

APRIL 20, 2005

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April 20, 2005 LB 709
 LR 80

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Good morning. Welcome to the George W. Norris Legislative Chamber. Our acting chaplain this morning is Senator Heidemann. Senator Heidemann, please.

SENATOR HEIDEMANN: (Prayer offered.)

SENATOR CUDABACK: Thank you, Senator Heidemann, for doing that for us. Senator Heidemann represents the 1st District. Would call the sixty-fourth day of the Ninety-Ninth Legislature, First Session, to order. Senators, please check in. Record please, Mr. Clerk.

ASSISTANT CLERK: There's a quorum present, Mr. President.

SENATOR CUDABACK: Are there any corrections for the Journal?

ASSISTANT CLERK: No corrections this morning.

SENATOR CUDABACK: Any messages, reports, or announcements?

ASSISTANT CLERK: One item, Mr. President, LR 80 by Senator Stuthman; that will be laid over. (Legislative Journal pages 1225-1226.)

SENATOR CUDABACK: Thank you, Mr. Clerk. We now go to Select File, 2005 senator priority bills. Mr. Clerk, LB 709.

ASSISTANT CLERK: Mr. President, on LB 709 there are E & R amendments. (AM7080, Legislative Journal page 1129.)

SENATOR CUDABACK: Senator Flood, for a motion, please.

SENATOR FLOOD: Mr. President, I move the adoption of the E & R amendments to LB 709.

SENATOR CUDABACK: The motion, to adopt the E & R amendments to LB 709. All in favor say aye. Opposed, nay. The E & R amendments are adopted. Mr. Clerk.

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ASSISTANT CLERK: Mr. President, Senator Byars would move to amend with FA145.

SENATOR CUDABACK: Senator Byars, you're recognized to open on FA145 to LB 709. Senator Byars.

SENATOR BYARS: Thank you, Senator Cudaback. I, after just a few comments, am going to withdraw FA145. We have worked on language in an amendment that Senator Erdman will follow me with that I think is adequate to address the needs of low-income, elderly, and disabled individuals that I felt was missing from this legislation. Senator Erdman and I have worked to put appropriate language that I feel will address not cost shifting to providers, and at the same time, to make absolutely certain that we look at the needs of the people of the state of Nebraska, and so...and that will enable me to support LB 709, if that amendment is adopted. So at this time, I would ask the Chair's permission to withdraw FA145.

SENATOR CUDABACK: So granted. FA145 is withdrawn. Mr. Clerk, next amendment.

ASSISTANT CLERK: Next amendment, Senator Beutler would offer AM1079.

SENATOR CUDABACK: Senator Beutler.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, I intend to withdraw and do withdraw this amendment and also the next amendment. Senator Erdman has been very good to work with, and everything is being incorporated in one amendment. Thank you.

SENATOR CUDABACK: Thank you, Senator Beutler. AM1079 is withdrawn, as well as...Mr. Clerk...

ASSISTANT CLERK: Mr. President, AM1191 is also withdrawn.

SENATOR CUDABACK: AM1191 is also withdrawn. Members, it's a little "buzzy" in here, so would you please, out of respect for the members, please try to hold it down. Thank you very much.

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Mr. Clerk.

ASSISTANT CLERK: Senator Erdman would offer AM1249.
(Legislative Journal page 1226.)

SENATOR CUDABACK: Senator Erdman to open on AM1249 to LB 709.

SENATOR ERDMAN: Thank you, Mr. President, members of the Legislature. AM1249 is a result of discussions I've had with Senator Beutler and Senator Byars. It is an attempt to try to address some of the final concerns, or at least alleviate some of the concerns that are out there. The amendment, as drafted, does four specific things. The first part of the amendment, on page 1, line 14, of the E & R amendments, it would strike the word "has" and insert the word "may." That is language that refers to whether or not the program has become fiscally unsustainable or whether it may become fiscally unsustainable, and I think that's an argument that we can go back and forth and it doesn't make sense to hassle over that. So we're willing to change that from "has" to "may." The second thing it changes is a request or as a further clarification, I believe, from Senator Jensen, to change the word "mitigate" to "moderate," and that was something that Senator Jensen had worked out. The third provision of the bill moves some of the previous amendments that were adopted to the intent language of the bill. Senator Byars had an amendment that we adopted, and what we have done is taken that language and have worked with it to further clarify it and have then moved that language into the intent. And so the new language would read, "It is the intent of the Legislature that such plan consider and address: (a) The needs of low-income, disabled, and aged persons currently receiving Medicaid services; (b) avoiding the shifting of the primary costs of healthcare services to providers of care; (c) the appropriate role of county government in providing healthcare services; (d) the availability and affordability of private healthcare insurance and long-term care insurance; (e) the personal responsibility of persons, who are able, to select and provide for all or a portion of the payment for their healthcare services; and (f) the fiscal sustainability of such plan." Finally, the last part of AM1249 adds the language that we discussed on General File with Senator Beutler about the

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council, the advisory council having the ability to review the final plan that would be submitted. That recommendation, or that review and recommendation would be made and submitted to the Governor and the Legislature on or before December 14, 2005. Those are the...that's what the amendment does. I believe it's agreed to by those who we've been working with, both Senator Byars and Senator Beutler, based on their comments on General File, and also their comments between then. I would encourage your adoption of AM1249. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Erdman. You've heard the opening on AM1249, offered by Senator Erdman to LB 709. Open for discussion on that motion. Senator Byars.

SENATOR BYARS: Thank you, Senator Cudaback. I think the language in the amendment to the E & R amendments is reasonable. I think it gives the opportunity and very clearly states to the committee as they study, whether whatever we want to do to take another look at Medicaid and how we want to change it, leave it the same, or enhance it, that we clearly state that it is the intention of this Legislature to ask the committee to make certain that the needs of those people who are low-income, who are elderly, who are disabled, that they're taken into consideration, and the needs that they have are met by whatever proposal is brought back to this Legislature. And I'm confident that that's the direction we're giving the committee, and obviously we'll have the opportunity, with the changes in the bill out of the...as the committee amendments were brought forward, this Legislature will have an opportunity to look at it once again in our next legislative session. But at this point, as the bill is being proposed to be amended by the Erdman amendment to the E & R amendments, I am in support of that language and feel this adequately protects both those receivers of services and those providers of services, and enables us to look at how we use the resources of the state of Nebraska. I would yield the balance of my time to Senator Erdman, if he would like to have it.

SENATOR CUDABACK: Thank you, Senator Byars. Senator Erdman, did you wish to use some of Senator Byars' time?

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SENATOR ERDMAN: No, that's fine.

SENATOR CUDABACK: Thank you, Senator Erdman. Further discussion on AM1249. Senator Jensen.

SENATOR JENSEN: Thank you, Mr. President, members of the Legislature. I might just add, I have a floor amendment I hope that we can amend onto this amendment that just simply clears up a little bit of the language that we had with Senator Flood, in that we were looking at perhaps...well, actually, how best can we maximize Medicaid, and how can we do that? Should we go to a consultant...bring a consultant in? And we talked about that as this bill was on General File. Should we contract with that firm? Should we do it internally? There certainly will be a great deal of discussion between the individuals working on this bill and CMS in Kansas City, and to see how best that we can expand the Medicaid coverage into our state. It's very, very important. You probably have seen a couple of the articles, the editorial in the World-Herald on Sunday, also talking about the Medicaid issue and what that total Medicaid issue means to the state of Nebraska, and if we continue down this road without at least looking at Medicaid, at least looking at education and how are we to fund state government from this time on. Again, looking...if we don't do anything, we have a specific problem in the years 2014 and thereafter. So we have introduced the amendment at this point in time, and I would just ask your consideration. First of all, I applaud Senator Erdman for working with Senator Byars and Senator Beutler in coming up with, I think, is a very good solution to the things that were addressed on General File, and I would urge adoption of AM1249, and with that, I'll return the rest of my time back to the Chair.

SENATOR CUDABACK: Thank you, Senator Jensen. (Doctor of the day introduced.) On with discussion. Senator Erdman.

SENATOR ERDMAN: Mr. President, am I recognized to close, or are you recognizing me to speak?

SENATOR CUDABACK: You are not recognized to close, no, Senator.

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SENATOR ERDMAN: I will waive.

SENATOR CUDABACK: We have a motion that we're waiting to run through. Mr. Clerk, please.

ASSISTANT CLERK: Mr. President, Senator Flood would move to amend the Erdman amendment. (FA168, Legislative Journal page 1226.)

SENATOR CUDABACK: Senator Flood, you are recognized to open.

SENATOR FLOOD: Thank you, Mr. President, members. This floor amendment, as we've discussed it with Senator Erdman and with, obviously, Senator Jensen and I co-authored this, thanks to the counsel for the Health and Human Services Committee--this amendment essentially makes the intent of the study consider, are we as Nebraskans getting as much Medicaid money into the state as possible? Now it does not have an A bill on it. This concept was originally introduced in LB 618, which was then merged into LP 551, and in consideration of the \$175,000 fiscal note, we thought it was best to have this committee that was looking at Medicaid examine whether or not we, as a state, are maximizing the money that we can get from Medicaid, to make sure that we fully fund projects like behavioral healthcare reform and so many other services that rely on Medicaid dollars. At this time, if Senator Jensen would like any of my time, I'd be happy to yield so he can further explain this, as we continue to bring it up on our computers.

SENATOR CUDABACK: Senator Jensen.

SENATOR JENSEN: Thank you, Mr. President, and I think Senator Flood explained it as well as I was talking on the previous time that I was here on the floor. The amendment just really says that we will do whatever we can to maximize Medicaid through behavioral health and other issues, to ensure that we are getting the federal share of what the state can endeavor to do. We all know that there is a movement in Washington to reduce Medicaid. I have indicated to our representatives back there nationally that we want to be very, very careful if we do that, because I think there would be a shifting of costs from the

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federal government back to the states. So this is all part of that. I would just ask that you would approve the...and endorse the Flood amendment. Thank you.

SENATOR CUDABACK: Thank you, Senator Jensen. Senator Flood, did you wish to use the remainder of your time?

SENATOR FLOOD: Thank you, Mr. President. I'd like to yield a minute to Senator Erdman, if he so desires.

SENATOR CUDABACK: Senator Erdman.

SENATOR ERDMAN: Thank you, Mr. President. Senator Flood, if it wasn't that it was such a good idea, I would call you irresponsible and all kinds of nasty names, but since I agree and you've done this accordingly to meet the concerns of the Chairman, I'm agreeable to your amendment.

SENATOR CUDABACK: Thank you, Senator Erdman. Senator Flood.

SENATOR FLOOD: Mr. President, Senator Erdman and Senator Jensen's fine comments, I would return the balance of my time to the Chair. Thank you.

SENATOR CUDABACK: Thank you. You've heard the opening on FA168, which is an amendment to the Erdman amendment, AM1249, to LB 709. Open for discussion. Anybody wishing to discuss FA168? Seeing no lights on, Senator Flood, I recognize you to close.

SENATOR FLOOD: Thank you, Mr. President and members. This is a quick floor amendment that essentially just says that as part of our study under LB 709, that the group will consider whether or not Nebraska is maximizing the dollars we get for Medicaid, and if there is concern that maybe we are not, then they will make suggestions regarding how we could go about maximizing that, whether by contracting with a national entity or working within our competent system over at Health and Human Services. So there is no money attached to this; this will not cause an A bill to increase the funding. This is a commonsense approach to try to resolve an issue that we all have some concern about, whether or not we're getting as much Medicaid funding as

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possible. I would turn the balance of my time to the Chair. Thank you.

SENATOR CUDABACK: Thank you, Senator Flood. You've heard the closing on FA168. The question before the body is, shall that amendment be adopted to AM1249? All in favor of the motion vote aye; those opposed, nay. The question before the body is adoption of the Flood amendment, FA168, which is an amendment to the Erdman amendment, AM1249, to LB 709. Have you all voted on the question who care to? Record, please, Mr. Clerk.

ASSISTANT CLERK: 34 ayes, 0 nays on the adoption of Senator Flood's amendment.

SENATOR CUDABACK: The Flood amendment has been adopted. Any further amendments, Mr. Clerk?

ASSISTANT CLERK: Mr. President, I have nothing further to the Erdman amendment.

SENATOR CUDABACK: Senator Erdman, there are no lights on, so the Chair will recognize you to close on AM1249.

SENATOR ERDMAN: Thank you, Mr. President, members of the Legislature. I appreciate your willingness this morning to continue this discussion. Senator Flood's amendment, I think, is appropriate, and I would encourage your adoption of the Erdman amendment. Again, it's been a work product that's come out of a result of discussions with both Senator Beutler and Senator Byars, as well as others. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Erdman. You've heard the closing on AM1249. The question before the body is, shall that amendment be adopted? All in favor vote aye; those opposed, nay. The question before the body is the Erdman amendment, which is an amendment to LB 709. Have you all voted on the question who care to? Record please, Mr. Clerk.

ASSISTANT CLERK: 36 ayes, 0 nays on the adoption of the Senator Erdman's amendment.

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SENATOR CUDABACK: The amendment has been adopted. Mr. Clerk,
next motion.

ASSISTANT CLERK: Mr. President, Senator Synowiecki would move
to amend with AM1209. (Legislative Journal page 1227.)

SENATOR CUDABACK: Senator Synowiecki, to open on AM1209.

SENATOR SYNOWIECKI: Thank you, Senator Cudaback, members, good morning. Senator, if you recall on General File for LB 709, Senator Chambers and I had two quite similar amendments which focused on Medicaid beneficiaries and their accessing of healthcare, and that to have a full and complete study that there was an attempt to include the private sector insurance...private sector employment, so that we don't do this in a vacuum and focus solely on those that are...that we don't focus solely on those that are participating in the program, but that we include within the study and any legislation that may come about, the private sector role relative to private insurance. This amendment is a result of working with the Department of Health and Human Services and it significantly simplifies what we attempted to do on General File. This amendment, AM1209, takes the providers entirely out of this loop. If you'll recall, during General File there was some concern relative to the...how this approach would perhaps tax the providers, and unnecessarily so, and how it kind of convoluted that situation. AM1209 simply provides that the department report those that have enrolled in the Medicaid program and are eligible for Medicaid benefits--the employee and/or employee's spouse. The amendment includes and continues to include the 25-employee threshold, so that we are focusing primarily on some of the state's larger employers. The department reports that they can now issue a report such as this. I think it's important that we include this provision as part of this LB 709. Perhaps this data will be available when the Legislature convenes next year, so that the Legislature can consider the information and the data that will be obtained, and so that this data can be included as we continue to search for remedies for the Medicaid expenditures in our state, and that we don't do it in a vacuum, as Senator Byars has repeatedly warned us not to, and that we include the private sector employer and

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private sector insurance...we include this data within this approach. I would hope that members could find to adopt AM1209. It is a much more simplified version of the amendments that were run on General File, but yet I think it gets to what we need to focus on, and that is the role of private insurance, private sector insurance, and its corresponding relationship with our Medicaid expenditures. Thank you, Senator Cudaback.

SENATOR CUDABACK: Thank you, Senator Synowiecki. Open for discussion on AM1209, offered by Senator Synowiecki. Senator Synowiecki, I do not...there are. Senator Howard.

SENATOR HOWARD: Thank you, Mr. President, members of the body. I rise to support good Senator Synowiecki on this amendment. This is information that is certainly vital to looking at the entire picture of Medicaid. In light of the private businesses requesting additional assistance from the state in terms of tax breaks, et cetera, I think we need to be very aware of the benefits they are providing their employees, and so I thank John for bringing this...Senator Synowiecki for bringing this amendment forward. And I return the remainder of my time to the Chair. Thank you, sir.

SENATOR CUDABACK: Thank you, Senator Howard. Further discussion? Senator Dwite Pedersen.

SENATOR Dw. PEDERSEN: Thank you, Mr. President, members of the Legislature. This is a little bit off the line of what we're talking about, but I wanted to...being as we've got a bureaucracy involved here, the Department of Health and Human Services, I wanted to bring up another bureaucracy at this time and ask you if you all read the World-Herald this morning, and why they closed the Hastings Regional Center prison. I've been trying for months to get numbers, even over a year to get numbers from the Department of Corrections and from our own Fiscal Office, on what's going on in Hastings with money. The World-Herald made it very clear this morning that it had nothing to do with INS not sending us enough prisoners to fill that place, but it had to do with price. You might read in the end of it that the federal office for INS has been approved to spend \$58 a day on inmates. And usually the federal government pays

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pretty good. But the state of Nebraska has been charging \$78 and asked for \$93. They're leaving, as I see it, because we don't know how to manage our dollars again. I think we need to keep a close eye on all these bureaucracies and get accurate numbers from them, whenever we're working in these (inaudible). I support Senator Synowiecki's amendment; I support Senator Erdman's bill, but this was just an opportunity for me to get up and say something about, we need to keep, as senators, our eyes on numbers and get exact and direct numbers from all of these bureaucracies, so we know what we're working with. It's in the World-Herald. Thank you.

SENATOR CUDABACK: Thank you, Senator Pedersen. Further discussion? Senator Chambers. Is Sen...he is. You are recognized, Senator.

SENATOR CHAMBERS: Thank you, Mr. President, members of the Legislature. I have an amendment very similar to Senator Synowiecki's, and I have not had time to take the bits in mine which differ from his, so I'll put my amendment on the desk and I hope that it would be adopted. Then, before the bill is actually taken up on Final Reading, we will have the opportunity to meld the two amendments together. And I will tell you where mine differs. The first part of it is very similar. You're talking about these companies that have signed the agreement to receive the tax incentives. We are the same when it comes to saying, give the name and address of the business. I would also want the number of employees of the business. Then a specific question, instead of presuming this, whether the business offers health benefits to its employees, and if so, the nature and scope of the health benefits. That would mean whether or not there is total coverage, whether there is partial, what percentage of the premiums the employee may be required to pay, or if...the company might say, we'll pay for yours, but none of the family members. Then the number of employees and the number of spouses or dependents of employees who are covered under this health plan, and the nature and scope. Then this report will be submitted annually on February 1 to the Health and Human Services Committee of the Legislature, and the Revenue Committee of the Legislature. This would make sure that although the bill that we're talking about is limited in its reach, this

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particular report would be something ongoing. Any of these companies that have signed these agreements or will sign them, will have to provide this kind of information. So whereas the amendments are very similar, and I supported Senator Synowiecki's wholeheartedly, I'm asking that you adopt this one, also. I'm not sure whether it has appeared on your gadget yet. The staff is very efficient, but sometimes when there are people such as myself who are last-minute comers...well, bless my beard, they have it on the gadget. So if you look on the gadget you will see exactly what my amendment says. If you have any questions of me, I'm prepared to answer them. I will say again, the reason I'm doing it in this way is because I did not have enough time to properly craft an amendment to Senator Synowiecki's amendment, and I did not want the body to accept something other than what Senator Synowiecki was offering us, which was well thought out, and can stand on its own. I did not want to add something to that, which may not have been as carefully and appropriately drafted as it should be, and put a hasty amendment on it. So I'm asking that you adopt this one, and then it will be accompanying the bill. Senator Synowiecki and I, and if Senator Jensen has any interest or his staff, we will work together and create one amendment that will include all of these factors. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Further discussion? Senator Erdman. Is Senator Erdman on the...yes.

SENATOR ERDMAN: Thank you, Mr. President. Members of the Legislature, I looked at Senator Synowiecki's amendment and I have expressed some verbal support for the idea, and I'm trying to gather from the department whether or not the language in the bill, or the amendment, is as necessary and as far-reaching as it needs to be, or is as limited. I think that information is currently available; it's just a matter of being able to get that information. And so I'm going to continue to try and discuss with Senator Synowiecki and possibly Senator Chambers about maybe a way to better resolve their concerns and accommodate their goals, as well. So I will...hopefully will get a chance to visit with them off the mike here, and we can further discuss these amendments. Thank you.

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SENATOR CUDABACK: Thank you, Senator Erdman. Senator Schimek, followed by Senators Jensen, Byars, and Redfield.

SENATOR SCHIMEK: Yes, thank you, Mr. President, members. I just have a quick question of Senator Chambers, if I might, Mr. President.

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

SENATOR CHAMBERS: Yes, Mr. President, I will respond.

SENATOR SCHIMEK: Senator Chambers, I started to ask you, or I did ask you this a minute ago, but my question was, should this report include report as to whether these are part-time or full-time employees or not, because some, you know...would that be included in the scope of the report, or could you tell me a little bit more what you started to tell me, off the mike?

SENATOR CHAMBERS: Yes, Senator Schimek, to your question, that would be included, but the language as crafted here, may not make that completely clear, and that's why I didn't want anybody to think this is the final form. But since you and I talked, Senator Erdman came to me and asked that I delay in having the body accept this, let the bill move forward, and then we craft an amendment which includes everything and that's worked out, then pull it back from Final, which he doesn't mind doing. And I don't have any objection to the procedure, and I will talk to you and others to make sure that we include those items. And it's so important, because as I point out, with this amendment, it will be an ongoing requirement that this report be available from every one of these companies that signs up to get these incentives.

SENATOR SCHIMEK: Well, and I fully support both amendments, the concept, but I think that maybe, if it has a little bit more time to simmer, maybe some other ideas will come forth, so I thank you for that explanation.

SENATOR CUDABACK: Thank you, Senator. Further discussion? Senator Jensen.

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SENATOR JENSEN: Thank you, Mr. President, members of the Legislature. And it is marvelous that we can sit here and take an amendment up, and in a matter of moments it occurs on our desktop and we put a man on the moon. The only thing...you know, I could forget the pay raise, if we could get air conditioning, if we could even get the air coming in to this Chamber, it would be much appreciated. Well, I'm hearing no to the pay raise. But anyway, either air conditioning or better deodorant or whatever it takes. But this is getting a little bit testy, to come in here in the morning with a beautiful day outside, and fresh air, and to come into this stale environment. (Laughter) Thank you. Anyway, I do appreciate both what Senator Synowiecki and Senator Chambers are asking for. It is something that we need to, in Medicaid reform, look at insurance from private companies, look at the uninsured, look at where people go from either private insurance or without private insurance onto the Medicaid rolls. So it is certainly an area that should be done. I would agree, I think, with Senator Erdman and Senator Chambers, that perhaps, rather than do this amendment now, that we allow this to go to Final Reading, then pull it back on a Final Reading, if that's Senator Erdman's understanding, also...to...that would give us time to work with everyone to bring this in, and then we introduce the amendment, rather than to put two amendments up there and then have to juggle with that, to bring it back. Each time you do an amendment, of course, you have to make a motion to bring it back from Final Reading. So I would just as soon pass this on to Final Reading, and get everybody together, come up with an amendment that will fit everyone's needs, and then move forward. With that, I would give the rest of my time to Senator Erdman, if you wish to comment on that.

SENATOR CUDABACK: Senator Erdman.

SENATOR ERDMAN: Thank you, Mr. President. Thank you, Senator Jensen. That is the discussion that I've had with Senator Chambers and Senator Synowiecki. I think there's a demonstrated desire to have this information available, and there's some question on whether or not we can access that information now, and I believe we will have the opportunity to address this by

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bringing it back on Final Reading. And I believe that Senator Synowiecki and Senator Chambers are agreeable to working between now and then for one amendment that would then be offered, and it's my understanding that these amendments will be withdrawn this morning. So we'll work on it and hopefully have a work product that will be satisfactory for everyone involved before this bill is voted on, on Final Reading. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Erdman. Senator Byars.

SENATOR BYARS: Thank you, Senator Cudaback. Thank you, colleagues, and thank you, Senator Jensen, my esteemed Chair of the Health and Human Services Committee. Your new-found sense of humor is very appreciated. We're getting global, Senators. We're getting where we need to get. We're taking this study and we're including people that need to be included, we're protecting people that need to be protected, we're looking at the needs of the providers of services in the state of Nebraska. We're looking at the insurance and long-term care industry and their involvement. With these amendments that I know can be worked out, I see...sense a real feeling of cooperation to get to a point where we involve what happens, as far as business incentives in the business community is concerned. It has to be part of this process. And I want to commend everybody for working so hard to try to come together to get this conclusion. Obviously, we'll have to wait to see what the amendment is when we get to Final Reading, but Senator Erdman is being fully cooperative in saying, hey, I'll allow this to be brought back, so that we can put appropriate amendments on the bill that make it better. We're all amenable to that, and I am so grateful for the fact that we're moving out globally. We aren't...we were so narrow in this initial piece of legislation, and this is getting where we need to do to get an appropriate study, and I want to thank my colleagues. And now we're starting to get repetitive and I won't yield my time to anybody. I give the balance back to the Chair...to the Speaker.

SENATOR CUDABACK. Thank you, Senator Byars. Senator Redfield.

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

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body. If I could ask a question of Senator Synowiecki, please.

SENATOR CUDABACK: Senator Synowiecki.

SENATOR SYNOWIECKI: Yes.

SENATOR REDFIELD: Thank you, Senator Synowiecki. I know that you're going to be working on the language of the bill, and I just want to follow through with you on the intent of the language you'll be putting together. I know that in a number of employment situations an employee may elect not to take coverage. They may take a stipend instead, or they may just decide that they don't want the coverage because they're covered by a spouse at another employment, or, in fact, they just don't want to pay their share of the premium. Would something like that be included in this, as well as Senator Schimek's concern about part-time, full-time workers?

SENATOR SYNOWIECKI: Yes, Senator Redfield. I agree that that needs to be a part of the data we receive, and, in fact, under my amendment as well as Senator Chambers', there are provisions where the data will include whether the employer offers health benefits to its employees. Senator Chambers' version is a bit more specific, in that it goes into the nature and the scope of the health benefits. My amendment, as it is currently written, simply...there's data there to be collected on whether it's offered or not. So we need to know that. We need to know that information; that is, are employees deciding not to enroll themselves in their employer's health insurance plan, and electing to go to the Medicaid rolls, or is there a deficiency...or is the deficiency in employers not offering the benefit to begin with?

SENATOR REDFIELD: I appreciate that. Thank you very much.

SENATOR CUDABACK: Thank you, Senator Redfield. Further discussion? Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, the reason I explained the amendment I put up there while Senator Synowiecki's is pending, is so that you would be aware

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that there are two items. I am trustful of Senator Erdman, but I know he's not the only one with an interest in this bill, so I'm going to withdraw my amendment when I am recognized, after we dispose of Senator Synowiecki's, one way or the other. And I will work with Senator Synowiecki, Senator Erdman, and whoever else has an interest, to make sure that this information that my amendment is requesting will be put into this bill. There will be additional specifics. You might take a huge operation like Wal-Mart, which I think needs no money from this state. Wal-Mart ought to be giving some money to this state. They might give people these nickel-and-dime jobs, no health insurance, and other things which ought to be done by one of these huge operations, which is to be a good neighbor. So we ought to at least be able to find out what they are and are not doing. My amendment does not mandate insurance; all it does is requires that information be given. I did tell Senator Erdman that in letting the bill go to Final Reading, I am not spiking my weapons. If something happens on the way to the forum, I will do all I can to kill this bill. This information, I think, is essential and I think it's reasonable. I have no reason to think that Senator Erdman will not abide by what he is offering here, as a way to deal with what Senator Synowiecki and I have an interest in. But in a legislative setting, in a political arena, all types of things happen. Although Senator Erdman is young, far younger than I am, they make coffins for young people, too. He could croak. They even make real short coffins for those who cannot walk, so age and condition in life does not necessarily ensure longevity. Should Senator Erdman--may it not happen--croak before we get the opportunity to properly amend this bill, I will then see that the bill meets the same fate which Senator Erdman unfortunately will have met. So when my amendment comes before us, I intend to withdraw it. But the issue will not be gone at that point. Everybody, I believe, is acting in good faith. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Synowiecki, there are no further lights on. I will recognize you to close on AM1209.

SENATOR SYNOWIECKI: Thank you, Senator Cudaback. Thank you, members, for the discussion. I'm glad and happy that there

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seems to be a general recognition that there is indeed a corresponding relationship between public expenditures for Medicaid and private sector employee health benefits. I agree with Senator Erdman, Senator Chambers. We'll work together, between now and Final Reading, and work with the department to come up with some language that works, so that we can have this important data as we embark on looking at this situation. Very briefly, Senator Chambers' amendment focuses on employers that have a contract under the Employment and Investment Growth Act and them sorts of programs, while mine does not. Mine has a 25-employee threshold, so that our focus is on our larger employers. Other states that have done this have found some very, very interesting information compiled. And we need to have that. We need to have the information, I think, as we embark on looking at some LB 775 retooling legislation. It would be wonderful if we had this type of data and information at our disposal. And hopefully we can work with the department to get some of this data without this amendment, and that we can have this type of information as we embark on conversations relative to retooling our incentive programs in our state. I want to thank again the members. I want to thank Senator Erdman, and we will...I will withdraw the amendment, with the agreement that we will work between now and Final Reading, to reconcile Senator Chambers' approach and my approach into one amendment. Thank you, Senator Cudaback, and with that, I withdraw AM1209.

SENATOR CUDABACK: AM1209 is withdrawn. Mr. Clerk, next motion.

ASSISTANT CLERK: Mr. President, Senator Chambers would offer AM1135.

SENATOR CUDABACK: Senator Chambers, to open on AM1135.

SENATOR CHAMBERS: Mr. President, I will withdraw that amendment.

SENATOR CUDABACK: AM1135 is withdrawn. Mr. Clerk, anything further on the bill?

ASSISTANT CLERK: Mr. President, I have nothing further.

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SENATOR CUDABACK: Open for discussion. Senator Beutler.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, the budget is going to be around next week, the session is moving on, we're coming to the point in time where we're going to be amending bills into other bills. And Senator Mines and myself have asked permission from Senator Erdman to attach a bill to this bill, that has been worked on for a considerable length of time by counsel to the Banking Committee and by the sponsors and by the large insurance companies. And this bill we call, for lack of a better short name, a coordination of benefits bill. It all goes back to the work of the Performance Audit Committee last year, when we went in and looked at the Medicaid billings. You all are aware that we take care of a great number of people in our institutions, and some of those people have insurance coverage, and the state goes back and requests of those providers, of the insurance companies, money to cover the services that are rendered by the state. But what we discovered is that there is a huge problem, in terms of the response of some insurance companies for information. And I want to emphasize that it's the response of some insurance companies, not all insurance companies, by any means. However, even making that distinction, we have built into our budget an assumption that this bill will pass, and that the state will be saving in the area of \$3 million over the next two years. That's how important this area is. Health and Human Services is reporting that they are simply having trouble getting insurance companies to respond to them, and in our performance audit, that seemed to be true. It also seemed to be true that Health and Human Services had some problems of its own. But we've moved to try to make progress in all of these different areas. And in terms of getting greater cooperation from the insurance companies, we started working with the insurance companies on what's called a coordination of benefits bill, provisions that give closer direction with respect to what is expected of insurance companies, when requests of information are made. So what the bill would provide I will set out shortly. I wanted to just briefly give you an introduction to the idea, and Senator Mines has his light on and he can tell you his perspective on it. But let me say this: The two largest insurance companies,

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Mutual of Omaha and BlueCross BlueShield, are all together on this amendment. They're in agreement on the amendment. We've been working for several weeks with AFLAC, and that's what has delayed this bill. We have worked back and forth with them for two or three weeks now, and have come to...

SENATOR CUDABACK: One minute.

SENATOR BEUTLER: ...the point of greatest agreement that we can reach, given what the department thinks is necessary in order to proceed on this matter. So it's in good shape, and we're going to file that amendment in a couple of minutes, but I wanted to let Senator Mines speak and introduce you to his perspective on this particular bill, and then I'll tell you more about it.

SENATOR CUDABACK: Thank you, Senator Beutler. Senator Mines.

SENATOR MINES: Thank you, Mr. President, colleagues. Let me, maybe from the Banking Committee's perspective, bring you up to speed on what Senator Beutler has been talking about, LB 589. As he explained, it's a coordination of benefits bill. Banking Committee advanced the bill with committee amendments unanimously, and what has transpired is, we've got...we've had some differences between insurance companies and HHS, as you can expect. Those differences have been brought together and they are about as good as they are going to get right now. And maybe if no one is particularly happy with an amendment, then that's a pretty good settlement. Senator Beutler has done the heavy lifting, put the bill together, the committee did our work, and we've come up with sufficient amendments to ensure that all parties are equally damaged, and Senator Beutler has a final amendment that would bring this all together. So with that, Mr. President, thank you.

SENATOR CUDABACK: Thank you, Senator Mines. Senator Beutler. Senator Beutler, you're recognized to speak, if you care to, followed by Senator Erdman. Which one wishes to speak? Senator Beutler, you're the winner.

SENATOR BEUTLER: Senator Cudaback, I think the amendment has been filed.

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

ASSISTANT CLERK: Mr. President, Senator Beutler would move to amend. (AM1256, Legislative Journal pages 1228-1232.)

SENATOR CUDABACK: Senator Beutler, open on your amendment.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, this is the coordination of benefits amendment, and basically, again, what it does is to set up a program of responses on the part of the insurance companies, a program by which they will have to respond to requests for information. And it defines what "coordinating benefit" means, and I want to read that to you. It says that the insurer will provide the Department of Health and Human Services information regarding the licensed insurer's or self-funded insurer's existing coverage for an individual who is eligible for a state program, for a state benefit program. So in other words, they need to make a reasonable response. The coverage information that can be requested is health information possessed by a licensed insurer or self-funded insurer that is limited to the following information about an individual: their eligibility for coverage, the coverage of healthcare under the health plan, or benefits and payments associated with the healthcare plan. And a health plan under this coordination system means a policy of insurance issued by a licensed insurer, or any employee benefit plan offered by a self-funded insurer which provides for payment to or on behalf of an individual, as a result of illness, disability, or injury, or a change in a health condition. And then it goes on and provides for an enforcement provision. It indicates that the failure to provide...to give access to information shall be subject to the Unfair Insurance Claims Settlement Practices Act, and it provides also for limited civil penalties on behalf of the department, and in case of flagrant violations and conscious disregard for requirements, for additional types of penalties. Again, the two major companies that do almost all this work, or the vast majority of the work, are Mutual and BlueCross BlueShield, and they have agreed to this. It's been worked out mutually. The only insurance company we've had a prolonged discussion with has been AFLAC.

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They don't always provide that payment goes to providers. They sometimes provide that payment goes directly to the individual, and they did not want those kinds of insurance policies included. We have distinguished out those kinds of insurance policies, and require them only to respond with respect to those types of policies that provide direct payment to providers, as is the case with BlueCross BlueShield and Mutual of Omaha. So the bill is in good shape. This has been a little awkward, because the amendment came down so slowly. And I want to respond to Senator Erdman. I don't want to lay this on him if he doesn't want it, or if the body doesn't want it, but I think it's a very good bill. It will mean an extra \$1 million or \$2 million...or between \$2 million and \$3 million over two years into the budget, which will be helpful for all of us, and make room for a few more small A bills, perhaps. So it's a good piece, and if you all want to do it now, it would be good to get it done. If you or Senator Erdman would like to delay it, we'll try to find another carrier for it, but I'm frankly worried about whether there will be a place for it before the end of the session, if we don't take advantage of this opportunity. So that's where we are. Thank you.

SENATOR CUDABACK: Thank you, Senator Beutler, for opening on AM1256 to LB 709. Open for discussion. Senator Erdman.

SENATOR ERDMAN: Thank you, Mr. President. Members of the Legislature, I'm a cosponsor of the underlying bill, LB 589, and it's not that I don't have an interest in seeing that satisfactorily resolved--I think I do. My concern is that prior to ten minutes ago, I wasn't aware that there was going to be an attempt to amend it into this bill, and therefore, I was not aware of any potential amendments. And so it's not that I'm opposed to it. My personal comfort level would obviously be that I could--and if it's just me, then maybe the body can proceed--but it would be to have a chance to review this, and then, you know, at that point, I think, Senator Beutler, LB 709 is an appropriate vehicle, whether it's, you know, today or on Final Reading, which would be my preference. My goal would be working with Senator Chambers and Senator Synowiecki, not saying, we're going to accept your amendment, when I don't know exactly the ramifications of it, and at the same time asking

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them to withdraw theirs. I don't think that's fair to those individuals, and I would be willing, you know, to look at this, and I think it's...I think it's absolutely an issue that needs to be looked at. I think the results of the study that came out of the Performance Audit Committee would prove that. But I just think of a fairness issue, plus the lack of knowledge to the body of what it is that we're trying to adopt. So that's my reservation. It has absolutely nothing to do with the merits of the underlying amendment. I think if the merits of the underlying amendment are borne out, we will have this as an amendment on LB 709 on Final Reading, and the body can adopt it. But of course, we have to also address the concerns of Senator Chambers, and depending upon the results of those, this may not be an appropriate vehicle for this amendment. So I'm trying to figure out the appropriate way to be fair to the members that have been collegial this morning and still accomplish the goal that others would like to have in this area. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Erdman. Further discussion? Senator Beutler, are you available?

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, we gave you an idea of what the bill is all about, and what the amendment is all about, and I think Senator Erdman is definitely right. It's unfair to ask him to proceed in this situation, so I'll withdraw the amendment, and I hope you'll keep it in mind. And with his permission, we'll try it on Final Reading. Since the bill is going to be brought back anyway, we'll try to bring it back and put it on at that particular point in time, if the body is amenable to that. But Senator Erdman's point is well taken, and I withdraw the amendment, Senator Cudaback.

SENATOR CUDABACK: Thank you, Senator Beutler. Senator, the amendment is withdrawn. Further discussion? Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I want those people who are supporting this bill to keep one thing in mind. This bill was heading for death. This bill was going to be killed. Senator Beutler has what I consider to be a rational amendment. If those who support this bill think that

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they've got so much momentum that it cannot be stopped, I want to disabuse them of that opinion. We don't have to get Senator Erdman's permission to offer any amendment. The body doesn't need his permission to vote to adopt an amendment. This might be new for him to manage a bill that seems to be of this magnitude and apparent complexity. People have bent over backwards to cooperate, but he and others need to know that the introducer does not dictate what goes into a bill. He or she may try to do so. When it comes out here, it's the property of the Legislature. I've had bills, and I've worked with senators, and I accepted amendments they offer, because they were good amendments, and we'd move right on. I've had bills that people might want to put something else on, to which I objected. I would point out that I'm going to fight it, that I'm the one who offered the bill. I know what the purpose is, and if you adopt this amendment, whatever it happens to be, it would be over my strenuous objection and I will keep in mind what you did, and I'll pay you back. That's the difference between me and other senators, and I want the new senators to know this. When I'm allowed to be easy-going, I'm easy-going. If it was possible to get good legislation and kill off bad legislation by smiling, I would smile my way through the entire session. But I don't want my good spirit, my accommodating nature, to be misperceived. I know how to fight, I know how to slash and cut, I know how to burn. And if I'm pushed to that, I will do it. This Legislature is not my life. I spend a lot of my life here, but it is not my life. I have a life other than the Legislature. I wrote a rhyme today and at some point I'm going to read it. I don't lead a life of quiet desperation. I don't take my identity from being a member of this Legislature, fed by lobbyists, made to feel that I'm somehow more than what I know that I am. But when I leave here, the lack of self-confidence comes into play, and I'm alone and I have to face the world, and that false bravado that might take place on this floor when the lobbyists are patting you on the hand...on the shoulder, wherever they pat you, and none of that is present. How do you stand up then? How do you measure up then? Not very well. We're in the latter days of the session, and we all have our agendas. I make mine clear, and I will do whatever is possible and legal under the rules to achieve the goals that I think I, as a member of the Legislature, should achieve. If Senator

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Beutler wants to forego offering an amendment...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...that's up to him. To show my collegiality, I withdrew an amendment of mine so that it could be worked out, because it was not in final and correct form, based on the fact that it would have to blend with an amendment that Senator Synowiecki has. But if Senator Synowiecki had not offered his amendment, I would have offered mine and pushed for its acceptance, and had it been rejected, I would have rejected the bill. And there are others on this floor who still don't like this bill. It is not what we consider to be in perfect form, but we have worked to try to take away some of the objections and to bring it closer to what might be considered at least a plausible bill, under the circumstances. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Chambers, you are recognized.

SENATOR CHAMBERS: Thank you, Mr. President. I may as well finish what I started. This is the perfect time. This bill is going to move, even though I'm not satisfied with it. It should let you know that I don't try to stop everything that does not meet with my approval, at every step along the way. If there are people who in good faith are willing to do additional work at a later stage of consideration, I'm willing to do it, because for my part, the time is going to be taken. It will be taken today or it will be taken later. It will be taken here, or it will be taken there. But in any case, it's going to be taken, and the result is going to be one that I think is appropriate, or I will fight. Do I think I'm the only one who can fight? I'm not even concerned about that. I'm not responsible for what anybody else does or does not do. I'm responsible for me. I'm responsible for what I do. I'm not going to get anybody's permission to function in the way I think I should as a legislator. I don't need anybody's affirmation that I know this, that I know that, or I'm able to do this or that. As I say in quoting Harry Belafonte from time to time, I've been working for my pay for a long, long time. And I'll add, I'm

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nobody's boy. I'm Lillian Chambers' son, but I'm nobody's boy. And I don't want that forgotten, and I don't forget the fact that I'm a black man in a white legislature, either. And I am never going to take low on this floor, and I will never do or say anything that will make black people ashamed of the fact that they sent me down here. I did not come here to grovel, to swallow spit, to get along and carry water for the lobbyists, the Governor, any senator on this floor, or any collection of senators on this floor. We all know what the reality is around here. We know what the reality is in this state. But if people treat me decently, they cannot treat me more decently than I will treat them. But if they choose another method of dealing with me, I will be more than their even change. We're going to have some very contentious bills coming up, and I'll tell you right now, I'm going to do everything I can to kill those that I don't like. Senator Foley has one. He knows it. Oh, Senator Combs has raised her hand with four fingers, meaning it's five fingers, a four-finger. But if she meant all fingers to represent the number of fangs, she's not over exaggerating. And she knows that. And there are other bills that I'm going to take time on, time, time, time, and you cannot stop me. Young Senator Flood, in whom I have a great amount of confidence, but I saw where he signed onto a bill talking about assaulting a fetus. Senator Flood and others, they can sign onto whatever they want to, but when that bill comes up, we're going to go at it nose to nose, toe to toe. When you bring that mess out here, you're going to be in for a battle. And I'm going to do everything I can--I'm going to use ridicule, mockery, taunting, scorn--to get a lawyer to show me how you can charge and get a conviction against a person for assaulting what's called an unborn child, when it's smaller than a period made by a typewriter. Sheer madness. But when people are hooked up in this religion and these dogmas that they want to have put into law,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...they need to know that I'm here to stop it. And I'm going to do everything I can, and if every other senator is afraid and takes cover and runs and hides, I shall not. They can bring all the churches they want to, all the

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priests, the deacons, the archdeacons, the subdeacons, the bishops, the archbishops, the cardinals, the pope, the head of the Baptist church, Billy Graham, Jimmy Swaggart--I put them all in the same basket, because they're all the same. They've got me to contend with for at least three years and a few months, and I just thought, Mr. President, I ought to say that for the record. Thank you.

SENATOR CUDABACK: Thank you, Senator Chambers. (Visitors introduced.) Further discussion on advancement of LB 709. Seeing no lights on, Senator Flood, you're recognized for a motion.

SENATOR FLOOD: Mr. President, I move the advancement of LB 709 to E & R for engrossing.

SENATOR CUDABACK: You've heard the motion to advance LB 709 to E & R for engrossing. All in favor of the motion say aye. Opposed to the motion say nay. Ayes have it; LB 709 is advanced. Mr. Clerk, LB 689.

ASSISTANT CLERK: Mr. President, with respect to LB 689, I do have E & R amendments. (AM7082, Legislative Journal page 1133.)

SENATOR CUDABACK: Senator Flood, for a motion, please. Senator Flood, you're recognized.

SENATOR FLOOD: Mr. President, I move the adoption of the E & R amendments to LB 689.

SENATOR CUDABACK: You've heard the motion to adopt the E & R amendments to LB 689. All in favor of the motion say aye. Opposed, nay. The E & R amendments are adopted.

ASSISTANT CLERK: Senator Beutler would move to amend with AM1109.

SENATOR CUDABACK: Senator Beutler, you are recognized to open on AM1109 to LB 689.

SENATOR BEUTLER: Mr. Speaker, I withdraw that amendment.

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SENATOR CUDABACK: AM1109 is withdrawn. Mr. Clerk, anything further on the bill?

ASSISTANT CLERK: Mr. President, I have nothing further.

SENATOR CUDABACK: Open for discussion. Senator Chambers, on advancement of LB 689.

SENATOR CHAMBERS: Mr. President, friends all, I've done a considerable amount of thinking about this bill. I had asked for some information that would give me an idea of the type and quality of education which would be provided or facilitated through what this bill is aiming to bring into being. I would like to ask Senator Stuhr a question or two.

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

SENATOR STUHR: Yes.

SENATOR CHAMBERS: Senator Stuhr, in its present form, what will this bill do, for the record?

SENATOR STUHR: This will establish a task force of 16 members to come up with an improvement plan for technology across the state of Nebraska, and also to try and coordinate that technology. And that report and improvement plan will be reported to the Legislature next December, and then there will be legislation probably brought forth at that time, next session.

SENATOR CHAMBERS: And, Senator Stuhr, at such time as any legislative proposal is presented, anybody who has an interest, a concern, or questions, will be able to have all of that thoroughly aired in the context of legislation offering a specific proposal; is that correct?

SENATOR STUHR: Yes, that is correct. There, I believe, will probably be about four meetings of the task force. You know, that has yet to be determined, but there will also be an opportunity for some hearings, that there may be input from the

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public and members of the Legislature.

SENATOR CHAMBERS: Senator Stuhr, I'm going to ask you one of the hardest questions you may ever be asked to answer on this floor, but it is within your power to answer it.

SENATOR STUHR: All right.

SENATOR CHAMBERS: And it's a yes or no question. Are you prepared, Senator Stuhr?

SENATOR STUHR: I think so.

SENATOR CHAMBERS: Senator Stuhr,...

SENATOR STUHR: Yes.

SENATOR CHAMBERS: ...do you like me?

SENATOR STUHR: Yes.

SENATOR CHAMBERS: You don't have to answer. That's all I'll ask you. Thank you. Members of the Legislature, Senator Stuhr did give me the information, samples of the kind of information that I wanted, and the bill is not putting in place any changes in the current system. It is putting together a task force which we all hope will bring us some information that will give us guidance in establishing whatever policy may be incorporated into a legislative proposal next session, if the world doesn't end before then. If it does, we don't have to worry about it. But in any case, I no longer have any concerns about the bill. I have no further questions, and I will support what Senator Stuhr is trying to do. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Further discussion on advancement of LB 689? Senator Flood for a motion, please.

SENATOR FLOOD: Mr. President, I move the advancement of LB 689 to E & R for engrossing.

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SENATOR CUDABACK: You've heard the motion to advance LB 689 to E & R for engrossing. All in favor of the motion say aye. Opposed to the motion, nay. LB 689 is advanced. Mr. Clerk, LB 689A.

ASSISTANT CLERK: Mr. President, there are E & R amendments. (AM7083, Legislative Journal page 1134.)

SENATOR CUDABACK: Senator Flood for a motion, please.

SENATOR FLOOD: Mr. President, I move the adoption of the E & R amendments to LB 689A.

SENATOR CUDABACK: You've heard the motion of Senator Flood to adopt the E & R amendments to LB 689A. All in favor say aye. Opposed, nay. The E & R amendments are adopted.

ASSISTANT CLERK: Nothing further pending on the bill, Mr. President.

SENATOR CUDABACK: Senator Flood, for a motion.

SENATOR FLOOD: Mr. President, I move the advancement of LB 689A to E & R for engrossing.

SENATOR CUDABACK: Heard the motion to advance LB 689A to E & R for engrossing. All in favor say aye. Opposed to the motion, nay. LB 689A is advanced. Mr. Clerk, we now move on to LB 38.

ASSISTANT CLERK: Mr. President, there are E & R amendments. (AM7084, Legislative Journal page 1144.)

SENATOR CUDABACK: Senator Flood, for a motion, please.

SENATOR FLOOD: Mr. President, I move the adoption of the E & R amendments to LB 38.

SENATOR CUDABACK: You've heard the motion to adopt the E & R amendments to LB 38. All in favor say aye. Opposed to the motion, nay. The E & R amendments are adopted.

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ASSISTANT CLERK: Nothing further on the bill, Mr. President.

SENATOR CUDABACK: Senator Flood, for a motion.

SENATOR FLOOD: Mr. President, I move the advancement of LB 38 to E & R for engrossing.

SENATOR ERDMAN: Board vote, please.

SENATOR CUDABACK: Board vote has been requested. All in favor of advancing LB 38 to E & R for engrossing vote aye; those opposed, nay. The question before the body is advancement of LB 38 to E & R for engrossing. Have you all voted on the question who care to? Record please, Mr. Clerk.

ASSISTANT CLERK: 30 ayes, 8 nays on the motion to advance the bill, Mr. President.

SENATOR CUDABACK: LB 38 does advance. That finishes that portion of Select File. We now move on to Select File, 2005 Speaker Priority Bill. LB 682, Mr. Clerk.

ASSISTANT CLERK: Mr. President, with respect to LB 682, there are no E & R amendments; there are no other amendments to the bill.

SENATOR CUDABACK: Open for discussion on advancement. Senator Redfield.

SENATOR REDFIELD: Thank you, Mr. President, members of the body. I have been speaking with Senator Schimek, and if you recall, she had different time frames within this bill as to how we would handle a vacancy. One of the concerns I have expressed to her and her office is that we don't really have a separate provision for vacancies that would occur after the primary has already established the candidates, up until that August 1 date. I do not have language drafted, but I wanted to give you a heads-up that I would be bringing an amendment on Final Reading, and Senator Schimek has been very gracious to allow me to do that. And I will be proposing something very similar to what the committee has already adopted for August 1 through the

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actual general election. I just wanted to give everyone a heads-up, so that you will have time to look at that when it's filed. Thank you.

SENATOR CUDABACK: Thank you, Senator Redfield. Further discussion on advancement of LB 682? Anything further on the bill, Mr. Clerk?

ASSISTANT CLERK: Nothing further, Mr. President.

SENATOR CUDABACK: Senator Flood for a motion, please.

SENATOR FLOOD: Mr. President, I move the advancement of LB 682 to E & R for engrossing.

SENATOR CUDABACK: The motion is to advance LB 682 to E & R for engrossing. All in favor of the motion say aye. Opposed to the motion, nay. LB 682 is advanced. We now move on. Next portion of the agenda, General File, 2005 senator priority bills, Bourne division. Mr. Clerk, LB 673.

ASSISTANT CLERK: Mr. President, LB 673. (Read title.) The bill was read for the first time on January 19 of this year, referred to the Agriculture Committee. That committee reported the bill to General File. It has been considered previously. There are committee amendments pending. Amendments to the committee amendments by Senator Louden, Beutler, have been adopted. Currently, we're considering FA165, offered by Senator Chambers. (Legislative Journal page 1195.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Louden, would you give us a quick recap of the contents of LB 673, please?

SENATOR LOUDEN: Thank you, Mr. President and members of the body. LB 673 is intended to provide a management plan for the black-tailed prairie dog. The bill is drafted to allow, not to require, counties to adopt the Black-Tailed Prairie Dog Management Plan. Not all counties in Nebraska have a problem with prairie dogs. That is the reason LB 673 is drafted so that counties may adopt the plan if they have areas that require management to allow the ecosystem to support a range of wildlife

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and agriculture. The intent of the bill is to allow counties with prairie dog overpopulation to be able to exercise control of any encroachment onto adjacent property if they are not wanted. I believe that the bill is reasonable and consistent with existing Nebraska policies for dealing with problem wildlife. Individuals have the responsibility to take care of problems on their property. And if they do not, the local government may address the problem and charge the landowners for the cost. The bill does not require landowners or counties to eradicate prairie dogs. Several amendments have been adopted during the General File debate--one that I offered, and several that Senator Beutler has offered. I believe that these amendments have improved the bill. I think it is in good shape to be advanced to Select File. And if there are suggestions for amendments to be offered on Select File, I'm ready to work with interested senators to do so.

SENATOR CUDABACK: Thank you, Senator Louden. Senator Kremer, as Chairman of the Ag Committee, would you like to give a recap of the Ag Committee amendments to LB 673?

SENATOR KREMER: Okay. Thank you, Mr. President and members of the body. I think Senator Louden really did...was referring mostly to the committee amendments. The bill as originally started was that the counties had to do this. And it comes now to just free and permissive, probably at the urging of some landowners to be...have them come in and be a partner in writing some ways to control the prairie dogs in cooperation with the Forest Service and the Department of Agriculture. In the committee amendments, the Department of Agriculture really becomes more of an advisory group, rather than being directly involved. It's just permissive. There probably wouldn't be a lot of counties that do it. But if it became a problem, they would. And it simply asks the counties to write a management program of how they can control that. I think maybe Senator Louden did not mention the two amendments that we have adopted--Senator Beutler's amendments that would give a 48-hour notice before anyone would come on the property of the landowner to investigate what the situation was; and also, if a landowner where the prairie dogs were moving onto did not object, then there would be no plan to do anything. And it's really a

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management act, and a way to preserve the prairie dogs places that they are wanted by landowners that want them. But if they start to migrate onto some other property, then there would be a means to try to control that. I think that pretty well summarizes the committee amendments. And thank you.

SENATOR CUDABACK: Thank you, Senator Kremer. Senator Chambers, you had an amendment up, FA165. Would you like to inform the body what FA165 does?

SENATOR CHAMBERS: Yes. And Mr. President, in keeping with a very brief explanation, it would simply strike lines 10 and 11 from page 1 of the committee amendment which is before us. Thank you.

SENATOR CUDABACK: You're recognized, your time starts now, on discussion of FA165 to the committee amendments to LB 673. Senator Chambers.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I have received numerous calls on this bill, in favor of what I'm doing. Maybe those are the only people who will call. But one man said he doesn't want to have to kill his prairie dogs. He referred to them as, quote, my prairie dogs. In view of our discussion, I have a question that I want to ask of Senator Louden.

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

SENATOR CHAMBERS: I will speak a while, and then I'll ask him after a while.

SENATOR CUDABACK: Fine.

SENATOR CHAMBERS: But this is what the question would be. If there are two pieces of property adjacent to...oh, Senator Louden, I would like to ask you a question.

SENATOR CUDABACK: Senator Louden, are you...a question from Senator Chambers.

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SENATOR LOUDEN: Yes.

SENATOR CHAMBERS: Senator Louden, if we have property A and property B abutting each other, and prairie dogs are on both properties, and the one who owns property B does not want them there and makes a complaint to the county, which has accepted the responsibility of implementing one of these programs, how will the determination be made as to which property the prairie dogs originated from?

SENATOR LOUDEN: Well, if the prairie dogs are already there, I don't know if there's any way of determining where they originated from. I suppose the property owner that doesn't want them would probably be implementing some kind of procedure to be eradicating them and moving them off, or taking care of them, or whatever it is, on his property. And then, if he's done that and then they still keep encroaching, then I suppose they would go to the county. I wouldn't think they would go to the county until he's probably tried to get rid of them first and found out that it wasn't working.

SENATOR CHAMBERS: Let's say we had a person who was not as honest as you and me, and he decided that this is a way to get the county to make his neighbor do something about the prairie dogs on his land. Let me get this so that it's clear for the record. Landowner B wants to require landowner A to get the prairie dogs off landowner B's property. So although prairie dogs are on both landowner A's property and landowner B's property, landowner B goes to the county and says, these animals came from landowner A's property onto mine, and I want landowner A to have to do something about them. And let's say the county took the position that you stated, of being unsure of exactly where the origin of these animals would be. So landowner B would take steps to try to eradicate the animals. These steps would be unsuccessful, and animals would still be there. It seems to me that the same problem would continue to exist, because a determination still may not be made as to where they originated. Let's say they in fact originated on landowner B's property. And because of the activity undertaken by landowner B, they just scoot across that property line into

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landowner A's property. When the dust has settled, they return to landowner B's property. And maybe that's where they originated in the first place. What about language that would say, if the dogs are on...are found on both pieces of property, neither owner will be responsible for the prairie dogs on the other owner's property? What about something like that?

SENATOR LOUDEN: Well,...

SENATOR CUDABACK: One minute.

SENATOR LOUDEN: ...I'm...like I said before, I'm not a lawyer on that part. I...if you think that would be something that would clarify the rules, why, I...yeah, I would agree to it. I'd have to look it over, something like that. To say so right here and now, to...you know, to agree to it, I don't know that much about it. But...

SENATOR CHAMBERS: Oh, no. I'm not asking you to agree. I'm trying to show problems that I see with this bill, no matter how it's drafted. It's something like having underground water. You're not going to be able to confine it arbitrarily to a piece of land or property, when that above it is separated by an artificial line drawn by a surveyor. The water is going to move, as will these animals. And that's why I'm against the bill, no matter what form it takes. But I'm trying to point out problems that others may not have considered, who think this is a straightforward, easy matter to contend with. Thank you, Mr. President. Because my time is up.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Beutler, followed by Senator Chambers, on FA165.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, I'm just intending to speak once, or at most twice, to pass on to you some additional information that came to me from a fellow who lives out west, who is interested in natural communities and in the whole prairie environment and that kind of thing. And I pass on this information not so much to suggest changes that in the context of the twenty-first century environment Senator Louden would be able to make to this bill. I mean, he

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identifies a problem. We need to deal with it. But I want to...this information made me realize for the first time sort of how prairie dog towns work in the natural environment. And I wanted to pass it on to you, so that you could understand what fences and individual pieces of property mean in terms of consequences to this ecological system. And this fellow, I'm not going to give you his name, because I didn't ask permission to quote him. But he's kind of capsulized this down into a couple of large paragraphs that really gives you an understanding of it, I think. And if you can bear with me, I'm just going to read the paragraphs, because I don't think it can be better stated. And apparently, these...much of this information comes from the Integrated Principles of Zoology, which is a book that many people apparently know about. A healthy prairie dog community can be considered a biological oasis. Six times as many predators can be found within a prairie dog community, other than in the open prairie. A large abundance and variety of birds, reptiles, and insects exist within and are associated with prairie dog communities. According to the Bureau of Land Management, 10 species of amphibians, 15 species of reptiles, 101 species of birds, and 37 species of mammals utilize and make up the community, to feed within, or for shelter. The larger organic mass equates into more abundance of the mites, nematodes, and other tiny organisms needed for soil aeration. This process is mandatory for healthy prairie biomass when grazed by the large compacting hoofed animals, such as cattle or bison. And here's the sentence that's most interesting to me: A healthy 100-acre prairie dog community rotates, nurtures, and aerates 200 to 400 acres as it floats along the prairie. Any attempt to stop that floating action is cause for stagnation, which has been proven by current practice. To create a successful plan, it should implement a rotation flow formula, producing more forage and carrying capacities, just as good land stewards have been doing for years. In other words, a prairie dog town in the natural environment wouldn't sit in one place, but rather, over time, would slowly migrate around the prairie to where the grass was. And in the place where it had been, certain things would be reenergizing the land. And not only would the soil be reenergized, but he goes on to talk about what happens when water falls in...on the prairie. When water falls on a prairie

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dog community, it falls on soil filled with what hydrologists call microspores, tunnels larger than a millimeter in diameter. Elsewhere, the entire soil profile,...

SENATOR SCHIMEK PRESIDING

SENATOR SCHIMEK: One minute.

SENATOR BEUTLER: ...from the surface of the earth down to the water table, needs to be saturated before water can percolate down to the table freely. But soil containing microspores doesn't need to be saturated, for microspores promote rapid transit of water through the soil. This process, called short circuit bypass flow, violates a basic tenet of soil water theory. Prairie dog burrows allow water that would ordinarily not make it past the root zone to bypass the whole struggle and move directly to the water table. The soils in prairie dog towns are moister than soils in the surrounding area. And according to the hydrologist, a higher soil moisture increases the total volume of water that percolates downward. The high-intensity, short-duration rainfall that the plains are likely to receive is the type of precipitation most apt to enter macrospores and be rapidly funneled below the root zone. And in that area,...

SENATOR SCHIMEK: Time.

SENATOR BEUTLER: ...the whole Sandhills is acting as a sponge, which is the groundwater that irrigates much of our state.

SENATOR SCHIMEK: Thank you, Senator Beutler. Senator Chambers, you're recognized to speak.

SENATOR CHAMBERS: Madam President, I couldn't get my shirt on in time, and it was...it is not mine. But it...the caption says "Chimney Rock, Colorado," and it shows the most charming, delightful groundhog family that a person could imagine. And I was going to put the shirt on, because a young lady wanted me to have it for use during this debate. And I had promised her mother, who delivered it, that I would put it on. I did not realize the bill would come up as soon as it did. But I at

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least want her shirt to have made its appearance on the floor. What also was delivered to me by some very charming, intelligent women, is "Belevedere," a black-tailed prairie dog. Belevedere, in his right paw, has a sign which says, my name is Belevedere; please vote no on LB 673. How could any person who has a heart other than one made of stone resist the appeal of Belevedere the black-tailed prairie dog? Some of the other calls I got touched on information of the kind that Senator Beutler was reading about the valuable service provided by prairie dogs. Poor range management, not only in Nebraska, but other states where cattle are raised, cause problems with the entire ecosystem. When you read the supporters of this bill, when you read their comments, they talk about a decrease in the assessed value of land where prairie dogs may be found; therefore, they think the prairie dogs should be eradicated. Senator Louden has talked about the money-producing capacity of land, which capacity will be diminished if not limited...eliminated by the presence of prairie dogs. He refuses to allow language, or agree to accept language which says that eradication is not an option, while continuing to tell us and the public that this is not an eradication bill. If you want to stop water from moving in a channel in its natural course, you dam it. You cannot tell the water, stop flowing downhill, and expect it to do it. You cannot stop these animals from migrating. The only available remedy, if you want to call it a remedy, is to exterminate or eradicate them. Senator Louden knows that. The people who want this bill passed know that. I certainly know it, if they don't. And it's a policy that I'm going to oppose. Throughout this session, if, somehow, this bill moves, that will not end this lengthy discussion. And I will carry the discussion into other bills, too, and get my time on it. And the Legislature has to determine how much of the remaining session...

SENATOR SCHIMEK: One minute.

SENATOR CHAMBERS: ...they want to spend on this bill. I was given an abundance of information by a gentleman who knows a lot about prairie dogs, and is in agreement with the position that I'm taking, not because I'm taking it, but because it is the right one. But I didn't bring the information, though I was sorely tempted to just read and educate my colleagues on what

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has actually occurred and what is occurring. I sent you all a rhyme this morning. And about that rhyme and what is in it I'm as serious as a heart attack. These bad bills are brought out here, and I'm going to resist them. The amendment that I have, which is pending, so that the...

SENATOR SCHIMEK: Time.

SENATOR CHAMBERS: ...record is clear, is to strike lines 10 and 11 from page 1. Thank you, Madam President.

SENATOR SCHIMEK: Thank you, Senator Chambers. Senator Louden, your light is next.

SENATOR LOUDEN: Thank you, Madam President and members of the body. One thing this bill is, is a management tool. And some of the senators have talked about going out in the western end of the state and seeing the beauty out there, the forested areas, the trees of Pine Ridge area. That didn't happen because people let that go back to nature. The reason that's like that is because of the management plans that have been in place over the years. I don't know if any of you are familiar, but we had the Chadron State Park fire probably 25 years ago and so, and devastated a whole area. And yet, when you drive through there now, those buttes are still bare of trees. So there was a lesson to be learned then, that we had to have some type of fire control in the area. That went on. And then we had the fire that...south of Crawford, whatever that one was called. And that was a huge fire. Went to the west, jumped to Highway 20 with...by leaps and bounds, covering probably quarter of a mile at a time when it was burning at its greatest. Devastated huge areas out there. So there was other ideas. Now the management plan, then, that the Forest Service has, is, they thin those trees in areas, and do away with what's called laddering, with the dead trees that lean against other trees, to cut down on the fire hazard. The National Forest Service is working at that. Some of the state forestry people are working on that, and they're trying to get the Game and Parks Commission forest areas to follow suit. And this is all a management plan, so that we do have some natural resources out there that are worthwhile. That whole country at one time was devastated of trees. There

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weren't that many trees out there in the early days, because I grew up around a fellow that came into the Chadron area back in the...around the 1885 or nineties. He came in the early days, and told about what few trees were there. Nonetheless, this has all been a way of managing the wildlife, managing the environment that's there, all to the better. There are bighorn sheep now in that area. They've had bighorn sheep hunting seasons, which was something unheard of forever. No one can remember...has any idea when the last time bighorn sheep were in the area. Right now, there's quite a herd of elk being in there, so that there's elk to be seen. And they have some recreation through the hunting of elk, and revenue. These are all tools that have been managed with...been used to manage the wildlife that's there. This LB 673 is one more tool, because of the devastation that they've caused in some of the grassland areas. And this is on the Ogallala grassland area, which is federal lands, for the most part, a lot of it is. They've completely eaten the vegetation off. And when they talk about the water percolating in there, the idea is, if it does rain, it's probably going to wash silt and debris down into the watershed in some of the Hat Creek area, and some of that places like that. So Senator Beutler's...what he read from the zoology book, wherever it was--and I've seen that report before--is probably true in some areas, but it doesn't necessarily always work in areas of western Nebraska. The areas where I live were prairie dogs at one time. They've been moved out of there. We got rid of...that's how they got rid of the rattlesnakes in there. When he talks about the different animals that live in there, you got to take into consideration the rattlesnakes. Also, with that report, it doesn't take into consideration that there are other ways...

SENATOR SCHIMEK: One minute.

SENATOR LOUDEN: ...for these animals to survive. So really, this is just another management tool that I would like to see used. And this is something that there's probably about 40 counties at the most that are involved in this. And this is something that they could certainly use in the areas where they do have a problem. A problem is...exists out there. The problem has to be solved. This is one more tool in the use of

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trying to take care of it. Thank you, Madam President.

SENATOR SCHIMEK: Thank you, Senator Louden. Senator Chambers, you're recognized to speak. And I believe this is your third time, Senator.

SENATOR CHAMBERS: Yes, it is. Thank you, Madam President. I feel cranky this morning. So to calm me down, I'm going to read a rhyme. It's called, cloture: food for thought. If they vote for cloture, what have I lost? Nothing. But what to them may be the cost? Have they not reckoned that one single bill much of the rest of the session may kill? Getting that instant rush makes them feel glad. Like methamphetamine, it may drive them mad. Not actually drive them mad, for you see, I'm merely speaking by analogy. "Frustrated" and "vexed" are more to the point, much like a foot or a nose out of joint. Let them vote cloture. Then may we see whether they deliver the session to me. Clumping together makes frightened folk brave. Clumping together's the only way to save each and every bill that's left to be debated. Every sponsor's vote with 32 must be mated. Does that need explaining? I can't say. And so, since it is uncertain, I'll explain it, whether or no. If they vote cloture, assisting Senator A, they must be prepared to so vote the rest of the way. If I should decide to push them to the wall, can all senators look for a successful cloture call? Cloture they may ask for today; tomorrow they'll be daunted. They'll have what they asked for, but it won't be what they wanted. When they cross that fateful line which cannot be uncrossed, they perhaps may win a little, while a lot is lost. Am I saying every bill will need a cloture vote? Maybe so and maybe no. Still, it's wise to note, over every bill there hangs the sword of Damocles, prompting wise folk to walk light, and also not to sneeze. Delicately things be balanced in these latter days of the session. Exercising prudence always pays. Always pays, if exercised before a hasty act. One cannot the sword of Damocles stay after the fact. Let the heedless vote for cloture. Let them take that chance. Hence I've offered, but I'll not disclose all in advance. When they are alone at night, with time to brood and think, they can second-guess their choice to tumble over the brink. Lobbyists, and no one else, will dry night perspiration as they face a nervous life of quiet

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desperation. Let me say another thing before this rhyme is through. The bill to kill the prairie dogs has got an A bill, too. If the main bill took eight hours, clearly there's a chance that A bill must endure the same eight-hour dance. That's not all. The whole truth must be told. I shall not fudge it. Looming on the near horizon is the (shudder) budget. Having laid the case before you, there's no more to tell. Cloture carries consequences with it, mark you well. How much time do I have, Madam President?

SENATOR SCHIMEK: One, forty-two.

SENATOR CHAMBERS: I'm going to have to complete the rest of this during my close. It's an ode, in a sense, to my good friend Senator Friend, who generally is here. But he's gone. Maybe he sensed what I was going to do, and felt I would treat him like my colleagues apparently want to treat the prairie dogs. But this debate needs to continue, and this bill needs to die. I want Senator Louden and all the others on this floor who say they know so much about the western part of the state to tell me about the odors of manure, the...

SENATOR SCHIMEK: One minute.

SENATOR CHAMBERS: ...other foul odors produced by pig operations and feedlots. Those items which encroach on the quality of life for others are not confined to that land. And they do far more to damage the quality of life than what these prairie dogs will do. But I'll go into more detail on that as we proceed. Thank you, Madam President.

SENATOR SCHIMEK: Thank you, Senator Chambers. Senator Stuthman, you're recognized to speak.

SENATOR STUTHMAN: Thank you, Madam President, members of the body. I'm not able to follow up on the act that has just preceded me. I could give some poetry, when I was in grade school, of the little things that I used to do in humorous readings, like "Little Orphant Annie," things like that. But what I would realistically like to do, but I think he's engaged in the discussion with the Speaker right now, is that I think,

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you know, there are things that affect the land, you know, with having the prairie dogs there. And I wanted to discuss a little bit with that. But I think he's engaged into a discussion. So with that, I will leave him in that discussion, and I'll return the balance of my time to the Chair. Thank you.

SENATOR SCHIMEK: Thank you, Senator Stuthman. Senator Howard, you're recognized to speak.

SENATOR HOWARD: Thank you. Thank you, Madam Chairman...President, and bodies...and members of the body. I recently read an article in the Omaha World-Herald regarding the Lewis and Clark explorers. And the keelboat, a replica of the keelboat that they traveled in, will be stopping in Nebraska over the summer months. And along with the reenactors on the discovery, for each event they have, will be "Pee Dee the Prairie Dog," from the Nebraska City Lewis and Clark Center. Pee Dee represents the prairie dog and...that the explorers captured in present-day northeastern Nebraska in 1804, and sent to Thomas Jefferson aboard a keelboat. I think it's significant to note that the prairie dog is such a figure of Nebraska, and so recognized as a part of our history and our culture, that it's included in this...the reenactment, the travels of the Lewis and Clark expedition, which is being recognized across our nation. It's not only a Nebraska event. I receive e-mails from people on both coasts, and in between, regarding the Lewis and Clark expedition and how interested they are in this. So having shared that with you, I would like to offer the remainder of my time to Senator Beutler, so that he could continue supplying us with the information that he earlier provided, if he's interested. Thank you.

SENATOR SCHIMEK: Thank you, Senator Howard. Continuing on FA165. I see no further lights, Senator Chambers. Would you care to close?

SENATOR CHAMBERS: Yes, Madam President. And despite Senator Stuthman's remarks, I'm going to finish my rhyme. I would like to hear some of what he learned in grade school, to show us all the quality of education in those schools. I remember the little rhyme about little orphan Annie, and I would challenge

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him to state it without crib notes. I don't believe he can. That's a challenge, Senator Stuthman. Not right this minute. On your own time. You have the right to speak your mind, but not on my time. Okay. This is the afterward to this rhyme. And I see "General" Friend has returned. Senator Friend has said from time to time, "Someday I will stand and fight and bleed, but it won't happen on this hill." Wisely spoken, if he meant it, like a general true. Will the bill to make the prairie dogs bleed make him bleed, too? Every drama has its plot, but some have subplots, too. Scarcely can I wait to see what General Friend shall do. Many generals talked a better battle than they fought. Failing to assess all factors carefully as they ought. Thus, to trumpet's fanfare and the shouts of troops around them, to disaster rode they, as the vanquished history found them. General Friend, ah, General Friend. Shall grim history's cogs grind him into mincemeat, or some humble prairie dogs? The Battle of the Prairie Dogs perhaps won't do him in. Though that battle he survives, the war he cannot win. Wonderingly the whole world watches, motionless and still. What shall General Friend do at the Battle of Prairie Dog Hill? Members of the Legislature, this state may have some aspects which other people find to be worthy of coming to see. Many of those features would not be here if the attitude contained in Senator Louden's bill had been followed. Some people might think cranes are bothersome. They're big, they're loud, and they probably are messy. There are some people who would like to give all land to cultivation. Others would like to have it available for grazing. And some people would like to cover it all with asphalt, and build various structures and edifices on it. Those impulses, which a few people entertain, must be resisted by the many. Senator Louden, and nobody else on this floor, would dare to tell us that those foul odors, flies, vermin, and varmints that are attracted to feedlots and these confinement and other pig feeding operations will be confined to the land where the facility is located. To show you how those kinds of people, some of them, are arrogant and would seek to evade the law--and nobody on this floor has offered legislation to bring that in check--one outfit, a huge one, thought that the law restricting what kind of facilities could be built had not taken effect, so...

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SENATOR SCHIMEK: One minute.

SENATOR CHAMBERS: ...he was going to run and start a little bit of constructing to beat the law, and then build this huge pig feeding operation. But one citizen stood and took it to court, and the Supreme Court agreed with the citizen--the big man, the big feeding operation, that which encroached on the good life of those citizens, would have to be brought to a halt, because it was wrong. Well, the prairie dogs need defending, and I intend to do that. Thank you, Madam President. I would ask for a call of the house.

SENATOR SCHIMEK: Thank you, Senator Chambers. There has been a request for a call of the house. All those in favor vote aye; all those opposed, no. Record, Mr. Clerk.

CLERK: 17 ayes, 0 nays, Mr. President...or, Madam President, excuse me, to place the house under call.

SENATOR SCHIMEK: The house is under call. Would all members please return to the Chamber and check in. The house is under call.

SPEAKER BRASHEAR PRESIDING

SPEAKER BRASHEAR: The house is under call. Senators Brown and Stuhr, please report to the Chamber. Thank you. All members are present. We will be voting on the floor amendment, FA165, by Senator Chambers to the committee amendments. All those in favor please vote aye; those opposed, nay. Have you all voted? Have you all voted? Mr. Clerk, please record.

CLERK: 1 aye, 24 nays, Mr. President, on the adoption of the amendment.

SPEAKER BRASHEAR: The amendment is not adopted. Mr. Clerk.

CLERK: Mr. President, I have a priority motion. Senator Loudon would move to invoke cloture, pursuant to Rule 7, Section 10.

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SPEAKER BRASHEAR: Members, the question is to invoke cloture, pursuant to the rules. All those in favor vote aye; those opposed, nay. Have you all voted? A record vote has been requested. Mr. Clerk, please record.

CLERK: (Record vote read, Legislative Journal page 1234.)
33 ayes, 2 nays, Mr. President, on the motion to invoke cloture.

SPEAKER BRASHEAR: Thank you. Members, cloture has been invoked. We will now proceed to vote on AM0867, by the Agricultural Committee. All those in favor of the amendment by the committee vote aye; those opposed, nay. Have you all voted? Mr. Clerk, please record.

CLERK: 37 ayes, 1 nay, Mr. President, on adoption of committee amendments.

SPEAKER BRASHEAR: Thank you, Mr. Clerk. The committee amendments have been adopted. Now, members, pursuant to rule, the advancement of LB 673 is before you. All those in favor of advancement signify by voting aye; those opposed, nay. Have you all voted? Mr. Clerk, please record.

CLERK: 34 ayes, 3 nays, Mr. President, on the advancement of LB 673.

SPEAKER BRASHEAR: Thank you. LB 673 is advanced.

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: I do raise the call. Mr. Clerk.

CLERK: Mr. President, some items, thank you. Senator Smith offers LR 81 and Senator Smith offers LR 82; both of those will be laid over. And your Committee on Urban Affairs, chaired by Senator Friend, reports LR 18CA advanced to General File, with Urban Affairs Committee amendments attached. That's all that I have, Mr. President. Thank you. (Legislative Journal pages 1234-1236.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Mr. Speaker, you're

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recognized.

SPEAKER BRASHEAR: Thank you, Mr. President, members of the body. I thought this might be a moment to report to you, as your Speaker, and make some observations, which are in response to things that a number of members have said. With regard to time, we always in the latter days of a session, we're always running out of time. But let me give you my view. I think we have managed our time well; I believe we still have time to do all that we want to do with regard to the people's business. I have had some people say we need to go later in the evening. I want to assure you we will go later in the evening, but there are two conditions that I've been working with. One, I had committed to the Appropriations Committee that we would try to conclude our business each day by 4:00, in order that they could do their business; that's one. Two, it would be inconsistent with all of the things that I have said to the people I've tried to deal for and on your behalf to get better working conditions here, to sit here longer this week, in the circumstances we're in, because I've portrayed them to the people I've criticized for the fact that for 11 years, we have never been able to turn on the air conditioning in this building when it ought to be turned on. We always turn it on too late and call it the correct procedure. Having said that, we are not going to extend our schedule and require you people to sit here and suffer this week. I am told that we will have a more tolerable working environment by late Friday, and so I would assume that Monday we can be like most people and have a working environment in which we can work. I'm doing this as sort of an aside--I've noticed that I can't...you know, it's impossible to negotiate a deal in a room that's 84 degrees. Nobody wants to agree to anything. Nothing's working. But nevertheless, it will work. Looking down the road, we certainly will be extending our hour for adjournment. We could give up our fringe benefit of a late start on the first day. I'm not going to take that, however, until I see or feel a need. We could give up our noonish adjournment on the last day of the week, but I'm also not inclined to revoke that until we need to. I think we are moving just fine. The Appropriations Committee is concluding its work; we will have the bills on time, and we will proceed from there. Let me make one final observation--I'm sorry for the length of

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this. I hope it's helpful. Let's do be careful...you know, when a bill has advanced on General File, guess what? It's basic. It's going to appear on Select File. You can count on that. It will come up. If you want to do some amendments to it, get them ready, do your work, advise people, be in consultation, because if we send...I'm not...this is not expressly directed to anybody. But let's make certain we don't send everything to Final Reading that needs to come back for an amendment that wasn't ready on Select File, because basically what we do then is have two Select Files, plus a Final Reading. So if we could have your cooperation in that regard, I would appreciate it. I think we're doing fine; hang in there. We'll get a better environment next week, or else, right? Somebody's budget is going to suffer for this. Thank you.

SENATOR CUDABACK: Thank you, Speaker Brashear. Appreciate the update. (Visitors introduced.) Mr. Clerk, LB 673A.

CLERK: LB 673A, Mr. President. (Read title.)

SENATOR CUDABACK: Senator Louden, you are recognized to open on LB 673A.

SENATOR LOUDEN: Thank you, Mr. President and members of the body. This is the A bill that goes with LB 673. It's not a great deal of money; it's something that if we can put it in there, it would be an incentive for the counties to go ahead and adopt the plan. And those that do have problems can receive a little bit more funding that what they've been doing. At the present time they've been funding these animal damage control on their own, so by adding some money to the wildlife animal damage control fund, that's a fund has been in there for several years. At the present time, it doesn't have any money in it, but by adding some money to it, it'll give an incentive and have something to get started on so we can have something to take a little bit of the pressure off of the counties that are trying to work with animal damage control on their own. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator. Madam Clerk.

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ASSISTANT CLERK: Mr. President, Senator Don Pederson would move to amend the A bill. I have FA167. (Legislative Journal page 1223.)

SENATOR CUDABACK: Thank you, Madam Clerk. I understand, Senator Kruse, you're authorized to handle the Senator Pederson amendment. If so, you are recognized to open on it.

SENATOR KRUSE: Thank you, Mr. President and members. FA167 was filed by Senator Don Pederson. It reduces the amount of dollars appropriated from the General Fund for '06 and '07 from \$100,000 per year, to \$25,000 per year. That is the amendment. Senator Pederson spoke with Senator Louden prior to filing the floor amendment, and Senator Louden indicated that was the amount that he had originally thought would work, but he'd been discouraged from...or he'd been encouraged to raise the amount in the bill. Senator Louden indicated to Senator Pederson that he did not have any problems with the \$25,000 amount contained in the floor amendment. And now, quoting from Senator Pederson, "I realized that the original \$100,000 amount was included due to the extra duties assigned to the Director of Agriculture to enforce and carry out the act, as well as to hire a separate program specialist to work with the counties and landowners in implementing the management plan. However, the committee amendment, as drafted, becomes the bill and makes substantive and technical revisions, as well as reducing the duties of the Director of Agriculture to a largely advisory role. Therefore, the \$25,000 included in FA167 would be sufficient for the counties to adopt a prairie dog management program consistent with the rules and regulations established by the Director of Agriculture. The bill already indicates the Department of Agriculture will cooperate with the USDA Animal and Plant Health Inspection Service, Wildlife Services, and landowners to manage black-tailed prairie dog colonies in Nebraska. I request respectfully your support of FA167." Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Louden (sic). You've heard the opening on Senator Don Pederson's amendment FA167. Mr. Clerk, priority motion.

ASSISTANT CLERK: Mr. President, I do have a priority motion.

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Senator Chambers would move to bracket the bill until May 17.

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

SENATOR CHAMBERS: Mr. President, members of the Legislature, I hadn't looked on the gadget to see that Senator Don Pederson has an amendment to reduce this amount of money. I don't think any money ought to be appropriated by the state unless the state is going to assume its obligation. If the state feels that these prairie dogs constitute a threat that affects the public at large, let the state regulate and manage that which belongs to the state. That which belongs to the state are these prairie dogs. So you've got your cloture vote, but it's not over by a long shot, not even on that bill. Senator Brashear told you it's coming back up on Select, and I'll be ready then, just like I am now. One thing I'm glad we're going to do is stay here longer in the evening. Those meals that the lobbyists give, you're not going to be able to go to them, because I'm going to object every time they try to recess or even adjourn so that they can go eat with the lobbyists. I'm going to take strong, personal, public offense at lobbyists bringing food over here to bribe the senators when we stay late. Stop all of that. Since some of you are coming closer to acknowledging the standard of work that the Legislature should meet, closer to the standard, I think, we should go all the way. Stop sponging off the lobbyists. I'm going to offer a resolution to that effect, and I'm going to see how many of my colleagues will go on public record saying that they want to be fed by the lobbyists. That lounge should not be a place for the lobbyists to spread the feed trough. If senators want to bring a brown bag with whatever in it to eat that they choose, fine. But no more will the lobbyists come here and sponge, and let the senators sponge off them, if it's to be done in secret. The new food pyramid talked not only about eating more healthful varieties of food, but doing some exercise, and the exercise should consist of more than leaving this Chamber, going over to the lounge, chowing down at the trough the lobbyists lay there, and then walking back to the Chamber, urping and burping. I think that a line not only was crossed but one was drawn by that cloture vote. You think that the prairie dog bill is more important than a lot

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of other things. I'm going to accept the decision of the body, primarily because I cannot undo it. You can't do anything after a cloture vote has been taken. You've just got to strike sail and wait till the objectionable bill surfaces again. Now when I start talking about prairie dogs and cloture on other bills, I will have the list of the 33 who wanted that to be the course we would pursue. And I'm going to see if every senator, when I decide to push a bill, is able to get 32 others to go along with him or her. Is every bill that comes before us sufficiently important to invoke cloture? Is every bill important enough to merit eight hours of debate? And it certainly won't happen on all three stages. You all are in a frame of mind now where you think that what was done is past, and that is the end. Not so. The legislative session is a continuum. Whatever happens at one location is going to affect what remains to be done on the remaining portion of the continuum. My motion to bracket this bill is really another way of trying to kill it. No money should come from the state for this purpose. Since Senator Don Pederson is not here, I don't know who offered this amendment for him, so I would like to ask Senator Louden a question or two.

SENATOR CUDABACK: Senator Louden, would you respond? Is Senator Louden on the floor? I'm sorry, I did not see you.

SENATOR LOUDEN: Thank you, Mr. Cudaback...Senator Cudaback and members of the body.

SENATOR CUDABACK: Senator, Senator Chambers, I'm sorry, is asking you if you'll respond to a question from him.

SENATOR LOUDEN: Sorry, Senator Chambers. I had my light on. Would you re-ask the question? I was busy visiting over here.

SENATOR CHAMBERS: That's all right; I understand. Senator Louden, were it me, I would rather talk to the person with whom you were conversing than answer a question posed by me, so I'm with you on that, but now to the question. Why should the state put any money into this program, if it's between the counties and the landowner?

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SENATOR LOUDEN: Well, I guess no different than they put any money in anything else. This is a...was some animal damage control. This program was started, what, 30 years ago, maybe 40 years ago, when it was first started, and over the years the state has kind of backed off from funding any of it. I think like 1991 or something was the last time they put any money into that fund. So it's like any other help you have, whatever you're using money for, to try to improve situations in some areas of the state.

SENATOR CHAMBERS: What I'm asking--why should the General Fund, which is tax money that everybody put in there, go for a program like this, which not only benefits a small area of the state, but goes contrary to what many of the citizens would like to see? Let me ask the question very simply now. Why is the state being asked to put money into this program, rather than allowing the counties to pick up this cost? And you can start by telling me what this money will go for, and then tell me why the counties should not have to pay it.

SENATOR LOUDEN: Okay, the counties at the present time are the ones that are paying for this cost. Each county that is involved in that--I think there's like 38 counties or something like that, that contributes to their own fund and they contract with Animal, Plant, and Wildlife Service USDA (inaudible). Now the reason for this on the prairie dog part is if there's going to be some management plans that have to be looked at, and some areas that will need some type of managing so that it isn't just the counties going out there and eradicating a bunch of prairie dogs. There's ways that they can be managed, and of course, when you have the Department of Agriculture and people involved, there's no doubt going to be some cost involved for specialists to run around and check into what has to be done on some of these areas. I'm sure there's going to be counties that are going ask for some expertise help from environmentalists on what to do with some of the colonies that are encroaching someplace, and so the amount of money isn't that significant. Hopefully, there isn't that much of a need for it; that's the reason we're trying to get by on a cheaper level.

SENATOR CHAMBERS: But Senator Louden, you began by saying that

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the counties are paying this money now; is that correct?

SENATOR LOUDEN: The counties are contributing to their own funds, yes. They're contracting with the APHIS, the USDA wildlife management people, for some of their predator control--rabbits, skunks, like I've mentioned, European starlings and that sort of thing. The counties are financing that now at the present time, and even some private people are. Game and Parks are financing that on their own, because there isn't any money in that wildlife, in the state wildlife fund. So...

SENATOR CHAMBERS: Senator Louden, if this is such an important issue to the counties affected, why can't they kick in the money? Twenty-five thousand, apparently, is deemed to be enough to cover all of the counties that will be involved; is that true or is that false?

SENATOR LOUDEN: I don't know, as it depends on how extensive they want to get. It would probably help on some of the counties. If it was a complete statewide deal, no, it isn't nearly enough money.

SENATOR CHAMBERS: So if it's not enough money, why are you accepting \$25,000?

SENATOR LOUDEN: Well, it's \$25,000 more than what we had before we started.

SENATOR CHAMBERS: But if it's not going to do the job...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...how will it be spent? How will they decide where it is spent?

SENATOR LOUDEN: Well, about like any other government program, they use the money until it's gone. And when it's gone, why, they'll have to figure out something else.

SENATOR CHAMBERS: And you're agreeing to this reduction, from

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\$100,000 to \$25,000?

SENATOR LOUDEN: I...the Chairman of the Appropriations Committee decided that's what they could afford, so I'm taking his word on that's what the state of Nebraska can afford to do right now, so that's why I'm agreeing to it, yes.

SENATOR CHAMBERS: Well, Senator Louden, if the state gives nothing, the counties will continue paying whatever amounts they're paying, with whomever they're contracting; is that true?

SENATOR LOUDEN: They probably will on their predator control, but I don't know as they'll be adding any money to the prairie dog management part of it,...

SENATOR CUDABACK: Time, Senator.

SENATOR LOUDEN: ...that was mostly to get the management part on prairie dogs.

SENATOR CUDABACK: Thank you, Senator Chambers. You've heard the opening on the bracket motion. (Visitors introduced.) On with discussion of bracket motion. Senator Louden, followed by Senator Chambers.

SENATOR LOUDEN: Thank you, Senator Cudaback and members of the body. I can't support the bracket motion to postpone it until into May. I think the A bill should follow along with the bill as they usually do. I've agreed with Senator Pederson, if that's the amount of money that he feels the state can afford, and that's what's appropriate now. It isn't my first druthers. I would have liked to seen more money involved in that, but I try to be fair about this, and if that's what can be spent or what can be used out of the appropriations, I am willing to go along with that. I really do personally think that we put money out in various other places that were of little value. We've...some places the money will probably show up as something that maybe needed to be done, but again, we've had several task forces and several studies that have come out that have been \$60,000, \$70,000, and the money has been appropriated for that, for...to mostly study the corridors and what should be done for

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some of the economic development in different areas. So I really think that Senator Pederson certainly put it down to the bare bones--anything less than that wouldn't be hardly worth the trouble. I would have liked to have seen it probably at least twice that amount for each year, but if that's where the Appropriations Committee thinks they can head in, I'm certainly comfortable with that. And I'd be willing to support Senator Pederson's amendment. Thank you.

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

SENATOR CHAMBERS: Thank you. Mr. President, I have a few questions that I would like to ask Senator Louden, in order to continue our discussion.

SENATOR CUDABACK: Senator Louden, would you respond to a question of Senator Chambers?

SENATOR LOUDEN: Yes.

SENATOR CHAMBERS: Senator Louden, when our discussion ended, you had made a comment to the effect that the counties might put some money into a predator control fund, but not into a prairie dog management fund. Is that more or less a correct rendering of what you said?

SENATOR LOUDEN: Well, yes, because they don't have a prairie dog management act in the process right now. There isn't anything as far as managing the prairie dogs out there now. This is the reason that LB 673 was brought forward, so that there would be some type of a management program in place. And of course, it's about like any other program, it's probably going to need some funding.

SENATOR CHAMBERS: Senator Louden, are the counties able, without this state legislation, to establish a prairie dog management program and fund it?

SENATOR LOUDEN: There will probably be some counties, clear to the far western ones, that are going to lose some tax base if

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they don't do something about it. I'm sure they're going to go ahead and implement that program, mostly so that they can get some of the federal land people to cooperate with them. So I'm sure they're doing to do something. Now whether they get any money or not, most of those people are willing to do something without a lot of state aid. If you notice, they've lived a long time like that. There hasn't always been state aid for everything that they've...been done. They've done things on their own, and I'm sure they can continue to do so.

SENATOR CHAMBERS: Senator Louden, can these counties, without LB 673, establish a prairie dog management program, if they choose to do so?

SENATOR LOUDEN: As far as forcing someone to take care of it, I don't know as they can. It wouldn't be quite the same as if it's in state statutes. If it's in state...

SENATOR CHAMBERS: Now let me add to it--establish a management program and fund it. The county can do that right now, can't it?

SENATOR LOUDEN: Yeah, but I don't think...they don't have the money to do it.

SENATOR CHAMBERS: But they're going to put money into their predator control fund, right?

SENATOR LOUDEN: Well, they always have, yeah. That comes out of their General Fund there.

SENATOR CHAMBERS: So they...and they consider that important enough to fund; isn't that correct?

SENATOR LOUDEN: Yeah, in some of the counties there, where there are wildlife that has to be controlled. Yeah, your coyote program, anything that has rabies showing up in it. All those things are issues that need to be considered.

SENATOR CHAMBERS: But the counties do not consider the prairie dog problem to be of sufficient importance to establish a

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management program and fund it, in the way they fund the predator control program; isn't that true?

SENATOR LOUDEN: Well, at the present time, the reason the counties have been mostly against this LB 673 is because they said there wasn't near enough money in there to do them any good, and they was afraid they were going to have to probably spend more money. That's been part of their complaint so far with it.

SENATOR CHAMBERS: I understand why they were opposed to the original form of the bill, but it didn't really answer the question. So if you will indulge me, I would like to ask it again. The counties do not feel that the prairie dog problem is sufficiently important to establish and fund a management program, as they have done with the predator control programs; isn't that true?

SENATOR LOUDEN: Well, some of the counties pass what they call their resolutions, but most of those resolutions don't have anything to do at forcing landowners someplace to do something with prairie dogs when they are encroaching. That's where the difference is.

SENATOR CUDABACK: One minute.

SENATOR LOUDEN: I think when the county enforces these resolutions, or adopts these resolutions, this is mostly for what it's worth. No one can be forced to it.

SENATOR CHAMBERS: Could the counties put money aside and make it available to any landowner who wants to manage prairie dogs on his or her own property? The county could do that, couldn't it?

SENATOR LOUDEN: If they had the money, I...well, I don't know, Senator Chambers, what they can do with tax money. I suppose they're guided about like anybody else, what they can do and can't do with money. I don't think they can set aside tax money and give it to individuals to do something on their own land. I'm not clear on that myself.

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SENATOR CHAMBERS: But what they could do is make assistance available, using county employees or contract with somebody to help handle this, if they want to call it, a nuisance. Couldn't they do that? Or you think they cannot?

SENATOR LOUDEN: Well, I'm not sure on that. I mean, yeah, they can spend money to plow snow on county roads, and at times...

SENATOR CUDABACK: Time, Senator.

SENATOR LOUDEN: Did you say time?

SENATOR CUDABACK: I did, Senator.

SENATOR LOUDEN: Okay.

SENATOR CUDABACK: Thank you, Senator Chambers. Further discussion. Senator Kremer, followed by Senator Chambers.

SENATOR KREMER: Okay, thank you, Mr. President, members of the body. I would like just to make a few comments, not in regards to the bracket or anything else, and I hope it maybe clarifies and not confuses people more. But in the past, I think, up until about four years ago, we were appropriating about \$50,000 to the animal damage control fund through the Department of Agriculture. With that, we were able to also get some federal funds to help with that. When we got into the financial straits, we took that away. Now I understand there's about a three-year waiting list for some projects that need to be done, but there's no money available, and I just had a few listed here on a pamphlet that was by the wildlife service, put out in...it was protecting property in urban and suburban areas, protecting the infrastructure in urban, suburban, and rural areas, resolving beaver damage, dam control problems, protecting transportation as far as birds flying into airplanes, deer collisions with automobiles, and many other things like starlings in the cities. I know some of the cities, Grand Island I think is one that's had a real problem with starlings, that they get help from the animal damage control fund. Rabies, if there's rabies in skunks or some other animals, they can use

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that money for that. The \$100,000 that is in this bill was to really go to the animal damage control fund to help with, not only the prairie dogs, but other things, since they're out of money. Twenty-five thousand of that, then, was supposed to be used for the counties, to help them develop a management plan, not to ever go out and control the prairie dogs with that money, but develop a plan that would be in conjunction with the forest service, with the Department of Agriculture, who would be there as more as an advisory group than anybody else. So the \$100,000 is something that's really needed. We are going to introduce an interim study of the animal damage control fund, just to see where they're at, how much they're needed, what we need to put into that to do some things that we think are pretty important. Of course, everything is important--it all takes money, so it becomes a problem. Twenty-five thousand dollars would help counties that would...maybe a couple of counties would go together and develop a plan together. Just the cost of setting up the plan, is what that's used for, not to manage them and such, because that would really be up to the landowner who has allowed the prairie dogs to migrate into some neighboring property. So I guess I would hate to see the \$100,000 go away. I think it's something that is really needed. Maybe the \$25,000 is all we need to have for the prairie dog management program, but...and I know things are tight again this year, even if the funds are coming in more than they have other years. But we need to be very frugal in what we do. So hopefully, that's just a little information to...and not confuse you more. But, thank you. With that, appreciate it.

SENATOR CUDABACK: Thank you, Senator Kremer. (Visitors introduced.) On with discussion of the bracket motion, Senator Chambers, followed by Senator Howard.

SENATOR CHAMBERS: Mr. President, members of the Legislature, you see how murky the discussion becomes, as the scramble is beginning for this money? You all thought this bill was so important that a cloture vote was warranted. You don't even have any idea what the bill is about or how much money is needed. Senator Loudon is aware of the fact that \$25,000 is not enough. So you all are going to go along with the charade. It's not enough to fund what needs to be done, so what do you

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do? You start a mad scramble among the counties to try to get their grubby little paw out first, to plunder this small pittance of \$25,000. I'd like to ask Senator Kremer a question, since he's Chairperson of the Agriculture Committee, and understands these matters.

SENATOR CUDABACK: Senator Kremer? Is Senator Kremer on the...would you respond to a question, Senator Kremer?

SENATOR KREMER: I will try.

SENATOR CHAMBERS: Senator Kremer, precisely what will this \$25,000 be spent for?

SENATOR KREMER: Okay. In developing the management plan, and it could be it would reimburse the counties if they had to go out and take some four-wheelers or ATVs, and go out and investigate what the problem is and how far...how widespread it is, and what needs to be done. It's more in developing the program, more than it is into really doing the management or anything like that, because that is really, according to the bill, is left up to the landowners themselves. But it's to help the counties who...many of them are pretty strapped with the budget lids and the levy lids, to have any money to even go out and do this, if they felt like it's appropriate in their county.

SENATOR CHAMBERS: Senator Kremer, where in the A bill, or the underlying bill, does it specify the things you mentioned, as being what this money will be spent for?

SENATOR KREMER: I don't know that it does.

SENATOR CHAMBERS: So you're just...

SENATOR KREMER: Well, it would actually...the \$100,000 going into the animal damage control fund with the department, that could be used for not only prairie dogs, but for other problems that would...

SENATOR CHAMBERS: But we're not going to have that now.

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SENATOR KREMER: Right, I understand that.

SENATOR CHAMBERS: Senator Louden has agreed to \$25,000,...

SENATOR KREMER: So it's coming...

SENATOR CHAMBERS: ...and I'm going to try to stop him from getting that. But if he gets it, we don't know what it's going to be used for, including yourself; isn't that true?

SENATOR KREMER: That's true.

SENATOR CHAMBERS: We're just giving it to the Ag Department on faith.

SENATOR KREMER: Yes, and some have more faith than others, I suppose.

SENATOR CHAMBERS: But that's what it's based on, because there are no guidelines offered for what it should be spent; isn't that true?

SENATOR KREMER: That's true.

SENATOR CHAMBERS: How far do you think...first of all, do you have any idea how many counties may decide to opt into this program?

SENATOR KREMER: I really don't, and it seems like it's a problem more in western Nebraska. I don't think there's any that I know of in the counties in my area, but I think there are two or three that it has become a pretty profound problem, that would use it. I don't look for a lot of them to do it, and I think it really would come from the citizens, as much as any, asking the counties to help them with the problem, if it got to be that extent.

SENATOR CHAMBERS: How much...how many counties do you think could benefit from this money, if the things that you mentioned would happen to turn out to be what it's used for--reimbursement to the counties, making vehicles available, and these other

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things you mention? How many counties do you think could be served in that manner, from \$25,000?

SENATOR KREMER: Well, if you had two of them, they'd be each getting \$12,000, and they'd probably be thankful for whatever they got.

SENATOR CHAMBERS: And do you think there are more than two counties which would want to get into this program?

SENATOR KREMER: You know, I really don't know that. I think Senator Louden might, but I can't tell you, because they're not very prevalent in my area.

SENATOR CHAMBERS: Thank you, Senator Kremer. I'll ask Senator Louden. Senator Louden?

SENATOR CUDABACK: Senator Louden, would you respond?

SENATOR LOUDEN: Yes.

SENATOR CHAMBERS: Senator Louden, how many counties do you think are likely to...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...opt into this program, if you have any idea?

SENATOR LOUDEN: Well, at the present time, none of these laws take effect till what, 90 days after the session, so none of this will happen until the first of September. At the present time, I expect about, oh, probably six or seven counties to opt into it right away. It would be some of those out in the western end of the state that are wanting something to do them. By having this \$25,000 available...and if you look in the back pages of this amendment, that was indicated on there that there would be that money available for those that would opt into the prairie dog management program, as sort of an incentive, and for them to help get something started. So I don't expect a lot of counties. I know there are some down around, what, Harlan

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County and down in there I've had contact with people down there. And once it gets in place, I'm sure there will be more, but to start with, for the first year or so, I don't envision, you know, 90 counties...first of all, there isn't much over 40 counties involved that have prairie dog problems, or can have prairie dog problems. So there's way over half the counties that really don't have much...

SENATOR CUDABACK: Time, Senator.

SENATOR LOUDEN: ...much, what would you say, a dog in this fight.

SENATOR CHAMBERS: Thank you, Senator Louden. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. On with discussion. Senator Howard. And, Senator, that was your third time, Senator Chambers.

SENATOR HOWARD: Thank you, Mr. President and members of the house. I learned this morning that the Appropriations Committee killed the bill that I had submitted requesting additional funding for protection for children. And so in considering this, I look at a bill requesting funding for eradicating, killing, the native prairie dog here in Nebraska, and I can't justify providing money for that issue, when we can't protect those in our society who are the most vulnerable, the most at risk. But it makes my heart heavy to know that our body can refuse a funding for protection of infants. Having said that, I would like to offer the remainder of my time to Senator Chambers. Thank you.

SENATOR CUDABACK: Senator Chambers.

SENATOR CHAMBERS: Thank you, Senator Howard, and if you should have any other time, I would appreciate it. Members of the Legislature, Senator Howard has now injected into the discussion this notion of priorities. The Legislature would deem it a higher priority to help the counties kill prairie dogs than to give money to help in the protection of infants. Now we hear a

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lot of talk, Senator Howard, and you'll hear more, about protecting fetuses, but not children which are here and need protection and assistance. That is not the main reason I'm fighting against this, because I didn't have to go that deep to find a reason not to support this expenditure of money. It is a token; it's for nothing. It's another one of those rural-type "feel-good" throwaways. Everybody on this floor with two brain cells working--if they have two brain cells in their head--will know that \$25,000 is going to purchase virtually nothing, especially with several counties scrambling to get this pittance. And that is legislating with dignity, with responsibility? It would be better to follow my approach and give nothing. But the rural people are so accustomed to groveling and accepting nothing, that they will accept that which, in fact, is worse than nothing. But I'm going to fight against it; here, and on Select File, every place that it appears, not only on this bill, but every other rural bill that comes before us this session. The rural people are going to their representatives, because the rural people are not here to speak for themselves. And I get letters, by the way, faxes--I don't have e-mail--phone calls, of requests they make to their senators who are rural, to which they don't even get responses. So they call and write to me, saying that I will help the underdog. They know I will fight for them. So I know that their interests are not well represented on this floor. I have no qualms whatsoever about delaying and trying to defeat wastages of money such as this. The underlying bill is atrocious; spending money like this is an abomination. So I intend to continue my battle against this bill. The Speaker is going to let me know how much discussion an A bill can receive.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: Whatever his decision is, I will abide by it, but that's going to be the case with every A bill, even if it should become necessary to amend something into an A bill. That A bill will receive no more than the amount of discussion the Speaker shall arbitrarily make available. I want to facilitate what the Speaker is attempting to do, even when it encroaches on what I'm trying to do. But in exchange, there will be no more consent calendars, so we don't need senators to get hopeful that

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a lot of bills that they have which they think are noncontroversial, will skate across the board. Now the Speaker can create a consent calendar if he wants to, but every one of those bills is going to take 15 minutes, I will guarantee that. I've done it in the past; I will do it again. We're now in the hardball part of the season.

SENATOR CHAMBERS: The soft pitches, the exhibition games, are at an end. We now are going to see...

SENATOR CUDABACK: Time, Senator Chambers.

SENATOR CHAMBERS: ...who can persevere and tough it out. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Howard and Senator Chambers. Further discussion on the bracket motion? Senator Chambers, there are no other lights on. You are recognized to close on your bracket motion.

SENATOR CHAMBERS: Thank you. Mr. President, this is one of those motions which I wasn't certain would be successful. However, there are many motions that I can make, and I'm going to offer them. As for not being able to stay here in the heat, heat doesn't bother me. Cold does not bother me. Those things affect you as much as you allow them to. If your mind is weak and you focus on them, you will indeed suffer. But if you have the attitude that I have, you want people to suffer. You want them to have pressure of every kind brought to bear, because then they crack. Senator Friend and I are going to have the opportunity to see how many of these complainers want to stay here far into the night, night after night. We've only got 25 or 26 or 30 days left. I can stay here till however late you want to stay, every night. I'm a night owl, and I can talk about these issues. But remember this. Right now there are issues that you want to use only to try to punish me. What's going to happen when we get to the budget bill, and you want to move that bill? Are you going to be able to get 33 votes before you have amended that bill the way you wanted to? The committee gets to offer its amendments first, but there will be amendments, which themselves can be amended, and other motions

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can be made. I will have plenty of bills I can use to take plenty of time, so you did win the prairie dog battle, the first skirmish. But the fight is not over, and the fight on the A bill is not over, Mr. Speaker. I'm going to take all the time you will allow, but what I said when you were not here--see, I run everybody off this floor. I hit them with that penetrating gaze, and they disappear. But then they might suddenly reappear someplace else. Watch this: Abracadabra! Look to my left. See what I'm talking about? See what I can do? Bam! There he is. If you vote this motion down, I'm going to move to reconsider, and that is a priority motion. Although the A bill comes out here on the floor, I think it ought to go to a committee. I think it ought to go to the Ag Committee, so that the members of that committee will have the opportunity to look at whether or not they think that a bill they sent out here should be shown such disrespect by being accompanied with a mere \$25,000 pittance. There might be a majority of the Ag Committee members in a committee setting who would say, if the body feels that this issue is no more important than that, don't fund it at all. And more than that, since the counties have been making do on this issue anyway, let them continue to do so. And if they come with a petition to the state, let it be to get the state to assume the cost. But do you know what the experts with the state will tell you? Well, nature has a way of leveling these things out. If there are too many prairie dogs this year because there was a drought, then they will be afflicted by disease, since you've killed off the predators, and they will get what Senator Loudon described as bubonic plague in Colorado, and nature will reduce the surplus population in order that the species may survive. Do you know what kills the species? Not Mother Nature. But Mother Nature's hard-headed, cruel children,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...who in going after the buck, will upset and throw out of kilter the ecosystem. "Eekosystem"--so that nobody will confuse that with echo, spelled e-c-h-o. I don't understand Senator Loudon accepting this small amount when he knows it's not going to accomplish anything of significance. Is it another of those symbolic gestures that the ruralies need to

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receive, so that they can feel that somebody respects them? Is this how you get respect? Tell me that, brothers and sisters. What can be done with this money? Nothing of consequence. Why should the state waste it, \$25,000 here? I bet you wouldn't have given \$25,000 to the women's commission. And maybe they wouldn't have accepted that small an amount. I'm using it to make an example.

SENATOR CUDABACK: Time, Senator Chambers.

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

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

CLERK: 22 ayes, 1 nay, Mr. President, to place the house under call.

SENATOR CUDABACK: The house is under call. All unauthorized personnel please leave the floor. Unexcused senators report to the Chamber. The house is under call. Senators Dwite Pedersen, Jensen, Cunningham, Senators Heidemann and Synowiecki, and Senator Aguilar, the house is under call. Senator Raikes, Senator Heidemann, Senator Aguilar. Senator Heidemann. (Visitors introduced.) Senator Heidemann. Did you wish to wait? Senator Chambers.

SENATOR CHAMBERS: Mr. President, since I'm not sure where in this building you can "hide a man," I'm willing to take a machine vote now.

SENATOR CUDABACK: Thank you, Senator Chambers. The question before the body is to bracket until 5-17 LB 673A. All in favor vote aye; those opposed, nay. Voting on the motion to bracket until May 17, '05. Have you all voted on the question who care to? Record, please, Mr. Clerk.

CLERK: 3 ayes, 26 nays, Mr. President, to bracket the bill.

SENATOR CUDABACK: The motion is not successful. I do raise the

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call. Items for the record, Mr. Clerk.

CLERK: Mr. President, I do have some items. An amendment to LB 82 by Senator Mines, to be printed. Senator Louden, an amendment to LB 673, to be printed. (Legislative Journal pages 1236-1239.)

And, Mr. President, I have a priority motion. Senator Brown would move to recess until 1:30 p.m.

SENATOR CUDABACK: You've heard the motion to recess until 1:30 by Senator Brown. All in favor of the motion say aye. Opposed to the motion, nay. I think the ayes have it. We are recessed.

RECESS

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Good afternoon. Welcome to the George W. Norris Legislative Chamber. Senators, the afternoon session is about to reconvene. Please record your presence. Members, the afternoon session is about ready to reconvene. Please check in. Record please, Mr. Clerk.

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

SENATOR CUDABACK: Thank you, Mr. Clerk. Members, for an announcement, it was too late to get it on the agenda, but the former senators will be here for the association meeting at about 3:45, and so we will adjourn at that time and greet them and talk with them and so on, about 3:45, the former legislators. Thank you. Mr. Clerk, where were we when we left for lunch?

CLERK: Mr. President, Senator Chambers had offered a motion with respect to bracketing LB 673A. That motion did not prevail. Subsequent to that vote Senator Chambers has moved to

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reconsider the vote with respect to the bracket motion.

SENATOR CUDABACK: Senator Chambers, you are recognized to open on your motion to reconsider.

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I recognize that there's so much excitement, so many palpitating hearts, so many moistened palms because the old-timers are coming back. (Laughter) The swallows return to Capistrano, the locusts, after 17 years, return to do whatever locusts do, but I can tell you all one thing of a surety: When I leave this place for the last time, I will never, ever come back again. And I may as well say on the record what I've said everywhere when that issue has come up: If I have occasion to fly west, and the airplane I'm on will fly over Lincoln for some reason, other than to drop an A-bomb, I will change airlines. When I'm gone, bam! I'm gone. But I hope those who come will have a pleasant time communing with the rest of you, renewing old acquaintances which shall not be forgot, but I shall not be here. You know what the "Cobra" says. Now, let me get down to the business that's before us today. This is a motion to reconsider my earlier offering to bracket this bill until the middle of May, the Ides of May, if you will, plus two days. This tiny amount of money is an insult to the ruralies. This is one of those types of offerings to test and see what your price is. What are you willing to sell your dignity and your integrity for? And we know the price--\$25,000 can do nothing. I'm looking at my friend to my right--I'm not going to call a name and bear no blame, but he's been referred to as a long drink of water. He has more money than that in his watch pocket. Now why would Senator Louden be so willing to accept this piddling bit of money? Because apparently anything would be all right. A smaller amount could have been offered. I want to say this for the record: I saw Senator Jones on the stairwell. I asked him how he's doing. He said, fine. He asked me how I'm doing. I reciprocated and said, I'm doing fine. Then he said, guess what I was doing yesterday? Not wanting him to know that I'm a fortune-teller, I said, I can't guess. What were you doing? He said, I was getting rid of prairie dogs. (Laughter) I said, with the help of the county? He said, no, I did it myself. He has prairie dogs that he does

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not want. He said, I did it myself. Now Senator Louden and others who are from that part of the state, where they like to talk about self-reliance, should take heed to what I've just related to you that Senator Jones told me. He did it himself. Ordinarily, people from Senator Louden's area and the environs will be critical of those who take handouts, looking for the freebies. Well, he has a group of counties setting that bad example. Obviously, prairie dogs are not deemed to be a serious problem to state officials. Counties, those who run them, will do anything they can to get money from the state. Aid to the counties is what they want. But the state representatives do not have to give that, and I'm one of those who wants to stop it, even a piddling amount such as this. Earlier, Senator Howard mentioned how a certain committee, which shall remain nameless, killed off a bill that was making an attempt to provide protection for vulnerable children. That same committee, which shall continue to remain nameless, is willing to give up \$25,000 in the interest of killing prairie dogs, giving aid to sponging, mooching counties. And that is not appropriate, so I will be fighting this bill. When Senator Smith goes to Washington, he may have his bill to do away with the requirement to wear motorcycle helmets, but he told me by his vote this morning that killing prairie dogs was more important. And I said we're in the hardball part of the session. You know whose stratagem it was to ask for a roll call vote after a call of the house on Senator Beutler's amendment to strike not wearing helmets out of the bill? I did. Do you know why I did it? It's the only way you can get a straw vote. I explained it to Senator Smith why I was doing it. If there were 25 no votes, he could conclude that perhaps there are 25 votes who would support the bill. That's why I did that. That's how the straw vote was obtained. But if all he had was 25 votes, he's got 24 now, because he's a "cloturite," and the "cloturites" determined that killing the groundhogs was more...the prairie dogs was more important than anything else. And I accede to their judgment. I would not allow them to make a judgment about somebody else's bill that would bind me, but the "cloturites" can make judgments about their own legislation, which they did. And to show my colleagues how impressionable I am, how I pay attention, General--"General" Friend, that is, not Attorney General--"General" Friend, to show how I pay attention,

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I'm going to honor the wishes of the "cloturites". But there are some of the "cloturites" that I like a little better than others, and I'm going to treat them differently. I'm able to do that. I want to see Senator Smith get 32 other senators to vote cloture with him, as he gave the 33rd vote to vote cloture on killing the ground...the prairie dogs. I started to call them ground squirrels. They are squirrels. I have to correct something I said this morning that was in error. I held up the t-shirt and said, this is the most delightful family of groundhogs. I was told that's what I said. They are prairie dogs. Not having my glasses on at the time I looked at it, I thought they were carrying long blades of grass. But you know what each one of those little fellows had over the shoulder? A rifle. A rifle, for the purpose of being somewhat able to return the fire of the human beings who like to go out and kill them. I'm sure all of you who hunt have heard that cynical, angry comment from people such as myself, "If the rabbits all had shotguns, you'd have a lot fewer hunters." I wouldn't be opposed to hunting "hunting-human beings." Going out and hunting other "hunting-human beings." Let the hunters hunt each other. They're armed. They like to stalk. Well, let the stalkers become the stalked. Let the hunters become the hunted. Then they don't like that, do they? They don't even like to be hunted on this floor. But they'll hunt helpless little creatures, doing only what nature created them to do. And you all pray up there to the one who created them; then you want to destroy what that one created. Why?

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: Because they're in your way; they're inconvenient. Well, I'm going to be in your way. I'm going to be inconvenient, and some of you would probably like to do to me what you can do to those prairie dogs. Suppose one of you did lose your mind and try to do that? I would regret it, but I really wouldn't be too surprised. Anything could happen in here when you're dealing with a conglomeration of people such as we have here. You don't have to take a psychological or mental exam to be a member of the Legislature. Just be the right age, live in the district long enough, and be outside the penitentiary. And that's...you don't have to read, you don't

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have to go to school, you don't have to know that two plus two equals bulldog. You don't need to know anything. And when you look at some of the legislation, you can understand the types of people who come here. But when there is a constituency, they have a right to send anybody they think can represent them.

SENATOR CUDABACK: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. You heard the opening on the reconsideration motion. (Visitors introduced.) Discussion of the reconsideration motion. Senator Chambers, followed by Senator Loudon. Senator Chambers.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, as I said this morning, I don't know how much time the Speaker is going to allow, so I just shall roll on like Old Man River until he says that the time has elapsed that he intends to allow for discussion of A bills. If he allows eight hours, eight hours I shall take. Fewer hours, fewer hours I shall take. There are plenty of opportunities, there's plenty of raw material for me to work my wizardry. This bill, though, I'm going to continue to labor over. I mention again that there are people whose lifestyle is interfered with, the quality of their life is interfered with, because of the stench that are produced by certain agricultural operations and activities. Senator Loudon and nobody else wants to say, make them confine those stench to their property. Those are big people, and the ones on this floor are not going to mess with them. So they pick the little prairie dog. They flex their muscles. They let the machismo come out, and they can kill them, but the things that really ought to receive our attention don't receive them. There was one of those old guys called a prophet, and he had written something about paying tithes. It was like an income tax but you give it to the church, so that there might be meat in the Lord's house. But it seems to me that if a cattle on a thousand hills are his, he could put the meat there himself, couldn't he? But he chose not to do it that way. So there was another person who came along and said that they pay attention to these little tiny aspects of the law, and they want to bind

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these heavy burdens, grievous to be borne, and put them on other people's shoulders, though they won't touch them with one of their little fingers. They strain at a gnat and swallow a camel. They pay attention to the mote or the tiny speck in their brother and sister's eye, but will not perceive the I-beam in their own eye. And that's why they call it an "eye"-beam. So this person who is talking began to mention other more important things--feeding the hungry, ministering to the sick, visiting the imprisoned, looking after the widows and the orphans. And then when he talked about these little bitty things, he said, those you ought to have done, but these big things, you ought not to have left undone. So you're willing to kill the little prairie dogs, but you're not willing to deal with the monumental problems confronting the citizens of this state. These prairie dogs should be left alone. Nature will take care of them given enough time. Even the harm that human beings have done to the ecosystem will eventually be smoothed out. When they wound up in another country--I believe it was Australia--with too many rabbits, it's because human beings introduced them there for a food supply, but there were no predators who would take care of the rabbits. They multiplied so rapidly that the Australians would build fences, then chase the rabbits, and they would run against the fences and pile up and those under the bottom would be suffocated. The others could be shot or bludgeoned to death. That's human beings managing the creation over which the Creator supposedly gave them dominion. You think that's what He had in mind?

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: If a "he" it is? If there is a creator? And if human beings were made in the image of that Creator, then why are you going to be angry at Hitler? Hitler is in the image of the one who made him, and when I look at some of the things that are implemented by this Legislature and others, there's not too much difference between Hitler and others. He just was able to do his on a gigantic scale. But his attitude is shared by many. He was just an example of what can happen when these attitudes are allowed free rein. Thank you, Mr. President.

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

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SENATOR LOUDEN: Thank you, Mr. President and members of the body. I still...it's been a motion to reconsider it. I'm still against the bracket motion for the middle of May, which I don't think will solve any problems. I wanted to...would like to point out that Senator Chambers mentioned that one of the senators indicated how he was taking care of his prairie dogs and whatever it is, and that's where you have to pay attention. That's an eradication program, is what they're doing. That's when people are doing it on their own; that's what it's all about. This here type deal we're trying to do a management program, and you have counties that can go in, probably hire a specialist if need be. But they do go ahead and find ways to manage them so that there is areas where there can be prairie dogs and the ecosystem can be protected, and for some of the animals that do make a living off of them, not that they have to have the prairie dogs' colonies to make livings. There's spotted owls and some of those that use the badger holes. We have spotted owls on our...ground owls on our ranch, so we...they don't necessarily have to have prairie dog burrows to live, there are other places they live. When you discuss some of these, they usually get mixed up with...sometimes they're called squirrels, sometime they call them prairie dogs. But there is a difference. Your 13-line ground squirrel is a different animal that's out there on the prairie. They live in the same areas that the prairie dogs do. We have those on our landscape, on our ranch. They usually don't bother us. Those are something that bothered the farmers in areas that did a lot of agricultural work, corn ground or something like that, so that they nearly disappeared from the areas that have farmed. I doubt if you'll see very many ground squirrels in the eastern part of Nebraska where it's heavily tilled. They're mostly out there in the western part, where we've been able to manage those and allowed them to survive and live. And usually a ground squirrel is the first animal you see come out of hibernation in the spring. I'm sure Senator Chambers has never been out there to see anything like that happen, so I question when he's giving these statistics on what should be done with the animals and what should not be done. I don't think he has any first-hand knowledge on it. He's probably going from what he's read or what he's been told. On the other hand, there is a problem out

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there. The \$25,000 a year I was willing to settle with, because first of all, this LB 673 would not be implemented before about the first of September; it's 90 days after session. So what's left of the 2005 year would be very short, and by doing so, we can get by with a little bit less money. And that would, I must say, could be a place where some money could be used as Senator Howard saw fit. If we was asking for the whole bundle, why, it would be a lot tougher for her to appropriate some money on the scale...on the subject matter that she would like to have looked into. So I'm willing to go along with what we have done here. The Chairman of the Appropriations Committee seems to think it's adequate. I've talked to members of his staff, and we think we can make it work with that amount of money. And of course, you want to remember that in western Nebraska is where some of the ways have happened that we can make do with the least amount of money, or a lot less. In fact, your mental health system is one of the things that's used; for an example, is the one in western Nebraska. So there's ways that it can be done. Perhaps some of the problems that Senator Chambers talks about down in his district, maybe he needs some of those cowboys from western Nebraska to come out and help him manage part of the problems...

SENATOR CUDABACK: One minute.

SENATOR LOUDEN: ...in his district, so I can always put in my column that if there's any of them willing to come down and help, I'm sure they would. Thank you, Mr. President.

SENATOR LOUDEN: Thank you, Senator Louden. Senator Chambers, and this will be your third time, Senator.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I have to ask Senator Louden a question, because I was distracted.

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

SENATOR LOUDEN: (Inaudible)

SENATOR CHAMBERS: Senator Louden, I would like to ask you a question. Pardner,...

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SENATOR CUDABACK: Senator Louden.

SENATOR CHAMBERS: ...what was it that you said these cowboys would come into my district and help me with?

SENATOR LOUDEN: If you had any management problems, I guess.

SENATOR CHAMBERS: Management...

SENATOR LOUDEN: They could probably do it cheaper.

SENATOR CHAMBERS: Management of what?

SENATOR LOUDEN: Well, whatever problems you would have, I would presume.

SENATOR CHAMBERS: Well, I want to know what problems you had in mind that your cowboys could help me manage.

SENATOR LOUDEN: Well, we were talking about like the mental health problems. We were doing things on a cheaper, and using that as an example for the rest of Nebraska, and those areas like that.

SENATOR CHAMBERS: No, I didn't use that as an example for the rest of Nebraska. I used it as an example for what's in here. So you need to say, bring them cowboys down here to manage what's in the Legislature. But if you want to get into what people need managed in their district, be precise and specific like I will, and we can deal with that, because you do have some people in your district who need managing. And if instead of sending me the threats and the racial slurs, they'd come to my face and do it, I'd take care of it myself. But the cowards do it a different way. And if they're cowboys, let them show what they're made out of. That's why I don't have e-mail. It was so jammed with racial slurs and threats that I wouldn't give these racists the pleasure. If they want to send that trash to me now, which reflects their religion, their politics, their philosophy, they've got to at least put a stamp on it and walk to the mailbox. And I've gotten far fewer of them. But if

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anybody in here wants to talk about that, I'm the man to talk to about it and handle it any other way you want to handle it, or you can bring anybody with you. I had been talking to Senator Brashear about something on this bill, and I'm meditating on it now. Some people are so hardheaded that they mess things up. But when I talk to Senator Brashear about something, I will continue to work with Senator Brashear about that. So despite the fact that I am so hot right now that if you touch me with a piece of paper it would go up in flames, that heat is directed in a very specific area. It's like a laser. It's not diffuse and all-inclusive, and what Senator Brashear and I talked about did not fall within that laser beam. An agreement is an agreement. Mr. President, I ask unanimous consent--because that's what it takes to do this--to withdraw that motion to reconsider.

SENATOR CUDABACK: Any objection to the motion to withdraw the reconsideration motion? Seeing none, it is withdrawn.
Mr. Clerk.

CLERK: Mr. President, Senator Chambers. I would now have, Senator, ...Senator, just may I pose this question? I don't know if yours is drafted as an amendment to Don Pederson's or as an amendment to the bill.

SENATOR CHAMBERS: It would have been to Senator...

CLERK: Pederson's?

SENATOR CHAMBERS: ...Pederson's. But I want...I want...can I give you the list of those that I'm going to withdraw?

CLERK: Yes, sir.

SENATOR CHAMBERS: FA170, FA171, FA172, FA173. Obviously, you can see that I've been to the woodshed, and somebody's standing over my shoulder intimidating me. I would ask to withdraw those that I listed, Mr. Clerk.

SENATOR CUDABACK: They are withdrawn.

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CLERK: Senator, then...may I then construe your FA174 as an amendment to Senator Pederson's?

SENATOR CHAMBERS: Yes.

CLERK: All right. Mr. President, in that event, Senator Chambers would move to amend Senator Pederson's amendment with FA174. (Legislative Journal page 1240.)

SENATOR CUDABACK: Senator Chambers, you're recognized to open on FA174.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I had to craft it in the way that I did, because I did not know whether Senator Don Pederson's amendment would be adopted, which reduced the \$100,000 to the mere pittance of \$25,000. So my amendment would strike all of the language that relates to that. Here is how it would go, if you have any interest. But even if you don't, the record should be clear. On page 2 in line 2, strike beginning with the first appearance of the word "the" through the number "27" in line 4. These are the words that would be stricken: "the General Fund for FY 2005-06 and (2) \$100,000 from the General Fund for FY 2006-07 to the Department of Agriculture for Program 27." What that would read, with my amendment, is "There is hereby appropriated \$100,000 from the Rural Development Trust Fund to aid in carrying out the provisions of LB 673," et cetera. This is a rural problem. The rural trust fund deals with rural issues. My amendment is in the nature of a compromise. It would give the \$100,000, but it would take it from a fund set aside to deal with rural issues. Senator Stuthman had talked about the loss of assessment valuation of certain land where prairie dogs have operated. Senator Louden has talked about the reduction in income-producing power of land where prairie dogs live. If money and income are what people are concerned about, rural development certainly would be a term that would embrace those notions. What more logical, reasonable place from which to take money to deal with a rural problem, than the Rural Development Trust Fund? This amendment gives an opportunity to see just where people are, and what it is they want to see done; finally and most importantly, who should pay for it? I'd like to ask

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Senator Wehrbein a question, because I think he may still remember the answer.

SENATOR CUDABACK: Senator Wehrbein, do you yield?

SENATOR WEHRBEIN: Yes.

SENATOR CHAMBERS: Senator Wehrbein, how does money get into the Rural Development Trust Fund, if you remember?

SENATOR WEHRBEIN: Well, honestly, Senator Chambers, there is no Rural Development Trust Fund.

SENATOR CHAMBERS: That's not even listed in the statutes anymore?

SENATOR WEHRBEIN: No.

SENATOR CHAMBERS: Then that makes it even better.

SENATOR WEHRBEIN: I just checked on it, too. I thought my memory was right.

SENATOR CHAMBERS: Did there used to be one?

SENATOR WEHRBEIN: I cannot recall one, no.

SENATOR CHAMBERS: Okay. (Laugh) Mr. President, had I not asked the question, nobody in here would have even thought about whether or not there is such a repository for money. It certainly sounds like a fund, doesn't it? I'd like to ask Senator Aguilar a question.

SENATOR CUDABACK: Senator Aguilar?

SENATOR AGUILAR: Yes, I will.

SENATOR CHAMBERS: Senator Aguilar, did you know that what Senator Wehrbein said is true, that there is no Rural Development Trust Fund? Did you know that?

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SENATOR AGUILAR: I did not know that, Senator.

SENATOR CHAMBERS: Now when I read off the words "Rural Development Trust Fund," did that sound like the kind of fund that the Legislature has established?

SENATOR AGUILAR: Yes, it does.

SENATOR CHAMBERS: If there were such a fund, would you agree that money for rural matters should come out of such a fund?

SENATOR AGUILAR: Absolutely.

SENATOR CHAMBERS: Thank you, Senator Aguilar. I wonder how many...I'd like to ask Senator Stuhr a question.

SENATOR CUDABACK: Senator Stuhr, would you respond?

SENATOR STUHR: Yes.

SENATOR CHAMBERS: Senator Stuhr, as a very cagey "cloturite", who got your bill out of harm's way on Select File, at least, before you became a "cloturite," would you be in favor of establishing a Rural Development Trust Fund?

SENATOR STUHR: Yes, I would.

SENATOR CHAMBERS: Would you be willing to amend LB 673 to strike all of that nonsense about killing prairie dogs and create a Rural Development Trust Fund into which would be placed \$1 million from the General Fund?

SENATOR STUHR: Yes, I'd like to see some funding in the Rural Development Trust Fund, but not associated with this bill.

SENATOR CHAMBERS: So you would not sell out for \$1 million?

SENATOR STUHR: (Laugh) No.

SENATOR CHAMBERS: I didn't hear you.

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SENATOR STUHR: No.

SENATOR CHAMBERS: You said no? It's not easy to get that "no" out, though, is it?

SENATOR STUHR: (Laugh) No.

SENATOR CHAMBERS: Now in light of our discussion, I'm going to ask you a question that I asked you earlier: Senator Stuhr, do you like me?

SENATOR STUHR: Sometimes. (Laughter)

SENATOR CHAMBERS: I told you. Perfect. You've heard of Leonard (sic) and Loewe. You've heard of Schmoller and Mueller from Omaha. You've heard of Rodan and Godzilla. Now you've heard of Chambers and Stuhr. I'd like to ask Senator Louden a question.

SENATOR CUDABACK: Senator Louden, would you respond?

SENATOR LOUDEN: Yes.

SENATOR CHAMBERS: Senator Louden, did you know that there is no Rural Development Trust Fund?

SENATOR LOUDEN: Well, yeah. The other day I think you mentioned something about it, and we called the Fiscal Office and they said there wasn't any money in it or anything up there.

SENATOR CHAMBERS: Did they just say there was no money in it, or that there is no fund that exists?

SENATOR LOUDEN: I just...Claudia called them up and that's just what she wrote on the note, that they either...I don't have the note with me. I forget whether it was no fund, or there wasn't any...but there wasn't any money anyway, so I didn't pursue it any farther than that.

SENATOR CHAMBERS: I understand. Thank you, Senator Louden. Members of the Legislature, I would like to ask Senator Erdman a

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question.

SENATOR CUDABACK: Senator Erdman, would you respond?

SENATOR CHAMBERS: Senator Erdman, I love numbers, but not as much as I love words. Did you hear somebody run off a number back there in your area just a few seconds ago?

SENATOR ERDMAN: Yes, I did, Senator Chambers.

SENATOR CHAMBERS: Do you remember what that number was?

SENATOR ERDMAN: Man, I believe it was 9,999.

SENATOR CHAMBERS: And was that number referring to anything?

SENATOR ERDMAN: Yes, it was, Senator Chambers.

SENATOR CHAMBERS: Would you share with us what it was referring to?

SENATOR ERDMAN: Well, based on this wonderful depiction that was given to us, and says the 10,000 amendments, there was a question about whether or not this was going to be one of those, and then reduce the number that we could look forward to.

SENATOR CHAMBERS: Look forward to on which particular proposal that is captioned at the top?

SENATOR ERDMAN: It appears LR 8CA, but I figured it was worth pursuing the intent, to ensure it only applied to that amendment.

SENATOR CHAMBERS: Thank you, Senator Erdman, and I think that was a very astute observation and question on your part. I'm not going to deal with this A bill in such a way that the "cloturites" are forced to show that they're "cloturites" again. And another proposal is on the agenda; it's coming up. And I have amendments already filed on it. It relates to protecting the constitution. It's amazing in a way, to go from trying to protect...

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SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...prairie dogs to protecting the constitution. But apparently there's less respect for the constitution than there is for prairie dogs, because they will try to get money to kill the prairie dogs but are not even willing to give their time and attention to protecting and shielding the constitution. Oh, they're not trying to shield the prairie dogs; they're trying to shield some ground. The ground is more important than the constitution. But we're going to have plenty of time to discuss that issue. I'm waiting, Mr. President. How much time do I have?

SENATOR CUDABACK: About 19 seconds, Senator.

SENATOR CHAMBERS: Okay, I would like to ask for a call of the house, and I want a roll call vote.

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

CLERK: 17 ayes, 0 nays, Mr. President, to place the house under call.

SENATOR CUDABACK: The house is under call. All unauthorized personnel please leave the floor. Unexcused senators report to the Chamber. The house is under call. Unexcused senators, please report to the Chamber. Members, please check in. Senator Jensen, Senator Janssen, Senator Cunningham, Senator Burling, Senator Synowiecki, Senator Thompson, Senator Foley. Senator Cunningham. All members are present or accounted for. Did you request a machine vote, Senator Chambers?

SENATOR CHAMBERS: I asked for a roll call vote.

SENATOR CUDABACK: Senator Chambers asked for a roll call vote on FA174 to FA167. Mr. Clerk, call the roll, please.

CLERK: (Roll call vote taken, Legislative Journal page 1240.)

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1 aye, 23 nays, Mr. President, on the amendment.

SENATOR CUDABACK: The amendment was not agreed to, and I do raise the call.

CLERK: I have nothing further pending to Senator Don Pederson's FA167, Mr. President.

SENATOR CUDABACK: Back to discussion of FA167, offered by Senator Don Pederson. Anybody wishing to discuss the amendment? Senator Kruse, did you wish to...he waives discussing it. Anything further? Senator Kruse, you are recognized to close. He waives closing. The question before the body is the adoption of FA167 to LB 673A. All in favor of the motion vote aye; those opposed, nay, on the adoption of the Pederson amendment, FA167. Have you all voted who care to? Record please, Mr. Clerk.

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

SENATOR CUDABACK: The amendment has been adopted.

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

SENATOR CUDABACK: Back to discussion of advancement of LB 673A. Anybody wishing to discuss advancement? Seeing no lights on, Senator Loudon, you are recognized to close. Senator Loudon waives closing. The question before the body is advancement of LB 673A to E & R Initial. All in favor vote aye; those opposed vote nay. Have you all voted on the issue who care to? Record please, Mr. Clerk.

CLERK: 31 ayes, 3 nays, Mr. President, on the advancement of LB 673A.

SENATOR CUDABACK: The bill does advance. Clerk, items for the record?

CLERK: One item, Mr. President, thank you. I have an amendment to be printed by Senator Janssen to LB 573. (Legislative Journal pages 1241-1243.)

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SENATOR CUDABACK: Next agenda item, LR 8CA, Mr. Clerk.

CLERK: Mr. President, LR 8CA, by Senator Schrock and others. It proposes a constitutional amendment to Article I by adding a new Section 28. Resolution was introduced in January, referred to Natural Resources, advanced to General File. The bill...or, I should say, the resolution was discussed on February 21, and again on March 1. Amendments to constitutional amendment had been offered and considered. There was a bracket motion that prevailed. And I now have other amendments pending to the constitutional amendment, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. (Visitors introduced.) Senator Schrock, would you like to give us a review or recap of LR 8CA?

SENATOR SCHROCK: Mr. President, members of the Legislature, I would bring your attention to the fact that this constitutional amendment has been in front of the legislative body, this is for the third year. It's been voted out of committee. This is the first time we've had serious discussion on the floor. It is brought to me by the Nebraska Sportsmen's Foundation, a group of over 100 sportsmen organizations. It is a constitutional amendment that would guarantee the right to hunt, fish, and trap. It is something that is being done in other states. Matter of fact, about 14 states have adopted something of this nature. And we would like to see that happen in Nebraska. One of the New England states had it in their original constitution that's 200 years old. So in their wise ways back then, they knew there was probably going to be trouble down the road. The most recent ones to enact this are Montana and Louisiana. So there is some diversity. I would remind the body that there are 173,000 hunters in this state. There are 296,000 people who fish. They spend...the hunters spend about \$232 million a year in this state in retail sales; fishermen, \$187 million. It is big business. I would also add that the hunters and the fishermen of this state are probably some of the most proactive people when it comes to developing habitat and protecting habitat, and especially for game species. I would hope that we would put this on the ballot and the citizens of this state

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could vote on it in the fall of 2006. When it has been on the ballot in other states, it has passed by 80 percent in almost all circumstances. And it has become a very popular thing to do. Do we need to worry about what other people are doing when it comes to hunting and fishing? I have a handout I would ask you to read. And I think it's...I think the most telling one...and just a second, here. I'm one of those people that belongs to everything. I mean, I belong to about five farm organizations, maybe six. I quit counting. I subscribe to all the hunting and fishing magazines. I go to the Pheasants Forever, Ducks Unlimited, and the turkey, wild turkey, National Turkey Federation. I got this magazine the other day. And a lot of people will confirm what's in there. But this handout that you're receiving has come from that. The nation's...and I'm going to read it, because I think it's important not only for you to know, but everybody else in this state to know. The nation's largest anti-hunting group has launched a new legal department to challenge sportsmen in the courts. An animal protection litigation section was created in the wake of recent merger of the Humane Society of the United States and the Funds for Animals. Attorney Jonathan Lovvorn was selected to head the department. The organization intends to add four litigating attorneys by the end of the year. The merger of the two anti-hunting groups formally occurred this past January. The new group will have as much as \$98 million in annual support--that's \$98 million every year--to derail hunting and traditional wildlife management in the United States. After the merger, the organization will continue to be known as the Humane Society of the United States. Its priority will be to do away with hunting and trapping in the United States. Bow hunting is the first form of hunting that the group has vowed to eradicate. The U.S. Sportsmen's Alliance has begun working with bow hunters, organizations, businesses, and publications, to organize bow hunters nationwide to defend their rights. If no one here except me takes this serious, I do. Hunting and fishing are a very valued tradition on...in my family. Monday, my brother shot a turkey. And he will grace their dinner table someday. Soon, I would assume. Wild turkey is very good eating, so...we have hunting seasons almost year-round on one species or another. Fishing year-round, whether ice fishing or whatever, is a very popular sport in this state. And it's a

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good way to keep people in Nebraska. And there has been some shenanigans that have been pulled in other states. There's anti-trapping measures in other states that have taken place. And so I will tell you, I take this very seriously. The sportsmen of this state take it very seriously. And I would also say this, in the light of term limits. This is in an issue that's going to be on the agenda when people are running for office in the Legislature. And I think we as a Legislature should do what the people of this state want us to do. And I don't think we should be so shy and apologetic for what we should do. And unfortunately, if we don't do it, then the citizens take it into their own hands, and put things like this on the ballot themselves. But I think they expect us to do this, especially in a state like Nebraska. So I would ask you to pay attention to the debate. I will try to answer questions. Like I said, I am serious about this. The sportsmen are serious about this. And I know you've received a lot of contact on this. I also believe the people who are opposed to this type of activity are serious. Most of that is not an in-state issue.

SENATOR CUDABACK: Thirty seconds.

SENATOR SCHROCK: But I do believe it is coming. And so I would ask you to stay tuned. I would ask you for your support. And I know what we are trying to do here today will be challenged. Thank you.

SENATOR CUDABACK: Thank you, Senator Schrock. Mr. Clerk.

CLERK: Mr. President, I now have amendments pending to the resolution, the first by Senator Chambers, FA33. (Legislative Journal page 599.)

SENATOR CUDABACK: Senator Chambers, you're recognized to open on FA33.

SENATOR CHAMBERS: Yes. Mr. President, in line 8 on page 1, you would strike the words "and hunting." You would then insert "hunting and walking." That way, fishing, trapping, hunting, and walking would be protected in the constitution. If you think in a state like Nebraska that a Legislature is going to

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outlaw fishing, hunting, and trapping, that Legislature might outlaw walking also. There are a lot of special interest groups who would like people not to walk. They'd like them to ride scooters, vehicles with four wheels, dirt bikes, motorbikes, motorcycles. So walking is at risk also. My amendments get into the spirit of what this thing that Senator Schrock is bringing us really entails--befouling the constitution. I handed out a copy of a letter from a former judge, Mark Buchholz, from Lincoln. It's dated March 1, and it says the following. Dear Senator Chambers, I applaud and firmly support your efforts to block the attempt to trivialize and pollute the Nebraska Constitution with such trash as the proposed right to, quote, hunt, trap, fish, and kill, unquote, amendment. The putting forth of the amendment is a brazen attempt to disguise as a civil right the moral weaknesses of those people who derive pleasure from the stalking, torture, and killing of God's most innocent and defenseless creatures. It deserves to be condemned in the strongest terms. Thank you for standing firm. Very sincerely yours. I have gotten similar responses from people who could be deemed to have an understanding of what a constitution is and what its purpose is. A constitution is the fundamental or organic law of the state. Every enactment by the Legislature has to conform to the requirements of that constitution. My job is to try to persuade those whose ancestors wrote this constitution that it ought to be protected from the trivialization and the befouling of the document. Senator Schrock knows good and well that no Legislature in Nebraska is going to outlaw fishing, hunting, and trapping. Would I like to see hunting abolished? I certainly would. Would I like to see trapping outlawed? I certainly would. And as for fishing, when I hear people complaining about sitting out all day and being nibbled on by mosquitos and other things that inhabit that part of the terrain, fishing is all right. And I don't know that people would be so likely to cut off a fish's head and stick it on their wall. Those people who hunt, the people that Senator Schrock is so concerned about, do things in other parts of the country and the world. And I don't know if he's proud of them or not. But since he's bringing up what happens in other states, I will do the same. On one of the national network news programs, there was a feature on how the federal treasury is plundered by these hunters, so-called big

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game hunters, who go around the world and shoot up all kinds of exotic animals. Many times, they are in a setting which could be described as a preserve. The heads and the bodies of these animals are taken to taxidermists, who will do a job of preserving them. Then these individuals will bring them to a place out in western Nebraska--I don't know why so much idiocy is found in that part of the state--to a thing called a museum. These carcasses are donated to that museum, after having been artificially evaluated as having great economic or monetary value. Those amounts are then deducted from these people's income tax returns as charitable contributions. There is an individual and an outfit--Senator Schrock may be familiar with them--which advise people how to go about doing this. They have an individual who will give these evaluations. Then they're instructed in how to claim it as a charitable contribution. This individual in Nebraska has all kinds of carcasses and heads stacked up. I don't remember if it was 20/20 or 60 Minutes, but it was a program of that variety. So they went to this place with a camera, and they documented the presence of all these critters' carcasses. Then they had somebody evaluate what these things are worth. The first thing that happened is that the one who runs the museum said when he tries to dispose of them he only gets a few pennies on the dollar, which demonstrates that they are grossly overvalued, and they are used to avoid and evade paying taxes. The men who go out and do these things will pass the word on that there is a way for you to go on these big game hunts and not have to pay for them, because you can get income tax breaks that will more than absorb the cost of these hunts. When you hear of those kinds of things, it is clear that only the wealthy engage in this kind of activity. Most poor people, most people of ordinary means, are not going to put together enough money to go onto some other continent to kill these animals. If they could get that much money together, they're not going to spend it for that purpose. So once again, the rich and the super rich have found a way to reduce their taxes, even without any help from President Bush. So when you see how these hunters think, and you watch what it is they do, you can begin to understand why sometimes there are problems created in society by the attitudes produced through hunting. One of the most regrettable parts of the Sunday World-Herald is a page that they will have, and invariably there is a youngster

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with a dead buck, grinning like a Cheshire cat, holding the buck's antlers so that the buck's face is directly into the camera. And the parent, a man, is proud as punch that his child went out and killed an animal such as that. And I'm wondering what is taught to the child. But since I never engaged in that kind of activity, I can only speculate. However, when I consider Senator Combs' bill to let these same people carry concealed weapons because they're so afraid, it must be that they do see traits in their rural neighbors, in their family members, in their friends, which will cause these people who want to carry the concealed weapons to feel the need to have such a weapon. Those are the people they live around. If they see an individual deriving pleasure from killing these animals and teaching his or her child to do the same, taking the child out to participate together in the killing, people may be justified in having the fear that worse things could be happen. And what would be considered worse? If the killing capacity were turned away from the four-footed creature toward those with two feet.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: In this society, more and more people are being killed in their homes by people they know, people to whom they are or were married, and by family members. Many times, the one doing the killing is a youth, preteen, teenage, and beyond that, but a young adult. So the culture of the gun may be learned out in the field killing helpless animals. But then it serves other purposes, too, that are far more sinister and devastating to human society. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. You've heard the opening. Open for discussion on FA33. Senator Schrock.

SENATOR SCHROCK: Mr. President, members of the body, as you would expect, I do oppose this amendment, which I understand adds the activity of walking also. Senator Chambers, I just want to respond to a few of the things that you said. I did read the article about how they were...had all their trophy mounts and then they were selling it, and how that was protecting them from income tax. I don't condone that

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act...type of activity. And there are very few trophy animals in this state that would command much money. Most of the people that do that type of activity, or that...the taxidermists in this state do a lot of deer, do a lot of fish. But most of them would not be the type of thing that would be deductible as an income tax write-off if they donate it to a museum or that type of activity. But as far as going to Africa, which I think you referred to, and shooting some large game species and doing that type...I think every situation is different there, depending on the individual who did it and for what reason, I think, makes a lot of difference. I do want to remind the body that the Game and Parks Commission, who are eight commissioners, who are appointed by the Governor--Senator Chambers, we've had our difference in the past on that issue, too--have unanimously endorsed and passed a resolution endorsing this constitutional amendment. I do find it rather interesting that this judge would send a letter. And his type of activity...his type of attitude is one of the things that we need to protect against. And when the majority of the people get to thinking that way about a certain issue, that's when we have...start to have trouble. And I see more of that creeping in all the time. And that's why I'm concerned, and that's why I think we should do this. I do think it bears protection in the constitution. I would also say, the constitution belongs to the people of the state. And unless I'm incorrect, the people can put anything they want to in it. And 14 states have seen fit to do this by a very large majority. And I think Nebraska would be no different. And I don't think we can ignore what other states do around us. And we want to do this so we don't become one of the targeted states. And that's the reason I've been willing to do this. And so I do oppose your amendment, or I respectfully oppose that. And looking forward to the afternoon activities, Senator Chambers. Thank you.

SENATOR CUDABACK: Thank you, Senator Schrock. On with discussion. Senator Chambers, on your amendment to LR 8CA.

SENATOR CHAMBERS: Mr. President, members of the Legislature, not only is Senator Schrock a worthy opponent; he is a respectful one. And I respect him, too. It's just that I don't respect what he's doing. If, as he indicated, a majority of the

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people may begin to feel like the judge, and the people can do with the constitution what they please, they can amend the constitution to destroy hunting, trapping, and fishing. Sometimes it's best to let sleeping dogs lie. Nobody has made an assault in this state against hunting, trapping, and fishing. Senator Schrock and his friends are the ones who have made it an issue. But when the issue comes before the Legislature, I will not turn away from it. I'm going to defend this constitution. And to the extent that I can, I will protect it. I handed you all another letter, which I ordinarily wouldn't do. It was given to me by a judge of the Nebraska Supreme Court. And here is the part that I think is significant. And it might encourage my colleagues to use a little more judgment and take a bit more seriously what we do. I have mentioned there are other forums where people with deeper understanding and appreciation of the law and the constitution will do their work. We create problems for them by being so slipshod and foolish in things that are done. They on occasion have even commented about how poorly bills that became laws were thought out, and how they would do it differently, but it happens to be the law. They might have a view of how it ought to have been written, how the law ought to read. But their job is to take the law as it's presented to them by the Legislature and make do with it. Because Legislatures, by and large, are so incompetent, courts will adopt the principle that when they're construing a piece of legislation, they will do everything they can to find it constitutional. They will start with the presumption that it is constitutional. The one challenging it has the responsibility under the law to convince, in Nebraska, a supermajority of the court that the particular statute violates the constitution. Then, if they come to a provision that can be interpreted in a way that will cause the act to be unconstitutional, or another way that will make it constitutional, they will interpret it the other way, so that they can find it constitutional, no matter how asinine it is. The court is telling the Legislature how little regard the legislators have. Time is not taken to understand the issues or to be concerned about the quality of work we put into impressing that language into the statute. But here is the paragraph that I want to read. It is nice to know someone will listen to a well reasoned argument or position, even if they may not agree with that position. That is what I

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truly appreciate about you. And hopefully, the respect is mutual. And it is; I do respect this judge. In reviewing the legislative history of numerous statutes, I read and examine virtually all of your comments in committee and on the floor of the Legislature. I must say that I agree with you on the merits of legislation about 85 percent to 90 percent of the time. But I understand your rationale and reasoning 100 percent of the time. Hopefully, individuals that read my judicial opinions understand my rationale and reasoning nearly 100 percent of the time, even if they may disagree with the result in a particular case. This is from Judge John M. Gerrard, a member...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...of the Nebraska Supreme Court. How many of you have judges who say that about what you say on the floor? You ought to get the transcripts of the debate and read your comments, and see if they're the things you would want to be judged by after you leave here, or while you are here, judged by people you would like to have respect for you. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Chambers, your light is next. You may continue.

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, if there is no respect for the constitution by the senators, the senators should not be disturbed if people have no respect for what it is the Legislature puts into law. I was reading the green copy of a bill, most of which was stricken and replaced by a committee amendment. The number of the bill is LB 542. Senator Burling is the chief sponsor. In the existing language that was not touched by Senator Burling's amendment to it, the reference is made to, quote, our taxation, o-u-r. That's not the way statutes are written. Not "ours." It's "the" taxation. You don't inject yourself into the statute and use personal possessive pronouns. But this ignorant Legislature does just such things. And ignorance is what it is. Ignorance may be bliss, but it is not something to be proud of. It is something that ought to be remedied. The committee amendment struck all of that part out of what they were presenting. Not

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the word "our." They probably didn't even pick it up. I take this stuff that other people write more seriously than do the people who write it. And to the extent that I can correct and rectify it, I'm going to do it. Look around here. Do you see people studying the constitution, the laws, even the bills of their own? How many times are questions asked to a senator whose bill it is, and the senator did not even know the material was in his or her bill about which the question is raised? Just sitting around like lumps of clay, or knots on logs. I should not be surprised that there is no respect for the constitution. I don't believe ten people on this floor have in their lifetime read the entire Nebraska Constitution. I don't believe that. And I certainly know they have no concept of what a constitution is or the purpose that it serves. England doesn't even have a constitution. England has a series of laws. They have a series of documents that have become renowned in various parts of the world. But they do not constitute a constitution. England has no written constitution. And unlike provisions in the U.S. Constitution, which have built-in delays before that constitution can be amended, a provision that would have the status of a constitutional provision, if England had a constitution, can be run through Parliament, all of the provisions of law dealt with, and given effect, in one single day. So when people talk about England being an example for this country, they don't even know how things are done in England. So how, when they're on their jingoistic horse, can they say America has the best constitution, America has the best laws, America has the best judicial system in the world? They don't even know what the judicial system is of any other country in the world. They don't know what the judicial system is of their own state. If they have an inkling of that, they don't know what the judicial system is of a state abutting their state. This is a country where...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...ignorance reigns. And I know how ignorant people are in this Legislature and other places. I deal with them all the time. I hear them make asinine comments. Then they want to talk about education and what's given in the schools. Why does somebody need to go to school to be as

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ignorant as people on this floor often show themselves to be? You don't need to go to school for that. Then it comes to the constitution. And Senator Schrock is right when he says the people can put anything they want to into it. But they've got to get petitions circulated, on the...get it on the ballot, then get enough people to vote for it. And I'll comment on that when I'm recognized. Is this my third time, Mr. President?

SENATOR CUDABACK: It is, Senator.

SENATOR CHAMBERS: Thank you.

SENATOR CUDABACK: Any further discussion on FA33? Senator Chambers, there are no other lights on. You're recognized to close on FA...

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, this amendment would protect walking. It would protect walking. Do you see how trifling I see this provision that's being offered to us is? If fishing, trapping, and hunting are in danger of the Legislature abolishing them, so is walking. I've had more people ridicule what Senator Schrock is offering, because they have a concept of what the constitution is supposed to be about. What I wish he would do is take his show on the road. I wish he'd go to the two law schools and address the classes in constitutional law, and point out why he thinks the constitution is a place where you should put boilerplates such as this. He wouldn't want to do it. If they were not told before he came to be courteous, they'd run him out of there. He'd be so embarrassed, because there are things they tell them about the constitution which never occurred to him. And why should it? You don't have to respect the constitution to be a member of this Legislature. You don't even have to read it. And it does trouble me immensely to see people, whose constitution it is, have so little regard for it. Sometimes when we're talking about educational matters that relate to K through 12 classrooms, people talk in here about the great education kids are getting in these Class I schools. I wonder if they're taught anything about the Nebraska Constitution. Now, the adults who come here and speak about the great education didn't get any there themselves. They don't know

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anything about the constitution. So when did they start teaching about the constitution in the Class I schools? Or haven't they gotten around to it? Or did those who go there sleep when that particular part of the instruction was going forward? Where did the teachers learn anything about it? Do they know anything about it? If they taught their students, and if they taught the parents of those students, there would be more respect for the constitution in this Legislature. This is more than a notion that we're talking...that I'm talking about. And on this one, I don't need anybody to say another word. This is something which I think should engage the mind and interest of every conscious politician. You don't have to be a statesperson. You don't have to be a scholar. You don't have to be a genius, a professor, or anything else. Just a politician, who may have an interest in doing the job that people sent you here to do. And it seems to me that the first thing you ought to want to do is master the manual according to which the work you're going to be done is carried out. If you bought some gadget at the store that was not assembled, and you're to assemble it, you would read the directions. You wouldn't just go in there, if you spent any money on it, and say, everyplace I see a screw...a hole where a screw will go, I'll just find a screw that fits it and I'll put the screw in that hole. Then no two parts are put together. But you found a hole for every screw. Well, something is wrong there. They give you directions for a purpose. A constitution does have numerous parts. And some of them, as has been pointed out in the past, ought not be there. They are foolish, they are outlandish, they are downright embarrassing. But you do not improve a document by putting equally outlandish, foolish, embarrassing material into it. If a child comes to school without adequate education, you do not help that child by putting into that child's head more of the misinformation, false information that the child brings to school. You start first,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...if you can, by clearing away some of those misconceptions. Then you offer something that is of value, and you try to persuade the child that what you're offering is of

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value, that it's going to have something to do with his or her life, will make him or her a better person, after you have explained why somebody wants to be a better person. And you proceed like that. But you have senators coming to the Legislature. They haven't read the constitution, they don't understand the constitution, they don't respect the constitution, so they bring us this trash legislation. And I'm not just talking about LR 8CA now when I use that term. That's why I work so hard here, and why I have so much hard work to do, because I take seriously the work that I do while I'm here. Mr. President, I will ask for a call of the house and a roll call vote.

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

CLERK: 13 ayes, 0 nays, Mr. President, to place the house under call.

SENATOR CUDABACK: The house is under call. All unauthorized personnel please leave the floor. Unexcused senators, report to the Chamber. The house is under call. The house is under call. All unexcused senators please report to the Chamber. Senator Dwite Pedersen, Senator Jensen, Janssen, Byars. Senator Brashear, Senator Engel, Senator Johnson, Senator Hudkins. Senators Schimek, Stuhr, Wehrbein, Burling. Senators Price, McDonald, Synowiecki. Senators Preister, Beutler, Thompson. Senator Aguilar. The house is under call. (Visitors introduced.) Senator Dwite Pedersen, Senator Schimek, Senator Price. Senator Mines. Senator Preister, would you check in, please. All members are present or accounted for. Senator Chambers, how did you state to proceed?

SENATOR CHAMBERS: Roll call.

SENATOR CUDABACK: Senator Chambers has requested a roll call vote on FA33. Mr. Clerk, call the roll, please.

CLERK: (Roll call vote taken, Legislative Journal page 1243.)
1 aye, 27 nays, Mr. President.

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SENATOR CUDABACK: FA33 has not been adopted. And I do raise the call. Mr. Clerk, next motion, when you get time.

CLERK: Mr. President, the next amendment I have is by Senator Chambers, FA34. (Legislative Journal page 599.)

SENATOR CUDABACK: Senator Chambers, you're recognized to open on FA34 to LR 8CA.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'm shocked, astounded, amazed, and surprised that my colleagues do not want to protect the right of the citizens of this state to walk. Senator Schrock is against protecting the right to walk. Although that's why I'm getting roll call votes, so we can see what these people who want to put trapping and fishing and hunting into the constitution do not think ought to be protected. I'm trying to show how silly all this is. I did hand around this excerpt from what is called Original Meanings. Do I expect it to be read and understood? Not by everybody. But by some people who will have some respect for what those who put together the U.S. Constitution in the first instance were looking at, the kinds of things they deemed to be important and appropriate to be put into a constitution. And I'm going to read this into the record, as I will every day that we are debating this. It will come up again tomorrow, and I'm going to read it again. This is called Original Meanings: Politics and Ideas in the Making of the Constitution. Oh, it was a winner of the Pulitzer prize. That's why my colleagues don't want to read this, because the Pulitzer prize goes to flaming wild-eyed liberals. But it's talking about those conservatives who wrote the constitution. Let me read this, from page 329. To prove the absurdity of enumerating rights, Federalists lampooned one of the amendments proposed by the minority in the Pennsylvania convention, which would have affirmed that Americans would retain the liberty to fowl and hunt in seasonable times, and on lands they hold...and in like manner to fish in all navigable waters, and others not private property, without being restrained by Congress. Nearly transported by laughter at this clause, Noah Webster proposed a further restriction:--That Congress shall never restrain any inhabitant of America from

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eating and drinking, at seasonable times, to prevent his lying on his left side, in a long winter's night, or even on his back, when he is fatigued by lying on his right. Transported by laughter. Ho, ho, ho. Do you see the silliness of what is being presented to us? But since you don't read history, you have no respect for the constitution or those who wrote it. You think you have come up with something profound, because the people who go out and kill animals and put their hides and their heads on walls want to befoul the constitution in the same way they defile and befoul their walls, doors, and floors. So the constitution is just another trophy for them to bag, with this odious language. It was laughed at, and an attempt was being made to put it into the U.S. Constitution, and it was not acceptable. And you today, who have the benefit of that experience, who have the opportunity to receive one of the best educations that might be available in any western nation...I don't say you get it, I don't say the schools are providing it; I'm saying the opportunity is there, because educating can take place other than in a classroom. Harvard, a university, has over 14 million academic volumes in its library. A school, 14 million, several hundred thousand volumes. And who in this Legislature would be impressed if they walked through there? They'd say, wow, what's all this space being taken up with these books for? You could move these books and put some more chairs and couches in here. Books. Books are precious commodities, because of what is in them. Whether the people whose names are on the title page as the authors ever existed or not, whether the name is a nom de plume or not, what is written in many of those books is so valuable that people should spend time reading rather than any other pursuit. But they will not. So we have shallow, superficial, nondiscussions on the floor of the Legislature, by people who don't know anything. There's a song that says, I know a little bit about a lot of things. We have people who don't know anything about anything. And they're proud of their ignorance. They exult in their ignorance. They have a President who wallows in his ignorance and jokes about it, and sets that as an example, while trying to push a program called No Child Left Behind. The child is not left behind, because he is already as ignorant as the President. Ignorant as the President boasts about being. In you all's country, all the hundreds of years that white people have been in this land, even

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before it was a country, and this is what it brings you to? A President who exults in his ignorance, and he's not taken to task for it. And I can understand, really I can, even though I'm upset by it, how my colleagues can take seriously a proposal to befoul the constitution by talking about putting hunting, trapping, and fishing in the constitution. Well, people, if they don't know much, cannot do much. How can they know if they're not taught? How can they be taught without a teacher? We should be the teachers. Our example should do the teaching. But it does not. For the record, I want to read what this amendment does. We would strike the word "fishing" and substitute "inventing fishing." So not just fishing, trapping, and hunting, but inventing fishing, trapping, and hunting. And you know why I think we should put in the constitution a protection of the right to invent these things? Because they may fall into disuse. Somehow, people may reach a level of civilization where they don't fish, trap, and hunt anymore. And if that should happen, we don't want to take the right away from people to go back to earlier barbarous days. If somebody decides, hey, it's a good thing to catch these creatures, to slaughter these others, to trap these others for fun and pleasure and sexual gratification--and psychologists have found that is deeply involved in this hunting and trapping and the deliberate infliction of pain on animals--they should have that right to go back to the earlier savage days, when those things were in vogue. So I want to protect that. For you all, I want to protect the right in the constitution to invent fishing, trapping, and hunting. I did not construct this grammatically with my amendment. If you added my amendment as it's written, it would simply say, on page 1, in line 8, if you adopted my amendment: "Inventing, fishing, trapping, and hunting are a valued part." It shouldn't be "are," it should be "is." But not trying to seem smarter than other people, I left "are." So if somebody sees you and they say, how are you, you say, I am fine. If you say it right, people think you're taking on airs and trying to be a smart aleck. On the other hand, if you walk up to them and extend your hand and say, how you were,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: they don't respond, I were fine. They look

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at you funny. And you know what they tell you? You shouldn't say, how you were; you should say, how you was. So then you say, okay. Like Burger King says, have it your way. We don't want to seem too smart, do we, brothers and sisters? We got to lower everything to the lowest common denominator. And "common" in the sense of, not ordinary, but that which is cheap, tawdry, and tacky. That was my opening, Mr. President? That was just my opening?

SENATOR CUDABACK: That was your opening, Senator.

SENATOR CHAMBERS: Thank you.

SENATOR CUDABACK: We're now open for discussion. You heard the opening on FA34 by Senator Chambers to LR 8CA. Senator Schrock, followed by Senator Combs and Chambers.

SENATOR SCHROCK: Mr. President, members of the Legislature, I do oppose this amendment also. But I want to talk about something else. Nebraska was the 49th state to pass a hunter harassment bill. You know, we were almost dead last. So that people can engage in a lawful activity without being harassed by organizations like PETA. Let's don't be the last state to do this. It's coming. It's going to happen. Let's...we're not going to be the first one. There's 14 ahead of us for sure. Let's not be the last state to do this. And it's going to pass if we put it on the ballot. It's going to pass, huge numbers. Senator Chambers, you are a worthy opponent. Whenever I get a chance and people ask me about the Legislature, I always defend the body. I say, it's a group of 49 people who are trying to do what's best for the state of Nebraska. I may have disagreements with certain individuals. And of course, then they ask me about you, Senator Chambers. And I say, Senator Chambers is going to be Senator Chambers. You can't stop him. And sometimes, when he's on your side, it's nice. Sometimes, when he's opposed to you, it's not so nice. But you still have to do what you have to do. Senator Chambers has to do what he has to do. But I didn't get a chance before the vote to address your constitutional amendment on walking. I would acknowledge that there are certain places in this state where it is dangerous to walk. And if it wasn't such a different subject matter, I maybe

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could have been persuaded to vote for it. But one of the places it's dangerous to walk is a prairie dog town. (Laughter) And if nothing else, the discussion on prairie dogs solidified my conviction that this is something we need to do. So if you don't want to break your ankle, don't go walking out on a prairie dog town. And of course, you don't want your horse or your cow to break their leg also. But I think part of the problem we have, and part of the problem we're going to have in the future, is we all are having a Disneyland approach to our wildlife. You know, it's Bambi, and it's, you know, Clarabelle Cow, you name it. It's all a Disney World approach. And that's what we see. And we're all kindhearted. Even I, as cruelhearted as you may think I am, I don't want to see an animal suffer. And I have shot horses, I've shot cows, not because I wanted to see them die; to put them out of their misery. And if I shoot an animal or a bird and it is wounded, first thing I'll do, as quick as I can, is wring their neck, put them out of their misery. Falling to the hunter's archer...to the archer or to the hunter is probably one of the least cruel ways for animals to die in this state. You can freeze to death, you can starve to death, or you can be hunted by a predator. And when you live on a farm, you see it all. And some of it's not very pretty. We trap on our farm. It happens to be a live trap. And we catch probably a dozen possums every year. And usually a blow to the head with a hammer will take care of them. But they're in our seed corn bin. And at \$100 a bag, you don't want them ripping open your seed corn sacks. Once in a while, if we're real lucky, we'll catch a skunk. And that's when it gets interesting. And we don't want them around either. Now, I've put out cat food for our cat. And I have possums that eat more cat food than my cats do, and so every once in a while I've got to try and take care of that. But part of the problem is, our society is becoming to take an approach that these are Disney characters out there. It's Bambi. Nobody wants to hurt Bambi. And people have to be educated. And so I think what we're trying to do here is a worthy cause.

SENATOR CUDABACK: One minute.

SENATOR SCHROCK: And I would ask for the body's indulgence. I wish it didn't take so long. Senator Chambers, if it wasn't for

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you, it probably wouldn't take so long. But I admire what you're doing. And we will keep up the...we will keep up this agenda. And at some point in time, there will be a day of reckoning. And I don't know if you will prevail, or I will prevail. But we will both give it our best shot, I'm sure of that. Thank you.

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

SENATOR COMBS: Thank you, Mr. President and members of the body. I am reading everything that's been passed out to me. And I agree. I don't agree with the amendment, but I do agree that Senator Chambers is very, very knowledgeable. And I go to him. I even tell people, I go to him a lot, and I ask a lot of questions, and we have great respect for each other, and we have a mutual fan club, so...for each other's opinions anyway. But in reading these two things, what we have distributed to us, the first thing is Senator Chambers talking about the original meanings of the framers of the constitution, written about 220 years ago, which does talk about the absurdity of some of the things that they wanted to put in that were considered to be as part of the inalienable rights, or whatever, you know, the freedoms that we had that weren't going to be infringed upon, including which side you laid upon in your bed. Roll forward 220 years to...or however many it is, to 2005, and we have...PETA wants to disallow fishing of our state fish. An animal rights group has a beef with the state fish. People for Ethical Treatment of Animals is asking Governor Dave Heineman to declare the channel catfish, Nebraska's state fish, off limits to fishing. PETA launched a campaign last year to ban fishing, arguing that it is a cruel thing to do and that fish are intelligent, sensitive animals no more deserving of being eaten than a pet cat or a dog. We ought to protect channel catfish in a manner appropriate to a state symbol, ensuring that they don't suffer needlessly at the hands of anglers. Heineman rejected their request: Fishing is a time-honored tradition in Nebraska, and I have no intention of modifying Nebraska's fishing guidelines at this time. So..."at this time" was added by me. They...PETA, last month, sent a similar letter to Alaska Governor Frank Murkowski, asking that it be made illegal to catch and eat king salmon, Alaska's state fish. Then also, the

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anti-hunting group announces the litigation division. That was just passed out to us. And there was a merger of two anti-hunting groups that occurred formally this past January. And they will have as much as \$98 million in annual support to derail hunting and traditional wildlife management in the United States. After the merger, the new organization will continue to be known as the Humane Society of the United States. Its priority will be to do away with hunting and trapping in the United States. Bow hunting is the first form of hunting that the group has vowed to eradicate. The U.S. Sportsmen's Alliance has begun working with bow hunting organizations, businesses, and publications, to organize bow hunters nationally, nationwide, to defend their rights. So I guess I'm trying to put these two things together. If we had Senator Schrock's information 200 years ago when these guys were laughing at it, would these guys still be laughing? I don't know. That's a good question. And I...you know, I can see the points on both sides here. And knowing that I eat catfish...in fact, I just ate it last week; was caught out of Turkey Creek, you know. And we've already established on the record that I do eat various forms of wildlife that aren't chicken, beef, and pork. And that's all right. We hunt and we trap. People do that. They do it to live and survive. They do it for sustenance. They do it for income. I don't know how appropriate it is to have it in the constitution. But I certainly don't like the prospect of it being taken away. And not being able to be present back in this...the time that the framers...

SENATOR CUDABACK: One minute.

SENATOR COMBS: ...framed the constitution, I can't really say, if PETA existed and all these things that I just read into the record were going on at that time, would they be laughing? Just something for us to think about. Thank you.

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

SENATOR CHAMBERS: Mr. President, members of the Legislature, Senator Combs. Had PETA existed those 200-some-odd years ago, I can assure you that the founders of the constitution would not be still laughing, because they would be dead. But they would

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have laughed then, because they were not afraid of shadows. It took more than somebody to just stand up and say, I have a notion to do this, so they say, let's run and put something in the constitution to keep it from happening. You are looking at a society which is afraid of its own shadow. The President encourages it. The so-called Homeland Security encourages it. Everywhere you go, you think somebody is going to kill you, blow you up, or take something from you. When you get on an airplane, they terrify you. If you're trying to ride the train, they terrify you. So Americans now are the most paranoid, frightened people that you can find. And that's why all of them want to carry guns. They're afraid of everything. They can't even put their finger on precisely what it is they're afraid of. But by God, they know something is out there trying to get them, somebody is out there going to do something bad to them. So as the "Bible" says, they flee when no man pursues. They hear the crackling of a leaf, and they say, a lion is in the streets. Just because people are fearful is no reason to contaminate the constitution to reflect that fearfulness. Education would take away a lot of fear. It is not perfect love that casts out all fear; it is proper education. And education consists of more than religious dogmas, various legends, myths, and superstitions. The fear that hunting is going to be abolished by the Nebraska Legislature. I don't believe that. I wish it would, but it's not going to happen. You saw what happened when I tried to rescue prairie dogs. You all voted cloture. But you're going to pay for it. You're paying for that now. There's a song: "I Could Have Danced All Night." I could have danced, danced, danced all night. Well, I can go on like this all night and all day tomorrow. And I wish this thing would not go off the agenda until we're through with it. But people have other bills for some reason they think ought to be given consideration. But the die is cast. Caesar has crossed the Rubicon. You drew the line, and I'm accepting it. But even before what happened this morning with the prairie dogs had taken place, I had been fighting against this abomination that is before us. My amendment is no sillier than the bill itself. And that's the purpose of my amendments. I had people stopping me when there was a news story on some of the amendments that I had offered. One state employee said she loves to go bird-watching, and if the people who are pushing this provision

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think that hunting and fishing may be done away with, perhaps bird-watching may be done away with. So she wants that protected in the constitution, too. How harmful would it be to the constitution to protect bird-watching? Who would be harmed by putting that in the constitution? Who would be harmed...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...by putting into the constitution that catfish are uglier than salmon, or that a hare can run faster than a tortoise, or a turtle, or a terrapin? Who could object to that? It's true. But you don't want that in the constitution. Wait a minute. Strike that. You might want it in the constitution, so I'm not going to suggest those things to make a point. Because a light may go on in your brain, and you'll say, aha, that is something that the constitution needs to protect. I'm offering my amendments satirically. The items that I'm recommending be in the constitution where they will receive protection are items of value. But there is no likelihood that they are going to be abolished or infringed by a Legislature.

SENATOR CUDABACK: Time, Senator Chambers. Senator Schrock, followed by Senator Chambers.

SENATOR SCHROCK: Mr. President, members of the Legislature. Senator Chambers, you are accusing me of trying to trivialize the constitution. Well, you're...you can't hear me? You are saying that I'm trying to trivialize the constitution, and that these sportsmen are afraid of their own shadow. I prefer to say that we're being vigilant. When an organization like PETA has the audacity to ask the Governor of the state of Nebraska to ban the fishing of channel catfish, that just blows me away. I don't understand that. And are they serious? I don't see how they can be serious. But it's that type of activity that I think it behooves us to be vigilant of the type of activities that we now take for granted, and that we not take them for granted. And so you can say what you want, and I respect you for that. But I think the best word I can use is, we want to be vigilant. And I hope you understand that. Thank you.

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

SENATOR CHAMBERS: Thank you. Mr. President, I can understand being vigilant. That means being watchful. But I would include the notion of being watchful in a rational, reasonable way. Vigilance in and of itself is not a word that carries, necessarily, the idea of being sane. Insane people are vigilant of things that you and I wouldn't even dream of, because they see things that we have not seen. They imagine things we have not imagined. And they fear those things. And if a person perceives something as being real, it is real to that person, and its consequences. And that is a fact of life. Senator Schrock, I didn't say the hunters are the ones afraid of their shadow. But I would include them. I said Nebraska is a society composed of people who are afraid of their own shadow. That's why they want to carry guns and take all these other precautions against nonexistent, imaginary threats. We'll get to go into that more on my friend Senator Combs' bill. I'm tempted to touch on it now, but I'm not going to. Old Jesus said in the "Bible," take no thought for tomorrow, for sufficient unto the day is the evil thereof. I will not take thought to Senator Combs' bill today, for sufficient unto this day is the nonsense contained in LR 8CA. No matter what Senator Schrock says, he knows there is no likelihood that hunting, trapping, and fishing will be abolished. So why did he bring it? There are a whole lot of people who hunt. They have clubs. They have organizations. They have associations. And he pointed out that they threaten senators. They say, with term limits, you're going to be running for office, and by God, if you don't vote to put this in the constitution, we ain't a-gonna vote for you. They may not vote anyway. They're out there shooting up stumps, terrorizing prairie dog towns, shooting Bambi. Yes, Bambi. But Senator Schrock underestimates people when he thinks that the only reason they have objection to the misuse and abuse of animals is that they see them in the "Walt Disneyesque" mode. If you go to your "Bible," you were given dominion over the creation. And there are all kinds of statements throughout that book that talk about your responsibility and obligation. You are not to be cruel, you are not to be wasteful, all such things as that. But it has no impact when money or pleasure come into

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play. It has often been said that when people get too old to do wicked things, then they start giving good advice. But thanks to Viagra and Cialis, they get a lot older before they have to start giving good advice, because they're able artificially to continue doing some bad things. And you know what they put on television, Senator Combs? That this man, who apparently has some kind of dysfunction...penile, they call it; I don't know if that means he escaped from the penitentiary and they're looking for him, or just what that means, but it means something. But they said he has 36 hours. Now, when I watched that commercial, I didn't know if they meant that the sheriff and his hound dogs were 36 hours away, and whatever he's going to do, he better do it. But anyway, if he gets hooked up with Cialis--I don't know if it's an organization that protects him--then he has 36 hours. And if he's with a lady of his choice before the sheriff catches him in that 36-hour time frame, you know, they can...whatever a man and woman...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...feel like doing. And that's on television. Now, some people have a different idea about things like that, just as I have a different idea about hunting, trapping, and fishing. What is being proposed here is a waste of time. It is a waste of money. It is a waste of effort. I do believe that I can stop this provision from being put on the ballot. But it's going to take time, and I have to work at it. I'm prepared to do that. And by way of my amendments, I intend to get some things into the record that I hope will educate about the constitution and why it's different from an ordinary statute where you put boilerplate, different from a legislative resolution, where you express hopes and good intentions. The constitution is, in a sense, like writing something in stone. And we ought to be very careful of what we...

SENATOR CUDABACK: Time, Senator.

SENATOR CHAMBERS: ...put into that constitution. Thank you, Mr. President.

SENATOR CUDABACK: Senator Chambers, you are recognized to close

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on FA34, being as there's no more lights on.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I wish, figuratively speaking, I could have turned on some lights in people's heads on this issue. But tomorrow morning, when we start afresh, maybe minds will be clearer, they will be open, and maybe I can insinuate something into those minds. Maybe they'll get calls from their constituents, reminding them of how important the constitution is. The amendment that I'm offering, which would protect in the constitution the right to invent fishing, trapping, and hunting, is as reasonable and rational as the original proposition Senator Schrock is offering us in LR 8CA. Now, if you don't accept my amendment, does that mean that hunting, fishing, and trapping cannot be invented? No. So why should you put it into the constitution? You should not. But I'm offering it to show that what Senator Schrock is offering should not be in the constitution either. And I have many amendments to cover, much time that I will consume thereby. Then I will have other bills on which to apply the Chambers method. I will discuss this constitution, the amendments that I'm offering, and the subject matter of those amendments. My hope is that when this discussion is over, a record will have been compiled which people can read and see that at least one person knew something other than how to carry water for the liquor industry, the tobacco industry, or those big cattle growers and others who want to upset the ecology. I am here to do that, and I will do it. Every one of these amendments that I am offering is as reasonable and rational as Senator Schrock's proposal. I'm going to continue offering them. I'm going to plow through every one of them. And there are those of you on this floor who know that what I'm saying is true. And there are people who will come up to me and agree with what I'm doing. But the only one speaking on behalf of the constitution is me. When one of the issues will come before us that they think is important, they will come to me to see if I will give some assistance. Yet, they don't care about the constitution. Certainly, I cannot be the only one who has concerns. But apparently, I am. If you read the record, none of the other 48 senators has any concern about what is being done to this constitution. And people should not be so lazy. You know that I will wage this

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battle, and you know that ultimately I'm going to win. So you sit back, and won't participate. But remember this. I'm like that marathon runner, and I'm getting in a zone. This bill is not going to be before us the whole time. Other bills will. And the same approach I'm taking to this one I'm going to take to those also. So when the amendments begin to come, don't be surprised. Even Mr. Smith, who is trying to go to Washington, is going to find out that I will have some amendments to offer on his motorcycle helmet bill. And I can think of some doozies for that one. Others can, too, but they're afraid to offer them.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: But I will be offering them. And he won't seek cloture. He knows good and well that he's not going to get 32 people to vote with him in the way he voted to cloture the prairie dog bill. So he's through. He ought to just give up and withdraw from the agenda his bill. It's not going anywhere. He hasn't got 25 votes. And he certainly can't get cloture. He doesn't believe I meant what I said, that his voting for cloture meant that the ground...the prairie dog bill is more important than his motorcycle bill. So we'll just find out. Let's see if he can scare up another vote to replace mine. Mine was a very strong, solid vote. I spoke for his bill. I'm not speaking for it now. I'll speak on it, if I decide to offer amendments. But his bill is sunk. He'll have other opportunities to bring it. And if he doesn't make...

SENATOR CUDABACK: Time.

SENATOR CHAMBERS: ...the same blunder next session,...

SENATOR CUDABACK: Time, Senator.

SENATOR CHAMBERS: ...I will help him next session. I would ask for a call of the house, Mr. President. And I would like to ask those people making all that noise under the balcony be allowed to vote on this one.

SENATOR CUDABACK: There's been a request for a call of the

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house. All in favor of the house going under call vote aye; those opposed, nay. Record please, Mr. Clerk.

CLERK: 14 ayes, 0 nays, Mr. President, to place the house under call.

SENATOR CUDABACK: The house is under call. All unauthorized personnel please leave the floor. Unexcused senators report to the Chamber. The house is under call. Unauthorized personnel please leave the floor. Unexcused senators report to the Chamber. The house is under call. Members, please record your presence. Senator Jensen, would you report in, please. Senator Byars. Senator Combs, would you check in, please. Thank you. Senator Cornett, would you check in, please. Thank you. Senator Mines. Senator Foley, would you check in, please. Thank you. Senator Beutler. Thank you. Senator Mines, the house is under call. Senator Chambers, how did you wish to proceed? Senator Chambers, how did you wish to proceed? Senator Chambers?

SENATOR CHAMBERS: Roll call vote.

SENATOR CUDABACK: All members are present or accounted for. Mr. Clerk, please call the roll on FA34.

CLERK: (Roll call vote taken, Legislative Journal page 1244.) 1 aye, 26 nays, Mr. President, on the amendment.

SENATOR CUDABACK: The amendment is not agreed to. I do raise the call. Items for the record, Mr. Clerk.

CLERK: Mr. President, amendment to be printed to LB 40A. I have a series of appointment letters from the Governor to the Coordinating Commission for Postsecondary Education, Commission for the Deaf and Hard of Hearing, Industrial Relations, and the Boiler Safety Advisory Board. Those will be referred to Reference for referral to standing committees. (Legislative Journal pages 1244-1248.)

Mr. President, I have a priority motion. The Speaker would move to adjourn until Thursday, April 21, at 9:00 a.m.

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SENATOR CUDABACK: You've heard the motion by Senator Brashear to adjourn till 9:00 a.m., April 21. All in favor say aye. Opposed, nay. We are...ayes have it. We are adjourned.

Proofed by: AEG