to President Thomas Jefferson while they were on their expedition; just a bit of an additional information, an aside, regarding Nebraska history and Nebraska lore, which impressed me. Having given you that, I will...I will offer the remainder of my time to Senator Chambers. Thank you.

SENATOR ENGEL: Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Lady Howard. Members of the Legislature, Senator Louden is not going to get the bill the way he wants it. Senator Friend has mentioned Wellington and Napoleon on occasion. In the same way that things can be learned from animals, things can be learned about military strategies...learned from military strategies and tactics. Although, as I've quoted on occasion, Christopher Marlowe said accused be the man who invented war. And that's true, but it hasn't made any difference in terms of the number of wars that are fought, the senselessness of those wars, the lack of good that results from them. One tactic that Senator Louden should have considered is that on occasion, when you cannot meet your enemy in a head-to-head, all-out shooting battle because you might lose more people than you need, than you can afford, it is wise to give ground and renew the battle another day when your circumstances are more advantageous. But if you're going to ride into the valley of death because somebody tells you to, then that's what will await you. If the name of this depression in the ground is the valley of death, it tells you that that which occurs in that valley is death. So if the 600 ride into the valley, they all die. For what? Because they are fools. Now, this bill attempts to do something that I don't approve of, but I had made it clear that there were circumstances under which, despite my opposition to what is being attempted, if it must be done, there is a different way it

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ought to be done to comport with what the duties and responsibilities of the state and the county are. Having made those suggestions and having seen them rejected, I offered the proposal to take eradication of these animals off the table. That was rejected. I have nothing else that I'm going to offer. I'm going to see who now is going to win this battle. We're going to have a contest of wills--48 against me. Will my determination...

SENATOR ENGEL: One minute.

SENATOR CHAMBERS: ...and that of Lady Howard be sufficient to turn the tide and save the day for the helpless prairie dogs? I want Senator Friend to be aware of the fact that he's welcome to join my religion and he doesn't even have to give up his own and, Senator Friend, the name of my religion is the "Save the Helpless Prairie Dogs from the Cruel Depredations of Sinful Homo Sapiens," and if I start a church, "Church" will be at the end of it. "Save the Helpless Prairie Dogs from the Cruel Depredations of Sinful Homo Sapiens," right now it's just a religion. It's not a church, we don't have a structure, because this religion you carry in your heart. Thank you, Mr. President.

SENATOR ENGEL: Thank you, Senator Chambers. There are no other lights. You are recognized to close on your reconsideration motion.

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, what this amendment would do, for the record, is to strike lines 7 through 9. Those lines deal with a definition offered of the word "colony." It's an inadequate definition in view of what the text of the bill deals with. Nobody has successfully countered that characterization I have made of this definition. However, that does not mean that my amendment will be accepted. It has been rejected already. This is a reconsideration motion. I'm giving the body a chance to think again about what is presented and how the vote ought to go. Who knows, if you're accommodating to me here and there, maybe I would become accommodating, too. But if you become more and more rigid, as Senator Loudon is rigid, then I have got to match

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rigidity with rigidity. Who would win if a vote were taken? I can tell you this. The prairie dogs would lose. I cannot call it winning when a majority of policymakers vote to eradicate a group of creatures that nature put here, a group of creatures that was here first and they became problematic and got in the way when these people decided there was a different methodology they would use to make money. To do that, they took other critters from their native habitat and brought them here, not because they would live better, but so that they could be fattened up and killed and provide a source of income. Because the animals already here got in the way of earning that money, the animals already here must die, unless somebody is there to rescue them. And I take it as my job to do everything that I can as a member of this Legislature to frustrate and thwart the desire of those who want to eradicate these prairie dogs. If eradication is not the intent, say so. Calling this bill a management act is the same as calling the Holocaust the final solution. All of those in the know then and all those who understand history now are well aware of those two words' meaning, final solution. Final solution to what? The Jewish problem. What was the Jewish problem? Jews lived in Europe, and the way to solve the problem is to remove them by any means necessary. And what was the means adopted? Extermination, eradication. Eichmann, Hitler, Goebbels, they can call it by any name they choose. When the ultimate outcome is somebody in a gas chamber, then the corpse burned in a crematorium, it doesn't matter how you try to prettify it. So, despite the fact that Senator Louden doesn't want to call this an eradication bill, that's what it is, and I'm going to fight it to the end. How much time do I have, Mr. President?

SENATOR ENGEL: One minute.

SENATOR CHAMBERS: Thank you. I don't even know whether I will ask Senator Louden any questions until I get to another definition in this bill which I deem to be inadequate, but in its inadequacy it fits perfectly with the text of the language in the bill. The bill is inadequate. The bill itself is a noxious growth. We've had it told to us that language from the noxious weed bill was put into this proposal, and noxious is a word that applies to more than weeds, and I intend to give you a

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two-legged critter to whom you can apply that term if you choose. Thank you, Mr. President. And I will ask for a call of the house.

SENATOR ENGEL: There is a call of the house. All those senators please return to their seats. Oh, I'm sorry. I'm sorry. I'm new at this, Senator Chambers. All those in favor of a call of the house please vote aye; opposed, nay. Record, Mr. Clerk.

ASSISTANT CLERK:      10 ayes,      0 nays      to go under call,  
Mr. President.

SENATOR ENGEL: The house is under call. Would all senators return to their seats. Record their presence, Mr. Clerk. (Visitors introduced.) Senator Aguilar, Senator Beutler, Connealy, Heidemann, Kruse, Senator Kruse, Senator Raikes, Senator Smith. Senator Smith. Senator Chambers, we're all in attendance. How would you like to proceed?

SENATOR CHAMBERS: Machine vote.

SENATOR ENGEL: Machine vote. All those in favor vote aye; all those opposed vote nay. Has everybody voted that cares to? Clerk, record.

ASSISTANT CLERK:      3 ayes, 20 nays on the motion to reconsider,  
Mr. President.

SENATOR ENGEL: Motion failed. Next motion, Mr. Clerk. The call is raised.

ASSISTANT CLERK: Mr. President, Senator Chambers would move to amend with FA165. (Legislative Journal page 1195.)

SENATOR ENGEL: Senator Chambers, you're recognized to open.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, this amendment would strike lines 10 and 11 from page 1. I will read those lines: "County board means the county board of commissioners or supervisors of a county that

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has adopted the act." So this definition is designed to suggest a different definition for county board than the ordinary one. What is added to this definition, to distinguish it from the general definition, is that it applies only to counties which have adopted this act. I'd like to ask Senator Louden a question.

SENATOR ENGEL: Senator Louden.

SENATOR LOUDEN: Yes.

SENATOR CHAMBERS: Senator Louden, I wonder if this definition means...is saying what you mean. When the county board adopts by resolution a coordinated program for the management of these animals, do they do that by adopting this act or do they adopt the program?

SENATOR LOUDEN: They do it by resolution.

SENATOR CHAMBERS: Well, this says "County board means the county board of commissioner~~s~~ or supervisors of a county that has adopted the act." The only way they can function is if they adopt this entire act. That's what the definition says. Was that your intent?

SENATOR LOUDEN: Well, the definition pertaining to this act is where you mention county board throughout the act there, after they...on the management plan. That's...that was the intentions, the reason that's put in there like that.

SENATOR CHAMBERS: But here's what...here's what the county board would do. They would have a resolution, say resolution of whatever county board it is, and say the county board of whatever county hereby adopts the Black-Tailed Prairie Dog Management Act, and that's all they have to adopt because that's what the bill says, by definition. They adopt the act. Is that what you meant...

SENATOR LOUDEN: Yeah.

SENATOR CHAMBERS: ...for them to have to do?

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SENATOR LOUDEN: Okay. It's this...yeah, they adopt the plan by resolution. This isn't mandatory that a county gets involved with the black-tailed prairie dog management because if they don't have any...

SENATOR CHAMBERS: I know, but here's what I'm saying...

SENATOR LOUDEN: ...black...any prairie dogs, there's no need for them to get involved with it.

SENATOR CHAMBERS: Here's what I'm saying. We have a county that feels it has a problem with these prairie dogs and it wants to offer a resolution. This bill says that the resolution would have to be done by the county adopting this act. Otherwise, the county does not fall under this bill. The only counties that this bill applies to are the counties that adopt the act itself, adopt the act itself. Was it your intention that if a county wants to have one of these programs they have to adopt everything in this act? Was that your intent, that they...

SENATOR LOUDEN: Yes.

SENATOR CHAMBERS: ...have to adopt the act itself?

SENATOR LOUDEN: Right.

SENATOR CHAMBERS: So they would have to adopt also this language, "Original Sections 81-2,236 and 81-2,237, Reissue Revised Statutes of Nebraska, are repealed." They would have to adopt that, too, wouldn't they, because that's a part of the act?

SENATOR LOUDEN: Yeah, I would suppose. I think some of that is what Senator Beutler wanted in one of his amendments. He wants one of those deleted in there, I think.

SENATOR CHAMBERS: But that's what they would have to have in their resolution, all of this language. You're aware of that, aren't you?

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SENATOR LOUDEN: I...

SENATOR CHAMBERS: That wasn't the intent, was it?

SENATOR LOUDEN: ...I don't know if I'm exactly aware that the whole bill would have to be, but I suppose this part in here, there would have to be something in there that they adopt those sections like you mentioned, I suppose. I'm not that familiar with (inaudible).

SENATOR CHAMBERS: Okay. Well, here's what I'm getting at. Would you look on page 1, at lines 10 and 11, which I'm proposing to strike, and I know when I told people I was going to go section by section they thought there was nothing that could be taken issue with. Have you had time to get to lines 10 and 11 on page 1?

SENATOR LOUDEN: Yes.

SENATOR CHAMBERS: Okay. This is the language, "County board means the county board of commissioners or supervisors of a county that has adopted the act." If they don't adopt the entire act, they don't fit the definition of a county board under this bill. So if that amendment...if that language is not changed then the resolution has to read, this county board hereby adopts the Black-Tailed Prairie Dog Management Act, that's it, and they all have to adopt that and everything in it, right?

SENATOR LOUDEN: Yes, I think so. I'm not that familiar with law work and that sort of thing, but I think...I think that's correct.

SENATOR CHAMBERS: Now, if they have to adopt the entire act, it may not be enough just to give the title. They would probably have to reproduce the act in their resolution because Section 1, which gives the name of the act, might not be enough just putting that, so they would have to set forth everything in this bill that constitutes the act, including the language described...oh, that's all I'll ask you, Senator Louden. Thank you. They would have to include the language on page 4, which

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sets out the notice form, on page 5 that continues to give official notice information and carries on to page 6, and everything in this act would have to be in their resolution. Maybe that's what's intended. That's why some of this stuff ought to be eliminated from this bill. For example, if you turn to page 11, the only amendment given to Section 81-2,236 is that they insert the words, in two places, "black-tailed prairie dogs and other." But the county board would have to adopt all of this language on page 11 when it's not essential to the county putting in the resolution what it wants to do. But because of the definition of what constitutes a county, if the county does not adopt every word that's in this act, the act does not apply to the county. If that's the intent, well, they achieved it, but I doubt that that is the intent. Now, that's an easy way to write a definition, but it's not the best way, in my opinion. The next amendment that I would offer or, if I don't have...I may have something before it, would talk about the director, which means the director of Agriculture, or his or her designated representative. Can fault be found with that? If you look hard enough, you can find fault with anything. But right now I'm focusing on this definition of county board. You ought to just strike it. The county board definition doesn't need to be here. When you get down to line 21, that language starts by saying a county may adopt by resolution and carry out a coordinated program for the management of these animals, and goes on to give what is entailed when they adopt it. Then, when you go to page 2, in line 1, starting with the first full sentence, "When a county adopts such a resolution, the county shall assume the authority and duties provided in the act and the provisions of the act shall be applicable to persons owning or controlling property within the county." You don't need this definition,...

SENATOR ENGEL: One minute.

SENATOR CHAMBERS: ...but if you keep it then you might be requiring the county to put more...the county board to put more into its resolution than is necessary. Does it hurt anything? Not at all. It wouldn't actually hurt anything if you would say the county must adopt, word-for-word, everything in this act plus all of the words in the Nebraska Constitution, and their

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resolution could say that and it wouldn't hurt anything, but it wouldn't help either. And it is not an efficient, clean method for making clear what it is that the county is intending to do. So my proposal is that you strike this definition because you don't need it. Throughout the bill it refers to what the county is to do once the resolution is adopted.

SENATOR ENGEL: Time. (Visitors introduced.) Mr. Clerk, do you have items for the record?

ASSISTANT CLERK: Mr. President, one item. Senator Chambers has an amendment to LB 673 to be printed. (Legislative Journal page 1205.)

I do have a priority motion. Senator Kremer would move to adjourn until Tuesday, April 19, 2005, at 10:00 a.m.

SENATOR ENGEL: Senator Kremer, could you report to the Chamber, please.

SENATOR CHAMBERS: We don't have a motion before us.

SENATOR ENGEL: Mr. Clerk, do you have items for the record?

ASSISTANT CLERK: Mr. President, Senator Flood would move to adjourn until Tuesday, April 19, at 10:00 a.m.

SENATOR ENGEL: The motion is, shall we adjourn? All those in favor say aye. The question is, shall we adjourn? All those in favor vote aye; all those opposed say (sic) nay. Mr. Clerk, please record.

ASSISTANT CLERK: 10 ayes, 4 nays on the motion to adjourn, Mr. President.

SENATOR ENGEL: We're adjourned till next Tuesday at 10:00 a.m. Have a good weekend.

Proofed by: J. Hurlbut