

**MAY 6, 2005**

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May 6, 2005

LB 312, 426, 542

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Good morning, and welcome to the George W. Norris Legislative Chamber for the seventy-fourth day of the Ninety-Ninth Legislature. This morning our prayer is being offered by Senator Kremer of District 34.

SENATOR KREMER: (Prayer offered.)

PRESIDENT SHEEHY: Thank you, Senator Kremer. I'll now call to order the seventy-fourth day of the Ninety-Ninth Legislature, First Session. All senators, please record your presence by roll call. Please record the presence, Mr. Clerk.

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

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Any corrections for the Journal?

ASSISTANT CLERK: Mr. President, I have no corrections.

PRESIDENT SHEEHY: Messages, reports, or announcements at the desk?

ASSISTANT CLERK: Amendments to be printed to LB 426 from Senator McDonald and to LB 312 from Senator Connealy. In addition to that, I have a report from the Investment Finance Authority regarding the state water revolving fund bond series, and the report of registered lobbyists for the current week. (Legislative Journal pages 1397-1403.)

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We'll move to the first item on the agenda.

ASSISTANT CLERK: Mr. President, the first bill this morning is LB 542, offered by Senator Burling and others. (Read title.) The bill was read for the first time on January 14, referred to the Revenue Committee. That committee advanced the bill to General File with committee amendments attached. The bill has been considered previously. The committee amendments were

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offered. An amendment by Senator Burling to the committee amendments was adopted. When we left the bill on May 4, there was pending an amendment from Senator Beutler, AM1228. (Legislative Journal page 1217.)

PRESIDENT SHEEHY: Thank you. Senator Burling, you are recognized to brief us on LB 542.

SENATOR BURLING: Thank you, Mr. President, members of the body. Tuesday evening we spent a little time on this bill. I introduced it and then proposed an amendment to it. The Revenue Committee Vice Chair proposed, and we passed (sic), the committee amendment, which became the bill. We passed AM1099 that I proposed, and so what we have before us now is a bill that is proposing a tax review commission of 15 members, to review our tax structure and report back in November of '06 to the Executive Board and the Revenue Committee and the Governor. Then we came back Wednesday afternoon, spent, I think, approximately 30 minutes discussing the motion that is on the floor right now, and I don't believe we took any votes Wednesday afternoon. And so that's where we're at right now, this morning, with continued discussion on the amendment that is before us. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Burling. Senator Landis, you're recognized, if you'd like to review the committee amendment.

SENATOR LANDIS: The committee amendment has been adopted, has it not? It has not been adopted? The committee amendment adjusted the membership of the commission, essentially allowing also for Executive Board designation of the senators, and allowing the committee members...the committee Chairmen who were outlined, to choose a designee, if necessary. And I think we...we altered the membership on the board, trying to keep it at something just larger than a jury. That's the committee amendment, Mr. Lieutenant Governor.

PRESIDENT SHEEHY: Thank you, Senator Landis. We'll now move to AM1228, amendment to committee amendments. Senator Beutler, you're recognized to open.

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SENATOR BEUTLER: Mr. Lieutenant Governor, members of the Legislature, just to remind you of the amendment in front of you, backing up to Senator Burling's amendment, it is in what I personally consider, at least, to be a very flawed form right now. It's supposed to be a tax policy study that affects all of the individuals in our society, whether they're upper class, middle class, lower class, and it should not be a study that just looks at particular industries or interest sectors, and lets them make the decision for all of the taxpayers in the state. And that's basically what this study would be purporting to do, because it has telecommunications, financial sector, industry and manufacturing, production agriculture, and the education community. Well, there are lots and lots more communities out there than these communities. In fact, this doesn't represent very many people at all, when you're talking...especially when you're talking about tax policies that won't affect just these particular interest groups, but affect the broad cross sector of people in our society. So I think it's terribly flawed in its present form, and in an effort to alleviate that, to some extent anyway, my amendment offers to add two people, a person from organized labor and a person from a low-income advocacy group, because certainly those are...would represent two large sectors that are not at all represented in the grouping right now. So if we're going to have something coming out of this policy committee--I don't know what it is that they're supposed to be doing, but whatever it is they're going to do--if it's going to have any legitimacy whatsoever, it ought to, it ought to include a broad cross section of people. If all we're going to do is consult with two or three industries to see if it's all right with them, well, we can do that without a \$100,000 tax study. They can come in and tell you what tax policies they'd like to see. I'm sure they all have a very good idea of the tax policies they would like to see. So I suggest broadening the committee by those two, in terms of the individuals that the Governor can appoint, and then, to keep the proper balance between the legislative appointees and the Governor's appointees, I'm suggesting you would need to add two members to the group from the legislative group, from the group appointed by the Exec Board. So that's essentially what the amendment would suggest, and I hope it meets with your approval.

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Thank you.

PRESIDENT SHEEHY: Thank you, Senator. We'll now open the floor for discussion on the amendment, AM1228. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm going to say again what I've said before. This is a bad bill which should never have been advanced to the floor. But it is out here, so we've got to contend with it. Senator Beutler's comments reflect very well what my attitude toward this whole thing is. This so-called task force is skewed. It's not going to produce anything of substance. It's not going to produce anything of quality. And it is a special interest task force. When you look at the education community being represented, and that person is appointed by the Governor, the production agriculture representative will be appointed by the Governor, industry and manufacturing, the financial sector, telecommunications, and then city and county government, I'd like to ask Senator Burling a few questions.

PRESIDENT SHEEHY: Senator Burling, would you yield?

SENATOR BURLING: Yes.

SENATOR CHAMBERS: Senator Burling, what do you mean by the telecommunications sector? What all is a part of that sector?

SENATOR BURLING: Well, it would be your line communications, your wireless communications. It would be up to the Governor who that person might be, but I think this is a sector that is changing very fast now, and we tax telecommunications. What will be the future of that?

SENATOR CHAMBERS: Okay. Now when you say wireless and line communication, do these two segments see issues the same, or do they compete with each other?

SENATOR BURLING: Merely brings out how fast this process of communication is changing, and how is that going to affect our tax policy in the future.

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SENATOR CHAMBERS: No, that's not my question. Not to be rude, but my time will run out. Those who deal in line communication, those who deal with wireless, these are two prongs. Would you agree?

SENATOR BURLING: Yes.

SENATOR CHAMBERS: Do they compete with each other, or do they see things eye to eye?

SENATOR BURLING: Probably a little bit of both. They're competing with each other, yet they can be the same companies; the same people, with new technology, will be involved in both.

SENATOR CHAMBERS: Okay. Now if there are two sides to this issue, how is one representative going to speak for all of the diverse entities in the so-called telecommunications sector?

SENATOR BURLING: Well, you can have different technologies in the same communication business and be represented by one person.

SENATOR CHAMBERS: So it's your view that on telecommunications issues that come before us, there will not be some in the communications industry opposing, and others for it? They'll all be on the same side of that issue, when one comes before us? Is that what you're telling me?

SENATOR BURLING: Well, if you get down into real delicate technicalities, there would be opposing forces, but in general, telecommunications is that.

SENATOR CHAMBERS: Okay. So when you have those opposing forces, the Governor is going to appoint the one that is of most political benefit to him or her; isn't that true, being realistic? Isn't that true?

SENATOR BURLING: I would not say that that's necessarily true.

SENATOR CHAMBERS: Has this Governor appointed a Democrat to be

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a judge, and he's appointed several?

SENATOR BURLING: I don't know.

SENATOR CHAMBERS: What do you suspect?

SENATOR BURLING: I haven't followed that.

SENATOR CHAMBERS: I think you see where I'm going. When we come to the financial sector, what all is embraced in that term "financial sector"? Would that be banks?

SENATOR BURLING: Could be banks, could be attorneys.

SENATOR CHAMBERS: Savings and loans?

SENATOR BURLING: Could be financial attorneys, CPAs.

SENATOR CHAMBERS: And could it be loan companies, where all they do is make loans? It could be these outfits that will let you, in a sense, mortgage your paycheck. All of those are part of the financial sector, aren't they?

SENATOR BURLING: Yes.

SENATOR CHAMBERS: How are you going to find one person to represent all of those different and conflicting and competing interests?

PRESIDENT SHEEHY: One minute.

SENATOR CHAMBERS: How are you going to do it?

SENATOR BURLING: Well, that's the Governor's prerogative right now.

SENATOR CHAMBERS: What is involved in production agriculture?

SENATOR BURLING: The production of grains and livestock and fish and...

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SENATOR CHAMBERS: And there are differing...

SENATOR BURLING: ...food.

SENATOR CHAMBERS: There are differing views in the agricultural community about a lot of issues that come before us. Isn't that true?

SENATOR BURLING: Yes.

SENATOR CHAMBERS: I'm on the Ag Committee, and I see it. I see them lined up on different sides of these issues, and they're very angry sometimes. How's the Governor going to appoint one person to represent production agriculture?

SENATOR BURLING: Well, again, that's up to him, but hopefully the representatives on the commission will be professional enough to approach it from the broad picture.

SENATOR CHAMBERS: Are the senators here professional enough to do that on issues?

SENATOR BURLING: I think so.

SENATOR CHAMBERS: How long have you been a member of the Legislature, Senator Burling?

SENATOR BURLING: Oh, I'm starting my second term.

SENATOR CHAMBERS: Have you been awake most of that time?

SENATOR BURLING: (Laugh)

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

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Burling.

SENATOR BURLING: Thank you very much, members of the body. You know, what Senator Beutler is trying to do with this amendment

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is improve the balance. Balance strengthens credibility. In my original proposal in the green copy, I had 30 members on the commission. I felt like that was pretty good...representative of everybody, and brought balance as well as I could. I introduced the bill to the Revenue Committee. There were no opponents at the hearing. I said to the committee, here's my idea; work with...I'll work with you; change it any way you need to, to get it out of committee. And they reduced it to 15. I'm committed to holding to that number, and the challenge is how to create balance, is what we're trying to do with this amendment. Short of passing this amendment or the Jensen amendment, I would suggest to you that the seven positions that the Governor is in charge of appointing right now are specified areas of interest. The Executive Board, however, in appointing their eight senators, is not limited to areas of interest. And I would hope that they would look at the balance on the committee, and maybe seriously consider senators that they feel would especially focus on those areas that are out of balance, and bring more balance to this commission. Without expanding the numbers, I don't...I think that's the best way to do that. I'm suggesting that, and hopefully we'll be able to bring credibility and balance in that way, rather than adding numbers. Thank you very much.

PRESIDENT SHEEHY: Thank you, Senator Burling. Senator Chambers, followed by Senator Beutler.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'm not going to engage Senator Burling in a back and forth. I did that the first time, to make a point, if I was able to. Any governor is going to make political use of any appointments, any governor. Since I don't belong to either political party, I don't have an ax to grind with either one of them, and in many cases I see not a nickel's worth of difference between the two parties. As parties, they soft shoe on issues, they try to say what they think the public will accept, not even necessarily what the public wants to hear, so that they stay below the radar, they don't ruffle any feathers, and they just slide through. When it comes to appointing people to something such as this, nobody may care too much, because they know that the resulting so-called report won't be worth the paper it's written

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on. I was wondering why Senator Raikes had spoken in favor of this, and then I saw him in the hallway later and found out he's a member of the Revenue Committee that advanced this thing. Senator Burling told us that there were no opponents to the bill before the committee. When you look at the bill, anybody who is serious would say there's no need to oppose that. Certainly the Revenue Committee is not going to send something like this to the floor. So why waste time? Whatever the reasoning, or lack of reasoning, was behind the decision, the bill winds up here before us. This is one that I'm not going to docilely allow to move forward. I wanted to put a motion on it to kill it, but other people want to discuss it further, try to find a way to save face. They know it shouldn't be out here. You don't see any ringing endorsements of this bill by anybody. Even Senator Burling cannot give a ringing endorsement. There are issues he hasn't even considered. I know how contentious the forces are in the telecommunications sector, whatever that term is supposed to mean. There are different sides, certainly, on issues in production agriculture, whatever that means. Does production agriculture simply mean any person in the business of producing agricultural products, as was suggested by Senator Burling? How about somebody who has a 250,000 pig operation? How about somebody who is interested in ethanol? Somebody who's growing corn, not for ethanol use in the boondoggle? Somebody producing wheat? Somebody, sorghum? Soybeans? Cattle producers, whose animals destroy the land, since they are an alien species here? Destroy the land, and Senator Louden and the others who are after the small, little prairie dog, won't mention what the cattle are doing to devastate the environment in more ways than one. These interests don't see things eye to eye. The big ones want the mandatory checkoff, which has been mischaracterized here as voluntary. The independent cattle producers don't want the checkoff. Which ones do you think the Governor is going to appoint? Who can give the most money to the campaign? Politicians have the attitude of those same so-called Founding Fathers at the Constitutional Convention.

PRESIDENT SHEEHY: One minute.

SENATOR CHAMBERS: Let the upper class rule, and let the lower classes do the voting, because you can govern and dictate to

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them which way to vote. So a governor is going to appoint those who give the money. Those who give the money never constitute a numerical majority. But they give the money which can go to produce ads and other things that will sway the mind of the generally unthinking public. So the appointments will be made to those in production agriculture, who are the big ones who can make the big contributions. That should not even be here. Who in here thinks a single business person is going to say it would help the overall economy and benefit the citizens at large, if these incentives were done away with, to stop sucking so much out of the state's revenue stream, thereby raising taxes that everybody else has to pay? No business entity is going to do that. They shouldn't be here. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Beutler.

SENATOR BEUTLER: Mr. Lieutenant Governor, members of the Legislature, it seems to me that not only is the proposed commission ill structured and vague as to what it should actually accomplish, beyond looking broadly at tax policy, and I want to get into that in a minute, but it looks also as if it's not even coordinated, with regard to the remaining provisions of the bill. In Section 3 of the bill it says that the commission shall select an executive committee, and the executive committee apparently is going to do a lot of the work. And it says the executive committee will consist of the following: the Chairperson of the Revenue Committee. Well, when you look at Senator Burling's amendment, there's no direction, as far as I can see, with regard to appointing the Chairperson of the Revenue Committee to the board, to the commission at all. And so, it may be that the legislative Executive Board wouldn't appoint the Chair of the Revenue Committee. At least there's no relationship, as far as the Executive Board is concerned. There's no direction in Senator Burling's amendment to appoint the Chair of the Revenue Committee to the commission as a whole. It says, the director of Economic Development should be on the executive committee. You know, this is so "disincongruous," I must be missing something. Senator Burling, could I ask you a question, please?

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PRESIDENT SHEEHY: Senator Burling, would you yield?

SENATOR BURLING: Yes.

SENATOR BEUTLER: I feel like I'm in danger of misrepresenting your bill, but let me just ask you about the relationship between Section 3 and your amendment. It says that the commission shall select this executive committee and that the director of Economic Development will be on the executive committee. Now I don't see anywhere in your amendment, or am I missing it, where the director of Economic Development is even, is even appointed to the commission.

SENATOR BURLING: Okay, Senator Beutler, the committee amendment replaces the bill, and they took out the executive committee.

SENATOR BEUTLER: They took out the executive committee altogether?

SENATOR BURLING: Yes, yes, uh-huh. So you need to refer to the committee amendment, because that becomes the bill.

SENATOR BEUTLER: Okay. So there is a correlation between the identification of the members appointed and the committee amendment, and the Executive Board has been eliminated altogether by the committee amendment, then?

SENATOR BURLING: No, the Executive Board in the committee amendment, they still appoint the eight senators, in the committee amendment. And then my amendment, AM1099, gave the Governor authority to appoint the other seven.

SENATOR BEUTLER: Okay, so you're...

SENATOR BURLING: That's where we're at now.

SENATOR BEUTLER: You're replacing Section 2 of the committee amendment?

SENATOR BURLING: Well, I don't have that right in front of me, but the committee amendment became the bill.

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SENATOR BEUTLER: Okay. Senator, let me, let me look at it, then, from that perspective.

SENATOR BURLING: Okay.

SENATOR BEUTLER: I appreciate the information.

SENATOR BURLING: Thank you.

SENATOR BEUTLER: Thank you.

PRESIDENT SHEEHY: Thank you, Senator Beutler. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'm going to start offering some amendments to this bill. I've talked to various members on the floor to see if I could find anybody who's enthused about this bill. Nobody. Even Senator Burling is not enthused. If you don't keep in mind that it is his bill and that he wants it, and just listened, pretty soon you wouldn't even be paying attention to the words he's uttering, because he is so low key. He doesn't care about this bill. Nobody cares about it. But I'm willing to take time on this bill, if the body wants to do that. Ordinarily, I'm the one who would say, let's spend a lot of time on this bill so we won't get to a bad bill like the one behind it. But the one behind it is the gun bill. That can keep us here for the rest of the session. And there are some amendments I have ready for that already, and some motions that will stop us from even getting to a discussion of the merits, if there are any, of that bill today. So this is going to be a time when we may as well talk this thing through with Senator Burling. Then whoever he is working with can be told by Senator Burling that he did the best he could. Look how much time the Legislature spent on this. There's not even participatory activity when it comes to the discussion. Senator Brown, who generally I call the handmaiden of business, she's not interested in this. I've been told that something is coming up Monday that we all are going to be very interested in, and it's not the gun bill. But there will certainly be some fireworks. I'll give you a hint: Hi ho,

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Cabela, away! (Laugh) But when I look at this, this bill, it's one of those things where you say, we'll just throw together anything. These are the typical slogans, these are the typical parties, so just throw them in here. When that business bill comes out here and you see them fighting and engaging in a full court press to suck additional money from the state's revenue stream--to use that cliché, which is becoming so all pervasive that it irritates me every time I hear it--revenue stream. Where do these things come from, so that they take hold, and that's all you hear? It used to be cash flow. Well, revenue stream is with us, so I guess I have to deal with it. Whether you like it or not, you have to use the language of those to whom you're speaking. I don't know what constitutes the education community. Does that mean the Catholic schools? Will they have somebody? They certainly have a lot of power in the Legislature. The Catholic agenda is being pushed in the Legislature, and these so-called Protestants had better wake up and smell the coffee, and see that the government is being taken over by the Catholic political agenda. It's here, and it transforms into money that is being sucked out. But they won't be put in this education community; they won't be a part of that, or will they? Going back to production agriculture, I'd like to ask Senator Connealy a question, because he knows something about this. Senator Connealy, would you yield to a question?

PRESIDENT SHEEHY: One minute. Senator Connealy, would you yield?

SENATOR CONNEALY: Yes.

SENATOR CHAMBERS: Senator Connealy, whatever the term "production agriculture" encompasses--let's take it as a very broad term, as it's used here--is there unanimity in the production agriculture sector?

SENATOR CONNEALY: No, I wouldn't characterize it as unanimity. No, not at all.

SENATOR CHAMBERS: If you selected a representative of your choice, do you think that representative would satisfy everybody

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in the production agriculture sector?

SENATOR CONNEALY: Well, it would be difficult to do that.

SENATOR CHAMBERS: Thank you. Members of the Legislature, why do you want to start out with contention, when you're trying to put together an outfit that is supposed to formulate a unified policy? It's "impossurous." That's what would be said by the rhinoceros. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Kopplin.

SENATOR KOPPLIN: Thank you. Members of the body, there's always some merit in a study, and knowledge is of infinite value, but when you really look at this, at this bill, there are numerous, numerous problems. Certainly the makeup of the committee is a problem. It's going to be biased, to begin with, one way or another, whoever appoints. It's also...you have to consider it as a completely voluntary committee. Those with expertise in tax law and tax policy are not going to serve on this committee. It's a freebie committee. This committee will end up with no expertise in tax at all. And simply saying, well, you know, we all pay taxes; that we're experts. No, it doesn't work that way. And it's a very short-term committee. The report is due back in November. You could spend a whole year talking about property taxes itself, because how can you talk about property tax without going into the whole system of valuation, and who gets the tax breaks, and why should farm property be at 80 percent and business at 90 percent, and it goes on and on? This is a complete year study. And you can't, you can't spend a year talking about property tax without talking about the organizations that use the property tax. So you've got even a longer one. Income tax gets worse. Are you talking about corporate income tax? Are you talking about individual rates? Are you talking about any number of people that would be interested in paying something different? Sales tax is even worse. You get into a whole jumble of things. And the committee is supposed to meet quarterly and be done in a year? It simply can't be done. There's no expertise on the committees. There's no way to approach all the different

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aspects that are in this committee amendment of what they should do. It even gets down to, well, you need to study the state demographic changes. How on earth are you going to do that in a year, to determine why we're losing rural population? They're to hold public hearings. I think we could tell what the public hearings would be now. If you go to the rural sector, they're going to tell you that, well, property taxes is too high. And it is too high for them. But if you go to the urban section, they're going to say, don't mess with the property tax, because there's nothing I can do about my income tax, so local income tax won't work. If you go to the business community, they're going to say, my, don't touch sales tax. We can write those things right now. We cannot do that with a committee that has no tax expertise and is supposed to complete their job within a year, on \$100,000. You probably can't even get four experts in to speak with the committee, and spend less than \$100,000. The bill is not going to work, and we're spending a lot of time talking about the makeup of the committee, when the bill in its entirety simply will not work, and we shouldn't be spending time on it. Thank you very much.

PRESIDENT SHEEHY: Thank you, Senator Kopplin. Senator Stuthman.

SENATOR STUTHMAN: Thank you, Lieutenant Governor, members of the body. I did sign onto this bill with Senator Burling. I realistically think that there is a need for a tax policy change. How are we going to try to get this accomplished? What have we had in the past? How has the procedure been in the past? And the things that, that I've been really concerned with, in the three years that I've been here, as to, you know, how do we try to gain some more revenue for the state, when we're short of revenue? What group do we go to? It has been said time and time again, you know, we need to broaden the sales tax base. We need to broaden the sales tax base. I don't feel that's the right direction that should be going. I think it should be a broad sales tax base. And what had happened in the past several years is we did create another broader area to accumulate revenue for the state. I've really never been able to accomplish the fact as to how many dollars that this did accumulate to--anywhere from zero to \$50 million, in that range

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somewhere. But what we have done, and what was passed several years ago, is we went to one group and asked them to do a better job of recordkeeping, accountability, and send in some more money. That was the sales tax on the labor for reconstruction and remodeling. That was a very complicated issue. You know, initially, there was to be a sales tax on attorneys, CPAs, and several other different entities. But they fought that. They did not want that. They had power to do that. But which group didn't have the power and the money behind them to fight it, so that that wouldn't come down to them? And it was put down to them. And I'm not happy about that, and I never will be, until it gets taken off. By creating this board, I think we're going to run into, probably, the same situation, you know. The powerful ones that are appointed on that committee and that commission are going to be the ones that are going to rule. The weaker ones, the ones that do not have the ability financially behind them to really enforce what they want to accomplish, they're not going to get anything done. I don't know if this is the right direction to go, but I think we need to do something. I don't think we'll really accomplish a lot with this commission, but I can't say so for sure or not. But that is the concern that I have, is that I think there needs to be a policy change as to how we want to accumulate revenue from the state of Nebraska. No matter what you do, it's going to affect someone. But if we can have a very, very broad sales tax, or some type of structure where everyone contributes, because everyone does benefit from the revenue that is given to the state of Nebraska, no matter whether it's roads, services, or anything like that. So that is what I'm really concerned about. You know, let's really take a serious look at it. If we develop this commission, are we going to be any better off than we are right now? It's hard to convince the 49 of us as to exactly what direction we'd go to. So that is a concern of mine. I'm going to be listening to the debate.

PRESIDENT SHEEHY: One minute.

SENATOR STUTHMAN: I think something needs to be done, but I do not know whether this is the right direction to go yet. Thank you.

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PRESIDENT SHEEHY: Thank you, Senator Stuthman. (Visitors introduced.) Senator Kruse, followed by Senator Jensen.

SENATOR KRUSE: Mr. Lieutenant Governor and members, thank you. I support the bill, and I respond to...partly, my response is to Senator Chambers' question, if anybody is for this. I am strongly for it, I hear others for it, since I don't see anything else on the horizon that even comes close to it. I've been involved in a variety of studies, and it's a tough go. But there are two components in a major study that have to be there. One is, the base has to participate. If there is not participation from this base, from the public base, it's not going to happen. And second, there does have to be professional consultants. You don't have to go a hundred miles in order to be an expert. The University of Nebraska has public policy faculty that is expert, that has received national recognition for their expertise, and these persons have been contacted by other states, and are consultants to other places. I don't know why they can't be to us. I am very concerned about our tax structure, and I frankly welcome any way that we can start talking about it. In 1988, one of the candidates for Governor said that we ought to have an equal...some sort of equality between the big three: sales, income, and property. That candidate was ridiculed by the opposition, saying that a three-legged milk stool isn't what we're about. We're not milking a cow, we're trying to run a state, and suggested that property taxes should be a lot more. Well, property taxes are a lot more. My staff has studied the balance of these three for the last ten years, and we're not making progress, folks, if we think it should be equal. I don't know if it should be equal. I think that's something we should talk about, and determine what is the proper thing, not only for other places, but for Nebraska. It's time that we come up with a policy that we can at least look at, not binding, but at least look at, as we do our tax work. I assure you, in the Appropriations Committee and on this floor, we are shifting taxes all the time. It troubles me that a good share of the time, the floor doesn't seem to be aware it's a tax shift; not a tax decrease or increase, a tax shift. We should be having a broader picture. We should have a goal in mind as we make these tax shifts. I urge that we give support to a tax study. Thank you.

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PRESIDENT SHEEHY: Thank you, Senator. Senator Jensen.

SENATOR JENSEN: Thank you, Mr. Lieutenant Governor and members of the Legislature. I'll just echo the comments of Senator Stuthman and Senator Kruse. I think this is a time to look at our tax picture and to do a study. We are looking at our education picture, we're looking at our Medicaid picture and health picture, which are two huge drivers, and I think it is time that we take a look at our tax structure. One thing about taxes, certainly nobody wants to pay them, but what they really want more than anything is fairness, fairness in taxation. I don't believe we have that now. You look at what we've done, particularly on taxing some of our services. It is unbelievable to figure out what we have, with the construction tax that we put on. Also, if you're buying food in a grocery store, you don't pay tax. If you throw it in the microwave, it becomes prepared, then you pay tax. That just doesn't make sense at all, and I think the public wants fairness. Can we do that through this commission? I don't know. But certainly, if all we looked at was how to make our taxes more fair to the public, I think that the people would be, certainly, more happy. You know, certainly the farmers, they pay a great deal of property tax, not a lot of income tax. Those in the city pay a lot of income tax, and they pay property tax also, I'll guarantee you that. But what should be that right ratio? And if we can develop a system where we have fairness in our tax, taxes, you're going to receive much less complaints from the citizens. And I think it's our duty to do that. With that, I'll return the balance of my time back to the Chair.

PRESIDENT SHEEHY: Thank you, Senator Jensen. Senator Louden.

SENATOR LOUDEN: Thank you, Lieutenant Governor and members of the body. I, too, echo what Senator Stuthman, Senator Kruse, and Senator Jensen have mentioned. We've worked on taxes ever since I've been down here in the Legislature, and I don't know if we're any better off than when we started. We've broadened the tax base on sales tax. I don't know as that benefited anyone but the state for a certain amount of dollars, and like Senator Stuthman, I'm not...haven't really been...understand how

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much money that did increase. We've tinkered around with the state aid to education levy limit and that sort of thing. Whenever we do that, that puts it back on the property taxes, and that usually put it back out in the rural areas that, as some of the Education Committee members say, the rich districts that have a high valuation, and consequently, they receive less state aid because of the way the valuation has been stacked. So we, we've worked with all kinds of tax methods. I don't know as anybody was expert at it here in the Legislature, but they've come up with different tax plans, of what did we call it, the people's tax plan and various things over the years. And we really have gotten the thing out of kilter, but I tell you for one thing, I represent large rural districts out there, and property taxes is eating their lunch. And probably the biggest consumer of the property tax is the school systems. Now, are the people that are using the school systems, are they the ones that are paying for the school systems, or is this people that aren't using the system? So is there a question, should those that are using the facilities in the school systems more be paying more in some other type of tax than those that are just landowners, which is usually the largest contributor to property tax? We have our property tax to support our community colleges. A few years ago there was money from the state put into community college fund so that property taxes was down less than 5 cents on community college. As the state had their various problems, why, they've raised that now, and in our area, why, we're up to 12 cents on a community college. That all went onto property taxes. Somewhere along the line, I agree, we need a study of the situation. Whether this is the right way to go, I think it's as good as any, to start. There isn't anything in there that says that there's going to be any laws passed from it, but there will be some study, some findings. The commission, as it's being called, would have the authority to have some people look into it a little bit deeper. But I think there could be some recommendations, and I think there would be something positive come out of this, whether it...I don't know as you have to spend the whole \$100,000. That's what they talk like there's appropriations. I don't know as you'd...if you're not having 30 people on there, I wouldn't think you'd need that much money. But nonetheless, if there was the necessary to hire outside consultation, why, there could be some money available.

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So I, I support the bill. I think that we need something to do in this line. There's...time has come that we've adjusted these taxes around, and as Senator Jensen pointed out, at the present time, if you buy your groceries in a grocery store, you don't pay the taxes on it. But just go down here at 5:00 in the evening around some of these drive-in fast food establishments, and see how many cars are lined up, picking up their supper, probably, to go home. All of that food has got a sales tax attached to it.

PRESIDENT SHEEHY: One minute.

SENATOR LOUDEN: So I think there's...questions has to be raised, and I think the study would be important, to have something in this line, so I support the bill. And I also support Senator Beutler's amendment to add a few more people onto the committee amendment. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Louden. (Visitors introduced.) We have Senator Wehrbein, followed by Senator Burling.

SENATOR WEHRBEIN: Mr. President, members of the body, I'm really struggling with this, and I've come to the conclusion that I cannot support this bill, in its present form, advancing like it is. And I, I'm having a difficult time articulating what I consider the problem, but I...because I do agree with what Senator Jensen, Senator Kruse said, that we need some examination of where we're headed. But I'm not convinced at this point that this is the answer. I kind of wish Senator Landis was here. I had some conversation off the floor with him, and I'd like to have some more. But this just doesn't seem, to me, to get us to where we need to go, because I see, even though I agree with representatives representing and so forth, senators on some of these committees, we're doing that in some others, most of this case that I see, this is going to be simply turf representation. No agriculturist, no businessman, no educator with their salt is ever going to say, I'm paying enough, I should...or I should pay more. All we're going to do on a situation like this is defend our turf, and I would be just as biased as anyone else, probably. I don't know how to get at

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it. I don't know how to change this, to try to get at it. I've tried to say, maybe it should be the son of Syracuse study. Update the Syracuse study may be an answer, some way to see if we're...Senator Landis reminded me of the most...of about several of those. Most of those we ignored, even after we spent a half a million dollars, and it's collected a half inch of dust. We still haven't done that; when the reality is, once we get the studies, it still turns political. And we've got a political body here. We've got the Revenue Committee that's political. We've got the rest of us that are political. So I don't know that we've defined exactly what we need to do to get to where I think many of us think we ought to go. We haven't...we haven't defined that. I, like I said, I'm struggling with articulating where I think we should go. But I don't...I just don't believe that this approach is the way to go. I kind of wish the Revenue Committee had tuned this a little more. They have the expertise on their...based on those experiences. I don't have tax policy expertise particularly. They haven't been available. I haven't been able to have all the information available to me as to what they...I'm sure many of them can articulate off the top of their head--sales tax, income tax, what sectors are paying, what aren't, so forth and so on. I can't; some, but not all. So at this point, until there's another solution offered by somebody smarter than I, I just can't advance this bill. I would if I thought there was some way to get at the numbers, the data that I talked about yesterday, or day before. If we could get some updating of where we were...from where we were ten years ago about the sectors. We know the income tax is increasing. We know sales tax, for example, is fairly even keel. Income tax goes up and down. Just to look and see if some of those extensions...

PRESIDENT SHEEHY: One minute.

SENATOR WEHRBEIN: ...of the numbers that we have now may be adequate enough for those of us in here to make political decisions, because that's where it's going to end up. Just for example, if someone comes in and would say, you know, business is paying too many taxes in Nebraska, or agriculture is not paying enough, I don't know whether that would change the body's opinion or not. So I'm struggling. I just wanted to...thinking

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out loud on the mike is probably dangerous business, but at this point, I can't advance it. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Wehrbein. Senator Burling.

SENATOR BURLING: Thank you, Mr. President and members of the body. Just a little more information, and I appreciate what my fellow senators have gotten up and expressed their view, on whichever side of the issue. I want to say that this proposal is 100 percent my idea. Nobody brought this idea to me, and there was two things that really prompted this, in my mind. And that was what we've done to our tax code in the last few years, by necessity, and the fact that we need to maybe bring some ideas together on how to make it more fair and more understandable. And the other was the issue that Senator Wehrbein just referred to, the Syracuse study. We spent a lot of money on that Syracuse study, and I don't think we've seen a lot of results from it. And I believe that with the charge in the bill that this commission look at that study in their deliberations, we'll make some use of that study. And then there are other changes, many changes have been made since 1988, and the commission itself does not need to contain all the expertise needed to do this. The commission's job is to bring in expertise, gather information, coordinate that, and put it together and put out a recommendation. The professor at Syracuse University that guided this academia study, after it was over he said, so to speak: Here's your information, but a commission structure would have helped in several ways. It would have raised the level of debate among a broader group of people who are in a position to think clearly, who have laid out the ideas and issues for the Legislature to view more objectively, and would have served the crucial functions of education and consensus building around the recommendations. I looked at that statement, I looked at what some other states are doing. I said the other day, many states have conducted tax studies in the last five, six years. There are all kinds of different structures, but this structure of this one falls in line with what other states are doing. Some of them give them a year, some of them give them a year-and-a-half to complete the study, spending, you know, all the way from \$100,000 to

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\$250,000. So this is not something that's, you know, way off, out of base. It's what other states are doing, and I think it would make...in our case, I have confidence in the members of the commission, that they would bring in the necessary expertise and come to some recommendations that we can move forward on. Thank you very much.

PRESIDENT SHEEHY: Thank you, Senator Beutler (sic). Further discussion on AM1228. No one wishes to speak? Senator Beutler.

SENATOR BEUTLER: I'm Senator Burling. (Laughter) Just kidding you, Mr. Lieutenant Governor. Is this my closing? There were no other lights on. I'll just close, if there are no other lights on.

PRESIDENT SHEEHY: There were no other lights on.

SENATOR BEUTLER: Okay. I appreciate Senator Wehrbein's confusion on this matter, because it's not easy to straighten out, and I'm not sure that even what I would personally recommend is straight in my own mind. But I think part of the confusion derives from the way we do things. I mean, the biggest tax change in front of you this year is going to be the package of business incentives that are coming down the pike here shortly. Huge. Did we have a commission? Did we have a group of any type? No. I mean, it was just kind of working back and forth between members of the committee and interest groups that are here and there and everywhere, including prominently, I suppose, the Omaha Chamber of Commerce. But the biggest change we're going to make is the result of no commission at all. Now that's not particularly my recommendation, and I think a better model might have been the water committee that Senator Schrock and this Legislature set up. That's an area that doesn't deal with all of tax policy, but does deal with an important area of water. And you know that had, how many members? Fifty members. And now, I think what we're dealing with here is a lack of proportion between the broadness of the scope of this proposition, and the narrowness of the representation. And it seems to me that what we need to do is either bring down the scope to maybe one or two of the six items that are proposed to be studied, or broaden the

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representation and increase the money and increase the time, so that if we're going to try to understand tax policy broadly and definitively, that we have the resources, and we have the time, and we have the representation to do that. It's...I don't think the body is in the mood for throwing out a lot of money for another large Syracuse study, so maybe we can work through this so that we get broader representation and narrow the focus some, because I'm like some of the senators, in the sense that I never am against study, as such. You can't do anything but win from that, and in that sense, I'm certainly supporting Senator Burling's bill. But there's no point to doing it if we're not doing it in a way that has, I think, some credibility. So again, what this amendment would do would be to start manipulating the bill towards greater representation by adding two members, one from organized labor and one from a low-income advocacy group, and then retaining the balance on the legislative side by adding two there. So you're increasing the representation and then maybe we can start decreasing the focus, until we have the right proportion between representation and focus. At least that would be my idea on how to approach the subject. So with that, I would recommend to you the amendment currently before you.

PRESIDENT SHEEHY: Thank you, Senator Beutler. You've heard closing on AM1228 to AM0932. The question before the body is, shall AM1228 be adopted? All those in favor vote yea; opposed, nay. Senator Beutler. The question before the body is, shall the house be under call? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk.

ASSISTANT CLERK: 22 ayes, 1 nay to go under call, Mr. President.

PRESIDENT SHEEHY: The house is under call. All unauthorized personnel please step from the floor. All senators please return to the Chamber. Senator Bourne, would you check in? Senator Cunningham, would you check in? Senator Byars, Senator Heidemann, Senator Howard. Senator Beutler, how did you wish the vote to be recorded? Roll call, Mr. Clerk.

ASSISTANT CLERK: (Roll call vote taken, Legislative Journal

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page 1404.) The vote is 32 ayes, 10 nays on the adoption of Senator Beutler's amendment.

PRESIDENT SHEEHY: Thank you, Mr. Clerk. AM1228 is adopted. The call is raised. Next item, Mr. Clerk.

ASSISTANT CLERK: Mr. President, Senator Jensen would move to amend with AM1448. (Legislative Journal page 1379.)

PRESIDENT SHEEHY: Thank you. Senator Jensen, you're recognized to open on AM1448.

SENATOR JENSEN: Thank you, Mr. Lieutenant Governor, members of the Legislature. In the original bill, as presented by Senator Burling, and in his list of individuals, he had on page 3 one representative from the health sector appointed from the list of names submitted by the Health and Human Services Committee, and the Revenue Committee chose not to bring that forward. My amendment would just simply add that one representative from the healthcare sector, appointed by the Governor. Now if we're going to have a study of taxes and leave out healthcare as part of that, I think would be incorrect. You've got to remember it's 36 percent of the state budget, and it would just seem to me that if we're going to look at taxes, if we're going to look at where expenses come from and how money is disbursed, that certainly that we should add somebody from the health sector. I'm not saying who that should be, whether it be somebody from the hospital association, somebody from the nursing home healthcare association, or a physician, or perhaps an administrator. I'd let the Governor decide upon that. But I just think that this is too important an area to not have on the committee. I also would echo the thoughts of Senator Beutler, that it would seem to me, and I would certainly consider that on Select File, that somebody, if not the Chairman from the Revenue Committee, at least somebody from the Revenue Committee would be part of this. They do have the numbers; they've done studies on this before. If you have attended the symposium and had the Revenue Committee come forward with some of their data, it's certainly, and what George Kilpatrick has certainly presented, it's always been very enlightening to me. And so it would seem to me that someone...and using the Revenue Committee, would be

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very helpful in this study. But at this present time, all my amendment does is just add one person from the healthcare sector. With that, I would just ask for your support of AM1448. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Jensen. (Visitors introduced.) Mr. Clerk, you have a motion at the desk?

ASSISTANT CLERK: Mr. President, priority motion. Senator Chambers would move to recommit the bill to the Revenue Committee.

PRESIDENT SHEEHY: Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, those who make a mess should clean it up. This bill should not have come out of the Revenue Committee, but if it was to come out, it should have been in better shape than it is. Senator Wehrbein said more succinctly what I had been talking about; namely, that the bill is becoming a turf-protecting kind of affair. I have some interests that I want to add to the bill, and one of them was going to be those from the sector who are concerned about the health and well-being of prairie dogs, and I will tell you why. (Laughter) I will tell you why. Cattle destroy far more of the native terrain than prairie dogs. They range wider, they do far more damage, they destroy the environment. And that plays a role in the value of land, the use to which land can be placed, and therefore, it might take some of the pressure off trying to kill off all the black-tailed prairie dogs, and I think they're entitled to representation. But I did not do what former Senator Jones was willing to do, in response to some of my questioning, and that was to put a mule deer on the Game and Parks Commission, so that they would have representation. I would not attempt to put a black-tailed prairie dog on the tax commission, although you might get more sense out of that prairie dog than anybody else, because the prairie dog would be more objective and wouldn't take sides. Now he might kind of gnaw at the subject and get on people's nerves. But this is a bill which ought not to go any further. If this motion is rejected, then we'll just continue plodding along, talking about

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a bill which, even if it were enacted into law, is not going to achieve a worthwhile purpose. I think Senator Jensen sees this bill as a turf-protecting enterprise and because of his experience, his knowledge, and his concern about the healthcare area, he wants that turf to be protected, also. But I will say again, which representative of any of these entities is going to say, more tax is needed, more taxes are needed? In the agricultural sector, they may be saying, well, we don't want to have to pay taxes on farm machinery, and business will say, okay, let's cut a deal. If you don't allow any taxes to be charged on manufacturing equipment, then we'll team up with you to protect farm machinery and equipment. Then these others begin to form coalitions, and when you get through, you will find out that each entity has done what it could to say, let others pay the taxes. They will all agree, unanimously, that taxing is a necessary methodology by which the state raises revenue. They will begin to fragment when the question is asked, who shall pay the taxes? Just as the mice, who were so enthusiastic about putting a bell on the cat so they would know where the cat was, fell into silence when the old mouse asked, well, who will bell the cat? So when the question is asked, who shall pay the taxes...there was, I think it was Thomas Nast who did a cartoon and it had this circle of people, and each was pointing at the other one to cast blame. So they'd all be in a circle and you'd say, who shall pay the taxes? And each would be pointing at the others. Everybody pays those taxes except me and the interests that I'm concerned about. The structure of this so-called task force is building in guaranteed failure, when they come back and there has been a lot of contention, and they speak in platitudes. Everybody who has enough interest or even curiosity to look into the work product will say, why did the Legislature have to pass a law to get something like this? Why did they put all these people on this commission when they knew in advance that each representative is interested in protecting his or her turf, that the Governor who makes the appointments is looking over his or her shoulder to find political advantage? We can look at some of the appointments to boards and commissions that have been made by Governors down through the years, and those appointments are not reflective of sound judgment and the placement of people who are going to work in the best interests of the public at large--representatives of

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various industries that are to be regulated; some representatives who have maybe spoken negatively, publicly, about the work of the entity to which he or she has been appointed. One Governor appointed a woman to be the chairperson of the Parole Board, and she had no understanding whatsoever of the board, and sabotaged the work that was attempting to be done. And she did so much damage that she finally had to be moved, but that Governor gave her another position. I think she's in charge of something that Senator Brashear is working with. That's how Governors take care of their own, and it's how they correct, if you want to call it that, blunders that they've made before. They simply move the blunderer to some other entity and let the blundering continue, so that that person can be paid a good salary for blundering! And when you're talking about a tax policy, this structure is not designed to result in anything that is usable by anybody, certainly not a Legislature. I don't have confidence in any eight senators on this body being on this commission and doing anything of any consequence. There are senators who don't even show up on the floor of the Legislature. We're paid to be here, not paid well, but we're paid to be here, and we chose to be here, and some fought tooth and nail to be here, but they don't show up when we're working on the floor. When we're grappling with hard issues, they're not on the floor. So you think when you get eight malingerers from the Legislature, who don't have any particular expertise when it comes to any subject, put them on this commission, and they're not going to be fed by lobbyists, you think they're going to come to the meetings? How many meetings are they going to have? I'd like to ask Senator Burling a question, because he is the dean of this bill.

PRESIDENT SHEEHY: Senator Burling, would you yield?

SENATOR BURLING: Yes.

SENATOR CHAMBERS: Senator Burling, how often will this group meet, based on the law that you're asking us to support?

SENATOR BURLING: Well, they need to meet quarterly, I think it is, but that will be up to the commission, after they get organized, to decide how often they need to meet to get the job

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done in 18 months.

SENATOR CHAMBERS: Is there a requirement that they meet quarterly?

SENATOR BURLING: Yeah.

SENATOR CHAMBERS: Now what month is the first meeting to take place in?

SENATOR BURLING: That's up to them, after the appointments are all made.

SENATOR CHAMBERS: Do you mean quarterly, in terms of one calendar year, or every three months?

SENATOR BURLING: Every three months would be my interpretation, but...

SENATOR CHAMBERS: So then it's not a quarter of anything. They have to meet every three months, rather than four times a year, correct?

SENATOR BURLING: Yep. That would be up to however they interpreted that.

SENATOR CHAMBERS: Well, how do you interpret it, now that we've discussed it?

SENATOR BURLING: I interpret it every three months. Personally, I...every three months.

SENATOR CHAMBERS: Then why don't you put, they shall meet every 90 days?

SENATOR BURLING: Could.

SENATOR CHAMBERS: Would you be willing to put that in?

SENATOR BURLING: Could.

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SENATOR CHAMBERS: You're so accommodating, Senator Burling. (Laugh) That's all I will ask you. Oh, let me ask you this. Do you think eight senators will show up for all of those meetings?

SENATOR BURLING: Well, not every meeting. I mean, it's impossible for everybody to come to every meeting, but then, hopefully, they do the best they can.

SENATOR CHAMBERS: Well, if this is important, what could be more important than formulating this tax policy, because we've been told how important this bill is and the work they're doing? You mean to tell me they can't find four days out of the year when they can attend a meeting? Is that what you're telling me?

PRESIDENT SHEEHY: One minute.

SENATOR BURLING: Well, hopefully they would meet "oftener" than that, and you know, people get sick, and things come up that they have to prioritize their...

SENATOR CHAMBERS: Well, usually when people get sick, if it's the right kind of sickness--we know things come up--they can take some substances to settle that. That's all I will ask you. Members, I don't believe that these senators will attend these meetings. I don't believe it. You all know better, too. You all are the senators. Which one of you wants to be on this? How many volunteers do I have here today? I see one, two, three, four, five, six, seven. How many are not going to be term limited out of here?

SENATOR MINES: Well, we all are. (Laughter)

SENATOR CHAMBERS: Uh-huh. We got about three or four. Look at them! Look at the three who put their hands up. (Laugh) There you go. That's what I'm talking about. You need a pragmatist, somebody who's practical and realistic when we talk about these matters. Don't spare people's feelings. This is supposed to be serious business,...

PRESIDENT SHEEHY: Time on...

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SENATOR CHAMBERS: ...but we know there's nothing to it.

PRESIDENT SHEEHY: Time on opening, Senator Chambers, but you're the first one lit, so you can continue.

SENATOR CHAMBERS: Thank you, Mr. President. My motion, so that you will be aware of what it is, is to recommit this bill, which at first was preposterous. It moved from being preposterous to being ridiculous to what it now is--an abomination. I want to send it back to the Revenue Committee. The turf war has started. I agreed with Senator Beutler's amendment. Organized labor definitely should be there. A representative of low-income interests should be there. But how are you going to select these individuals? Senator Beutler had to craft his amendment to comport with the way the bill is written and the way Senator Burling's amendment was drafted. Now that Senator Jensen is asking that the area of concern that he has been granted representation, I'd like to ask Senator Byars a question.

PRESIDENT SHEEHY: Senator Byars, would you yield?

SENATOR BYARS: I certainly will.

SENATOR CHAMBERS: Senator Byars, do you think the developmentally disabled should have a part to play, since there are providers and others who receive compensation or reimbursement from public money?

SENATOR BYARS: Yes, I think they should.

SENATOR CHAMBERS: Do you think...that's all I will ask you, because I'm going to go beyond that. Every one of us could come up with at least one, and probably more than one, entity which ought to be involved if we're going to try to cover the waterfront of those impacted by taxation. I have an amendment that would raise the number of members from 15 to 510. There would still only be eight senators, because they're just thrown in there just as a sop. There would remain one representative from city government, one representative from county government because, as politicians, they're not much better than the senators. They just operate and do their damage at a lower

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level of government. But there would be 100 representatives of the education community. Then my friends from the Catholic Church and the Lutherans and all these others would certainly be in a position to argue strongly that you ought to give us a voice there, to be a hundred. Then there would be 100 from production agriculture. Where is Senator Connealy? I'm sure Senator Connealy would agree with me that even that 100 representatives would not represent every point of view in production agriculture, as I've learned from being on that committee for 10 these many years; 100 representatives of industry and manufacturing; 100 reps from the financial sector, that goes from the loan sharks, who are considered respectable, like the credit card industry, the loan sharks who are held in contempt, who steal from people at these little shops you see springing up everywhere. We give you money cheap, then we take all of your paycheck. I think those people who do income tax returns for people and gouge them are a part of the financial sector. They should have a hundred. And then 100 from the telecommunications sector, and that might not be enough for those, either. So if this bill is not returned to committee, I have some amendments that I'm going to offer. Now I'm going to step out of my collegial role, Senator Bourne. I've tried to maintain it, but it's too difficult. You better send this bill back to committee. You had better send this bill back to committee, or else. That's how I make you do what I want you to do.

PRESIDENT SHEEHY: One minute.

SENATOR CHAMBERS: When I add that "or else," you say, by God, we'll show him! And then you come right into my web. You play right into my hands. But if you send it back to committee, you play into my hands, too. We get rid of this thing, and I won't have to offer all these amendments, and then try to persuade you that we ought to kill it. Send it back to committee. Now that we've given input to our colleagues who handle these things, they will have a better idea of what they ought to do with this bill, and I have a feeling we won't see it again this session. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator

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Redfield.

SENATOR REDFIELD: Thank you, Mr. Lieutenant Governor, members of the body. I did not support Senator Beutler's amendment, not because I didn't believe that the people he wanted to put on the commission had worthwhile viewpoints, but in fact, I think we're confusing whether we're talking about taxes or spending. The people that he wanted to add and the people that Senator Jensen wants to add to this commission are people who spend the dollars, or certainly have the dollars spent for. And so if we're looking at the tax structure, we should be looking at those who have the burden of collecting the taxes, the ease and the cost of collecting those taxes, and perhaps we should be looking long term, overall, for the input from an economist, who might tell us what, in fact, the maximum and minimum levies of the GDP of the state of Nebraska we can tax without ruining our economy. I think that's the key issue here. And once you determine what the dollar that you can maximize from the economy without destroying it, then you've got an upper limit, and you know that you have to maintain your taxation below that limit. Then you can start constructing a structure below that. I have on my bookshelf downstairs in the office all kinds of reports. We can tell you exactly which counties pay the most income taxes, which counties pay the most property taxes. We can tell you where the sales taxes are generated. We know, in fact, who's paying the taxes. We know where the burdens are. I don't think that's the question. The question is how we can make it fairer and more simple to administer, because of the cost of the administration and also the cost to the economy, and the people who make up our economy. Thank you.

PRESIDENT SHEEHY: Thank you, Senator. Senator Smith, followed by Senator Schrock.

SENATOR SMITH: Thank you, Mr. President, members. I have a question for Senator Jensen regarding his amendment, if he's available.

PRESIDENT SHEEHY: Senator Jensen, would you yield?

SENATOR JENSEN: Yes.

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SENATOR SMITH: Thank you, Senator Jensen. I know that your intent is to put some health professionals on this committee, and...in terms of weighing the tax burden or what have you. How many hospitals do we have in the state; do you know?

SENATOR JENSEN: Eighty-five, I believe.

SENATOR SMITH: Eighty-five. And how many of those are for-profit hospitals?

SENATOR JENSEN: There is only one for-profit hospital in Nebraska.

SENATOR SMITH: In Nebraska.

SENATOR JENSEN: That I'm aware of.

SENATOR SMITH: Okay, and so...now you don't specify what type of healthcare professional. It could be a physician who might bring the perspective of a certain tax bracket to the table, but that would suffice for the...for the sake of the amendment?

SENATOR JENSEN: Yes. And I'm...I've kind of followed where Senator Burling was on his original bill, before the Revenue Committee made the change. He did...there was somebody from the health sector, and that's what he described, health sector, in the original bill.

SENATOR SMITH: Okay.

SENATOR JENSEN: And I'm just putting that back in, from where the Revenue Committee took it out.

SENATOR SMITH: Okay, and your objective is to add to the committee, not necessarily...and you're advocating for the bill; is that right? Or is this just a way to...

SENATOR JENSEN: No, I do advocate for the bill, and I did not do this as turf protection at all. I did it for...I really thought that a sector that's taking 36 percent of the state

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budget, that certainly we should have some kind of representation on that committee.

SENATOR SMITH: Even though most of that is in a nonprofit setting, be it government expenditures or a nonprofit hospital?

SENATOR JENSEN: Well, I'm not saying hospital at all. Whether it be a hospital, whether it be somebody from a nursing home, or a physician, or health professional.

SENATOR SMITH: Right. So if 36 percent of the state budget is spent on healthcare, how much of that 36 percent is spent in a for-profit scenario?

SENATOR JENSEN: I really can't tell you that figure.

SENATOR SMITH: Okay, thank you. Mr. President, I guess I'll continue to speak to the amendment, and I question whether it's necessary, and I do point to the fact that I think it is somewhat of a turf issue and I don't want to bog the bill down with that. I realize there might be some other objectives in the motions at hand and so forth, but let's make it as clear and concise as possible. I realize that it's not an earth-shattering issue, but certainly I'm not opposed to gaining more information, objective information, and I think that that is what we need to work hard on the most, is gaining objective information. I had to smile, perhaps, and at the same time not smile, about some information that was handed out this morning on healthcare. And it showed...it gave some numbers that were deliberately misleading, in an attempt to paint a scenario worse than it truly is. Now, let's be objective. Let's not twist the data and establish numbers to try to make a situation worse than it is. We already have some bad situations; let's not make it worse. Let's be straightforward...

PRESIDENT SHEEHY: One minute.

SENATOR SMITH: ...and as objective as humanly possible. I know that we're all humans and we all have a bias. But let's step away from that, as far as we can. Because if we keep inflating numbers and embellishing scenarios, we lose credibility. And I

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think the last thing we need to be considered is alarmists. Let's try to be objective. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Smith. Senator Schrock, followed by Senator Wehrbein.

SENATOR SCHROCK: Mr. Lieutenant Governor, members of the Legislature, Senator Chambers, I would like to, I would like to serve on this task force, but you know me--don't tax me, tax the man behind the tree. That's my attitude. And, yes, I am production agriculture. I would like to support this bill. I'm not opposed to the concept. I just don't believe the details are worked out. And I wasn't paying too much attention till Senator Beutler talked about the Water Policy Task Force. And let me share with you why I think the Water Policy Task Force, in my opinion--some may disagree--in my opinion, was successful. The Water Policy Task Force hired a facilitator who had expertise in international water issues, and was very excellent. I would also tell you, we had expertise from the Department of Natural Resources. Roger Patterson cochairs the task force with me, and he will be there long after I'm gone, because that position automatically goes to the Chair of the Natural Resources Committee. And Roger is a good person, as far as being a consensus builder. We had expertise with Ann Bleed, who is our state hydrologist. We had expertise from the... from the Attorney General's Office and Dave Cookson. And together, we worked together. We used scientific evidence, we used what was happening in other states. I think this tax policy task force can be successful. My trouble is, I only see one expert on there on tax policy, and that's the one appointed by the Revenue Committee. There probably should be five experts on tax policy, not so many people protecting their own turf on this, on this task force, although I think you need that. But you need also expertise there. And I really think you need a good facilitator that will keep the group focused on what's going on. So I want to support it. If the Revenue Committee would--and I'm not criticizing anybody on the Revenue Committee--would commit some time to this, I think it's possible to bring this back out and move it this year. And I certainly wouldn't be opposed to that. I'm just not ready to vote for it, in its present form, because I'm not sure what they would accomplish. So, if we had some

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direction as far as facilitator, if we had some direction as far as people who are experts on tax policy...now I notice there's \$500,000 appropriated for this. Up to this point in time, the Water Policy Task Force, with 49 members and a 50th person just added, has only spent \$255,000. I question whether we need \$500,000, at least not when there's people like me who will volunteer to serve on it, to protect my own turf. So I've got more questions than answers. I like the concept, I like the idea, but I'm not so sure a task force composed of 49 state senators wouldn't accomplish just about as much, in its present form. So I'm not quite sure what I want to do. I think Senator Chambers' proposal probably isn't too bad, if we could get a little more input and get the bill back out here this session, and get it moving. I don't want to detain Senator Burling's priority bill when I think the concept is good. I'm just not comfortable with...it doesn't look like there's any focus to me. I hope that's helpful. Yes, I think the task force for water did work, and I think there was reasons it did, but there's some ingredients that I think are missing here. Thank you for your time.

PRESIDENT SHEEHY: Thank you, Senator Schrock. Senator Wehrbein.

SENATOR WEHRBEIN: Thank you, Mr. President, members of the Legislature. First of all, Senator Chambers, I am going to support your recommitment, but I'd like to...I'd just like to have you hear my first comment, before I go into the bill. I want to say I take very strong exception to your comment about cattle being hard on grassland and rangeland. I don't want to let that go, in terms...on the debate. Well-managed grassland, well-managed rangeland, livestock in general help it, and it does not destroy it. And I...if you really were interested in that, I think you could find experts more expert than I that would...could prove that point. But I just didn't want to let that go on the record without...but beyond that, I'm going to support Senator Chambers on the recommit to committee. This is not intended to be an affront to Senator Burling, not intended to be an affront to the Revenue Committee, but I firmly believe that that is the answer to this dilemma at this point. I don't know how intense or widespread or even passionate the discussion

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was in Revenue Committee, but I do believe that they're in the position to know more where we should head, in terms of the expertise they have, not only in the committee, but on the staff. And I think it is a reasonable thing to do, is to recommit this to committee and let them polish this, let them tune it, let them see how they think that they should approach, get at the details that they think they need. If it's an expansion or if it's an updating of the Syracuse study for a modest amount of money, so be it. If they really believe it ought to be a task force, then do that, based on the study, the comments we've had here. And I...hopefully--I don't know whether the Speaker can put it back on this year--I would hope that it could be. It is not my intent to delay this. I think most in here want it, but they're uncomfortable. I think we can't do it as a committee of the whole here this morning, determine where this should really go. Senator Landis has been in and out. I've talked to him. I wish he was here. By the time I get up, he's not here for the time being. I know he's around. But I really believe that that committee could take some time and determine exactly what it should be, bring it to us, and we could probably polish it off forthwith. I don't see that it would take a great delay, based on the feedback that's come from the floor. I'm not sure a commission is the answer. I think whatever it is ought to be fairly small beyond the Revenue Committee. But they're the ones that are going to have to deal with this over the next few years, are those that are staying, not those of us that are leaving. But I think we're stymied here this morning, and I sense that, just as I'm stymied, as to exactly what it should be. Once again, Senator Burling, this is not an attempt to be an affront to your bill and your prioritization, but I, at this point, still have to vote against it, as it is, unless we have a more definitive thing of where we want to go, and how we're going to arrive at the expertise. And I would hope the Revenue Committee could provide that, if we recommit. That's my stance at this point, and thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Wehrbein. Senator Chambers, followed by Senator Friend. Senator Chambers, this is your third time.

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SENATOR CHAMBERS: Mr. President, members of the Legislature, I will have the opportunity to close on my amendment. I wish I could have waited until after Senator Friend, whom I refer to as the "General," had spoken, so I'd know whether I should just close on my amendment, or I should close on his throat, figuratively speaking. I guess I'll just have to wait and hear him out, and then, during my close, respond to anything that he might have to offer. I know that there are differences of opinion on the approach that ought to be taken on this matter, because they've been expressed on the floor. I listened to Senator Redfield and I was stunned when she had said that the people she respects collect taxes and pay taxes, and these others spend, so they shouldn't be on it. I couldn't believe that I was in the year 2005, hearing such a narrow, class-based comment. But because I know Senator Redfield in the way that I do, that was not her intent. I don't think that was her intent at all. But if you just listen to her words, they were very cutting to everybody except those that she feels an affinity with. The other day she told us about the interest she has in looking out for those big companies that are in her district. So she staked out her territory and her area of interest, so they're going to continue to say, let us suck all this money out of the revenue stream, and let the suckers pay those taxes. But what Senator Redfield and her ilk and the big companies don't realize is that when they suck all this money out for their incentives, they don't want to pay taxes, the rest of us suckers have to pay the taxes, so they have a treasury to plunder, so that they have a governmental structure that makes sure that there are streets and roads, street lighting, police, fire protection, and all of the things that create a wholesome, safe environment for those who are so much smarter than the rest of us, that we should have no say-so in matters that affect us and those we care about so intimately. Let our betters handle it. They know. You know what proves they're better? They know how to get all that money out of the treasury, and all we know how to do is pay the money in. Obviously, they're smarter. Since they're smarter, they're also better. There was a slogan during the early days of the colonies--No taxation without representation. And that really caught on, on this continent. But in England, where those people had come from, that was the standard. There was not representation. They had what they

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called a "rotten borough" district where people were in Parliament who represented nobody. But that was a catchy slogan, to say what is happening in England will not be tolerated in the colonies. But when it comes to looking at whether or not a tax policy is fair, there are certain groups who should not be at the table, because they don't know enough. Well, I'm sure they wouldn't want me at a lot of tables where I barge in, where I inject myself and refuse to go away.

PRESIDENT SHEEHY: One minute.

SENATOR CHAMBERS: There are many subjects I discuss on the floor of the Legislature which people wish I would ignore. I'm sure that there are people who wish I were not as active in the legislative process as I tend to be, everyday on practically every issue. Nobody else does that. So those are not the kind of people you'd want on this kind of outfit. You want all those who have unanimity, if not perfect agreement on every issue. Senator Redfield is on that committee. They sent this thing out to us, but now that they've heard some comments, maybe they'll do a better job if we send it back to them, or they will deposit it where it should have been deposited in the first instance. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Friend.

SENATOR FRIEND: Thank you, Mr. Lieutenant Governor. Members of the Legislature, this has been pretty interesting. I wasn't going to weigh in, and I'm sure most of you wish I wouldn't, but I...thank you, Senator Mines. When I found out that this was on the agenda, or it actually made it out of committee, one of the first things that I did is I said, hey, that sounds like fun. I'd like to be on--and I thought maybe I should keep this quiet--I'd like to be on that task force, because I'm a self-proclaimed whatever--economist. (Laughter) But all I'd do if I got onto a task force like that--and I'm going to raise my hand and admit it--all I would do is try to promote my agenda. That's what I do out here. Why would it be any different in a task force? Anybody in here with me on that task force is going to hear a few things if I'm there--less government, less intervention for the fiscal, for somebody's private fiscal life.

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Leave them alone, okay? That's what you're going to hear. That's what I'm going to promote, if I'm there. Lower tax rates, that's what I'm going to promote. I'm going to promote economic philosophy, my economic philosophy. It's not going to be Senator Chambers'. It's certainly not going to be Senator Beutler's. It's going to be mine. Nothing wrong with Senator Beutler's; I didn't mean it to come out that way. It's not going to be his; it's going to be mine. But I would submit that that's all anybody else is going to do on a task force that we create here. Big labor, what are they going to promote? Their economic philosophies, their tax philosophies. Big business, what are they going to promote? Small business, agribusiness, in fairness, their motives and objectives aren't going to be much different than mine or anybody else in here. They're going to be our own. And we're going to drive them hard. I would offer this, and only half of it is tongue in cheek. I would offer this. Find me 12 tax attorneys/CPAs, 3 of them neoconservatives--that means, the type of conservative I am, when I discovered Ronald Reagan. Before that, I didn't care. I didn't know who Barry Goldwater was, and I certainly didn't know who Ike was, or I did, but I didn't care. Three neoconservatives, three Goldwater conservatives--that would be fun--but at least they have CPAs and they're tax attorneys, at least they understand what they're filtering through. Then to make it really fun, you offset that with three New Deal type of representatives, the Roosevelt type of guys, the hard-core throwbacks, those would offset the Goldwater conservatives. And then go find three "Clintonites," or whatever, I don't care. That would be fun, that would be enjoyable. And guess what? You would find something more productive from 12 people like that than what we could produce, I think. And again, with all due respect, this sounded like a great idea. It still sounds like a great idea, but I don't know if it will accomplish anything. And so I don't mean to echo what a lot of other folks out here have said, but I think the last one, like I said, half tongue in cheek, the last thing I submitted would be more productive than what we could submit as a body, and what the Governor could submit.

SENATOR CUDABACK PRESIDING

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SENATOR CUDABACK: One minute.

SENATOR FRIEND: So what I would say about this recommit to committee is, I would probably say no. Let's go ahead and vote on it. But I would also say, and echo some of the other statements that have been out here, I don't know that we're going to be able to accomplish anything with this. I'm telling you this right now, if I get on it, I'm real worried...well, we've already covered that ground. Mr. President, thank you. That's all I have.

SENATOR CUDABACK: Thank you, Senator Friend. (Visitors introduced.) On with discussion. Senator Burling, motion to recommit.

SENATOR BURLING: Thank you, Mr. President and members of the body. On this motion, I'll just say that my idea was to create this commission this year, give them plenty of time to do their work to get a report back to the Legislature by '07, when we'll have 20 new senators to help guide us. What could we accomplish? I don't know what we could accomplish. It will depend on the resolve of the commission members. Keep in mind that this type of a commission has never been attempted in Nebraska since we voted in sales and income tax in 1967, and so I think it's very much worth a try to go this route, utilize what is in the Syracuse report, which hasn't been done, have them look at that. And with all due respect to Senator Schrock, the A bill on it now is \$100,000, not \$500,000, and I think it could be done very efficiently by the type of commission we have set up now. So I'll return the rest of my time to the Chair. Thank you.

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Thank you, Senator Burling. Further discussion on the motion to recommit to committee? Senator Chambers, you are recognized to close.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I listened to the "General," and the other day I told him about the eight principles of warfare, but he created a ninth, and

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that's confusion. I'm not sure what his position is, so I'd like to ask him a question.

PRESIDENT SHEEHY: Senator, would you yield?

SENATOR FRIEND: Yes.

SENATOR CHAMBERS: Senator Friend, are you going to vote on this amendment, I meant this motion?

SENATOR FRIEND: I said at the end of my comments that I don't believe...I think that we've discussed this enough that I think we can take it to a vote. I don't believe that with the time that we've put in, that the recommit motion is necessary, Senator. I mean, I...but I don't...I also mentioned that I don't believe that it's going to accomplish anything, but I think the body can...I think the body can make that decision. I don't want to...

SENATOR CHAMBERS: You lived up to what I had said by way of introduction. Thank you, "General."

SENATOR FRIEND: You're welcome.

SENATOR CHAMBERS: Members of the Legislature, we have had a lot of discussion, but the bill is not ready to be voted on. It is not ready to be voted on. There are people who are not as opposed to it as I am, because I'm opposed to it in toto. But people who are not entirely opposed have acknowledged that they don't feel comfortable with it. Senator Schrock said he likes the concept, but the details have not been worked out, and that's true. Everything added to the bill makes that which is bad, worse. But it makes it worse in a way designed to try to make it better. In other words, if you're going to detail those entities and interests that are going to be represented on this task force, there are others which have been excluded which ought to be included. So those senators, who are aware of the interests that these other entities have in whatever the tax policy turns out to be, want to make sure that those entities have a representative. I haven't been nearly as mean on Senator Burling's bill as I've been in the past on bills that I disliked

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this much. Let me read you one of the amendments, and this is for the "General." "General." He doesn't have to answer, but I want the "General" to pay...I've got five stars. He's got four. I'll take one of them if he doesn't pay attention. "General," this is one of the things we will continue to debate if the bill stays out here. Add a new section: In the interest of production agriculture, meetings shall be held only on rainy days or at night, since hay must be made while the sun shines. I'm interested in the welfare of production agriculture. I don't want them having meetings in the middle of the day, or when those who work in agriculture have to be out there trying to earn a living. And we ought to set certain times by the clock, because these other entities, their representatives, might have things to do. I'm now going to start offering amendments that might seem absurd, for the purpose of showing the absurdity of what is being presented by this bill. We can go on and on and on. Now I'm offering the opportunity for the Legislature to escape my wrath. Now that makes people angry and gets their back up, and makes them sure that they're going to vote against my motion. But I have other amendments prepared, and I'm not going to stop talking about this bill. I'm not going to stop talking about the uselessness of it and the futility. If Senator Redfield is correct in her assessment that there are people who know where everything is that needs to be known, appoint her as a committee of one to get a few of her friends together in her living room, and...

PRESIDENT SHEEHY: One minute.

SENATOR CHAMBERS: ...while they drink tea and eat crumpets they can put together something that will be good enough for us to base a policy on. If everything is known, what is the purpose of having this miscellaneous assemblage put together? So what I'm going to do--because this is like when the roll is called up yonder, Senator Bourne, and some say they'll be there, but really they won't--I'm going to ask, when I finish, for a call of the house and a roll call vote. And remember, the hottest place in Hades is reserved for those who are neither hot nor cold. I'm going to see how many no voting..."not votings" there are today, how many are going to slither away, how many are going to weasel out, how many are not going to do what they're

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supposed to do. There's a "Repelican" commercial going around the country that says, "Senator, your job is to vote." So all you "Repelicans," your job is to vote, one way or the other. Don't sit there and say, no...not voting. I refuse to allow you to do that today.

PRESIDENT SHEEHY: Time, Senator Chambers.

SENATOR CHAMBERS: Mr. President, I would like to have a call of the house and a roll call vote in reverse order.

PRESIDENT SHEEHY: The question before the body is, shall the house be placed under call? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk.

ASSISTANT CLERK: 28 ayes, 1 nay to go under call, Mr. President.

PRESIDENT SHEEHY: The house is placed under call. All unauthorized personnel please step from the floor. All unexcused senators please report to the Chamber. Senator Schimek, would you check in, please? Senator...Senator Chambers, your preference was roll call, reverse order?

SENATOR CHAMBERS: Yes, thank you.

PRESIDENT SHEEHY: Mr. Clerk. The question before the body, shall amendment...or LB 542 be recommitted to committee?

ASSISTANT CLERK: (Roll call vote taken, Legislative Journal pages 1404-1405.) Vote is 19 ayes, 24 nays on the motion to return to committee, Mr. President.

PRESIDENT SHEEHY: Recommit does not advance. The call is...the house (sic) is raised.

ASSISTANT CLERK: Mr. President, we are now back to Senator Jensen's amendment, AM1448. (Legislative Journal page 1379.)

PRESIDENT SHEEHY: Senator Jensen.

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SENATOR JENSEN: Thank you, Mr. Lieutenant Governor and members of the Legislature. I'd just like to throw one thing out here, and for Senator Burling to think about, just for a moment. I think one of the issues that we're talking about here is dollars. And I think one of the reasons that you introduced this measure is that we are approaching term limits and, really, one year from now there will be 20 of us that will be gone. Yes, we'll still be here, but there won't be a session for us to go to or anything else. How would you consider--and I'd like to have your answer--if we were to do an amendment to strip the dollars out of this bill and to put on the committee the 20 senators that are being term limited, in that we don't represent constituents anymore, per se, but we've been here long enough that we have seen the tax picture of the state of Nebraska and have, at least I think, some idea of what is happening? I visited with Senator Landis for a few minutes and I said, when we leave here, do we want to leave the tax picture that we have, the structure in Nebraska, to senators that will never be here over eight years? I'd just like to have your reply to what I'm suggesting.

PRESIDENT SHEEHY: Senator Burling.

SENATOR BURLING: Thank you. Senator Jensen, a new idea; I need a little time to think about that, but it's not a bad idea. So I will consider it, but a yes or no right now, I'd like to think about it a little bit. But you may be on the right track.

SENATOR JENSEN: Thank you. Well, and I'd like to hear some other comments from other individuals. It wouldn't cost any money. Those of us who have been here--in Senator Landis' case, I don't know what it is, 25, 26, 28 years--many of us 12, 16 years, we have also seen what is...what the taxes are in this state. We would, I think those of us that are being term limited off would be willing to still serve the state of Nebraska in a capacity, and I would just like to offer that suggestion, and either we would draw an amendment up immediately or do it on Select File, but just for some thought from the body, to see if they would have any interest in that. We're still on my amendment that I would just add a member from the

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health sector onto there, but if anyone had any feedback, I would certainly like to hear it at this time. Thank you, Mr. Lieutenant Governor.

PRESIDENT SHEEHY: Thank you, Senator Jensen. (Visitors introduced.) Senator Raikes.

SENATOR RAIKES: Thank you, Mr. President and members of the Legislature. I'm going to oppose Senator Jensen's amendment, and also oppose his idea about the 20 term limited members in this particular context. I'll try to explain why. There seems to be a discussion here that you would assemble this task force, put them in a confined area, lock all the doors, not let anybody else in to share any particular idea. That is exactly the opposite of what I see it doing. I don't think it's so important as to exactly who you have on the task force, except that it is important you have current and prospective members of the Revenue Committee, and maybe members of the Legislature who are not on the Revenue Committee, so that you get that sort of a balance. But the real potential here is to gather information from experts about tax policy. And the important thing there is to have people from outside presenting to the group. Now there may be another context in which you could do that. You could have a series of briefings, although that is sort of less routinized. You wouldn't necessarily end up with a report at the end of it, which I would think would be useful. But again, the important thing is to receive expertise from people who are experts. Now...and if anyone wants to suggest to me that there is no need for that here, I would be amazed by that suggestion. When you look, simply at the area of tax incentives and what has happened in only the last two or three years, in terms of--and again, I'm certainly not an expert--but if you just look around the regent...the region, the wild things that other states have done in terms of trying to reach out and compete with one another on tax incentives. I think Senator Landis said it very well in a quote. You know, we as a state seem to be...we've given up on trying to compete with China or India, but we think we can maybe beat Arkansas out of a company or two. Is that a strategy that makes any sense? That's what we need to find out. You know, I don't speak, certainly, as a representative of the Revenue Committee on tax incentive legislation. I've not

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exactly been supportive in the committee votes, but...and I can tell you very quickly why. There is one thing that the business community wanted in the incentive package, and I can't remember what it was, but they didn't get that. And I think that is just a travesty. They ought to get every single thing they want. But that's the way we're approaching it here. And this to me provides a forum to gather expertise, to gather input for those decision makers, those people on the Revenue Committee who are going to be faced, every time a bill comes before them, what do you do with this? What tax principles apply? What principles regarding business incentives or broadness of tax base or regressivity or progressivity, and there are a number of technical issues involved. You're not going to make everybody on this committee an expert, but I think those who are put in the position of making decisions can be very beneficially informed by this sort of an effort.

PRESIDENT SHEEHY: One minute.

SENATOR RAIKES: Well, there are some people I'm going to have a hard time to convince, but at any rate, I'll stop there. Thank you. (Laughter)

PRESIDENT SHEEHY: Thank you, Senator Raikes. Senator Stuthman.

SENATOR STUTHMAN: Thank you, Lieutenant Governor and members of the body. In listening to the discussion of Senator Jensen, you know, I'm very supportive of having that group of termed-out senators on there as part of it. Why do I say this? I say this because, you know, these people have, you know, historical knowledge of the process down here, what it takes, how can you accomplish things. They've seen a lot of things that worked and didn't work. But I also tend to agree a little bit with Senator Raikes about, we need to get some people that tax policy and structure will affect; some of those that are, you know, have to work with the decision that comes down. How do we generate the revenue? What is the simplest method? What is the most convenient? What is a method, you know, to raise the dollars? Should we be giving a lot of incentives or not? Or should we be broadening the sales tax base? But I think I would be in agreement with Senator Jensen, with those 20 or 19 individuals,

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because those people, in my opinion, have got a lot of historical knowledge here. This isn't going to happen very many years down the road, because we're only going to be here eight years. There's only going to be a small group that are going to be on the Revenue and Appropriations. Other committee people will be tending their business on their committees. So that, I think, isn't going to happen. I think we should utilize those individuals, because of the knowledge that they have. We can really benefit from it. But I also think, you know, there should be some that are in there that policy will affect. How will it affect them? So those are...those are some of my concerns, my ideas, and I would totally be in favor of, you know, putting into the, you know, the 20 termed-out senators, that they would be a part of it, at least some of them. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Stuthman. Senator Chambers, followed by Senator Stuhr.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I would like to ask Senator Raikes a question.

PRESIDENT SHEEHY: Senator Raikes, would you yield?

SENATOR RAIKES: Yes.

SENATOR CHAMBERS: Senator Raikes, this line of questioning, to begin with, is what the lawyers refer to as foundation. Are you a member of the Revenue Committee of the Nebraska Legislature?

SENATOR RAIKES: I am, as of the 99th Legislature, First Session.

SENATOR CHAMBERS: And how long have you been a member of that committee, in terms of years, if you can calculate or remember?

SENATOR RAIKES: More than four.

SENATOR CHAMBERS: Good enough, close enough. Are you familiar with the Tax Commissioner position in the state of Nebraska?

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SENATOR RAIKES: Yes.

SENATOR CHAMBERS: Why is not the Tax Commissioner named as one of the people on this task force, because that person should have some knowledge of taxation and so forth?

SENATOR RAIKES: Senator, I take it I got a little latitude here to respond, a few seconds?

SENATOR CHAMBERS: Yes, yes.

SENATOR RAIKES: The Tax Commissioner, you're certainly correct, does have expertise. The Tax Commissioner may well be a person this commission, or task force, would invite to make a presentation. I don't actually see, necessarily, the purpose of the...I wouldn't object to the Tax Commissioner being a part of the commission, but I don't see it as essential. And I would also mention that the Tax Commissioner does, at least occasionally, come before the Revenue Committee, either in a briefing setting or in a testifying capacity--typically neutral--on bills that are offered.

SENATOR CHAMBERS: Thank you, Senator Raikes. Do you believe, based on your observations down through the years and experience with the Forecasting Board, that a member or two from the Forecasting Board could be valuable additions to this task force?

SENATOR RAIKES: I...again, I wouldn't rule out a person on that board, depending upon what other experiences they had in life besides serving on the Revenue Forecasting Board, as being a member of the task force.

SENATOR CHAMBERS: Well, why was...

SENATOR RAIKES: I actually think the most critical members on the task force are the members of the Legislature, those who are current and prospective members of the Revenue Committee, and other members who may not have in their plan to be on that committee.

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SENATOR CHAMBERS: And you would say that because you think this would be a way for them to become informed on these issues, or...

SENATOR RAIKES: That's right.

SENATOR CHAMBERS: Okay, so you will acknowledge, as I have suggested, that they're not bringing a reservoir of knowledge, experience, and expertise that would be of value, necessarily, to the work of the commission. They're coming more or less as receptacles into which information will be poured. Is that a correct...

SENATOR RAIKES: That would certainly be the main...my view, Senator.

SENATOR CHAMBERS: Why do we need eight?

SENATOR RAIKES: As compared to seven or nine?

SENATOR CHAMBERS: Yes.

SENATOR RAIKES: I can't give you a specific answer, other than there are eight people on...why do we need eight people on the Revenue Committee, is that the question? Or it might be a question.

SENATOR CHAMBERS: No, on this commission. There are eight senators to be on this commission.

SENATOR RAIKES: Well, there are eight senators on the Revenue Committee, although I'm not suggesting that there ought to be eight members of the Revenue Committee on the, on this commission. I would hope at least some of them would be on there.

PRESIDENT SHEEHY: One minute.

SENATOR CHAMBERS: How many members are there in a singing group, which is described as an octet?

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SENATOR RAIKES: The only singing groups I've heard lately, Senator, is you, and that's just one in that group. (Laugh)

SENATOR CHAMBERS: But in an octet, how many would there be?

SENATOR RAIKES: There would be eight, I believe.

SENATOR CHAMBERS: Okay, so we can find a number of entities where the membership is eight. How many members are on a baseball team?

SENATOR RAIKES: Nine.

SENATOR CHAMBERS: So why don't we have nine members from the Legislature?

SENATOR RAIKES: If you would like to propose that, and depending upon your defense of that proposal, I may well support it.

SENATOR CHAMBERS: If 8 are good, wouldn't 16 be twice as good?

SENATOR RAIKES: No, not necessarily. I wouldn't agree with that.

SENATOR CHAMBERS: If 8 are good, would 12 be better?

SENATOR RAIKES: Not necessarily.

SENATOR CHAMBERS: Is it possible?

SENATOR RAIKES: It's possible.

SENATOR CHAMBERS: We might have to discuss that further, but not right now. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Stuhr. Senator Stuhr?

SENATOR STUHR: Thank you, Mr. President and members of the body. I just wanted to make a few comments on this discussion

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that we have been having. I do commend Senator Burling for bringing this issue before us. I do think it is too big of an issue to try to do during an interim study. We do need a longer time, which would...which he provides in his proposal. Thinking about Senator Jensen and what he was proposing, I believe that possibly a portion of those 20 senators, that that might be something that might work. But I would not suggest that all 20, just automatically, all 20 of those senators serve, because there may not be the interest of all of the senators that are leaving the Legislature next year. So...and I think also, Senator Raikes mentioned...it's an...I believe it is very important, it would be important, to have some senators that are going to be around for a number of years to also serve on this task force. During the years I've been involved in a number of task forces. Senators are usually committed when they have made that commitment to serve on a particular task force or a commission. I believe one of the most successful task forces that I served on was the higher education one, chaired by Senator Pederson, which was made up primarily of senators. And I can see this commission working in the very same way, in the fact that you bring the expertise in as you are having your meetings. I believe that a facilitator is of utmost importance, particularly in this area that would be discussed. We also have a lot of staff that, during the summer, do have time to accumulate those facts and the information, if they are given the designation to do that. So I believe it could work. I believe that it is important that we look at this issue. I also believe there are some things to work out, but I would suggest we move the bill on, and then at Select File we could address some of those issues that still need to be addressed. I would not support Senator Jensen's. I'm not going to support his amendment. I know that healthcare is important, but I don't see it in the area of taxes. We don't pay taxes on healthcare services. I don't see the relevance, particularly, of that particular area in this commission, so I would have trouble supporting that. But again, I do believe that the idea, it is a good idea. It's been a number of years since we have studied this issue. Again, it is important that we have senators involved, and I think that that can certainly be worked out. With that, I would give the rest of my time back to the Chair. Thank you.

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PRESIDENT SHEEHY: Thank you, Senator Stuhr. Senator Chambers, followed by Senator Jensen, Senator Redfield. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I gave the body a chance to be spared my discussion. You'd rather hear my discussion than accept what I offered. So this bill reminds me of some words in a song, and they characterize the Legislature: You're going nowhere, but you're going there proud. Nowhere. How much further are you along the trail to getting this thing moved than you were when you came here this morning, or yesterday, or the day before, or when it was first introduced? You're going nowhere. But since it's out here, Senator Jensen is doing what I would do. On the chance that the body is going to be foolish enough to enact this thing into law, I would want the interests that I'm concerned about to be on that wagon when it leaves, on the train when it departs from the station, on the golden chariot, as it wings its way into glory. We're all entitled to that. You all won't listen to me. Senator Smith, interested in going to Washington, Senator Erdman wanting to make sure Senator Smith doesn't get ahead of him, they both vote the same way. What they got to do is stop voting the same way, so that you can see a difference between them. If somebody votes to call the house, one ought to vote yes, and the other one ought to vote no. Show some independence. "Cease debate" is another one of those crucial issues. One votes yes, the other votes no. But they won't listen to me, either. So you're going to listen to me on this bill. Senator Stuhr is trying to be nice. I'd like to ask her a question.

PRESIDENT SHEEHY: Senator Stuhr, would you yield?

SENATOR STUHR: Yes.

SENATOR CHAMBERS: And, Senator Stuhr, I'm going to be nice, also. You had mentioned that there would not be enough time during the period when an interim study could be conducted to do this. On page 3, and you don't have to turn there, starting in line 14, "issue a report to the Executive Board of the Legislative Council and the Revenue Committee of the Legislature by November 15, 2006." That would be next year, in November.

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In January of 2006 the Legislature reconvenes. Is that true?

SENATOR STUHR: Yes.

SENATOR CHAMBERS: So, while the Legislature is in session, would you anticipate those eight senators attending meetings?

SENATOR STUHR: I think that it's possible, particularly with the recess days that we have built into the schedule.

SENATOR CHAMBERS: And you think that everybody else would gear their schedules around the recess dates of the Legislature?

SENATOR STUHR: Since it's a short session, there'd probably be maybe one meeting during that session. But I feel that there would be an opportunity for, if this bill was passed this session, that they could immediately get started, which would give them six, you know, six months to get their feet on the ground.

SENATOR CHAMBERS: And you feel that six months is enough to do this?

SENATOR STUHR: No, I do believe that it would take at least a minimum year-and-a-half, and we may need to narrow the focus, and that could certainly be done.

SENATOR CHAMBERS: If this bill does not pass, is the state harmed because it doesn't pass?

SENATOR STUHR: I think that all of us agree that things have certainly changed, just in the short time that...in the last few years that I have been in the Legislature, as far as tax policy. And I believe it's important that...

PRESIDENT SHEEHY: One minute.

SENATOR STUHR: ...senators are involved in the study, in such a study.

SENATOR CHAMBERS: Senator Stuhr, since I only have a minute,

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but I'm dialoguing with you,...

SENATOR STUHR: Yes.

SENATOR CHAMBERS: ...still on page 3 are the words, "evaluate current business tax incentive programs and recommend improvements." The word "improvements" kind of skews the whole thing and keeps that from being a strictly objective statement. Why don't they just say, "evaluate current business tax incentive programs"? But when they add, "and recommend improvements," that means more incentives, doesn't it?

SENATOR STUHR: It definitely does, and I can tell you that we are...there are a number of senators involved in looking at rural economic development issues, and we'll be...

SENATOR CHAMBERS: But if they're going there with a predetermined view, then they're going to be advocating for their agenda, as Senator Friend frankly admitted he would be doing, if he were on the task force. Isn't that what others would be doing?

PRESIDENT SHEEHY: Time, Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. President.

PRESIDENT SHEEHY: Senator Jensen, followed by Senator Redfield. And, Senator Jensen, this is your third time.

SENATOR JENSEN: Thank you, Mr. Lieutenant Governor, members of the Legislature. I threw a suggestion out, and I still feel that that could have some possibilities. My original amendment, again, was to add one person from the healthcare sector. I'm not looking at that as a turf issue, and I do have a little concern when we say that the only people that should serve on a committee are tax-paying people. Maybe the only people that should vote are tax-paying people, or where do you stop and where do you take that issue? We're all citizens of the state of Nebraska, and I think there should be representatives, if we're going to do a committee on tax restructure, or looking at that, that all citizens should be represented. And I just

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thought that certainly, if there's 36 percent of our taxes go into healthcare--by the way, that's state dollars, that isn't all the dollars going into healthcare; from the private side, it's much, much more than that--but it would seem to me that somebody from that industry should certainly be on this committee. I put out also the suggestion that maybe we should use the experience of 20 state senators that are leaving. That doesn't mean that they and only they would serve on this committee. But I think their experience that they have had here, as they watched how the citizens pay their taxes, how taxes are collected...and I, for one, absolutely feel that the tax system that we have today is unfair. I think it's very unfair. As Senator Redfield has talked many times, and I've concurred with her, that maybe we need to broaden the tax, particularly the sales tax picture, and lower the amount. The only concern with that, obviously, is you broaden the tax-paying picture, and then it's very easy to increase that amount that we lowered, right back up to where it is today. And so all you've done is expanded taxes for more people on more things. But I do believe that we do have a very unfair tax picture. I think we have a very unfair tax picture when it even comes to some of the areas that cause a great deal of our expenses, alcohol, for one, in that I don't believe that they pay their share of cost when it comes to imprisonment, when it comes to child abuse, when it comes to spousal abuse, because of that particular industry. I've taken those bills before the Revenue Committee, haven't had success up to this point. I got one more year to try. But I absolutely do feel that that is one area that we should also be looking at. And I thought that perhaps the 20 senators--if you want more on there--but with all that expertise that we've had, to say that that's not needed anymore, that certainly is up to the body. They can decide if they feel that that's necessary or not. I do have an interest in this state. I've got 5 kids, 16 grandkids, all living here, and I'm concerned about where they're going to be in the future, and what the state is going to look like. I absolutely do feel that if we don't straighten out our tax picture, if we don't grow Nebraska, that we are facing some very troubling years ahead, very troubling, as we get into the 2012 and on up.

PRESIDENT SHEEHY: One minute.

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SENATOR JENSEN: And so I think that--and we're going to be looking at some of those issues this next week--but I think there are some very troubling times ahead if we don't address our tax picture. You want to do that through this bill? You want to do that through some other entity? We can certainly look at that. But when I look into the crystal ball ahead, I have great concern, great concern. The national...if we would have grown just what the national growth has been, this state would have, rather than 1.7 million people, 4 million people in it. That shows you how far we are behind. How do you catch up? I don't know. I do know that we have people leaving this state because of taxes, all the time. Many of my constituents are moving away. Many of my peers are moving to Florida, moving to Nevada, where there aren't taxes. And that's going to continue, unless we get this tax picture at least a little more fair. And...

PRESIDENT SHEEHY: Time.

SENATOR JENSEN: Thank you.

PRESIDENT SHEEHY: Senator Redfield.

SENATOR REDFIELD: Thank you, Mr. President, members of the body. I thought I would stand up, because Senator Chambers may be running out of things to talk about, and perhaps I can come back to some of the discussion I had before. I firmly believe that there clearly is only one taxpayer in this state, and that's the people. It's the workers. We can say we tax businesses, but in fact we don't, because it's the workers who cannot receive more in their wages and benefits from the employer, because of the dollars that are paid out. And so, in essence, whatever the tax that is paid or collected, no matter who it flows through, it always comes from the people, and it has to be the people who are working. So perhaps I was not clear. I was having a discussion with Senator Landis. The one thing that I don't believe we have ever studied, or at least I have not seen a study, is the cost of the actual collection. And when I looked at some of the members that were in the representation here on the commission, they were tax collectors.

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Not people who pay the tax, but they were tax collectors--the cities, the counties, the telecommunications sector, who collect taxes for us with the telephone bills. The financial sector, certainly, as I spoke before, have to send out those notices and let us know, in fact, if there has been interest paid on any of the accounts that people have. So they're an intricate part of our collection of income taxes. Industry withholding, withholding taxes for both the state and the federal governments--they're, in a sense, tax collectors for the state. And what I don't believe I've ever seen in a study is the cost of the tax collection. There are some taxes that actually cost us more than others to administer, and we've never finitely defined what that cost is. If you collect a dollar in taxes and it costs you a penny for administrative costs, that's probably a pretty fair trade-off. But if, in fact, out of that dollar it's costing you 80 cents for administrative costs, that's not a smart tax, because you're pulling too much money out of the economy, and you're not seeing the benefit on the dollars available for governments to spend. At the same time, I think we need to look at the cost to the economy of the different taxes, so that, in fact, we don't have a negative impact on our economy from our collection of taxes in one method or another. So I think that this is one piece we don't have, is the cost of tax collection, the various methods, the various types of taxes. We're talking structure. Whether this commission would actually get into that or not, I don't know. But I think that it would be important to have the people who collect the taxes there to actually have some of those discussions. I think it would be important to have the input from economists on those discussions, as well. I am intrigued by Senator Jensen's idea, however, because, in fact, we do know that there's a lot of expertise that's going to walk out the door of the Legislature here, and there may be more buy-in from the body if legislators are more involved in the process. It's not about having different entities stake out their turf and say, I'm being taxed too much. I don't think anybody is going to tell us they're not being taxed enough. And so I don't believe that's the purpose of the study.

PRESIDENT SHEEHY: One minute.

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SENATOR REDFIELD: I hope not, because if that's the purpose, I don't believe it will accomplish anything. But I do believe that we can identify costs to...the administrative costs and the costs on the economy, and that would be very valuable information. Thank you.

PRESIDENT SHEEHY: Thank you, Senator. Senator Chambers. Senator Chambers, this is your third time.

SENATOR CHAMBERS: Yes. Thank you, Mr. President. Listening to Senator Redfield this time, I got a clearer picture of what it was she was trying to say, and maybe she said it last time and I just didn't pick it up. But I still have the same view that I've been expressing. This structure cannot work. Senator Redfield, for all her attempts at being objective, nevertheless makes it crystal-clear that she has an agenda. She has her opinion about the people and entities most suitable to be on this task force, to make the kind of decisions she thinks ought to be made. There are others who disagree with her. Senator Jensen is offering, by way of an amendment, the one area that he has an interest in, which he thinks ought to be represented on this task force. Why should that group, that sector, not be represented? Any argument that can be given which justifies the presence of any of these other representatives, can be applied with equal validity to what Senator Jensen is attempting to do. Every argument made against what Senator Jensen is trying to do can be made with equal validity against every member that would be on this task force, based on the committee amendment, and the amendment that Senator Burling had adopted, and the amendment that Senator...not Brashear, Senator Beutler has had adopted. This bill, however, is going to go nowhere. So, in the interest of being collegial, Senator Redfield ought to vote, as I'm going to vote, in favor of any additions. The bill is not going anywhere, so let everybody feel like they're a participant in this process. Give everybody a stake in this bill. Let as many--in other words, Senator Redfield--get onto the Titanic who want to. Since Senator Jensen wants a place on the Titanic, I'm going to vote with him. But I'm going to be the iceberg. I would like to send the Titanic to the bottom of the sea, in the same way that they had to sink the Bismarck. I like this discussion we're having now. There are a lot of participants,

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which usually isn't the case on a bill that I dislike. And nobody can tell us where this bill is going. It's going nowhere. Even Senator Stuhr, who favors it, knows it's not going anywhere. I'd like to ask Senator Stuhr a question.

PRESIDENT SHEEHY: Senator Stuhr, would you yield?

SENATOR CHAMBERS: Senator Stuhr, how would the addition of the healthcare sector, if added to this bill, hurt anything?

SENATOR STUHR: Senator Chambers, I just don't see where it would add a great deal.

SENATOR CHAMBERS: No, I asked how would it hurt anything?

SENATOR STUHR: I just don't think it would be representative of the...as what some of the other similar groups are representing.

SENATOR CHAMBERS: Well, we know they wouldn't; otherwise, their interests would be taken care of by those other groups. They are a group that currently would not be represented. If they're put on, they would be represented, and...

PRESIDENT SHEEHY: One minute.

SENATOR CHAMBERS: ...the purpose is not to represent what the other groups do, but that particular healthcare sector. What would be harmful to the thrust of this bill if the healthcare sector has a representative?

SENATOR STUHR: As I mentioned before, I don't see taxes involved in the healthcare area.

SENATOR CHAMBERS: You don't?

SENATOR STUHR: No. Can...

SENATOR CHAMBERS: Is Medicare implicated in taxes, in the tax system? Are healthcare professionals reimbursed from Medicare? Do healthcare providers pay taxes? Would the taxes they can pay depend to some extent on the amount of reimbursement they get?

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Those questions could all be answered yes, couldn't they?

SENATOR STUHR: Maybe some of them.

SENATOR CHAMBERS: Thank you, Senator. My time is up, so I won't prolong this, but the bill is going nowhere. You all are going nowhere, but you're going there proud. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Chambers. (Visitors introduced.) Further discussion on amendment...Mr. Clerk.

ASSISTANT CLERK: Mr. President, Senator Burling would ask unanimous consent to bracket LB 542 until May 18.

PRESIDENT SHEEHY: Is there any objection? So ordered. Next item, Mr. Clerk.

ASSISTANT CLERK: Mr. President, next item on the agenda, LB 454. LB 454 was introduced by Senator Combs and others. (Read title.) The bill was read for the first time on January 13 of this year, referred to the Judiciary Committee. That committee reports the bill to General File, with committee amendments attached. (AM0810, Legislative Journal page 1076.)

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Senator Combs, you are recognized to open on LB 454.

SENATOR COMBS: Thank you, Mr. President, members of the body. Good morning. Let's begin the concealed carry debate. I truly hope that we can have a productive debate on LB 454 this session and get this bill passed. We've been over this bill for several years, and a clear majority of the body do support it. I believe a clear majority of all Nebraskans support this bill, and we need to be diligent in passing this legislation. Senator Chambers has declared this a "four-finger" for the "King Cobra." That's certainly not a secret. He has also alluded already that there are several improvements that he believes could be made to the bill. I just want to say up front that I've always been

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open to honest improvements, and I've asked Senator Chambers for his constructive input, but none has been given just yet. Still, we're going to be on this bill for a while, and if we can use this time to make some productive changes, then I'm all for that. However, before we get too far into the debate, I want to acknowledge the hard work of the body up to this point. When I decided to bring the bill on concealed carry, I did not want to ignore the work that had previously been done. LB 265 from the last biennium was a thoughtful work. It combined the efforts of several senators, including Senators Schellpeper, Janssen, Tyson, and many others. The bill was also thoroughly examined by the Judiciary Committee, under the direction of Speaker Brashear. After LB 265 was advanced, work was also done by this body on the floor, and I've included those amendments in this legislation, as well. Finally, I listened to both the supporters and the opponents. I met with colleagues and I met with law enforcement. After careful consideration, I made the decision to make the State Patrol the issuing agency. That is the primary change in this bill, from LB 265, and it is a positive change. This will ensure that we will have a uniform, statewide application of the Concealed Handgun Permit Act, and I do want to especially commend the Patrol for being both very progressive and accommodating. From day one, the Patrol has told me that we can do this, no problem. I appreciate this positive foresight from our leading law enforcement agency. LB 454 will provide for Nebraskans, who qualify for and receive the necessary permit, the right to carry concealed handguns. This bill requires applicants to successfully complete a safety course prescribed by the State Patrol, to obtain the permit application materials, be fingerprinted, and submit the application to the Patrol, which is the issuing agency under the amendment. Issuance of the permit would be contingent not only on completion of the safety course, but also successfully undergoing a rigorous background check and, in addition, LB 454 sets out conditions under which the permit, once issued, can be revoked. Despite our best intentions to sometimes act otherwise, we are not operating in a vacuum here in Nebraska. Forty-six other states have some sort of legal provision for citizens to carry concealed handguns, with 38 other states having laws quite similar to the one proposed in LB 454. There is every good reason for Nebraskans to enjoy a right presently

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granted to some 6 million of our other fellow Americans, and no good reason for our state to continue to deny it. Allow me to list and respond to some of the common objections to this type of statute. Number one: Firearm accidents will increase. This most frequently cited objection simply is not true in any sense. Accidental firearm accidents in the United States have steadily decreased since the mid-seventies, a period during which over 20 states have instituted right-to-carry laws. Obviously, if properly issued concealed carry permits did cause an increase in accidents, this steady and welcome decrease could never have occurred. Number two: Law enforcement personnel will be placed in danger. Again, this allegation simply does not square with the facts. Of the millions of individuals granted concealed carry permits over the past three decades, there has been no instance of a permit holder assaulting a law enforcement officer with a concealed weapon. Glenn White, president of the Dallas Police Association, initially opposed concealed carry in Texas. He felt that such legislation presented a clear and present danger to law-abiding citizens by placing more handguns on our streets. What did he learn after the bill passed? I'll quote him directly. Mr. White stated, "Our experience in Harris County, and indeed statewide, has proven my initial fears absolutely groundless. All the horror stories that I thought would come to pass did not happen. I think it's worked out well, and that says good things about the citizens who have permits. I am a convert." I want to repeat. Mr. White said, "All the horror stories that I thought would come to pass did not." The people of the great state of Nebraska deserve no less than the citizens of Texas and the other 46 states that offer permits to carry concealed. Number three: Individuals carrying handguns pursuant to a legally issued permit will assault other citizens with those weapons in a fit of rage. Once again, the facts of the matter simply do not bear this out. It does not happen in states which issue the permits, and no state which has passed a concealed carry law has ever rescinded that statute. I have just stated three things that won't happen if LB 454 is enacted. Now here are some things that will happen, based on evidence from other states with concealed carry statutes. First of all, persons who choose to carry a concealed handgun will be properly instructed, not only in gun safety and handling, but also in the legal aspects and responsibilities that accompany

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this practice. Anyone who thinks that no Nebraskans are presently carrying guns is living in a dream world. We have only to read the newspaper and listen to the news every night to know the bad guys are carrying. That's the main reason behind LB 454. We also know that any number of good and solid Nebraska citizens occasionally arm themselves, relying on the goodwill of law enforcement, or a misunderstanding of our state's present concealed weapons statute, to keep them on the right side of the law. Doesn't it make more sense for these individuals to take the prescribed safety course, and apply for and receive the proper permit, if they feel the need to carry a handgun for their own defense? Right now, all they have to do is pay five bucks to the local sheriff, or whatever fee, and they get a handgun, a permit to purchase, and they've got it, period, no training whatsoever. These are the people who are carrying handguns right now in the state of Nebraska. Secondly, violent crime will not increase and will most likely decrease. Studies done in states presently having concealed carry laws have shown violent crime to have decreased, and no study in any state has ever shown crime to increase. Believe me, if there were such a study, we would have all been told about it, more than likely over and over. The fact is that an armed citizenry is a great deterrent to criminals, whose whole game is preying on people who are vulnerable. As one prominent Nebraska law enforcement officer has already stated, these people are cowards with guns, and the last thing they want is for their intended victims possibly to be armed against them. LB 454 does not, as it is sometimes alleged, take us back to the days of the Wild West, but it does provide a measure of equality to folks who in their daily lives and legitimate businesses find themselves threatened by those who would use an advantage of strength, numbers, or a weapon to harm them. With LB 454, these innocent citizens at least have the chance of surviving, unharmed, an assault on their person or family. There is no genetic defect or other shortcoming among Nebraskans which would disqualify us from having a self-defense option open to us that is now enjoyed by citizens in 46 other states. We all know that Nebraskans are honest, responsible, hard-working individuals, many, if not most, of whom have grown up around guns and are both comfortable and responsible with them. There is absolutely no reason to expect that our experience with a concealed carry law would be

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any different than that of our sister states.

SENATOR CUDABACK: One minute.

SENATOR COMBS: I think it's high time the Legislature afforded Nebraskans this important right, and hope that we can advance this legislation to Select File. Thank you.

SENATOR CUDABACK: Thank you, Senator Combs. You've heard the opening on LB 454. Mr. Clerk, items for the record, please.

ASSISTANT CLERK: Thank you, Mr. President. A series of items: Your Committee on Enrollment and Review reports LB 737, LB 364, and LB 683 to Select File; interim study resolutions, LR 103 by Senator Schimek, LR 104 and LR 105, all by Senator Schimek; new A bill. (Read LB 614A by title for the first time.) Amendments to LB 542 from Senator Chambers to be printed in the Journal. (Also, an amendment to LB 542 from Senator Beutler, Legislative Journal pages 1405-1413.)

SENATOR CUDABACK: Thank you, Mr. Clerk. (Visitors introduced.) There are committee amendments. Senator Bourne, Chairman of the Judiciary Committee, you're recognized to open.

SENATOR BOURNE: Thank you, Mr. President, members. I'll tell you what the committee amendment has changed in the bill, I guess, and then I'll, if Senator Combs would like, I'll yield the remainder of my time to open on it, so she can tell us what's in the green copy. The committee heard this bill a number of weeks ago and made several changes. And actually, the changes were requested by Senator Combs, and we made those a committee amendment. It makes the following changes: It provides that applicants may apply for a permit at any Nebraska State Patrol troop headquarters or office provided by the Patrol for purposes of accepting applications. The green copy of the bill said that you had to apply to the county sheriff in which you reside. It provides...it changes it...the committee amendment changes the green copy in that it provides the permit shall be issued and renewed by the State Patrol, not the county sheriffs. It also changes it in that it allows an individual to appeal a denial of permit application in either the county where

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the individual resides or the county where the permit was applied for. The green copy of the bill stipulated you had to appeal the denial in the county in which you applied and resided in. The committee amendment allows an applicant who does not possess a driver's license to demonstrate that he or she meets the vision requirements by submitting a statement from an optometrist or an ophthalmologist, certifying the applicant's vision meets the requirements for a Class O operator's license. It strikes language prohibiting persons who have a history of violence or who are habitually in an intoxicated or drugged condition from obtaining a permit. It strikes a provision that states if a person is being investigated for an offense that would prohibit them from obtaining a permit, cannot apply. It amends the liability section to reflect the change in permit issuance from the county sheriff to the State Patrol. It adds language to provide for the electronic transmission of permit information to the DMV, corrects several internal references and other technical changes. That, Mr. President and members, is what the committee amendment did. With that, I'd yield the balance of my time to Senator Combs.

SENATOR CUDABACK: Senator Combs, you have about 7, 41 left.

SENATOR COMBS: Okay, thank you. Thank you, Senator Bourne. The bill is basically the same as what it has been, advanced from the Judiciary Committee. Over the years it's been changed, amended, and improved with increased safety requirements. There are...topics include...definitions are the first part of the bill, and prohibited persons, as he mentioned, in the amendment, that will be prohibited from obtaining permits. Senator Beutler does have an amendment that I am in support of, which increases the length of time from five years to ten years, among some other language that does improve the bill, and I thank him for bringing that. We'll talk about that later. The training that's involved in the bill is crucial, and as most people already know, I did take the handgun training course, which is the 23-state concealed carry weapons course, and I was very impressed with everything that is included in that. Included in that is the proper storage of your weapon, how to keep the weapon separate from the ammunition, how to keep it away from children, people that should not have it, the proper way to fire

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a gun, how to retain your weapon if you use it from a concealed posture. Our State Patrol has assured me that they are going to use all these factors in developing the course. We will be assured that whoever applies for and gets a permit will certainly know how to handle the concealed handgun, and how to be safe with it. So we do hear a lot of other discussion about...you'll hear statistics and data about children getting killed by handguns, and the Columbine school things, these things that have all happened with guns. This bill has nothing to do with that, absolutely nothing. Those things will continue to happen, because they are from...they happen because of careless people, people who have not been trained. These are the people that just go out and currently, in Nebraska, get a \$5 permit to purchase a handgun and buy it. There is no requirement for training. This requirement says, if you're going to carry concealed, you will have the training. I was so impressed with the training. I thought I knew a lot about handling my handgun. I knew how much I didn't know, after I got finished with it. I think everyone that, basically, that is buying one, should be required to take training, but that's not what we're here to discuss. We're discussing the concealed carry. So, that said, I want to reassure those who have not read through the bill, please do so, because it does state the requirements for training, and also penalties where carry is prohibited. There are 15 different places where carry, concealed carry is prohibited, including anyplace other than that, where it's posted and they don't want you there with one. It has penalties and remedies for violations of the act, prohibition on alcohol consumption while carrying, and revocation of permits. It is one of the most restrictive shall carry laws that will be in existence, once this is passed in Nebraska. And I would like to turn over the remainder of the opening time--how much is left?

SENATOR CUDABACK: You used about six minutes, Senator.

SENATOR COMBS: Okay. Is there two minutes left, did you say?

SENATOR CUDABACK: There's four.

SENATOR COMBS: Four minutes, okay. I would like to give that

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to Senator Flood, if he would like to explain a little bit more about...

SENATOR CUDABACK: Senator Bourne, it is your opening, if you...

SENATOR BOURNE: I would yield the balance of the time to Senator Flood.

SENATOR CUDABACK: Okay, thank you, Senator Bourne. Senator Flood.

SENATOR FLOOD: Thank you, Mr. President, members. I want to thank Senator Combs for introducing this bill, and I also rise in support of not just the bill, LB 454, but also the committee amendments. I think the Judiciary Committee worked extremely hard, under the leadership of Senator Bourne, to recognize maybe some areas in the bill that we could make changes, one of those being the change to the State Patrol. And I guess I'd like to comment on that, as this is currently the committee's time. One of the reasons the State Patrol was an attractive option is that we have a uniform state agency with the same mission across the entire state of Nebraska. Placing the responsibility of issuing these permits in the sheriff's hands could create a nonuniform system of issuing permits. Sheriffs are elected by the people. One sheriff may be different than another. My chief concern was that in Stanton County it may be very easy to get a permit, where in Saunders County it wouldn't be hard at all; or it would be very difficult, and it would be up to maybe the political leanings of the sheriff. So that's why I believe the State Patrol is the most appropriate agency. Also, the bill, in the green copy, addressed a number of different points regarding what's required in a background check. Well, the state has these records. The state has the ability to search state database for prior records, to make inquiry as a state regarding the citizenship, to notify the DMV that they need a driver's abstract, to check for any problems on a criminal record of any kind. We already, as the state, require a certain type of an eye test for a driver's exam. In Section 4 that was...or Section 7 of the green copy, that was one of the issues. So I agree with the State Patrol, with Senator Combs and the committee. Making the State Patrol the issuing agency makes

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sense. There may be somebody out there that says, well, I live 200 miles from a State Patrol troop headquarters. The Patrol has already committed to making the issuing process easier for those folks in extreme rural areas by moving out in the rural areas and setting up maybe a temporary shop, and the bill and the committee amendment address that. So I think this is reasonable. I think the State Patrol as the issuing agency makes sense, and I guess I'll wait for my time coming up to maybe describe why I think this bill is needed, why it makes sense, and why we should, as a Legislature adopt that. So I would give the balance of my time back to the Chairman of the committee or the Chair, whichever.

SENATOR CUDABACK: The Chairman of the committee waives his time. Mr. Clerk, motion on the desk.

ASSISTANT CLERK: Mr. President, there are amendments to the committee amendments. The first, offered by Senator Beutler is AM1233. (Legislative Journal page 1217.)

SENATOR CUDABACK: Senator Beutler to open on AM1233 to the committee amendments to LB 454.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, this amendment contains several technical changes which I think are all right with Senator Combs. They don't make big substantial, substantive changes. There are two items, though, where it's substantively changed, and they both appear on page 6 of the bill. The top of page 6 follows the bottom of page 5, and all of this pertains to Section 7, which says an applicant--and this is an applicant for a permit--shall, and then there's a listing of the things, of items that are required, and under the fifth item is, shall not have been found in the previous five years to be a mentally ill dangerous person under the Nebraska Mental Health Commitment Act or a similar law of another jurisdiction, and is not currently adjudged mentally incompetent. The five-year requirement is changed to ten. Generally speaking, I'm of the opinion that we should be very cautious with regard to the type of persons who are allowed to get a permit, and that a measure of that caution would be to be somewhat stricter with regard to somebody who we know to have

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had mental illness problems in the past. The second change, again, has to do with one of these criterias of an applicant. Subsection (7) says, shall not have had violations of any law of this state relating to firearms, unuseful use of a...unlawful use of a weapon, or controlled substance or any similar laws of another jurisdiction in the five years preceding the date of application. Again, I changed this from five years to ten years. Again, the theory of the matter is the same, that if we're going to have a permit system and allow concealed weapons, then we ought to start from the very cautious position of being sure that those who have the permit are, indeed, our good citizens. Thank you.

SENATOR CUDABACK: You've heard the opening on AM1233. Open for discussion. Senator Schimek, followed by Senator Flood and Senator Chambers.

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I rise in support of the Beutler amendment, and would like to take the opportunity to express some of my reservations about the overall underlying bill. I have been in this Legislature now for, I guess, well, 17 years, and this has been a frequent topic on the legislative floor. And what I think is going to happen here is that most of us will have come to this debate with preconceived notions, and all the amount of debate in the world is probably not going to change the outcome of a vote. But there may be a few on this floor who have not made up their minds yet about the bill, or if they have, they're not absolutely wed to it. So I think it's important to have the debate. I think it will probably last for eight hours. I have to tell you I will strongly oppose the bill. I believe that it encourages what is already prevalent in our society, and that is a more violent attitude. I don't think that it's healthy for our young people to grow up in an atmosphere where everybody feels like they have to have a gun in their pocket to protect themselves. And maybe I'm alone in this, but I don't think so. I'm not convinced that the people of Nebraska would support this bill, and I know that that may be more true in some parts of the state than others. But I want to share with you the results for, so far, of a survey that I've been doing in my own district. And the survey has multiple questions on it,

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including questions about salaries, questions about term limits, questions about concealed carry, and so forth. And of those responses that I have received so far--and this is not necessarily a scientific poll, but I think it's a high indicator of how people in my district may feel--of those who have sent in responses, it's almost a 5-to-1 margin against. Twenty-three of those responding are in favor, and ninety-one are opposed, and I see Patrick smiling. No, that's not a big sample, but it is a sample of those who are interested in responding. And I said at the beginning, it's not scientific. But I think that, you know, when you've been an officer...when you've run for political office, Senator Bourne, you do get some gut instincts about these kinds of things. And I do think that, that the people in Lincoln, or at least in my district, have some grave reservations about this. So I will be opposing this. I hope to be, also, giving some informed information. One of the things that I hope will come out in this debate are the kinds of legislation that are being promoted out there that would take us even a step further to the concealed carry law. There are some states that are proposing, for instance, it's okay to have a handgun in a bar. In some states, it's...

SENATOR CUDABACK: One minute.

SENATOR SCHIMEK: ...being proposed that we allow handguns in schools. I mean, some of those are extreme measures, and some of them may never pass. But there are a number of pieces of legislation that are being proposed that get us in even deeper than we already are. I'd also like to hear some discussion of the homicides that we do have in Nebraska, and whether in any circumstances or all circumstances those would have been prevented if only somebody had been carrying a concealed weapon. I don't think I've ever heard that side of the question discussed, and I hope that we can do that before we're done, Mr. President. Thank you.

SENATOR CUDABACK: Thank you, Senator Schimek. Senator Flood, followed by Senator Chambers, on AM1233.

SENATOR FLOOD: Thank you, Mr. President and members. Just having a conversation with Senator Chambers and sharing with me

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his strong interest in the bill, and I look forward to the discussion we're going to have about LB 454 and the committee amendments. Why does this bill make sense? Why should we support concealed carry laws in the state of Nebraska? And the first thing I want to turn to would be the statute that we currently have in place, in Section 28-1202. Just for the purposes of recapping what the current law is in Nebraska, the first section of this statute, in Chapter 28, essentially prohibits concealed weapons of any type, for the most part--revolver, pistol, knife, any kind of knife pretty much. Section 2, then, comes back and says that if you're engaged in a business, and the circumstances justify a prudent person would be carrying a concealed weapon to protect his or her person, property or family. I'm sorry, but that's subjective. It's a tad ambiguous, and it doesn't make sense. People in Nebraska want to know, black and white, what is right, what is wrong under the law. This gives a police officer, a prosecutor, or a judge...I should say it puts those folks in the position to make a subjective judgment as to whether or not somebody qualifies to carry a concealed weapon under the law. I'm surprised that Senator Chambers hasn't gone back and addressed that, because that puts a police officer in a position of making a subjective judgment. It would be easy for them to simply arrest a law-abiding citizen under the current law, handcuff them, put them in the back of the patrol car, take them down to the police station, book them, fingerprint them, place them in custody until they...at which point they may or may not make bail, and then go to trial on a Class I misdemeanor, arguably having to incur significant expense to hire an attorney. The entire time, they were not guilty of violating the law. But you put the citizen through that, so that we can say, well, we don't have concealed weapons in Nebraska, unless you really want to jump through 15 hoops, show up in front of the judge, and make your argument as to why you qualify to carry a weapon under Section 2. I'm sorry, that doesn't make sense to me and to the citizens of the state of Nebraska. Let's take a look at who can currently carry concealed weapons, notwithstanding the provisions of 28-1202: Law enforcement officers, when off duty, can carry a weapon, arguably to protect themselves in the event that somebody comes after them or their family, or for whatever reason. Some would say that an officer is never off duty, that

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he or she is protecting the public, even when at a bar or at a football game, or whatever the situation may be. And I respect law enforcement. I respect the job they have to do, but a police officer, off duty, can go into a bar, carry a weapon, without any restriction, because they're a law enforcement officer. You can't do that as a citizen, unless you meet all of the little hoops that Section 2 of Section 28-1202 requires. There are no training requirements to comply with Section 2 of Section 28-1202. This bill requires you to go through training. Isn't that what we want? By adopting this bill, or this...the Judiciary Committee amendment--and I haven't really had an opportunity to focus on AM1233--and eventually passing LB 454,...

SENATOR CUDABACK: One minute.

SENATOR FLOOD: ...we're sending the message to Nebraskans that concealing a weapon is permissible, if you're willing to comply with the safety...health and safety regulations that we've got inside the bill and the committee amendments. Go to the State Patrol office, sit down, lay your criminal record on the table. Let them look at what you have or have not done in your life that you've possibly been convicted of. Go through the eye examination. Have the State Patrol check into your DMV record, have them examine your past to see whether or not you've been committed by a mental health or behavioral health commitment board across the state of Nebraska, look at your histories in different states. And then issue the permit, if you meet the qualifications. It seems to make sense to me that we have an interest, as state senators, in addressing what is already subjective, relying on the discretion of...

SENATOR CUDABACK: Time, Senator.

SENATOR FLOOD: Thank you.

SENATOR CUDABACK: Thank you, Senator Flood. On with discussion of the Beutler amendment, AM1233, to the Judiciary Committee amendments to LB 454. Senator Chambers.

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

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support Senator Beutler's amendment. I'd like to ask Senator Flood a question or two.

SENATOR CUDABACK: Senator...

SENATOR CHAMBERS: Senator Flood...

SENATOR FLOOD: Yes, Senator Chambers.

SENATOR CHAMBERS: You're aware that there are several places in the bill where a peace officer is authorized to determine whether or not a permit holder poses a threat to the public and it's strictly in the discretion of that officer as to whether that determination is made, and then the officer can take the pistol, the firearm. You're aware those things are in the bill, aren't you?

SENATOR FLOOD: Would you repeat your question, Senator Chambers, so that I could follow along?

SENATOR CHAMBERS: You're aware that there are provisions in this amendment, which, by the way, was not drafted by the committee, but it was offered by Senator Combs and requested that it become the bill. So committee staff of the Judiciary are not responsible for this amendment, and I want that clearly in the record, because there are some...it's some very poor stuff. In fact, it looks very much like what Senator Tyson brought the last time he was here, which the body rejected. But, Senator, the question I'm asking you: Are you aware that there are places in this bill where a police officer, a peace officer, as the person is called, or even an emergency services personnel may take the handgun from a person if, in that peace officer's view or the emergency personnel person's view, that person constitutes a danger to himself or anybody else? You're aware of that, aren't you?

SENATOR FLOOD: Are you referencing page 8, Section 13: Any peace officer having probable cause that a permit holder is no longer in compliance of...

SENATOR CHAMBERS: No, if we turn to page 9 and start in

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page...in line 10: During a contact with a permitholder, a peace officer...

SENATOR FLOOD: What line are you on, Senator?

SENATOR CHAMBERS: Say it again?

SENATOR FLOOD: What line are you on, on page...

SENATOR CHAMBERS: Page 9, line 10.

SENATOR FLOOD: Okay.

SENATOR CHAMBERS: "During a contact with a permitholder, a peace officer or emergency services personnel may secure the handgun or direct that it be secured during the duration of the contact if the peace officer or emergency services personnel determines that it is necessary for the safety of any person present, including the peace officer or emergency services personnel." Isn't that a subjective decision made, not only by a peace officer, but an emergency services personnel? Isn't it subjective?

SENATOR FLOOD: I would argue that that has no relationship to an arrest, or...

SENATOR CHAMBERS: But isn't this...

SENATOR FLOOD: ...placing somebody in custody.

SENATOR CHAMBERS: Isn't this a subjective determination made?

SENATOR FLOOD: It's a subjective, temporary...

SENATOR CHAMBERS: But yes or no, it is a subjective determination, isn't it?

SENATOR FLOOD: Is it subjective on the part of law enforcement or emergency services personnel at the time? Yes, Senator Chambers.

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SENATOR CHAMBERS: And that person who determines it to be subjective can take the firearm from the individual; isn't that true?

SENATOR FLOOD: During the duration of the contact. Yes, that is true.

SENATOR CHAMBERS: All right. And how long...what is the limit, in terms of how long that contact may last? There is no limit, is it?

SENATOR FLOOD: That contact could last for five minutes, or if that person is placed in custody for any reason, that weapon would be secured for the duration of the time that that person is placed in custody, and possibly not returned until the defendant has had an opportunity to be heard by the judge.

SENATOR CHAMBERS: Thank you. Now would you turn to page 5, because I'm going to let you be the counsel for the defense, since you are trained in the law and you support this bill. In lines 15, we're talking about the following: An applicant shall not be prohibited from purchasing or possessing a handgun by 18 U.S.C. 922, as such section existed on January 1, 2005. What does that section say, and how does it...under what circumstances does it prohibit a person from purchasing or possessing a handgun?

SENATOR FLOOD: I would rather...

SENATOR CUDABACK: One minute.

SENATOR FLOOD: ...familiarize myself with that provision of federal code before I answered your question, and I will do that in the meantime.

SENATOR CHAMBERS: And that's fair. I thought you might have been familiar. Otherwise, none of these are designed to be trick questions. When I come to one of those, I'll let you know.

SENATOR FLOOD: I'm familiar with the statute, but...or the

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federal code, but I would rather be complete in my answer, rather than leaving certain things out.

SENATOR CHAMBERS: And I appreciate that. That's all I'll ask you now. My time is running out, but I will make it crystal-clear that I'm strongly opposed to this bill, and since it's the same as what Senator Tyson had presented, I'm going to go back into the Journal and find the same amendments I offered to his, and offer them to this bill. Some of them will appear absurd, but no more absurd than the bill. This ought to be called the "fear your neighbor, yourself, and the paranoids" bill. That's what it is, Nebraskans running around here afraid of everybody, including their shadow, and some people in years past who came had suggested that if that bill was not put in place right then, they would be killed before the year was out. Four years later, they're back before the committee, not having been killed. That shows how preposterous they are, and if some of the people who have written things to me and others...

SENATOR CUDABACK: Time, Senator Chambers.

SENATOR CHAMBERS: So soon?

SENATOR CUDABACK: Sorry, your time is up.

SENATOR CHAMBERS: Thank you, Mr. President.

SENATOR CUDABACK: Senator Flood, you are recognized as the next speaker. Senator Flood, you are recognized.

SENATOR FLOOD: Thank you, Mr. President, members. We're in the process of making sure we have a look at the federal code that Senator Chambers raised, and I appreciate that question, and we will get a response in a timely fashion. I guess, as far as we're concerned, Senator Combs and I, and I know the number of supporters in here, focusing on what we have and where Nebraskans want to go is part of our job. And I think that, in my opinion, Nebraskans would like this Legislature to pass a law that gives qualified individuals under the bill the opportunity to carry a concealed weapon. This isn't a situation where you show up at the State Patrol office, you slap your driver's

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license down on the table, you fill out a half page, you pay a little fee, and you walk out with a permit to carry a concealed weapon. It's a lot different than that. This bill goes a lot further to protect the citizens of the state of Nebraska. And while I'm on my time, I guess I'd like to respond to one of the questions that Senator Chambers asked me with regard to the ability of a law enforcement person, peace officer, emergency services worker, to detain...I should say, to take a weapon, in whatever form it is, away from the permittee and to secure that weapon during the time of contact with law enforcement. Senator Chambers, that is happening right now. There isn't a law-abiding citizen in this state that has a weapon in his or her vehicle, in my opinion, that doesn't answer truthfully, most of the time, as to the officer at the window, when he says or she says, do you have a weapon or any weapons in the vehicle? It has been common practice for individuals to notify the officer and then, at the officer's discretion, he or she may secure the weapon for the health, safety, and protection of everybody involved in that contact with law enforcement. I don't think anybody objects to that. What I object to, and I know others in this body object to, the idea that under 28-1202 you're driving home from work, you get stopped. Maybe you work as a Wells Fargo armored car driver, and in your job, it's necessary for you to have a weapon. Well, under the law, you probably wouldn't qualify in that situation, if you were splitting hairs, because you have to be engaged, at the time that you're stopped, in the business. But let's say you're a Wells Fargo armored car driver, but you're driving a van that's not marked. You get stopped. The officer asks what you...if you've got any weapons. You've got a weapon on the inside coat pocket of your suit jacket. In that situation, a law enforcement officer could place that driver under arrest, charge them with a Class I misdemeanor, or a Class IV felony, if it's their second offense, handcuff them, take them down to the police station, charge them with a crime that's punishable on first offense up to a year in jail or \$1,000 fine or both--minimum none--have them bond out on that offense, which could be well in excess of \$1,000 depending on the jurisdiction, and then force that person to go hire an attorney, go to court and fight their case. That is a lot different than a law enforcement officer taking a gun away from a permittee under

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this bill, securing that weapon until that contact has ended with law enforcement or emergency services personnel. Right now, if you're in an ambulance, chances are they're not going to let you ride to the hospital with your weapon, anyway. We are comfortable with that provision in the committee amendments, and I'm comfortable with what this bill aims to do in the manner it suggests in the bill.

SENATOR CUDABACK: One minute.

SENATOR FLOOD: So I would return the balance of my time to the Chair. Thank you.

SENATOR CUDABACK: Thank you, Senator Flood. On with discussion. Senator Chambers, followed by Senator Connealy.

SENATOR CHAMBERS: Mr. President, members of the Legislature, first of all, this bill is a lot of pure nonsense. There's no reason for these people to fear everything and everybody in this state. Who are they afraid of? That's what I want to know. How many men need a gun as an extension of his manhood, or for himself to be an extension of a gun? Look how I dress. I don't wear any weapons, but to those people who want to carry these guns, who send the racial slurs, the threats, and show by their conduct they're the very ones who ought not have these guns, I want them to know, I am a weapon. I'm a modest man. Like Senator Stuthman, I'm a short man. I could be referred to as a mere slip of a fellow. But if somebody makes a misjudgment, then he might find out that he miscalculated. But I don't bother anybody. I have never gone around armed, and I don't intend to. And I probably get more threats than anybody on this floor, and you don't hear me running in here saying, every law-abiding citizen ought to have a gun, including me, and I got guns in my pockets, I got a gun in my car, I got guns in my house. I'm just...I don't live in fear. I'm not afraid. But when I listen to people like Senator Flood and Senator Combs, I don't know what kind of people they live around. They're afraid of their neighbors, all those rural people who on other occasions, I'm told, help each other. They trust each other. They live together like an extended family, but they're so afraid of each other they want to go around armed all the time,

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with hidden pistols. Something is not connecting there. Sometimes adults are only children of a little greater physical growth, and mentally they did not mature. This bill manifests paranoia and a dangerous state of mind on the part of those who want to run around here carrying pistols. Senator Combs wants to tell us what happened in other states. That doesn't indicate what is going to happen in this state. When we were talking about the motorcycle helmet bill, people gave various statistics of what happened in different states, and the statistics were different. But each side used the statistics to support his or her point of view. I don't care what happens in other states. I'm talking about what happens right here. And when I listen to the unbalanced comments made by people in this state, I don't think they ought to be carrying concealed pistols with the approval of the law. But as I was saying before I ran out, I want to elaborate on that. These people, and some of them were hulking people, hulking guys--make me look like Tom Thumb--coming in, I have to carry my concealed weapon, because I'm a law-abiding citizen and I have a right to protect myself. And I'm looking...now if he's got the heart to go along with the size of his body, he doesn't need a weapon against a grizzly bear, but he's scared. Maybe the one he's scared of is his wife. And I didn't think to ask him, is the one you're afraid of your wife? He'd say, well, now you got me, Senator Chambers; if you saw the little woman, you'd know why I carry a gun, and you might want to carry one, too. I'd say, then I'd just learn how to treat the little woman. Big guys! And they're the ones who act like, if we didn't pass that bill, they'd be killed by somebody in their community. And I'm wondering why those desperados are not placed under arrest by the sheriff. Why don't they have them held before the mental health board and provided with the help they need? So in order to make this bill truthful in its representations, I'm going to offer that statement of findings, that the Legislature finds it...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...would be better for these people who need to carry these guns to be referred for mental healthcare, complete with medication, to restore their mental balance and emotional stability. You know why I can talk like this?

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Because I'm not afraid of anybody, and I've gotten threats. I don't have one of those little panic buttons in my office, to summon the State Patrol or somebody else if I'm threatened. I'm not running through this life afraid of people. You all own everything. You run the country. You got more bombs and bullets than any other country in the world, and you're afraid of your shadow. I pity you, but I'm not going to support letting you carry a pistol, as dangerous as you are, with the approval of the law. And the State Patrol is going to do whatever the Governor tells them to do. The Governor wants this so he can campaign on it. He told the State Patrol what to do, and that's why they're doing that. The boss told them what to do, and that's why they're involved in it. They know better, but they know what will happen if they speak out of school. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. On with discussion of AM1233. Senator Connealy, followed by Senator Thompson and others.

SENATOR CONNEALY: Thank you, Mr. President and members. I rise in support of the Beutler amendment and the Judiciary Committee amendment and the bill. I've been involved with this issue, to some extent, ever since I've been here, and the Legislature has actually looked at this for a long time. Some things have changed, and I think the debate has been...become more clear as we go forward. I think that earlier on, when more states were initiating concealed carry bills, I think a lot of it had to do with gun sales and promotion of that, and we saw some increase in gun sales in certain states that passed concealed carry that didn't have training involved, and that actually promoted gun ownership more. I don't think we're going to see that here in Nebraska. Gun ownership in Nebraska is quite pervasive anyway. We're probably not going to change that, especially with a bill that has some limits like this amendment, and the training that's involved. I believe that, with that, I can support a concealed carry this year, even though I...at some points, when they had diminished training in the proposals, I've been opposed to it. I believe that this is not going to help a whole lot with crime. I don't believe that we're going to have a safer society. I don't believe those...the proponents' statements on

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that, but I also don't believe it's going to increase crime dramatically, or if at all, in a state like Nebraska, that already has ownership, and that to some extent has people carrying guns now for self-protection, under the current law that allows an affirmative defense. So I don't believe that because of the training and because of some restrictions in the bill now, that we have to worry about either side's claims, that this is going to be dramatic, one side or the other. I think it's going to be more of a moderate situation. Thank you.

SENATOR CUDABACK: Thank you, Senator Connealy. On with discussion. Senator Thompson, followed by Senator Combs.

SENATOR THOMPSON: Thank you, Mr. President, members of the body. This is my eighth year in the Legislature. This is one of those bills we call the perennials, because they come back every year, and we have some similar discussions on them. Unlike Senator Schimek, who is kind of appealing to those who are undecided, I guess I want to appeal to the people who also might care about how this bill is written technically, and might be concerned about passing a bill that's going to cause problems in their districts, problems for people who are going to have to implement the law. And so I have several amendments proposed to address that, but I also will say, in all honesty, that I've never been a proponent of this bill and will certainly fight it this year again. We have lots of guns, as Senator Connealy says, in our society, but handguns are another issue, other than...and that's the issue that we're talking about here. And this bill is promoted in all the states, and has been promoted in recent years, in order to sell more handguns. I think what you need to do is follow the money in these kinds of bills that come before the Legislature, and there is an economic interest in making sure people have multiple guns--one they keep at their bedside, one they may keep in their car, one in their purse. This is a way, nationally, to help sell more guns. I think that's the underlying factor and what pushes it. Now the two senators who are leading in this effort may have other reasons to do that, but I do believe that that's the primary reason that we have seen, in this country, a push for this. And also creating a culture of fear, and creating a culture where it's acceptable to solve your problems with a lethal weapon. We're

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one of the few, if the only country, in the world where you have this many handguns in the hands of the public. Bear in mind that the public has a right here, too. And I've argued this every time I've argued it. I want the right to know who's carrying deadly force, who's carrying a weapon. And you can know that now, because anyone in this state who wants to carry a handgun can do so if they don't hide it. They can...you can strap it on and go. And I think that's better public policy, so that people are aware. If you have children with you, if you have...are in a situation where you were planning to go have a nice meal, it would be a little disturbing to know that somebody's purse could fall off the chair next to you with a loaded gun. We've got to protect the entire public. I've heard a couple of senators say, well, this is what the public wants. Well, having been just involved in a political race and having looked at a lot of polling in the state, also looking at what the Crime Commission did in a poll that was conducted that was an independent poll, this isn't what the public wants. But I don't base what I vote for in the Legislature on polling information. If we did that, there wouldn't be any need for us to be thoughtful in how we look at these things. But I also want to make sure when people throw that kind of information around on the mike, that there are those who may be listening who think this is something that there's been a Gallup poll in Nebraska on, or something else. The polling I've seen--and I'd be happy to provide the Crime Commission poll for you--does not support the fact that people want handguns everywhere they go in the public. The amendments that I'm going to be proposing--and I support Senator Beutler's amendment and actually was thinking of...

SENATOR CUDABACK: One minute.

SENATOR THOMPSON: ...the same issues in dealing with the five-year time frame with people who have mental illness or have been conducted...or been convicted of crimes that were violent. I think a ten-year time frame is much better than five years. And...but also want to look at the issues that have been brought to me, and will be brought to you in your districts, dealing with the provision for emergency personnel. These are the...in many communities these are volunteers who are first responders,

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who are going to be required to secure these weapons that people are going to be carrying around in larger numbers, and they need training to do that. There are concerns about that, and I have an amendment to this bill that they would not be required to be the ones to secure these weapons. I also think that we have to expand this to include athletic events like Little League games and games that are played in public...on public fields. You don't, I don't think...I think the authors of this bill have restricted it somewhat, but...

SENATOR CUDABACK: Time, Senator Thompson.

SENATOR THOMPSON: ...we need to expand that.

SENATOR CUDABACK: Thank you, Senator Thompson. On with discussion. Senator Combs, followed by Senator Friend.

SENATOR COMBS: Thank you, Mr. President, members of the body. In addressing the issue of paranoid people wanting to be the ones to carry concealed, I don't consider myself any more paranoid than I am of having a fire burn my house down to the ground. And I want to purchase a fire extinguisher and hang it on my wall, which, you know, some people I suppose have, like they were saying, the guns--a couple of guns, one by the...we got one at the house, one...a shotgun by the back door. I mean, it's mostly for critters, but you never know. With home invasions, those things can happen. But because I buy a fire extinguisher and hang it on the wall, then I decide to take training in how to use that, doesn't mean I'm paranoid about my house burning to the ground. What it does mean is I don't want to wait to call the arson investigator to handle that situation, to protect myself and my family. If I want to protect myself and my family from my house burning to the ground, maybe, if I've got my fire extinguisher in the kitchen, I can put out that stove fire and prevent the whole thing from, you know, burning down to the ground. And if I know how to use it properly, then I'd be able to do that. So I don't...I don't think that's paranoid. I think it's prudent. And again, not everyone is forced to have a fire extinguisher. The same thing, you know, wearing seat belts. You know, we're not afraid and paranoid that the next person is going to hit us head on, and we're going

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to go through the windshield, but we do put it on because we would like to have some degree of protection. And I would propose that, you know, a vehicle, a person with a driver's license is more of a danger to killing people, if you talk about sheer numbers, than a trained permit holder would be. You know, I lock my doors at night, and I know...I think Senator Chambers, he keeps his door locked up there, and we do that as an initial deterrent, the same way that concealed weapons are a potential deterrent, because they don't know who's carrying and who's not. There was, and in answer to Senator Schimek, there was an Omaha World-Herald poll that I know is not scientific, but it was from a thousand people that replied--I think there were a little over a thousand--and 68 percent of those that responded to their on-line survey said they were in favor of it. So...and that was a couple of weeks ago. But again, that's not a scientific survey, and it's just people that replied to, you know, to the World-Herald on line. Passage of LB 454 will provide great comfort and protection for many women in Nebraska. If you were at the hearing, you got to hear some of the women that would like to have a leg up on those who would wish them harm. Approximately 20 percent of the current 6 million concealed firearm permit holders across the United States are women. Women are often the victims of violent assaults and are, generally speaking, physically weaker than their male attackers. LB 454 would allow women to even the playing field somewhat. Anyone who was on Judiciary hearing the bill will never forget the young rape victim who testified. She said she would have fought her attacker harder if she had a better chance to win. She believes that just possessing a firearm may have given her that chance. Most of the time you just show it, and they go off to the next easy patsy that they can get to be a victim. You know, a lot of these people, they're drug people. You know, meth has created a lot of theft and crime and violence. You know, they're not going to go for the person with the weapon that's trained in its use. They're going to go to the next patsy down the street and get them. So you just show it--they're gone. But she said if that would given her a chance...but as a law student, she does not carry a gun, not even out on the outside, because she fears that an arrest, as Senator Flood explained, an arrest for her as a law student would negatively affect her bar application. You know, whether

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or not it was deemed prudent that she carried it--this woman had been raped--she would go through the procedure that Senator Flood described, and that could negatively affect her ability to get into the bar.

SENATOR CUDABACK: One minute.

SENATOR COMBS: Same thing with the Luby's Cafeteria lady that sat under the table at Luby's and watched her parents be murdered by the guy that came in there. She was a chiropractor and she did carry a concealed...she had it, but she...it was out in her car. She was afraid to have it on her person. Should we force this brave young woman and others like her to go on with no means of defending herself, if she wants to be? You know, it doesn't matter until it's happened to you. Just like a house fire, just like a head-on car collision, it doesn't matter until it has happened to you. So tell the crime victims that want this, that have had things happen to them, that there's no reason for this in Nebraska, and then you could probably have a rather lively discussion. Thank you.

SENATOR CUDABACK: Thank you, Senator Combs. On with discussion. Senator Friend, followed by Senator Chambers and eight others.

SENATOR FRIEND: Thank you, Mr. President, members of the Legislature. I was wondering, Mr. President, if Senator Combs would yield to a couple of brief questions, please.

SENATOR CUDABACK: Senator Combs, would you yield?

SENATOR COMBS: Yes, I will.

SENATOR FRIEND: Thank you. Senator, I'm obviously on the Judiciary Committee as well, and I heard a good majority of the testimony. It was a long hearing and everything. But what I wanted to do, not only to refresh my memory and...because mainly I don't recall any part of this discussion or anybody specifically stating this, but I also wanted it in the record, is there research done, or are there...is there information that provides, I guess, an educated guess or speculation as to how

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many people would apply for this type of certification in our state? I mean, we're talking 1.7 million people.

SENATOR COMBS: Yeah.

SENATOR FRIEND: Obviously, not...there's not a whole lot of people that want to, let alone use a handgun, but could tote it around and handle it halfway, you know, competently. So I guess that was one of the questions.

SENATOR COMBS: Yeah, probably what has happened in most other places...I don't know what Nebraska's actual number will be, but maybe around 3 to 6 percent, something like that. And again, that's not a...I'm not reading that from a book anywhere. That's just a general anecdotal estimation on my part.

SENATOR FRIEND: Thank you, Senator. In Section...and I'm not going to ask you to answer specifically to this language, but I wanted to point it out, and I wanted it on the record so that...mostly for my edification, I guess. On page 13, line 18, starting Section 21, "The Department of Motor Vehicles shall modify the existing system of the department to allow the status of a permit to carry a concealed handgun and the dates of issuance and the expiration of such permit to be recorded on the permit holder's record provided for in section 60-483." I guess my question would be this: How many...how many people out there right now...and there are people that can conceal handguns right now. Senator Flood alluded to a few of them--off-duty police officers, a few others. How many people are actually falling under the Department of Motor Vehicles, I guess, system, premodified system, if you will?

SENATOR COMBS: You mean currently?

SENATOR FRIEND: Yeah.

SENATOR COMBS: No, I think...I would say, correct me if I'm wrong, but I would say no one. This is new verbiage.

SENATOR FRIEND: Okay.

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SENATOR COMBS: I don't know...currently, I don't know if the off-duty police officers...I would assume they would just declare it when they're pulled over. That's what the concealed people...people carrying concealed right now are supposed to declare it, is that...that's my understanding.

SENATOR FRIEND: Okay, but right, exactly. So what we're saying is, there is no, I guess, formal means of certification...somebody can...there are certain types of...there are people with certain skills, qualifications, whatever, that are concealing weapons, but we do not have a, for all intents and purposes, a statewide certification system...

SENATOR COMBS: No.

SENATOR FRIEND: ...to know who those people are.

SENATOR COMBS: No, we...and, in fact, thank you for mentioning that, if I can take just maybe 30 seconds of your time here to explain.

SENATOR FRIEND: Sure.

SENATOR COMBS: The head of the DMV was very cooperative in helping develop a system that meshes with what the State Patrol has, so that we essentially eliminated some of the fiscal note of people that would be involved in doing this, keeping track of it, and instantaneously, it will be with...when they pull the person over, they pull their license, it's going to be there, if they have a permit, also.

SENATOR FRIEND: Okay, thank you, Senator Combs. That was really all I had. Look, I...one of the things that I've heard over and over again, in regard...and like some of the others out on this floor, I've heard this at least since I've been here. It hasn't been long,...

SENATOR CUDABACK: One minute.

SENATOR FRIEND: ...but I've heard it over and over again. One of the key points that some have made, even from outside, is

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that the police are worried, law enforcement agencies are worried about this type of legislation. I, you know, we all know police officers in here. We all know...we all have some relationship, some relatives, whatever the case might be. I'm no different. I have a feeling I know what the police are afraid of, to a certain degree, and it's not a person who's going to go through this type of thing in order to carry a concealed weapon. And I know we're going to cross that point over and over again out here, as long as this debate goes on. Somebody that's going to go to this extent is not who our law enforcement agents...police officers and the law enforcement agencies and the people involved in them...

SENATOR CUDABACK: Time, Senator Friend.

SENATOR FRIEND: ...are afraid of. Thank you, Mr. President.

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

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'd like to ask Senator Combs a question or two. Then I will have one for Senator Flood.

SENATOR CUDABACK: Senator Combs.

SENATOR COMBS: Yes.

SENATOR CHAMBERS: Senator Combs, you've made some comment about no permit holder, licensed permit holder, had ever harmed a police officer. Is that true?

SENATOR COMBS: I think...was it convicted of assaulting a police officer?

SENATOR CHAMBERS: Okay, is that what you said? Where did you get that information?

SENATOR COMBS: It was from some data that I had from...

SENATOR CHAMBERS: Was it from the NRA?

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SENATOR COMBS: Might have been...might have been from the LEAA, which is the Law Enforcement Alliance.

SENATOR CHAMBERS: But you're not sure where it came from, really?

SENATOR COMBS: I've had it, I've had it for a while and I can't just...I can tell you where I got it from, if you'll let me, you know, research and look it up. I can look it up.

SENATOR CHAMBERS: Okay. Now, okay, when you said all this person who had been raped would have had to do was show the gun and she could have fought it off, if she has a gun in her purse, how is she going to get it out when somebody grabs her? Or is she going to walk around with it in her hand? Is that what's going to happen? Is that what you envision?

SENATOR COMBS: No, many times you can just say, I have a gun and I'm a trained permit holder; I know how to use it.

SENATOR CHAMBERS: Are you aware that people, even today, who have guns, either outside their home or in their home, in the majority of cases where one is attempted to be used, has the gun taken and used against the person? Now that's a law enforcement statistic. Are you aware of that happening?

SENATOR COMBS: Are these permit holders, or people that just go out and buy a gun?

SENATOR CHAMBERS: There are no permit holders now. This is just...

SENATOR COMBS: No, no. I want data from permit holders. Is your data from people with permits getting guns taken away? Because they have training on how to retain their weapon,...

SENATOR CHAMBERS: All right.

SENATOR COMBS: ...and that's a big difference from just the \$5 purchase people.

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SENATOR CHAMBERS: The majority of law enforcement officers who are hurt with a firearm has their own firearm used against them. Now you can check that out. Do you think these police officers are trained?

SENATOR COMBS: I'm not sure, after the training that I got, if...I shot 500 rounds in three days, I don't know if every law enforcement officer shoots that many rounds in a year. I don't know. That's a very good question.

SENATOR CHAMBERS: You don't do that all the time. You did it that one time. Now were you shooting at stationary targets, targets that stand still?

SENATOR COMBS: Yes. Well,...

SENATOR CHAMBERS: Were you using a handgun?

SENATOR COMBS: Yes.

SENATOR CHAMBERS: How far were you from the target?

SENATOR COMBS: I was 5 yards, 7 yards, 10 yards, 20 yards.

SENATOR CHAMBERS: And you know the...how long was the barrel of your weapon?

SENATOR COMBS: The first weapon I used was a .38 Special. I don't know how many inches that is, but...

SENATOR CHAMBERS: Short barrel.

SENATOR COMBS: Short barrel.

SENATOR CHAMBERS: Are you aware...

SENATOR COMBS: The third day I used a Glock .40, which has about this big of a barrel.

SENATOR CHAMBERS: Are you aware that those grooves and lands

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are called rifling, and the purpose is to make the shell spin, and the faster it spins, the more accurate it will be? And when there's not enough of that in the barrel to make it spin, it tumbles and it's not accurate? That's why pistols are notoriously inaccurate. You think that this training you got would equip you in a crisis situation, like if somebody walked up behind you and grabbed you, you'd be able to free yourself, get your pistol out of your purse, and shoot that person? Or if you told them, I'm a licensed permit holder and I know how to use my gun, they'd let you go? What do you think?

SENATOR COMBS: I have a leg up over having absolutely nothing.

SENATOR CHAMBERS: Then if I snatch your purse, what good is your gun to you? And then I can take the gun out the purse.

SENATOR COMBS: I won't have it on my purse; I will have it on my person, tucked into here, where I've been trained how to pull it, and how to use it, without it being taken away, from the position that I got it concealed in.

SENATOR CHAMBERS: You'd probably shoot yourself. Let...now, because my time is running out, I want to ask Senator Flood a question.

SENATOR CUDABACK: Senator Flood, would you respond?

SENATOR FLOOD: Yes, Senator Chambers.

SENATOR CHAMBERS: Senator Flood, why is the weapon that can be concealed one that can have a barrel of 16 inches?

SENATOR CUDABACK: One minute.

SENATOR FLOOD: Why is the weapon that can be concealed have a barrel of 16 inches? Is that...

SENATOR CHAMBERS: Yes. A concealed handgun, on page 1, line 10, means the handgun--oh, no, that's totally hidden. In line 17, handgun means any firearm with a barrel less than sixteen inches in length.

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SENATOR FLOOD: I don't think the length of...

SENATOR CHAMBERS: This, this that I'm holding up, is 16 inches in length. Why would somebody need to conceal something like this? Why do you define it as being less than 16 inches in length? One-eighth of an inch less than this can be carried concealed. You think a person is not going to know you got that? Why did you select 16 inches?

SENATOR FLOOD: I did not select 16 inches.

SENATOR CHAMBERS: But you support it, don't you?

SENATOR FLOOD: I supported it. Does the length of the barrel make it any more...

SENATOR CHAMBERS: No, I'm asking you the question.

SENATOR FLOOD: ...deadly?

SENATOR CHAMBERS: Why do you support the 16 inches, a weapon with a barrel this long, not including the handle? When you add the handle, it's even longer. These are the kind of things you want people to be walking around here with in Nebraska? You got to hide it down...

SENATOR CUDABACK: Time.

SENATOR CHAMBERS: ...in your pants leg, don't you?

SENATOR CUDABACK: Time, Senator.

SENATOR CHAMBERS: Good lord! Oh, thank you, Mr. President.

SENATOR CUDABACK: You're welcome. Senator Brown, followed by Senator Kruse.

SENATOR BROWN: Mr. President, members, I'm going to support the Beutler amendment, and...but I'm going to veer off in a direction that I have probably never spoken on the floor in, and

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I fully expect that Senator Chambers is going to go a little crazy, by what I'm going to say, and maybe Senator Schimek. No, I don't think you, Senator Schimek. In the last few months we have had a spate of shootings. Some of them have taken place in states that have concealed carry legislation. One of the arguments for concealed carry is that by virtue of the fear that is engendered in a person who has a gun, that anybody out there could be carrying at any time, that's going to stop them from shooting. But that hasn't apparently worked. In the last few months there's been one shooting spree that has been stopped, and it was stopped, not with another gun, not with the fear of another gun. It was stopped by a woman who reached out in love to the person that was holding her at gunpoint, and started talking to him out of love and out of Christianity. And that is what eventually stopped the shooting. What...you know, if we believe and perpetuate this idea that we are going to stop violence by responding violently, it is in absolute contrast to everything that the New Testament talks about. Jesus said, you have heard that it was said, an eye for an eye and a tooth for a tooth, but I say to you, do not resist one who is evil, but if anyone strikes you on the right cheek, turn to him the other also. And if anyone would sue you and take your coat, let him have your cloak, as well. And if anyone forces you to go one mile, go with him two miles. Give it to him who begs for a meal, and do not refuse him who would borrow from you. You have heard that it was said, you shall love your neighbor and hate your enemy, but I say to you, love your enemies and pray for them...pray for those who persecute you, so that you may be the sons of your Father who is in heaven. And I just question whether, by participating...by all of us participating in the idea that we can make ourselves safer by the personal nuclear proliferation, whether we're not feeding into some sort of evil. (Laugh) And I'm not a person that thinks that you should walk away, but I just have to reflect on it, that the whole idea behind concealed carry is that we're going to somehow stop violence with the ability to retaliate violently. And at least, in this small snapshot, it hasn't worked, and what has worked...

SENATOR CUDABACK: One minute.

SENATOR BROWN: ...is the word of the Lord. And I fully expect

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that Senator Chambers is going to be somewhat concerned about me bringing religion onto the floor of the Legislature. It's not something that I do capriciously; it's not something I've done a great deal of. I did it in reflection to what...to what happened, and I will read to you what...the piece that the woman read to the man that was holding her, from The Purpose Driven Life: We serve God by serving others. The world defines greatness in terms of power, possessions, prestige, and position. If you can demand service from others, you've arrived. In our self-serving culture with its "me first" mentality, acting like a servant is not a popular concept. The man gave himself up after he had been on a shooting spree, where three people were killed, in a state that had concealed carry legislation.

SENATOR CUDABACK: Time.

SENATOR BROWN: Thank you.

SENATOR CUDABACK: Thank you, Senator Brown. (Visitors introduced.) On with discussion of AM1233. Senator Kruse, followed by Senator Johnson.

SENATOR KRUSE: Mr. President and members, thank you. I support the amendment. I oppose the bill. I live in a district, in an area where this would be a tremendous problem. I plead not to do that to us. I'm not worried about horror stories that have been mentioned here, but horror feelings. I'm especially intrigued and charmed by all these stories about...and comments about how many people want this in Nebraska. I'm going to get my microscope out and start looking for some of them, go down the streets. I've been looking for them. I've turned over several rocks and so on. I've found three in my district, and believe me, I've looked. We consider this to be a disaster for us, if it were to be passed. Last week I was with a group of 30 senior citizens, and rather than give a dull report of what we're trying to do down here, I decided to take a poll on a number of the issues that are before us. When I came to this one, I said, how many of you in this room would feel safer if you knew that there were three or four persons carrying a gun? They looked at me in stunned silence, (laugh) like I had lost my

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marbles. Well, maybe I have lost my marbles. Not one hand went up. I said, okay, this seems like kind of a safe place. Let's get out in the real world. Let's get out to a grocery store. How many of you would feel safer in a grocery store, if you knew that there were several persons in that grocery store carrying a gun? Not one hand went up. I could have gone on with, on the street, which is where we often talk about. I'm sure the response would have been the same. The thought of my neighbors carrying more guns than already have, even though these are law-abiding citizens, as has been said several times, is a fearful thought. I was in a group of six professionals active in the community, very professional people, very even-minded, and I said, help me on this. I do not understand the reason why we would even consider such a proposition. They talked about it very intently, very seriously, and out of the six of them, not one of them could think of one reason that this bill would be helpful to them, or to us. All expressed some fear, if some of their neighbors were to start carrying guns on the street. The third contact that I will report was in a social gathering. I was seated for a meal alongside of a man who brought the subject up. He's a military policeman for seven years. He's now moved on to another job, but he kept saying, it is an awesome responsibility to carry a gun; said, I did it for seven years. He's a very even-minded, even-tempered type of a person. He said, if this were to pass, I would never carry a gun. He said it three times. It is an awesome responsibility to carry a gun. I do not know what's in the mind of somebody who would want to take on such an awesome responsibility. I recognize that a few feel that concealed carry would make us safer. But I would hope you would help me understand, and to let it be known that in the district where I live, in north Omaha, most feel it would not make us safer. If I were carrying a gun and someone pulled one on me, the last thing I would do...

SENATOR CUDABACK: One minute.

SENATOR KRUSE: ...would be to pull my gun. I would rather do the things that Senator Brown spoke and, Senator Brown, very well, you spoke right to the target. We have to deal in human factors with each other. That's what I want to see in my community. That's what the people in my community want to see.

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I live in a good area. We do not need to work out of paranoia. We don't have to give out concealed weapons so that people come out from behind their locked doors. We walk the streets right now. We're out there, and we do not need this kind of threat to our safety. Thank you.

SENATOR CUDABACK: Thank you, Senator Kruse. Senator Johnson, followed by Senator Flood.

SENATOR JOHNSON: Senator Cudaback and members of the Legislature, I'm opposed to this bill. I've seen too many people shot and killed and maimed, but I'm not going to talk about that from that standpoint here today. The first time I ever got up in this Chamber I said, why do we need this bill? Yes, we can ask that same question today. Why do we need this bill? The thing that I've heard, and I don't...can't quote you the source, but supposedly Nebraska is one of the safest places in the world that you can live. I think most of us would agree that that's the case. Now, of those of us that live in Nebraska, who are the safest of those of us that live here? White males. Who is pushing to have this bill passed? The safest people in the safest place in the world. Why do we need this bill? I might ask what felonies would have been prevented in this state that you can think of? I don't think that we can make any case at all that maybe the worst tragedy that this state has seen in years occurred with the Norfolk bank robberies. Would this have made any difference in that case? Pretty hard to argue that it would. One of the other things that we keep hearing in this Chamber this year is how wonderful education is. If we just have some education, we don't need motorcycle helmets because, you know, we just won't need them. If we have education in how to handle a gun, there won't be any accidental discharges of the gun. I presume that with that education, nobody with a concealed weapon will ever have anything to drink. I presume that everybody carrying that concealed weapon will never become angry, because education is going to make it so those two instances don't occur. What I'm really concerned about, though, is this. What tragedies are going to occur by this proliferation of these concealed weapons? When I was young I had a friend that shot and killed one of his friends. I don't think he's ever gotten over that. I've taken

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care of people who have shot others, just sighting their gun. I have two friends, one, his wife still...

SENATOR CUDABACK: One minute.

SENATOR JOHNSON: ...doesn't know about it, whose shotgun went off and blew a hole in the floor of their car. I have another had to admit to his wife that, yes, a gun did go off in the car, because it blew a hole in the roof. That was a little harder to conceal. Accidents are going to happen. I think it was in Duluth last week a gun fell out of the guy's bed that he had under the mattress, and shot him. The question is this: For all the prevention are we going to get, how many tragedies are we going to cause? Thank you.

SENATOR CUDABACK: Thank you, Senator Johnson. Senator Flood, followed by Senator Thompson.

SENATOR FLOOD: Thank you, Mr. President and members. And I appreciate Senator Johnson's perspective. You know, he didn't talk about it very much, but he has seen the worst of the worst in an emergency medicine setting, or in a medicine setting, period. And he talked about these accidents that have been happening that he's familiar with, people that he knows, or guns going off in vehicles. I guess what I really like about LB 454, together with the committee amendments, is that it stresses education. You have to undergo some training. You have to become familiar with what you're going to be permitted to do. And as Senator Combs talked about, that includes training on separating the ammunition from the weapon, how important it is to restrict access to those weapons around children. What do we have today? Accidents happen, yes. I'm not going to stand before the Legislature and say that we will never have another gun accident in Nebraska if we have LB 454. No one can say that. You can have all the driver education you want in the world and you're still going to have car accidents. I guess what I look at, and I know that this is something Senator Chambers is frustrated by, 46 out of the 50 states in the Union have some form of concealed carry. Thirty-eight states are right-to-carry states. What we're talking about with LB 454 is, arguably, one of the more restrictive regulatory schemes on

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people, to protect the health and safety of the citizens of the state of Nebraska. I think it's a reasonable approach to conceal weapons in Nebraska. With the State Patrol issuing these permits, I think it's important to go through some of the things that will be under strict scrutiny by the law enforcement agency that will, if passed with the committee amendments, be in charge of issuing permits. Anything from your eyesight to your criminal history to your propensity to live your life in a drunken or intoxicated way, fashion, or manner. It gives the Patrol a lot of discretion, when investigating your background, to determine whether or not you can have the right to carry a concealed weapon permit, or to carry concealed, period. And there will be strict scrutiny on those folks that are permittees, after the date that they would possibly receive a permit. You have to live your life in a law-abiding manner. People that have been convicted of third-degree assault will not have weapons permits, I might add. Now that doesn't say it specifically in there, but I think it's important to note that this is not an effort to put guns in the hands of criminals. In my opinion, the criminals already have weapons, if they want them. It's not hard to get a gun in the state of Nebraska. It's the law-abiding citizens that pay attention to Section 28-1202 and abide by its Section 1, 2, 3, and 4 that we're talking about today. It's the people that are willing to go through the training, to jump through the hoops, to raise their hand and notify the State Patrol that they want this, and comply with the rules, that will receive the permits. This is a reasonable...this is a reasonable bill to address the citizens of Nebraska's repeated demands for the right to carry a concealed weapon. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Flood. Mr. Speaker, you are recognized to speak.

SPEAKER BRASHEAR: Thank you, Mr. President, members of the body. I try not to interrupt the flow of debate, but it seems to me this one may go on for a while, and I wanted to get word to you, having done some of the planning for next week. I note something that needs to change. We had scheduled Monday, Tuesday, and Wednesday nights for what we call late nights, but I want you to know that while Monday we'll go...will be a

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9:00-or-before night, Wednesday is uncertain, but it will be something less than...it will be in the, call it, 7:30 range, but I think we will not do a late night on Tuesday, that is. It has been brought to my attention, and I think appropriately so, that's municipal elections, Lincoln, Omaha, maybe other places. I haven't tracked it all down, but...so we will...it isn't? Oh. In any event, we will...we will be done by 6:00 or before. The reason I always say "before," if we get to a logical stopping point, we're going to stop before that. But we won't go beyond 6:00 on Tuesday night. Thank you. Have a good weekend.

SENATOR CUDABACK: Thank you, Speaker Brashear. On with discussion. Senator Thompson, followed by Senator Cunningham.

SENATOR THOMPSON: Thank you, Mr. President, members of the body. I'm sorry Senator Friend isn't on the floor. I wanted to talk about one of the things he said about police not being fearful of people carrying concealed weapons, and this was the information that was conveyed to me by a law enforcement person from my district, a chief. And he said, no, the police are not afraid of a concealed carry law for themselves, because they are trained to assume everyone has a gun. They are trained to assume everyone has a gun, unlike the rest of us. They are afraid, however, for the public who will get tied up in situations where people with concealed weapons are. That's their fear. Their fear is for the public, not for themselves. And I think that chief and his conveyance of that information to me should be helpful to the debate here, because that's what that's about. I also don't...I know we're going to spend a long time on this issue, and I thought I would share some statistical information, polling information, that I thought might be helpful, and this kind of gets to Senator Combs quoting the World-Herald on-line survey that they did. But I want to give you information from a Gallup poll. This is from November of 2004 that asked about a lot of gun issues. The only question they had about concealed carry was this one: If you were in a public place, such as a restaurant or movie theater, would you feel more safe or less safe if you knew concealed firearms were allowed? And the response in the Gallup poll was 25 percent would feel safer, 65 percent would not feel safer, some have no opinion, and so forth. When the Crime Commission did their

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survey that was conducted by the University of Nebraska, here in our state, here are two questions that were asked: Should people...the first one was, people should be allowed to legally carry concealed weapons. The response was, strongly agree, 4 percent; agree, 18 percent; disagree, 61 percent; strongly disagree, 18 percent. Second question: Society in general will be safer if people were allowed to carry concealed weapons, and again, this is Nebraska, strongly agree, 3 percent; agree, 13 percent; disagree, 63 percent; strongly disagree, 21 percent. And in response to the World-Herald on-line poll two years ago, when the same question was asked the last time this was up before the body, it was 34 percent. And it says, "A bill that would allow carrying concealed weapons in Nebraska won first-round approval Tuesday. Do you agree with the bill? Yes, 34 percent; no, 63 percent; and then some undecided and no opinion. So I think it's fairly obvious that this bill is brought for a small percentage of the population, and maybe Senator Connealy is right--forget all the other reasons. Forget people who say we're going to be safer because more people are carrying guns. Forget all that; it's just because people want to carry a gun, period. It's just a straight up, I want to carry guns, and I want to hide them in my clothes so that you don't know that I'm carrying a gun. I think we should listen to the people who have to enforce this, and I agree with Senator Chambers, and I chaired a task force on the State Patrol for the Legislature, looking at their duties and responsibilities. And the sheriffs have always been opposed to this bill, because they have to deal with issuing the permits. Now I noticed a slight language difference between Senator Combs and Senator Flood. Senator Combs calls this a "shall" issue, and I think that's...

SENATOR CUDABACK: One minute.

SENATOR THOMPSON: ...what it's usually referred to. I think Senator Flood toned it down slightly, as a right to carry. But this would make Nebraska a shall issue state, a shall issue state. And I think that tells a lot about who wants this bill and why. Currently, we do have a concealed carry law, and you may agree with the way it's written, and you may not. It has served us well for a long time, and you, with an affirmative defense, with a reason, can carry concealed. Or you can carry

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unconcealed with no reason. If you have a gun, you can carry it anywhere, as long as it's open and we can know, and the rest of us get to know, that you're carrying that gun. That's the current law. It's not like we're without discussion on the issue of concealed carry. I think we have...we're heading down a path...

SENATOR CUDABACK: Time, Senator Thompson.

SENATOR THOMPSON: ...that is very frightening, and we shouldn't go there. Thank you.

SENATOR CUDABACK: Thank you, Senator Thompson. Senator Cunningham, followed by Senator Engel, on AM1233.

SENATOR CUNNINGHAM: Thank you, Senator Cudaback and members. I strongly do support this bill. I don't intend on actively participating much in the debate, but I wanted to tell Senator Chambers one little story. I know...if I could get his attention. Senator Chambers, I know that you probably don't care much what I think of this bill, but I know that I have the story that's going to change your opinion. I'm pretty certain here. I remember when I first was campaigning, very first time. I went out to one of my counties and one of the county sheriffs was asking me my opinion on this bill and...not this particular bill, but the bill at that time. And quite frankly, at that time I hadn't thought about it much. And I said, well, I really didn't know, didn't really probably see the need for concealed carry. That's what I told him. And I had my wife with me, Deb, campaigning that day. And if you know Deb, she's not very much into politics, paying too much attention to what we do here. But we left town that day, and she was kind of irate with me. She said, Doug, the thieves are going to have guns anyway. And I mean, it just struck me that coming from my wife, who's very uninvolved in this sort of thing, and...that she would even have an opinion on it. But that was her opinion, and it seemed profound to me at the time. I will always remember that and, Senator Chambers, I'm sure that that's changed your mind. Would that be correct? Not at all? Okay. Well, I do support the bill, and I thank Senator Combs for her work. I know she's gone to a lot of work on this, and I hope you're successful, Senator.

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SENATOR CUDABACK: Thank you, Senator Cunningham. (Visitors introduced.) On with discussion. Senator Engel, followed by Senator Smith.

SENATOR ENGEL: Mr. President, members of the body, this bill has been before us, I think, ever since I've been in the Legislature, and I've always supported it. It's basically when they come out with the...if you've been convicted under (inaudible) laws under the state for any crime of violence. That was always a problem I had, as far as some of these people convicted of domestic violence, and they could still carry a gun. I don't belong to the NRA. I don't have any desire to carry a gun. That is not one of my desires, but I do believe that the people that we are afraid of, they could care less what our law is, because they're carrying them anyhow. And I think this gives those law-abiding citizens who are willing to go through the training, go through the background checks, et cetera, that they should be able to carry a concealed weapon. I believe several years ago, reading in Florida where they had all those carjackings, and I understand that, once that they passed the concealed weapon bill, and of course, this is what I read, is that those carjackings subsided dramatically, because these vultures, these people with guns, they become powerful people all at once. I can whip you because I've got power. Man to man, they'd be afraid...they'd probably be afraid of any lady here on the floor. But when they got that gun, and that makes them mighty, and they take advantage of people. But if they don't know that the other person might have one of these, also, I think they back off, because most of them, as far as I'm concerned, are cowards. So with that, I certainly support the bill, I support the amendment, and return the rest of my time to the Chair. Thank you.

SENATOR CUDABACK: Thank you, Senator Engel. Senator Smith, followed by Senator Combs.

SENATOR SMITH: Thank you, Mr. President and members. I rise in support of LB 454, and I also rise against policies, be they current or future policies, that are based on guns pulling their own triggers. I know that Senator Chambers has suggested that

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the supporters of LB 454 are paranoid. I would suggest that opponents to LB 454 are paranoid, just to use Senator Chambers' own words. And with all due respect, I have an immense respect for firearms, immense respect. That doesn't mean I'm afraid of them. There's a time and there's a place for the appropriate application. Most of it is recreational, and a slim amount of time they are for self-defense. It's not often, but at such time that it is necessary, it's highly necessary, and that is why I support LB 454. I know Senator Schimek suggested that most Nebraskans don't favor this. I would say that is consistent among her district. I would say that across Nebraska there's a great amount of support for LB 454, and I'm not sure if Senator Schimek would prefer to put this to a vote of the people, but I think it's our job to take this up, and I'm willing to do that. But I support LB 454 for several reasons, one of those mostly being that we should not have policies relating to individuals, where we presume they're guilty. Our current policy relating to firearms and concealed weapons is that we presume that they're going to use them inappropriately and kill someone, and behave in a violent manner. That's unfair to law-abiding Nebraskans. Senator Thompson, I appreciate her confidence, when she mentioned that she is comfortable knowing who all is carrying a weapon, because she can see it. Now there are a vast number of criminals out there who are going to conceal. We're heard about that already. I don't believe that our current policy enables each and every one of us to know who is carrying a weapon. When I look across America and I see the most highly regulated political subdivisions relating to guns--our most highly regulated environments when it comes to guns--and crime is highest? The more we restrict guns, the higher the crime rate, a la Washington, D.C. That concerns me a great deal. There are a vast number of Nebraskans who support this. I've supported this from the beginning of my political career, and it's not a newfound topic for any one of us, I don't think. But we can very comfortably provide to many Nebraskans, thousands of Nebraskans, the ability to go through training, obtain that permit. We're going to have a more highly trained public when it comes to firearms. To me, that's healthy--a more highly trained public when it comes to the use of an otherwise inanimate object. But that training can provide immense public policy assurances, if you will. But we cannot assume that guns

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pull their own triggers. We cannot assume that every person carrying a gun is going to use it in a negative aspect. That's paranoia. A Nebraskan wanting to go through training, pay a fee--a rather hefty fee, I would expect--but going through the training, going through a background check, so that they can be able to carry a concealed weapon without further government regulation than that, that's already enough, more than enough, in my opinion. But I'm willing to live with it. Let's enable these Nebraskans to do this, because in the end we'll all be better off and we can have, I believe, a safer society, because I'm not afraid of an inanimate object. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Smith. On with discussion. Senator Combs, followed by Senator Redfield.

SENATOR COMBS: Thank you, Mr. President, members of the body. I don't see Senator Johnson on the floor, but just...I hope he takes this in...I'm just being light, but I am checking to be sure I am a white female that brought this bill, not just white males. So, there are a lot of white females, sports women--I just went to Izaak Walton League with them the other night--there are a lot of women that want this, also, and not just white, but also people of color are included in those who are in favor of LB 454. I wanted to talk a little bit about...Senator Thompson had mentioned some statistics, and a lot of it, you know, depends on how you ask the question. I have the results of a Zogby poll that was done in December of 2003, and it was also a poll that had included various issues. One of the questions asked was: Currently 36 states have passed laws that allow residents to qualify for a permit to carry a firearm to protect themselves if they pass a background check, if they participate in firearms training, and pay a fee to cover the administrative costs. Do you feel this is a good law or a bad law? Which is actually much more representative of what's actually being presented, as opposed to, do you want to be around people, you know, carrying concealed? Well, this is more representative of who these people are. And the results of the poll were up significantly from 2001: 81 percent supported that, and only 19 percent opposed it, and the margin of error on that was minus...plus or minus 2.9 percent. So, you know, a lot

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of...a lot depends on how we ask those questions. So I wasn't going to get a lot into data and statistics during the debate, but I did want to just make the point that it all depends on what question you ask and how you pose it, many times. The two-day defensive handgun course itinerary is one that I took, in addition to concealed carry. I just wanted to name a little bit of the things that are covered in that course: Inspection of weapons, how to inspect your weapon, how to make sure that it's functioning properly; different types of range activities; dry practice. You know, Senator Chambers was mentioning how many times I would shoot my gun in a year, after this course. Well, you're only as good as your last dry practice, and that is what is important, and you see the responsibility that goes with carrying a concealed weapon is that you do also dry practice, so that you are proficient in the proper use of your weapon. Also, concealed does not mean it's on your person. Concealed means that you would...might like to have the freedom to put it in your glove box, locked up, or under the seat of your car. If you have it out in the open and you happen to want to run into Menards and pick something up, I wouldn't want somebody ripping off my \$600 gun, just because I had to leave it laying out. I would like to be able to not break the law and stick it under my car seat or have it in my glove box. I did hand out some information, background information, on some issues regarding LB 454, and one does tell a story about a concealed gun carrier subduing a suspect. A man...this happened in Tulsa, Oklahoma, and a man who police said kidnapped a two-year-old child, robbed a disabled elderly woman of a medical monitor was in jail Friday, after he was captured and held at gunpoint by a man with license to carry a concealed handgun. Sergeant Wayne Allen said police were called to the Lewiston Apartments to investigate a report of a disturbance. When they arrived, they found a man holding another man at gunpoint. Police reports identified the man with the gun as Gene Case. Case had been doing some landscaping work at the complex. He said he keeps his gun in the locked console of his truck.

SENATOR CUDABACK: One minute.

SENATOR COMBS: So I won't go on. You can read the rest of the story there yourself. But you don't always carry it on your

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person. You do have it in a place where it is accessible, and if it is accessible the one time that it is used to protect you or someone else from the people that Senator Engel talked about, that mean to do us harm--and we have a right to protect ourselves if we have the law there, that we can do it lawfully, and with the proper training--then if it saves a life, then it's worth it. Thank you.

SENATOR CUDABACK: Thank you, Senator Combs. (Visitor introduced.) On with discussion. Senator Redfield.

SENATOR REDFIELD: Thank you, Senator Cudaback, members of the body. I would like to address some questions to Senator Combs, if I could.

SENATOR CUDABACK: Senator Combs?

SENATOR COMBS: Yes. Yes.

SENATOR REDFIELD: Thank you. Senator Combs, I was listening to Senator Thompson, and I was listening to your discussion. And in both of them, you indicated that it is perfectly legal for a person to have a gun, as long as it's not concealed. Is that correct?

SENATOR COMBS: Yes.

SENATOR REDFIELD: So, in the discussion that I heard previously, where people were talking about whether or not a person should own a gun, have a gun, proliferation of guns, that's not the question of your bill?

SENATOR COMBS: No, it is not. It is people who already have guns, by and large, that would like the permit...the permission to legally carry them concealed.

SENATOR REDFIELD: So the question really is whether the gun can be concealed, or whether it has to be visible?

SENATOR COMBS: Yes.

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SENATOR REDFIELD: Yes. All right. I am aware that you attended some training. If you were to put your holster on your hip and your gun was visible, would that be more vulnerable than if it were under your jacket, for someone to take it away from you?

SENATOR COMBS: Possibly. I guess it would depend on the situation you're placed in, but if it's right out there in the open and people are walking by and they just want to grab it, I suppose they could. You know, if a child is walking by, and certainly they want it, I would hopefully have the, you know, the latch over the top. But you know, it's easily accessible for anybody walking by. If a kid wanted to pull it out and play with it, you know, that's also possible. But as far as...either way, I could get to it either way, if I had to. But it might be more easily accessible for people that shouldn't have it, if it is on the outside of my body.

SENATOR REDFIELD: But when we've had incidences where police have had a gun taken away from them, those are visible guns, correct?

SENATOR COMBS: Oh, you bet. You bet. That's right.

SENATOR REDFIELD: So if you have a gun concealed under your jacket or inside your purse or in the console of your car, and no one even knows it's there, it is less likely that someone is going to take that away from you; correct?

SENATOR COMBS: That is absolutely correct.

SENATOR REDFIELD: Thank you. I appreciate that.

SENATOR COMBS: Thank you.

SENATOR REDFIELD: I'm looking at the statistics here in the booklet that you distributed, and it is referring to right-to-carry states having 22 percent lower murder rates, 37 percent lower robbery rates, and 20 percent lower aggravated assault rates than other states. And I think that is compelling information. I think the question here is not about whether

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we're going to have guns in the state. It's not about whether there will be an increase in the number of guns. I don't think it's about whether people can carry a gun. It's, in fact, whether, in fact, they can put it in the console of their car, so that they are not tempting someone to knock out the windshield of their car to get to it. So I think that we want to be careful about what we're discussing here, and what we would be allowing. Thank you.

SENATOR CUDABACK: Thank you, Senator Redfield. On with discussion. Senator Brown, followed by Senator Raikes. Is Senator Brown on the floor? Yes, she is.

SENATOR BROWN: Mr. President, the time that I spoke before, I had left Senator Chambers after he had spoken his three times, and with no way to respond to me. So I will yield my time to Senator Chambers.

SENATOR CUDABACK: Senator Chambers, almost 5 minutes, about 4.5.

SENATOR CHAMBERS: Thank you, Senator Brown. Members of the Legislature, I would like to ask Senator Redfield a question.

SENATOR CUDABACK: Senator Redfield, would you respond to a question?

SENATOR CHAMBERS: Senator Redfield, you just talked about these lower rates of murder and the other things, lower rates in the states where they have concealed carry from the states where they don't, or just...tell me how those statistics read. Because since most of the states are concealed carry, they're comparing those states with each other, so in some they have high rates, and in some they have low rates. Is that true?

SENATOR REDFIELD: Well, I'm looking at facts and figures on LB 454, which is in the first section of the handout, and it says that 46 states allow some form of concealed carry, 38 states are right-to-carry states, and then in the very last bullet point there it says, right-to-carry states have 22 percent lower murder rates, 37 percent lower robbery rates,

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and 20 percent...

SENATOR CHAMBERS: Lower than what? Than what?

SENATOR REDFIELD: Than other states, if you complete the sentence.

SENATOR CHAMBERS: It doesn't...oh, go ahead, okay, because my time is running.

SENATOR REDFIELD: Than other states.

SENATOR CHAMBERS: You're reading from the NRA document. Isn't that true?

SENATOR REDFIELD: I don't know. Senator...

SENATOR CHAMBERS: Oh, yeah, thank you.

SENATOR REDFIELD: Combs.

SENATOR CHAMBERS: I didn't realize that. If you had developed it independently, it would have been different, but the NRA is totally untrustworthy, as far as I'm concerned. There's a lot of money in these guns. That's why the NRA wants this. It's why these others who say they want it...you can get a lot of money training these people. But the guns, when they have these gun exhibits, they cover acres, in some states. And I'm surprised that people like Senator Redfield and these others have not seen the financial hook that drives this kind of legislation. But as far as this training that Senator Combs has, and they made...they took...made a sucker out of her. They're going to tell her that she can jerk a pistol out from under her jacket without shooting, without getting hurt. Many people, trained...cops have shot themselves trying to get their pistols out. People who are...and care...with permits have shot themselves, pulling their pistols out. She is a novice, and when you have a novice and you flood their mind with all this new information, they think this is the greatest thing in the world. When I was in basic training, the most dangerous people were those who had not dealt with a gun before, and they got

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trained and they thought they knew everything. They would even fire on the firing line before they were supposed to. What they do...I was in the infantry, the lowest army...lowest branch of service, infantry, lowest level in the infantry. They'd have everybody on the firing line. They'd tell you, you don't do anything until they tell you to. So you put your...there were M1s in those days. I won't take a lot of time telling how you load it. But when you get the thing loaded, then they have a firing instructor that walks down, and another one walks from the other side. So they'll say, ready on the left--ready on the left; ready on the right--ready on the right; ready on the firing line--ready on the firing line; commence firing. And they'd make sure everybody's rifle is pointing at the targets. When you use a .45, it's tremendously inaccurate, and it has a longer barrel than what Senator Combs is talking about. Different guns are made for different purposes. A .38 that they used to have would go right through somebody, and if they were close to you with a machete, the bullet might go through and they could still chop you.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: The .45 was designed to have this tremendous impact that was supposed to stop you. These people who have these training courses get rubes like Senator Combs, and they get this training and they think, Calamity Jane, Belle Star, and the other one, all rolled into one. And they are less safe, because they're over confident and think they're better off than they are, and the NRA encourages that. They want the money. They're locked in with the gun dealers, the gun sellers, the gun manufacturers. There is tremendous money in guns. Why do you think those outlaw bikers dealt in stolen guns? They weren't interested in people protecting themselves. It's a small item. You could get them and you could sell them for a lot of money. And terrorists have said that the best supply of weapons is in the United States, because anybody can get them. The NRA knows that, but they don't care who buys them, just so somebody buys them. And that, that I stated, has been acknowledged by the U.S. government. Mr. President, may I continue?

SENATOR CUDABACK: Your time is up, Senator.

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SENATOR CHAMBERS: Oh, if you were going to give me time, I would have continued. Thank you.

SENATOR CUDABACK: Thank you. Senator Raikes. Is Senator Raikes with us? You're recognized to speak, Senator Raikes.

SENATOR RAIKES: Thank you, Mr. President, members of the Legislature. Senator Chambers, I wonder if I could ask you some questions.

SENATOR CHAMBERS: Yes.

SENATOR CUDABACK: Senator...

SENATOR RAIKES: Senator Chambers, as I understand it, we currently have a provision, or maybe it isn't a provision in law, but it's referred to, one way or the other, as the affirmative right provisions for carrying a concealed, do I...

SENATOR CHAMBERS: The defense, yeah, an affirmative defense.

SENATOR RAIKES: Affirmative defense.

SENATOR CHAMBERS: Yes.

SENATOR RAIKES: Can you tell me how that works?

SENATOR CHAMBERS: Yeah, if you're caught...if you have a concealed weapon and an officer decides to arrest you, when you go to court, you can give a reason for having carried it, and that will be a defense against the charge of carrying a concealed weapon. And I know of cases where it was not accepted, only where a person was carrying a weapon in conjunction with work being done at the time the person was apprehended. And I don't know of people who had guns and could give a reason for it, who were arrested by the officer. So when these people talk about all these arrests that are being made, all these people have to go to court, you don't see many of these cases in court, because even if some people have been arrested, prosecutors will dismiss. They exaggerate, and they

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tell outright falsehoods.

SENATOR RAIKES: Well, the question I was getting...it seems to me that one of the arguments for this change in statute is that bad guys or potential assailants would be deterred from their efforts to assail, if they knew a person or suspected--not knew, but suspected--a person was carrying a concealed handgun. Well, the fact is, right now then, or you correct me, wouldn't someone have, someone who wanted to be an assailant, have that concern right now?

SENATOR CHAMBERS: Yep.

SENATOR RAIKES: In fact, wouldn't it be the case right at the moment that there are people who, through the affirmative defense provision, may be carrying a concealed handgun, and therefore, they should be concerned about that?

SENATOR CHAMBERS: Right, and even those who come from other parts of the state to defend this kind of bill will talk about all the people in their area who carry concealed weapons now, but they'd be against the law. So they're the ones who say all kind of people are carrying concealed weapons now, even though it's against the law. And if you don't believe that, or you're not aware of that, you're not dealing with reality. So everybody is entitled to think that the people they see are carrying guns right now, based on the arguments given by people who support this bill.

SENATOR RAIKES: Well, so my next question, I think I heard Senator Combs say that if this were to happen, that there may be 3 to 6 percent, or something like that, of people who would carry concealed handguns. Actually, is that percentage significantly different than who might be carrying a hand...a concealed handgun now, with the affirmative defense provision?

SENATOR CHAMBERS: First of all, that's just a number taken out of the air--it's not attached to anything. There's no way to make a determination, so I could answer that yes or no, and it would be as valid or invalid as the one who's listening to me and would accept whatever I say. Even if they have a statistic

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like that in another state, the only way they could try to verify it is to say how many people have come to register or get licensed, or whatever you do, and maybe base it on something like that.

SENATOR RAIKES: Well, and I appreciate that. The point I was trying to get at, in order for this thing to work, where that somebody is going to shy away from attacking a person...

SENATOR CUDABACK: One minute.

SENATOR RAIKES: ...because of fear of that person carrying a concealed weapon, what percentage of the people do you have to have carrying concealed weapons for that to work?

SENATOR CHAMBERS: Eighty, eighty to ninety...

SENATOR RAIKES: One out of...

SENATOR CHAMBERS: Eighty...eight or nine out of ten.

SENATOR RAIKES: Okay. So...

SENATOR CHAMBERS: Because if only two or three out of a hundred, well, your odds are still very good.

SENATOR RAIKES: Yeah, that would be my impression. So I wonder if that doesn't defeat that argument, to a certain extent, which maybe I'm incorrect, but it seems to me like that is a fairly important argument being made in support of this sort of a measure, that this is going to invoke a fear factor among wrongdoers. And I wonder if there's going to be enough...if 3 percent, for example, is what's going to...the number of people that are going to take advantage of this, I wonder if it's really going to make any difference.

SENATOR CHAMBERS: No, and if somebody was going to engage in misconduct...

SENATOR CUDABACK: Time.

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SENATOR CHAMBERS: ...all he'd do is blow the person away.

SENATOR RAIKES: Thank you.

SENATOR CUDABACK: Thank you, Senator Raikes. Mr. Clerk, items for the record, please.

ASSISTANT CLERK: Mr. President, amendments to be printed to LB 454 from Senator Mines, Senator Thompson. An announcement that the Reference Committee will meet upon adjournment in Room 2102. (Legislative Journal pages 1413-1415.)

Finally, Mr. President, I do have a priority motion from Senator Brashear. He'd move to adjourn until 10:00 a.m. on Monday, May 9, 2005.

SENATOR CUDABACK: You've heard the motion by Senator Brashear to adjourn until Monday morning, May 9, 10:00 a.m. All in favor of the motion say aye. Opposed to the motion say nay. We are adjourned, members, as stated by the Speaker. Have a nice weekend, and also have a nice Mother's Day weekend.

Proofed by: GSK, J. Hurlbut