

JANUARY 20, 2006

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FLOOR DEBATE

January 20, 2006 LB 72, 791, 858, 897, 974, 994

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Good morning and welcome to the George W. Norris Legislative Chamber for the twelfth day of the Ninety-Ninth Legislature. Today, our chaplain is Pastor Troy Harden from First Baptist Church in Pawnee City, Nebraska, Senator Heidemann's district. Would you all please stand.

PASTOR HARDEN: (Prayer offered.)

PRESIDENT SHEEHY: Thank you, Pastor Harden. We will now call the twelfth day of the Ninety-Ninth Legislature, Second Session, Friday, January 20, 2006, to order. Would all senators please record your presence. Please record, Mr. Clerk.

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

PRESIDENT SHEEHY: Thank you. Do you have any corrections, messages, reports, or announcements at your desk?

CLERK: Mr. President, no corrections this morning. Announcements include a Reference report referring LB 1158-1263. Your Committee on Revenue, Chaired by Senator Landis, reports LB 791, LB 858, LB 897, and LB 974 indefinitely postponed. Your Committee on Health, Chaired by Senator Jensen, reports LB 994 to General File. I have confirmation report from Health and Human Services Committee. The lobby report, as required by statute, Mr. President. And two reports received, on file in the Clerk's Office, one from the Department of Roads, the second from the Secretary of State. That's all that I have, Mr. President. (Legislative Journal pages 417-422.)

PRESIDENT SHEEHY: Thank you, Mr. Clerk. First item on the agenda.

CLERK: Mr. President, LB 72 was under discussion yesterday by the Legislature. It's a bill by Senator Stuhr. (Read title.) The bill was presented, committee amendments were presented. Senator Stuhr opened and presented AM1841 as an amendment to the committee amendments, Mr. President. That amendment is pending. (Legislative Journal page 206.)

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PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Stuhr, would you like to refresh us on AM1841?

SENATOR STUHR: Yes, thank you, Mr. President and members of the body. LB 72 proposes to create the Security Personnel Licensing Act, which would license security personnel in the state. And it does give some definitions on what a security officer means. It does not include an employee whose sole duty is internal auditing or credit functions, a technician or a monitor of electronic security systems. And those would be licensed under the Secretary of State. So that's just a little bit of a refresher on what the bill does. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Stuhr. The floor is now open for discussion on AM1841 to AM0059. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I have a fatal flaw. Yeah, I admit to one. I read bills, and I read amendments. And every time I do, I bring on trouble for myself and trouble for the rest of you who are not interested in good legislation. And when I say "good legislation" in this instance, I'm not making a value judgment about the worthiness, or lack thereof, of the idea contained in Senator Stuhr's bill. I see many things that raise questions. But before I go into them, I'd like to ask Senator Stuhr a question or two.

PRESIDENT SHEEHY: Senator Stuhr, would you yield?

SENATOR STUHR: Yes.

SENATOR CHAMBERS: Senator Stuhr, as you probably know, the U.S. Supreme Court, the other day, upheld Oregon's doctor-assisted suicide bill, as it's called, their law. You're aware of that?

SENATOR STUHR: Yes, I read the article...parts of the article in the paper.

SENATOR CHAMBERS: If I were to offer a bill such as that, would you support it?

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SENATOR STUHR: I don't know at this time. I'm not going to be here after this session, so I probably wouldn't have an opportunity to even address it.

SENATOR CHAMBERS: If you were here, would you support it?

SENATOR STUHR: (Laugh) I can't say. I really can't say.

SENATOR CHAMBERS: Okay. You believe in the death penalty, however. Is that true?

SENATOR STUHR: I do.

SENATOR CHAMBERS: Do you believe that an innocent person should be executed by the state, even if everybody in the state says, kill him, kill him, kill him?

SENATOR STUHR: No, I do not believe that an innocent person...

SENATOR CHAMBERS: I didn't think so. I'm working up to something, slowly but surely. Do you think a person ought to be sentenced to die who has not even been accused of a crime?

SENATOR STUHR: No.

SENATOR CHAMBERS: Senator Stuhr, under what circumstances do you think the Legislature ought to require that somebody die, other than by way of the death penalty when all other provisions of law have been complied with, regardless of my opposition to it? But taking the death penalty off the table, under what circumstances do you think the Legislature should require that somebody die?

SENATOR STUHR: Only if adequate evidence has been found to convict that person.

SENATOR CHAMBERS: No, we're not dealing with a crime. There is no crime involved, there is no accusation of a crime, there has been no trial, there has been no conviction, there...we don't even know who the person is. Should the state, through the

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Legislature, say, such and such a person ought to die?

SENATOR STUHR: Probably not.

SENATOR CHAMBERS: Probably not, or absolutely not?

SENATOR STUHR: (Laugh) Absolutely not.

SENATOR CHAMBERS: That's what I thought you'd say, Senator Stuhr. I think my time is probably up for this time around, so I'm going to put on my light and then let you know where I'm going. Have you watched Perry Mason's movies ever?

SENATOR STUHR: Yes, I did, years ago.

SENATOR CHAMBERS: And sometimes the lawyer would be asking questions, the other side would object, and the lawyer would say, Your Honor, I'm going to connect all this up, and the judge would say, very well, proceed, but I'm going to keep you on a short leash. You've heard or seen scenes similar to that, haven't you?

SENATOR STUHR: Yes.

SENATOR CHAMBERS: Okay. How much time do I have, Mr. President?

PRESIDENT SHEEHY: 1, 14.

SENATOR CHAMBERS: One minute and fourteen seconds? Thank you. I'm sure Senator Stuhr is aware of this, but I bet my colleagues aren't. This bill mandates that a person...

PRESIDENT SHEEHY: One minute.

SENATOR CHAMBERS: ...shall expire on October 1 of each odd-numbered year. It's bad enough to require the person to die, but it's remarkable that you would require the person to do it October 1 of each odd-numbered year. So I guess that means the person dies, comes back alive, at least on an odd-numbered year. But I can't completely deal with the issue now, so I'll

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wait till I'm recognized to speak. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Chambers. Mr. Clerk, you have a message?

CLERK: Mr. President, the Natural Resources Committee will meet in Executive Session underneath the north balcony, now. Natural Resources, north balcony, right now. Thank you.

PRESIDENT SHEEHY: Thank you, Mr. Clerk. (Visitors and doctor of the day introduced.) Senator Stuhr.

SENATOR STUHR: Thank you, Mr. President and members of the body. I will just share with you some of the background on this bill, as I did yesterday. We worked with the security guard industry for the last couple years in drafting this bill, and we felt it was very important that they be involved, particularly regarding definitions and terminology. And we did mirror ASIS, which is the Association of Security Industry Standards, in coming up with most of the language that is contained in the bill. And we did that so that if there is legislation passed on the federal level, that this legislation would mirror those same definitions. And so we think that that was an important aspect of the bill. I think many people just take for granted that security guards...that there are some minimum standards. There are not, in Nebraska. We are one of a handful of states that does not have any standards. And the industry, as I said, came forth and wanted to professionalize their industry. We are among one of eight states that does not have regulations or a licensing standard in this state. And that's why I think that this piece of legislation is very important. It is important when we look at the safety of our state and also the safety of our citizens. The bill contains provisions that allow for training and education that a security officer must meet in order to obtain that license. And upon Senator Bourne's suggestions last year, we did include a more detailed account of what some of that training, in relationship to education and training, which now includes basic first-aid, CPR, crowd control, emergency response procedures, ethics, honesty, professionalism, and proper conduct, knowledge of civil and criminal statutes pertaining to security services, note taking,

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report writing, patrol techniques and observing unusual circumstances, safety and security awareness, or use of force. And we think that all of these are very important, particularly if they are trying to control large groups of people. Also, if they are going to carry a firearm, there is an approved firearms training course, and there are a number of provisions that are included in order to obtain that permit in the firearms area. The Secretary of State has willingly consented to use their department for the licensing of these individuals. And some people might ask, why did we select the Secretary of State's Office? Right now, they do the private investigators licenses which are required here in this state, and we think that this fit very well with that area, and so that is why we have included it. Also, the bill has an advisory committee, which I think is very important. The advisory committee...

PRESIDENT SHEEHY: One minute.

SENATOR STUHR: ...will advise the Secretary of State as they are writing the rules and the regs. And that advisory committee will be made up of two members at large, one member of the law enforcement community, one higher education instructor, one attorney, one contract security service representative, and one proprietary security service representative. So we have a vast array of people that will be serving on that advisory committee. With that, that just reviews some of the provisions of the bill, and I will continue to be happy to answer any questions that you might have. Thank you.

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

SENATOR CHAMBERS: Mr. President, members of the Legislature, some people think if they keep a very low profile, stay quiet, and try to blend in with the background, they'll be passed over. But that doesn't always happen around here. I see Senator Pahls sitting over there in the front row, far right, minding his own business, doing nothing to harm anybody, apparently. But nothing gets past him. I'd like to ask Senator Pahls a question.

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PRESIDENT SHEEHY: Senator Pahls, would you yield?

SENATOR PAHLS: Yes.

SENATOR CHAMBERS: Senator Pahls, do you have a copy of the amendment that we're discussing?

SENATOR PAHLS: To be honest with you, no.

SENATOR CHAMBERS: Okay, then I won't ask you. Thank you.

SENATOR PAHLS: Thank you.

SENATOR CHAMBERS: Because I don't want to delay. Senator Beutler, do you have a copy of that amendment?

SENATOR BEUTLER: I do.

SENATOR CHAMBERS: Senator Beutler, would you turn to page 8.

SENATOR BEUTLER: Yes.

SENATOR CHAMBERS: Do you see line 19, Section 11? Is that what you see on your...?

SENATOR BEUTLER: Yes.

SENATOR CHAMBERS: Would you read Section 11, please?

SENATOR BEUTLER: "A licensee under the Security Personnel Licensing Act and a security officer firearms permit"...

SENATOR CHAMBERS: Would you continue?

SENATOR BEUTLER: ..."shall expire on October 1 of each odd-numbered year."

SENATOR CHAMBERS: Now, who shall expire, according to what's in line 19?

SENATOR BEUTLER: (Laugh) I think the licensee is going to

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expire, if the hopes of the introducer are...materialize.

SENATOR CHAMBERS: Thank you. Now, Senator Beutler, suppose the licensee declines to comply. Then what?

SENATOR BEUTLER: Well,...

SENATOR CHAMBERS: Do you think we should put a penalty on that...

SENATOR BEUTLER: I don't know. I suppose it depends on whether he's carrying a concealed weapon or not, to start with.

SENATOR CHAMBERS: (Laugh) Thank you. I appreciate your help. And I understand that this is something that can happen with any bill that any of us is preparing. But I do this in this manner for a reason. Not only does it lighten the mood, but it will let the senators know that I read you all's bills, and I read your amendments. I cannot tell you that when the budget bill comes out here I will be able to read every word on every page. But I will read enough of it to have some kind of workable knowledge of what we're contending with. So when you all bring your bills out here, read them. And when you bring amendments, read them. Nobody should be condemned because the drafting of a bill may contain some bunglesome language, because a statement which when it's being put on paper for the first time may seem to be logical, but upon further review may turn out to be incoherent, that happens when we're legislating. Our job on the floor is to consider every piece of legislation or issue that comes before us the property and responsibility of the entire body. And we should all pay attention and do what we can to improve legislation that may be passed into law, whether we agree with it or not. There are bills I have hated, and I have completely rewritten them, because it seemed a cinch that they would go into the statute books, so I didn't want it to be a shame upon us every time somebody read it. So I'm going to read these things that are brought before us, and I may have to punish the body...

PRESIDENT SHEEHY: One minute.

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SENATOR CHAMBERS: ...to try to get your attention. I cannot assign you to a chalkboard to write something 1,000 times, and I've never been convinced that that is effective in getting anything across to a person anyway, other than that the one who dictates that has the authority to dictate it and impose some sanction if the person doesn't carry through on it. There is no way that I can offer any amendments to what we're considering now, because Senator Stuhr's somewhat lengthy amendment is itself an amendment to an amendment. There are some matters in this bill about which I have serious questions. I wouldn't know how to amend the bill in a way that would satisfy Senator Stuhr, because by the time I got through with it, it would be a stripped-down version of what we have here, and in no set of circumstances would I agree to let the Secretary of State...

PRESIDENT SHEEHY: Time, Senator Chambers.

SENATOR CHAMBERS: ...or any other administrative officer issue a firearms permit. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Chambers. We have Senator Beutler, followed by Senator Stuhr and Senator Aguilar.

SENATOR BEUTLER: Mr. Lieutenant Governor, members of the Legislature. Senator Stuhr, Senator Schimek, I know you've looked at, because your staff has talked to me a little bit about the relationship between this bill and the concealed carry bill. And I wanted to chat with you a little bit about that, if I could. I don't see Senator Schimek on the floor. Senator Stuhr, let me ask you whether certain things are possible to change on Select File as we proceed through with the bill.

PRESIDENT SHEEHY: Senator Stuhr, will you yield?

SENATOR STUHR: Yes, Senator Beutler.

SENATOR BEUTLER: First of all, let me back up and see if I'm...if you and I and Senator Combs maybe understand these two bills and their relationship the same way. Senator Combs' bill allows somebody to carry a concealed weapon if they go through a permitting process...

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SENATOR STUHR: Right.

SENATOR BEUTLER: ...in the concealed carry bill.

SENATOR STUHR: Yes.

SENATOR BEUTLER: And this bill, which doesn't apply to the public generally, but applies to security officers, essentially allows the same thing, does it not, in terms of concealed carry? If you get this gun permit under this separate security officer process, you can also carry a concealed weapon, and it goes beyond Senator Combs' bill in the sense that not only, as a security officer, can you carry a concealed weapon, but you can carry it in a school, in a financial institution, anywhere where that security officer is employed, during the time of employment. Right?

SENATOR STUHR: Yes. Yes.

SENATOR BEUTLER: Okay.

SENATOR STUHR: That is true.

SENATOR BEUTLER: So my first question, just to get a general sense of how you view the matter, which should be the higher standard--the standard that applies to the general citizenry in order to carry a concealed weapon, or the standards that apply to security officers?

SENATOR STUHR: We...Senator Beutler, we included Section 10 because, you know, we had not had the discussion on concealed carry, and it had not been included,...

SENATOR BEUTLER: Right.

SENATOR STUHR: ...and so we felt that there needed to be an exemption. If you think that that is not worded, you know, correctly, we'll be happy to work with you, you know, on Select File. But I think security officers will have really higher standards that they are meeting than the general public, as far

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as training and firearms permit.

SENATOR BEUTLER: Okay, so...

SENATOR STUHR: It will even be a higher standard.

SENATOR BEUTLER: ...you would intend that they could not come under 28-1202 and serve as a security officer, right; that there would be no justification under the strict terms of 28-1202 to be carrying around a concealed weapon as a security officer, right?

SENATOR STUHR: That they would not be penalized, that...

SENATOR BEUTLER: Well, would...let's say this bill passes,...

SENATOR STUHR: Yes.

SENATOR BEUTLER: ...and somebody decides they don't want to go through your permit process, and some employer allows that, although they'd be unwise to do so.

SENATOR STUHR: That's right.

SENATOR BEUTLER: And somebody who works for them starts carrying a concealed weapon, and they shoot somebody. Now, is it your intent that they could not use 28-1202 as a defense, and argue that they're a security officer and that's a situation where they should be allowed, under 28-1202, to carry a weapon, and therefore the...

PRESIDENT SHEEHY: One minute.

SENATOR BEUTLER: ...defenses of 28-1202 would apply? I mean, I assume, with respect to security officers, you want them following your act and nothing else. Is that correct?

SENATOR STUHR: I want...I'm sorry, I didn't understand. We want them to do what?

SENATOR BEUTLER: You want your process in LB 72 to be the only

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law that applies as between LB 454, the concealed weapon act, and as between 28-1202, which Senator Combs' bill does not eliminate? So there are two situations where you can be justified...if Senator Combs' bill passes and yours does not...let's just use a hypothetical. If we had Senator Combs' bill and 28-1202, a person who carried a concealed weapon could justify that carrying under one of two laws.

PRESIDENT SHEEHY: Time, Senator Beutler. Senator Stuhr, followed by Senator Aguilar and Senator Chambers. Senator Stuhr.

SENATOR STUHR: Yes. Senator Beutler, would you like to continue that discussion?

SENATOR BEUTLER: And by the way,...

SENATOR STUHR: I would just like to make a comment in the fact that right now, of course, there are no standerds. There are no standards...

SENATOR BEUTLER: Yes.

SENATOR STUHR: ...for security officers. So you know, we were trying to work through the process of providing safety for the citizens of our state, and that these security officers meet high standards of training in the firearms aree and also in crowd control and all of those other issues. So I don't...you know, I think we can work through this.

SENATOR BEUTLER: Yeah.

SENATOR STUHR: I'm not sure...

SENATOR BEUTLER: Well, Senator, I want you to understand clearly, I think it's a good bill, and I'm not...

SENATOR STUHR: Right.

SENATOR BEUTLER: ...filibustering or trying to hold it up, and any...

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SENATOR STUHR: Yes.

SENATOR BEUTLER: ...suggestions I might have can be dealt with on Select File if you choose to deal with them. But I'm...for purposes of clarifying in my mind what changes I would like to suggest to you, I need to understand what your purpose is. And I think I understand what your purpose is, but I don't want to misunderstand it, lest the suggestions I would make would be wrong. Let me go back to how you intend to use this law.

SENATOR STUHR: Okay.

SENATOR BEUTLER: Let's assume that Senator Combs' bill would pass, so there would be a process by which a person could get a concealed weapons permit, and that may or may not be used by a security officer. It couldn't be used by a security officer if it was in certain places, like financial institutions, schools, and all that laundry list that is excluded in our bill. But it theoretically could be used in certain instances by a security officer to carry a concealed weapon while he was on the job. Now, I don't think that's the intent of Senator Combs' bill, and it really doesn't deal with security officers except in one instance, which I think is a problem. But is it your intent that if we're dealing with security officers, that the sole guiding legislation should be LB 72, and that no security officer ought to be able to operate under a concealed carry permit under Senator Combs' bill, nor should they be able to rely upon, should they not get a permit, LB (sic) 28-1202, which Senator Combs' bill does not delete, but that allows a limited affirmative defense to carrying a concealed weapon in the event that there...somebody is charged with carrying a concealed weapon. And part of that defense, let me read it to you, because it's kind interesting. It's an affirmative defense that the defendant was engaged in any lawful business, calling, or employment at the time that he or she was carrying any weapon or weapons and the circumstances in which such person was placed at the time were such as to justify a prudent person in carrying the weapon. Now, if you're a security officer, do you automatically qualify under 28-1202 to carry a weapon? And I assume your answer would be no, that you want a security officer

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to qualify under LB 72. Would that be a fair statement?

SENATOR STUHR: Yes, that's correct.

SENATOR BEUTLER: Ah. Okay, good. Then let me ask you just to think about and to...

PRESIDENT SHEEHY: One minute.

SENATOR BEUTLER: ...coordinated with Senator Combs a provision on page 11 of LB 454 which I think is clearly in conflict as between the two bills,...

SENATOR STUHR: Okay.

SENATOR BEUTLER: ...because it purports to deal, in Senator Combs' bill, with a security officer, and I think we need to get that out of LB 454, at least the way I'm thinking about it right now.

SENATOR STUHR: Okay.

SENATOR BEUTLER: And Senator Combs, let me ask you about your intentions, so we're all on the same page, if I may. And you know, I can't do that, because I'm on Senator Stuhr's time, I believe.

SENATOR STUHR: (Laugh) Yes, you are.

SENATOR BEUTLER: But I would like to ask you that when we get the next opportunity. Senator Stuhr, thank you.

SENATOR STUHR: Yes. I thank you for this discussion. And we will certainly...when we drafted the bill, we did not take into consideration the discussion of LB 454. I'm sure that we can work out that. If there are some language changes...

PRESIDENT SHEEHY: Time, Senator Stuhr.

SENATOR STUHR: ...that need to be made, we can do that. Thank you.

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PRESIDENT SHEEHY: Senator Aguilar.

SENATOR AGUILAR: Thank you, Mr. President, members. I rise in support of LB 72. I think it is extremely necessary legislation, something we need in the state of Nebraska. And I will share with you what happened in Hall County, Grand Island, that causes me concern for us not having this type of legislation. We had a private security company come to our community. And if I'm not mistaken, they come because they were asked to leave Lincoln. But anyway, they come to our community and opened up shop as a security company, and immediately ordered all new uniforms for their members. Their uniforms matched perfectly the Hall County Sheriff's Department uniforms. Then they ordered cars, and they had their cars painted to match exactly the Hall County Sheriff's Department cars. Why is this a problem? Well, let's give a quick scenario here. And just think about the situation, your daughter, for instance, driving down a dark road, or a country road, and she sees a...what she thinks is a sheriff's car behind her, and the lights are flashing. She gets pulled over, and here's a guy in a uniform, looks like a sheriff's deputy, has never had a background check, is probably carrying a weapon. He would be allowed to have a firearm with him simply because we have nothing in place to make sure that he didn't...that he had a background check and had a reason to carry that firearm. It can create a pretty scary scenario, as you can well imagine. I think this is good legislation. I think this is necessary legislation. I look forward to the changes on Select File to correct the miswording that Senator Chambers so aptly pointed out. I, too, would not want to see anyone expire on October 1. So we'll be glad to make sure those changes happen, and remind the body that this is necessary legislation. Thank you. If I have any time left, I'd give it to Senator Stuhr, if she so choose.

PRESIDENT SHEEHY: About 2, 50. Senator Stuhr.

SENATOR STUHR: Yes, thank you, Senator Aguilar. And as I mentioned yesterday, this bill really originated with Senator Aguilar's concerns that he had in his community regarding the security officers and what was happening. And that brought

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forth another situation in my local community of someone who started a security officer...a security guard business. And they were traveling from state to state, and always wondering, well, where...and asking for their Nebraska license. And that brought forth the issue, then, that we are one of eight states that do not have standards in regards to this industry. Just a note, I do want to thank Senator Chambers. As always, he looks over the bills. And of course, we missed that typo which should say, a license under the Security Personnel Licensing Act, instead of licensee. So we're glad for him to bring that to our attention. And I also want to thank the Chairman of the Government and Military Affairs Committee, Senator Schimek, who has helped assist, and her legal counsel, working on this bill; and again, also, the...many of the people involved in the industry that have been involved. I did want to share with you some of the minimum guidelines for security officers, as I said, which there are no minimum standards at this time.

PRESIDENT SHEEHY: One minute.

SENATOR STUHR: But the applicant must be 18 years of age for a license, and 21 years of age for a security officer firearms permit. Each applicant must have a federal criminal history record check through the Federal Bureau of Investigation. Applicants must also submit evidence of successfully completing an education and training program as required by the Secretary of State. The applicant must not have been convicted of unlawful conduct. The applicant must not have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease. And the applicant must not currently suffering from habitual drunkenness or from drug addiction or dependence. So those are some of the standards that have been set in...that are contained in the bill,...

PRESIDENT SHEEHY: Time, Senator Stuhr.

SENATOR STUHR: Thank you.

PRESIDENT SHEEHY: Senator Chambers.

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

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Senator Stuhr knows that I'm going to take plenty of time on her bill, as everybody else knows I will do on his or her bill. But this legislation, when you look at what it attempts to do, is necessary. But in its present form, I do not think it is acceptable. I'm not going to delay the adoption of Senator Stuhr's amendment, because postured as it is, no amendments can be offered to what she is presenting to us. And since I have no interest in killing the bill, I'm not going to take my time at the point where we're trying to get something before us that will replace the green copy of the bill. But I'd like to ask Senator Stuhr a question, so that for the sake of proceeding I know exactly what we're going to do.

PRESIDENT SHEEHY: Senator Stuhr.

SENATOR STUHR: Yes.

SENATOR CHAMBERS: Senator Stuhr, this amendment displaces every other proposed amendment that is on the gadget, or has been there, and this is what we will be working with.

SENATOR STUHR: Yes.

SENATOR CHAMBERS: Okay. Thank you. That's what I needed to find out. This, I realize, is my third time to speak. And that's not the only reason I'm conceding. But I have some very small amendments that I will offer, to demonstrate that I have read this bill. And on some of the other aspects of it, I will raise questions. I might even make suggestions, and I might even offer amendments. I'm not sure. But I do know I'm going to take a lot of time. And the process I may choose to follow is to offer amendments designed to strike sections from the bill, and that will enable me to engage in the discussion that I have in mind, even if nobody else wants to talk about it. I've got to do it that way, because I have only three opportunities to speak if I try to deal with the entire package that is presented to us. So as soon as this proposal that Senator Stuhr has before us is adopted--and I will vote to adopt it, so that we can get down to cases on it--I will have more detailed observations to make. And before sitting down this time, I want to reemphasize, in case Senator Stuhr may not have heard me,

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because she's been talking to others and people have been talking to her about this, I will not agree to any administrative official issuing a firearms permit to anybody. I don't know whether the Secretary of State issues gun permits to these so-called private detectives or not. I don't know if polygraphers carry pistols. I don't know if any of the entities, professions, trades, or whatever, which are licensed and regulated through the Secretary of State's Office, would be gun carriers. But I will not support this legislation, no matter how well it may be drafted, if the Secretary of State is going to issue gun permits. Consider what the Secretary of State's Office is about. We were talking about it briefly over here under the balcony. You file documents, issue these incorporation papers, and things that truly are administrative in nature. But to start handling substantive issues such as setting up training, education programs, then issuing gun permits,...

PRESIDENT SHEEHY: One minute.

SENATOR CHAMBERS: ...that is going way too far. It is changing the nature of the Secretary of State's Office. It is assigning duties which, from my position, have nothing to do with the core functions of the Secretary of State. So somebody else is going to have to issue those gun permits. Maybe that ought to be something done by the State Patrol. They're going to be involved in the fingerprinting, they're going to be involved in background checks, so let them do something else. And since they're so willing to get involved in everything, they probably have too much time on their hands and not enough on their mind. These agencies are very willing to do certain things when money is going to be derived from it. I don't think this bill would be much in the way of a moneymaker for the State Patrol. And I do believe that the issuance...

PRESIDENT SHEEHY: Time, Senator Chambers.

SENATOR CHAMBERS: ...of gun permits would fall more within their bailiwick than that of the Secretary of State. Thank you, Mr. President.

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

SENATOR BEUTLER: I would first of all yield as much time as she likes to Senator Stuhr.

PRESIDENT SHEEHY: Senator Stuhr.

SENATOR STUHR: Thank you, Senator Beutler. Thank you, Mr. President and members of the body. I do hope that we could proceed and vote on this amendment. And I imagine that Senator Chambers and I will have some discussion after that time. The reason that we selected the Secretary of State's Office, as I said earlier, was that they also license the private investigators. And we took some of the same language that is used in their licensing process and included that in this piece of legislation. I believe that the advisory committee that will be working with the Secretary of State will work very diligently. And we did include in the bill, which was not...in the amendment, which was not included in the original draft, basically listing some of those provisions, particularly in an approved firearms training course. And I will just mention some of those provisions. An approved firearms training course shall include but not be limited to knowledge and safe handling of a handgun; knowledge and safe handling of handgun ammunition; a demonstration of competency with a handgun with respect to the minimum safety and training requirements; knowledge of federal, state, and local laws pertaining to the use of a handgun, including but not limited to use of a handgun for self-defense and laws relating to justifiable homicide and various degrees of assault; knowledge of ways to avoid a criminal attack and to defuse or control a violent confrontation; and knowledge of proper storage practices for handguns and ammunition, including storage practices which would reduce the possibility of accidental injury to a child. I do believe that we do need some administration for the licensing process, and I think that Senator Chambers has a different idea of who may offer that license...firearms license, and I think that we can continue that discussion a little bit later. So I hope that you will advance this committee amendment. Thank you.

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PRESIDENT SHEEHY: Thank you, Senator Stuhr. Senator Beutler, you have about two, ten.

SENATOR BEUTLER: You know, two, ten is not much time, and I think I'll basically wait till my next time to speak. But you know, there's kind of an interesting overall question here, in the sense that I know when the private investigator thing came around, it was a bit unusual in the sense that the Secretary of State traditionally has had his arms around our election law, and I think that's one of the principle reasons why we originally conceptualized the idea of a Secretary of State. And also, they've become the office for over...for a long, long time, for filing recorded documents of one type or another, papers of incorporation, that sort of thing. So they've had those two basic functions. And then we added this private investigator licensing thing, and I'm thinking maybe somebody needs to look back at what the jurisdictional limitations of a Secretary of State era. I mean, if we wanted to, to carry it to the ridiculous, could we keep adding duties to the Secretary of State's Office until they were as much the Governor as the Governor?

PRESIDENT SHEEHY: One minute.

SENATOR BEUTLER: You know, maybe that's something we need to think about a little bit, in the sense that we know the Governor is responsible for all these things, but who's going to know that the Secretary of State is responsible for some of these things? Where does it...how does that affect accountability, and questions like that. But that's on a broader, conceptual sense, but certainly not something to be altogether ignored, because there is a question here about what all the Secretary of State should be doing. Thank you.

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

SENATOR SYNOWIECKI: Thank you, Mr. Lieutenant Governor. Senator Stuhr, I just have really a quick question relative to the minimum qualifications.

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PRESIDENT SHEEHY: Senator Stuhr, would you yield?

SENATOR STUHR: Yes.

SENATOR SYNOWIECKI: Require that the applicant not to have been convicted of unlawful conduct. And then within your definitions section of the law...section of the bill, it indicates that that would include conviction of a Class I misdemeanor. My question is relative to the qualification standards to become a certified law enforcement officer in the state of Nebraska, and how does that stipulation or qualification interface with the qualification standards to become a certified law enforcement officer in the state of Nebraska?

SENATOR STUHR: Senator Synowiecki, I cannot answer that question right now, but I will certainly try to find the answer to that. Unless you are aware? Unless you know personally?

SENATOR SYNOWIECKI: Senator Stuhr, factually I don't know. But is it your intention, though, that...let's say...it's my understanding, it's my understanding that you can become a certified law enforcement officer in the state of Nebraska with a Class I misdemeanor conviction. Is it your intent to have a higher standard? And if not, could we perhaps delete this section, if we can ascertain between now and Select File that indeed the criteria to become a certified law enforcement officer in the state of Nebraska, if you have a Class I misdemeanor conviction, does not preclude that, would you be open to perhaps taking that section out of the bill?

SENATOR STUHR: Yes, I would certainly be willing to look at that Senator Synowiecki, because I do believe that some of these certified officers do act as security officers on a part-time basis, and we certainly...I don't believe it was our intention to exempt, you know, them, or preclude them from doing that. So yes, I would be open to looking at that.

SENATOR SYNOWIECKI: I appreciate that, Senator Stuhr, because I don't think that for a security officer we want to have statutorily a higher standard than we currently have in terms of the minimum qualification standards to become a certified law

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enforcement officer. Quite frankly, I don't think that would make a lot of sense, and I'm glad you're open to a possible amendment relative to the minimum standards of your bill. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Synowiecki. Senator Beutler. And this is your third time. Senator Beutler.

SENATOR BEUTLER: Mr. Lieutenant Governor, members of the Legislature. Senator Combs, could I have a little exchange with you? You've listened a little bit to the discussion about the comparison of your bill to Senator Stuhr's bill. And we talked a little bit about the provision in your bill that has...that says that with respect to financial institutions, that they may authorize security personnel under the permitting process in your bill. Would you agree that that section probably should be lifted and put over into Senator Stuhr's bill?

SENATOR COMBS: I believe that that would probably be the kind of training I would like to see. I know what that training is. It's given by the State Patrol. It would also be equivalent with any other training. And I know how strict that training is, because I've had that training myself. I would feel more comfortable if the State Patrol was included, if it would be acceptable to Senator Stuhr, and if it would be possible. I would feel more comfortable with that, because that is...that way, it would be all standardized, and certainly, I know how stringent it is.

SENATOR BEUTLER: Well, let me ask if I understand you correctly. You're saying you feel more comfortable switching that over to Senator Stuhr's bill if, as in your bill, it was the State Patrol that was doing this permitting and testing?

SENATOR COMBS: That's correct.

SENATOR BEUTLER: Okay. Well, let me ask you this. Almost exactly, not quite, but almost exactly Senator Stuhr has parroted language from your bill, or maybe you parroted language from her bill, or who knows where it came from, but it's mostly the same.

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SENATOR COMBS: Um-hum.

SENATOR BEUTLER: So the...what you have to learn in this permitting process is broken down almost the same way. The only difference is, the State Patrol in one case is administering the test, and the Secretary of State in the other case. Well, does it make sense just to have the same test, the same permitting process for both?

SENATOR COMBS: It would, because you would be using a concealed weapon in very similar, same circumstances. And a lot of the training is when not to use the weapon, and I think that's probably the most important part of that training. I know that's in the State Patrol's program. I don't know what the Secretary of State would come up with. So to opine on that, at this point, I have to say I would prefer the State Patrol.

SENATOR BEUTLER: Okey. Well, it just seems to some extent, because of the fortuitous circumstances of the two bills going through at once, that we're perhaps not forced to, but it's going to look nonsensical to people to a certain extent if we don't coordinate these provisions a little bit more, I think. And with that, I would stop, Mr. Lieutenant Governor. Thank you, Senator Combs.

SENATOR COMBS: You bet.

PRESIDENT SHEEHY: Thank you, Senator Beutler. Senator Stuhr. This is your third time.

SENATOR STUHR: Okey. Thank you, Mr. President and members of the body. I appreciate having this discussion, because I think we're all working towards the same goal. And just a comment on why we did include the Secretary of State, was, one reason is that we just didn't want to set up another whole bureaucracy in regards to security officers. And we tried to find something that was quite similar in nature, which was the private investigators. I do not have a problem, and I have...we have not had an opportunity to check with the industry, but it would only make sense, I think, to look at the same requirements,

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because I think they're very similar as in the firearms training area. We all want to protect the safety of our citizens in this state. So I would certainly be happy to work on that amendment between now and Select File to get that language coordinated in both. Again, we are looking at the State Petrol. On page 5 of the amendment, we require that the applicant provide a full set of fingerprints to the Secretary of State. The applicant shall request that the Nebraska State Petrol submit the fingerprints to the Federal Bureau of Investigation for a national criminal history record check. So we are and have included the State Patrol in the process, so I certainly think that we can work out those provisions between now and Select File. Again, if there are any other further questions, I would certainly be happy to address those. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Stuhr. Further discussion on AM1841 to committee amendment? Seeing none, Senator Stuhr, you're recognized to close.

SENATOR STUHR: I would request a call of the house.

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.

CLERK: 28 yeas, 0 nays, Mr. President, to place the house under call.

PRESIDENT SHEEHY: The house is under call. Would all unexcused senators please return to the Chamber. All unauthorized personnel please step to the sides. Senator Stuhr, you're recognized to close.

SENATOR STUHR: All right. Thank you, Mr. President and members of the body. I believe this discussion has been very valuable, and it's very evident that there are some areas that we will continue to work on between now and Select. As most of you know, this does create the Security Personnel Licensing Act, to license security personnel in the state of Nebraska. There is a definition for "security officers," and I believe it's also very clear what is not included as a security officer as far as

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definition. It would...LB 72 would establish minimum guidelines for security guard officers. Again, I'll just share some of those. They must be 18 years of age for a license and 21 years of age for a security officer firearms permit, and each applicant must have a federal criminal history record check through the FBI, and they also must submit evidence of successfully completing an education and training program. Again, the public often takes for granted that there are standards and regulations in this industry, and there are not. We are just a handful of...one of a few states that does not have anything on...in statute. In time of terror alerts and national security issues, it's important that those working in the security industry meet basic standards of safety through education and training. And that's why I believe that this bill is very important for the safety of the public, as well as for the protection of the state. So I ask for your support in advancement of this amendment. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Stuhr. The question before the body is, shall AM1841 be adopted as an amendment to the committee amendment? All in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

CLERK: 42 ayes, 0 nays, Mr. President, on the adoption of Senator Stuhr's amendment.

PRESIDENT SHEEHY: AM1841 is adopted. The call is raised. Mr. Clerk.

CLERK: Mr. President, Senator Chambers would move to amend the committee amendments, specifically, AM1841. It will take us a moment to get it on the system, Senator, but it will be here. (FA355, Legislative Journal page 422.)

PRESIDENT SHEEHY: Senator Chambers, you're recognized to open.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, now the fun begins. Maybe not for Senator Stuhr. But I'm going to offer an amendment or two, and then I'm going to start making motions to strike individual sections. But since I brought up that issue on page 8, line 19, I have an

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amendment up there to strike the word "licensee" and insert the word "license." Oh, there's so much that could be done with this amendment. And since I do intend to take time as well as be serious, I will find something else to have great fun with. I doubt that there will be any objection to accepting this amendment, so I'm going to just kind of talk in general terms about the bill and some of the implications. I was here when Senator Aguilar raised the issue about these questionable operators doing everything they could to cause confusion in the public's mind, or, not just confusion, but to deceive the public into viewing their vehicles and the people who work for them as being members of the particular law enforcement agency they were trying to ape or imitate. When you have an industry, if that's what it's to be called, where carrying guns is an essential part of the operations and activities, there have got to be stringent regulations. But those stringent regulations should take the form of easily understood requirements. As I read the bill, it's clear that Senator Stuhr was trying to accommodate the concerns that people had about how these individuals will be trained, the restrictions that would be placed on them, and do all possible to protect the public from incompetent individuals, unfit individuals putting themselves in a position, by way of saying they're security officers, to do great harm to the public. We all know that good laws and good rules will not guarantee that bad people will not circumvent those rules, get in a position to hurt somebody, and hurt somebody. There is no guarantee that a person will not start out doing the right thing, then go bad. What we don't want is a set of rules, regulations, and requirements which encourage and facilitate bad results. Since it is my belief that the amendment up there will not be objected to, I'd like to ask Senator Stuhr a question or two about some other items in the bill.

PRESIDENT SHEEHY: Senator Stuhr, would you yield?

SENATOR STUHR: Yes, I would.

SENATOR CHAMBERS: Senator Stuhr, would you turn to page 3 of your amendment?

SENATOR STUHR: Yes.

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SENATOR CHAMBERS: In line 22, starting there...and I'm just doing this to call your attention to it; I'm not going to interrogate you at all. It says--these are duties of the Secretary of State--"Establish minimum guidelines for educating and training licensees under the act. Such minimum guidelines may include, but not be limited to." By saying those guidelines "may" include, they actually don't have to include anything that follows. And I'm not going to ques...oh, unless you wanted to respond to it?

SENATOR STUHR: That was one addition that we added, as I stated earlier. Last year, we had no specific guidelines listed at all. So we did expend the bill this year, or, in our amendment, to at least include some of those basic items that we felt were very important.

SENATOR CHAMBERS: But that's not what results. Since the word is "may,"...

SENATOR STUHR: Right.

SENATOR CHAMBERS: ...not one of these has to be included. On the other hand, if you go up to line 7, you'll see this language. "An approved firearms training course shall include." When you say "shall," it's mandatory; when you say "may," it's discretionary and doesn't have to be there. And these are some of the kinds of things that I'm going to work on before this bill is allowed to move. And instead of just taking time...oh, Senator Erdman is here, but he's not listening. He and I have something we're going to do whenever...or, I am. Whenever he or I mentions the word "time," we'll add, "In a sort of Runic rhyme." And then we may go beyond that. But since he's not at his post paying attention, I'll let it go this time. But do you at least see what I'm saying?

SENATOR STUHR: Yes, Senator Chambers. When I first came into the Legislature, those were the two words that became most evident to me, in..."may" or "shall," in legislation. Yes.

SENATOR CHAMBERS: And this is a question that I will ask you to

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respond to, if you want to. It is your intent that these items be a required part, is that true?

SENATOR STUHR: Are you talking about starting with line 22 or 25?

SENATOR CHAMBERS: Yes.

SENATOR STUHR: Yes, we are talking about minimum guidelines, yes.

SENATOR CHAMBERS: So changing that "may" to "shall" would not change what your intent is?

SENATOR STUHR: I don't believe it would.

SENATOR CHAMBERS: Okay. Thank you. Members of the Legislature, if I just wanted to kill the bill, then that...I wouldn't be doing it this way. I wouldn't even take the time. But I believe the legislation...some kind of legislation in this area is necessary. Senator Stuhr did a little checking, and she found out that many, many years ago I had attempted to bring legislation to regulate this area. It was not successful. Little that I offered in those days was successful, if memory serves me correctly. But because I know Senator Stuhr is serious and sincere, I'm going to work this bill over with that in mind. But I still have to exact the Ernie tax. And if I were as miffed with her today as I was when she voted for those cloture motions on two of the worst bills that have come before us this session--Senator Michael Foley's for one, Senator Jeanne Combs' for the other--then I would be harrying, hounding, harassing, and ripping this bill to shreds. And it would be easy. There is so much in it that I think is surplusage, and I'm going to try to persuade Senator Stuhr and others as we proceed that some of what is in the bill can be eliminated without harming the thrust of the bill at all. That doesn't mean we do away with minimum standards for training. It doesn't mean we'll do away with education. There are a lot of general principles which I think are valid. But as people have often said, the devil is in the details. Now, they say that; that's not true. Having close acquaintanceship with that one, that

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personage known as the devil, I can assure you he is everywhere. He is not in the details. In fact, he leaves the details to small-minded people. He works on a global scale. He deals with presidents, prime ministers, ambassadors, and leaves these details to the little imps and goblins and miscellaneous underlings. As a matter of fact, I think the devil is quite miffed...

PRESIDENT SHEEHY: One minute.

SENATOR CHAMBERS: ...et being blamed for so many things that he doesn't even waste his time on. Some of these things that the devil is blamed for are flowing from the sheer stupidity of human beings. The devil has bigger and more consequential fish to fry. Now, the God that you all worship may be interested in the outcome of a football game, but the devil is not. And that's why the devil, I think, is more successful in his operations than your God is. There are people on this floor who love the devil more than they love the one you all pray to, and serve him better. I just thought I'd throw that in, for whatever it may be worth. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Schimek. Senator Schimek, yes.

SENATOR SCHIMEK: Yes, thank you, Mr. President. I'd like to give my time to Senator Brown, if I could. Thank you.

PRESIDENT SHEEHY: Senator Brown.

SENATOR BROWN: Mr. President, members, in speaking to this bill, the...Senator Stuhr and the committee have both spent a lot of time on it, and in a general sense, I think that there may be some things that we can tweak, but we have arrived at a situation that is going to, we hope, make the situation much better, and so I really hope that we can move forward on the bill. But I wanted to speak to Senator Chambers just for a moment. Senator Chambers just made a quote that the devil is in the details. Maybe that was what most facilitated the rest of the statement that he was going to make. But the original quotation is from Mies van der Rohe, and it is that the angel is

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in the details. So I...if Senator Chambers wishes to speak about angels, then he can now move on to a different quotation. (Laugh) Thank you.

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

SENATOR CHAMBERS: Mr. President, members of the Legislature, Senator Brown did mention angels, and that perhaps if I wanted to talk about angels. Well, I don't want to be talking more about myself than I do already. But I don't know why the word "angel" is generally applied to females, when there is no female angel acknowledged in the "Bible." No angel is female, not one. So why do they get around to referring to women as angels? Could they be Freudian slips, Senator Michael Foley, hmm? Just remember this, every time you refer to a woman as an angel, you are applying a masculine term to her. I'd like to ask Senator Brown a question, since she opened this can of fish.

PRESIDENT SHEEHY: Senator Brown, would you yield?

SENATOR BROWN: Yes.

SENATOR CHAMBERS: Senator Brown, have you heard women referred to on a regular basis as angels?

SENATOR BROWN: Oh, absolutely.

SENATOR CHAMBERS: There is no female angel in the "Bible," so why apply a masculine term to females?

SENATOR BROWN: I don't know.

SENATOR CHAMBERS: Thank you, Senator Brown. I know, but I ain't telling. Senator Brown did us a service by mentioning what she said was the origin of the idea contained in the statement that I made about people saying the devil is in the details. But what she did was emphasize to a greater extent than I did that the devil doesn't bother with details. Show how silly angels are, if you go to a philosophy course, they talk about them dancing on the head of a pin. That's what angels spend their time doing. Now, there are some of my colleagues

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who, if they had the dexterity and the skill, could spend their time dancing on the heads of pins, and it would be spent more productively than the way they spend it here. This is a session which displeases me, obviously, not just because of the pathetic types of legislation we've dealt with thus far, but the willingness to allow such pathetic legislation to move and be voted on because organizations like the NRA are dictating. I'd like to ask Senator Abbie Cornett a question.

PRESIDENT SHEEHY: Senator Cornett.

SENATOR CHAMBERS: Senator Cornett, before I get to the main question, I have to lay what they call in the courtroom foundation. Were you a police officer, Senator Cornett?

SENATOR CORNETT: Yes.

SENATOR CHAMBERS: For how long, roughly, were you a police officer?

SENATOR CORNETT: Nine years and six months.

SENATOR CHAMBERS: Was carrying a side arm a part of your uniform, so to speak, meaning that you always had a firearm when you were on duty?

SENATOR CORNETT: Yes.

SENATOR CHAMBERS: Was it necessary that you qualify with that firearm? And if so, would you describe briefly what qualifying means?

SENATOR CORNETT: Yes, it was a requirement to qualify twice a year with a firearm. And qualification means you had to pass what was called a state shoot, which was basically a combat shoot on the range.

SENATOR CHAMBERS: Senator Cornett, if I understood you correctly, you said that you had to qualify twice yearly?

SENATOR CORNETT: It was either qualify once a year, but I

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believe you shoot twice a year. I don't know if the second one...

PRESIDENT SHEEHY: One minute.

SENATOR CORNETT: ...was a qualification shoot.

SENATOR CHAMBERS: Okay.

SENATOR CORNETT: It was a night shoot.

SENATOR CHAMBERS: If civilians are going to be allowed to carry guns all the time, there is nothing in the law that would allow that which would require them to qualify as often as a police officer, is there?

SENATOR CORNETT: No.

SENATOR CHAMBERS: Thank you, Senator Cornett. Because my time--that's all I will ask you, and I appreciate it--my time is so short, I will turn on my light. Is this my second time speaking now? So I have one more time?

PRESIDENT SHEEHY: Correct, Senator Chambers.

SENATOR CHAMBERS: Thank you.

PRESIDENT SHEEHY: Oh, Senator Chambers you still have about 20 seconds on this time.

SENATOR CHAMBERS: I'll pass on that. Thank you.

PRESIDENT SHEEHY: Senator Chambers, under new time.

SENATOR CHAMBERS: Thank you. Members of the Legislature, in that atrocious NRA bill that you all pushed across the board, one of those licenses will be good for five years. I'd like to ask Senator Jeanne Combs a question, because it's going to bring me to a discussion of what we have here. Senator Jeanne Combs,...

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PRESIDENT SHEEHY: Senator Combs, would you yield? Senator Combs, would you yield to Senator Chambers?

SENATOR COMBS: Hopefully I can. I haven't been following what you were saying.

SENATOR CHAMBERS: That's why I'm going to ask the question.

SENATOR COMBS: Okay.

SENATOR CHAMBERS: Senator Combs, under your bill, your NRA bill, when must a person qualify, in the first instance, to get a license to carry a concealed pistol?

SENATOR COMBS: When must they qualify?

SENATOR CHAMBERS: Yes.

SENATOR COMBS: Well, they have to have it before they can get a permit in the first instance.

SENATOR CHAMBERS: Is there anything in your bill that talks about them ever having to qualify again?

SENATOR COMBS: I believe it's every five years.

SENATOR CHAMBERS: Did you listen to the exchange between me and Senator Cornett?

SENATOR COMBS: Yes, and I was explaining to her that the goal is just to survive an attack, for the concealed weapon carrier, and not to take the fight to the criminal, which requires a lot more training.

SENATOR CHAMBERS: Senator Combs,...

SENATOR COMBS: You just have to survive.

SENATOR CHAMBERS: Senator Combs, that is a hasty rationalization. Under your bill, a person can carry a concealed weapon 24 hours a day. Isn't that true?

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SENATOR COMBS: That's correct.

SENATOR CHAMBERS: And at any time, a situation could arise where that person may feel the need to pull that weapon and inflict lethal force against somebody, isn't that true?

SENATOR COMBS: Only in places where it's permitted, and only after they've met the stringent requirements of the bill.

SENATOR CHAMBERS: Senator Combs, I'm going to try to simplify the question. If a person has one of these concealed weapons, he or she is in a position to pull it at any time, and kill somebody. Isn't that true?

SENATOR COMBS: That is true, if it's necessary.

SENATOR CHAMBERS: You say that. It's true that a person carrying this gun can pull it at any time and kill somebody. That's possible, isn't it?

SENATOR COMBS: It is for both permitholders and nonpermitholders.

SENATOR CHAMBERS: Now, when we're talking about these legalized gun carriers, it is your belief that they don't need to qualify as often as a police officer, who may not carry the gun 24 hours a day. Isn't that true? You don't think that they need as much training as a police officer?

SENATOR COMBS: That's correct.

SENATOR CHAMBERS: I mean, as scared as your people are, they probably carry it when they're in the shower, huh? I mean, you...Senator Combs, you let me know we've got some scared babies who want to carry these guns. So they carry them everywhere, at home, at school, at play. And although they're not supposed to, we don't know that they won't carry them places where they shouldn't. But that's...

SENATOR COMBS: We have a lot of people carrying them right now

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that we have no way to track. They have no training, and they're subject to pull them at any time.

SENATOR CHAMBERS: Bah, humbug. Thank you, Senator Combs.

SENATOR COMBS: You bet.

SENATOR CHAMBERS: What Senator Combs is doing is opening up the field to all these other people to carry these guns without the kind of training that you all are aware of being required of police officers, who, despite my criticisms of them, I feel have greater competency in the handling of these guns than the miscellaneous scared people that Senator Combs is talking about. Some of the loosely wrapped people she's talking about couldn't get onto a law enforcement agency. They wouldn't qualify. But none of that is required. Now I'd like to ask Senator Stuhr...

PRESIDENT SHEEHY: One minute.

SENATOR CHAMBERS: ...a question.

PRESIDENT SHEEHY: Senator Stuhr.

SENATOR CHAMBERS: Senator Stuhr,...

SENATOR STUHR: Yes.

SENATOR CHAMBERS: ...under your bill, it's not necessary that a person, once he or she becomes a security guard, or officer, ever take continuing training or be requalified in the handling of a firearm, is there?

SENATOR STUHR: I'm not sure, Senator Chambers. They will have to renew their license, and so they will, you know, have to stay qualified in that sense. But...

SENATOR CHAMBERS: But there is nothing that says they have to go on a range or anywhere else, at this point?

SENATOR STUHR: No. No.

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

PRESIDENT SHEEHY: Thank you, Senator Chambers. Further discussion on FA355? No lights. Senator Chambers, you're recognized to close.

SENATOR CHAMBERS: Thank you. Mr. President, when I raise these issues with Senator Stuhr, we're going to work our way through them the best that we can. But I'm doing this to show that there are substantive issues which have not been addressed. And if I didn't care about the bill and the need for it, I would just be ripping it to shreds and I would be doing everything I could to prevent needed changes from being made, so that you would be compelled to pass as asinine a bill here as the bill LB 454 is. But see, there is no NRA lashing and whipping you on this, and Senator Stuhr is not being dictated to by anybody who told her, you just get something through, no matter what. Her integrity means something to her. Senator Schimek has mentioned how much Senator Stuhr has been willing to work with the committee. She has worked with Senator Bourne. And I'm sure they haven't worked out everything that they may have disagreed on, but there has been a willingness to make changes. In that idiotic LB 454, that is not the case. And when the Legislature is dealing with that and you want to find one word to describe the Legislature and its process in dealing with that bill, it ought to be called "The Dunciad," or "The Dunciad," as some people say. And just a note for my friend, Senator Michael Foley, who thinks I engage in hate speech whenever I tell things about the Catholic Church that he doesn't know, the word "dunce" was coined as a pejorative for Duns Scotus by a famous Catholic order who thought Scotus was an idiot. These religious orders fought among themselves. They fought for territory. So whenever you say "dunce," if you think Scotus is good...you may not have even known where the word "Scotus" came from. You might have thought it was added to a church just like bingo is. Somebody said, that sounds good, I'll stick it on the church, like they stick bingo on all these Catholic churches. And for those who haven't heard me admit my ignorance, I thought "Bingo" was the name of a Catholic saint. I'd see these big old banners on Catholic church: Bingo. I'd see them on little cards: Bingo. And so I did a little research, and couldn't find St. Bingo.

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Although there was a song which made me have suspicion, Senator Mines, when on television I'd hear (singing) B-i-n-g-o, B...I knew then that Bingo might have been his name, but it probably wasn't a saint's name, because it was not a religious program. Bringing it back to what we have before us here today, I'm going to continue to make references to that NRA bill, because there is a tie-in between what is contained in it and what is in Senator Stuhr's bill, what may ultimately be in her bill. But since Senator Stuhr is willing to be rational, which the supporters of the NRA atrocity are not, because they're dealing with an insane organization and taking orders from an insane organization, a deranged organization, I'm going to work with Senator Stuhr to the extent that I can to try to get meaningful regulation. These people who go about armed as security guards, or security officers, as they will be called, are going to have to take meaningful training and requalify in the use of these guns,...

PRESIDENT SHEEHY: One minute.

SENATOR CHAMBERS: ...so that we don't have people one time presenting what the bill refers to as evidence of training and competency in the handling of these weapons. Even when the bill says that the person must demonstrate competency, it doesn't say how that competency is to be demonstrated. It doesn't say the circumstances under which that competency is to be demonstrated. But we'll work our way through those things. So instead of just taking time, there are recommendations along the way that I intend to make, and it's going to put some people in a bind. Because, whereas we will require this for people who are at least going to be licensed and trained and all these other things, you're going to let all these miscellaneous scary people that Senator Combs represents come out of the ailo without nearly the requirements on them that will be on those under this bill.

PRESIDENT SHEEHY: Time, Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Chambers. The question

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before the body is, shall FA355 be adopted to the amendment? All those in favor vote aye; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

ASSISTANT CLERK: 26 eyes, 0 nays on the adoption of the amendment, Mr. President.

PRESIDENT SHEEHY: FA355 is adopted. We will now move to amendment under the committee, AM0059. Senator Schimek.

SENATOR SCHIMEK: Thank you, Mr. President and members. I actually turned my light on to speak on the other amendment, and I'm not sure what amendment we're on right now. I'm trying to...

PRESIDENT SHEEHY: We are on...

SENATOR SCHIMEK: ...find my gadget. Are we on the committee amendment now?

PRESIDENT SHEEHY: We're on the committee amendment.

SENATOR SCHIMEK: Okay, I see. If I'd just look up at the board, I would see that. I just wanted to remind people that the amendment, the committee amendment, was included in the Stuhr amendment, which was already adopted, and I would encourage people to support it. I think Senator Chambers may have just put up another amendment or motion, so this isn't a closing on the committee amendment. It was just an opportunity for me to get up and say that I think that any bill that comes before us will have some honest differences of opinion, and I appreciate the fact that Senator Chambers and others are willing to work on this and put some time into it, if necessary. What I would hate to see happen with this bill is that it would go by the wayside, because I really do think these are not miscellaneous scary people, Senator Chambers. In fact, I'm not sure what miscellaneous scary people are. But they are people who are in the business and they feel that it's...it is scary, if you will, that they're not regulated. And they see different kinds of things going on all the time, which wouldn't happen if there was...if there was a certification regulation kind of

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process. So I don't want to lose sight of the fact that this is a bill that we need to do. I was always kind of nervous about the Secretary of State's Office being in charge of this whole process, and expressed that a number of times to Senator Stuhr. But there is a rationale for it, and that rationale is that when we did the detective regulation bill several years back, we put that with the Secretary of State's Office. And it did seem to work pretty well, so I got over it. But I do think that the suggestion that it is the State Patrol who is in charge of the training and so forth is a very good suggestion and I think that we should do that, and I would be very willing to support that concept. So please don't get sidetracked from the main thrust of this bill. It is something that Senator Stuhr has worked with and, as you know, we do work with the industry on different pieces of legislation, no matter what that legislation is, because they are the ones who live it every day, and we need to talk to them. I don't think Senator Stuhr has been unduly influenced or neither has the committee, but I would encourage you, after the kinds of amendments that we might be discussing here yet this morning, I would encourage you to support the committee amendment, because essentially that is the amended amendment and it incorporates the Stuhr bill. So with that, thank you, Mr. President.

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

SENATOR BEUTLER: Senator Stuhr, if I may, let me ask you one more question for purposes of ascertaining your feelings on the matter.

SENATOR STUHR: Yes.

SENATOR BEUTLER: The fee in this case for the licensing process is not identified, and it's simply indicated that it shall be...cover the costs. In almost all cases, probably not all, but in almost all cases, we either state the fee or state a range that the fee will be in, for the purposes of, I suppose, trying to contain administrators from padding their budgets a little bit with extra big fees and that sort of thing. Would you have any objection looking between General File and Select File and establishing either a set fee or a range, a fee range,

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that we could put in there? Because if you can do it, I think it's a little better practice.

SENATOR STUHR: Yes, Senator Beutler. We had quite a discussion as we were meeting, you know, with the industry because this was a matter of concern for them. And yet, when we were starting a new process such as this, we were reluctant to put something in statute and thought that it might be more appropriate to put it in the rules and regs after, you know, we were able to ascertain a little bit more of the costs. Now, if there's some way that we can put a range in, you know as well as I know, it makes it more difficult to change a set fee when it is in statute. But, you know, if you feel more comfortable in putting a range, if we can somehow come up with that number...

SENATOR BEUTLER: A water conservation fee would be a new fee, too, and you'd probably feel most comfortable if it was clearly stated.

SENATOR STUHR: Yes, that's true. (Laugh)

SENATOR BEUTLER: Thank you, Senator.

SENATOR STUHR: (Laugh) That's true.

PRESIDENT SHEEHY: Mr. Clerk, you have a motion at the desk?

CLERK: Mr. President, Senator Chambers would move to amend with FA356. (Legislative Journal pages 422-423.)

PRESIDENT SHEEHY: Senator Chambers, you're recognized to open on FA356, an amendment to the committee amendment.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm going to take all of this morning on this bill. So these are small amendments, but I think they will improve the bill while I take time. On page 2, in line 18--Senator Stuhr, can you follow along to see if it's okay with you--I would strike the word "officials" and insert the word "personnel," and we would then make it clear that the uniforms we're talking about relate to law enforcement personnel and not put

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"officials." Whereas a police patrolman, a police sergeant, major, or whatever, is an officer, they're not usually thought of as officials. The officials usually are those who are at the administrative level, as distinguished from those who work in the field. So in order that there be no confusion, I want to make it clear we're talking about law enforcement personnel and their uniforms. Many law enforcement officials don't wear uniforms at all. This is another of those amendments which I think should not lead to much in the way of controversy, but if it's not accepted it in no way will turn me against the bill. So at this point, with these types of amendments, I'm not in that mode where I say, my way or no way. We do need regulation, and I believe the more we discuss this bill the more people will come to realize that it is a very serious thing that we're doing. Right now, as Senator Stuhr pointed out, there are no regulations, there is no state law governing this activity. When we put laws in place, we should make sure that we do not freeze into the law practices now which are unacceptable. I want as much precision as possible whenever we're creating new opportunities for people to go about armed. Another area of the bill that I have concern about is people who are security guards carrying concealed weapons, so I'd like to ask Senator Stuhr a question.

PRESIDENT SHEEHY: Senator Stuhr, would you yield?

SENATOR STUHR: Yes, Senator Chambers.

SENATOR CHAMBERS: Senator Stuhr, in your bill, it makes it clear that the security officer may be armed or unarmed, so that's clear. Some of them simply will not carry weapons, period.

SENATOR STUHR: That's correct.

SENATOR CHAMBERS: But under the bill, some of these people are empowered to carry concealed pistols or firearms. Isn't that true?

SENATOR STUHR: Yes, it is.

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SENATOR CHAMBERS: It seems that we would not be talking about those in uniform, because the purpose of the uniform is to serve notice to the public that here stands a person who is protecting people or property, and the state has allowed that person to carry a death-dealing implement to carry that out, so the uniformed people probably would be carrying side arms that are visible. Would you agree?

SENATOR STUHR: That's probably true.

SENATOR CHAMBERS: Okay. And I don't see anything in the bill that would indicate the contrary, but I want to take it step by step for the record. The ones who will be carrying concealed weapons are those dressed in ordinary or plain clothes, as the language says in the bill. Is that correct?

SENATOR STUHR: Yes, it is.

SENATOR CHAMBERS: This next question does not need a definitive answer, but to the extent that you could answer it at this point, I would appreciate it if you would. Where would one of these people be working who is going to carry a concealed weapon while wearing ordinary clothes? Or, rather than me ask you where will he or she be working, what are the circumstances that would justify or make that necessary?

SENATOR STUHR: I'm not sure, but it might be in a...the proprietary circumstances. Let's say Borsheim's jewelry, they may have someone, you know, walking around in ordinary clothing. That might be a situation,...

SENATOR CHAMBERS: Would it be fair...

SENATOR STUHR: ...in protection of resources, of personal resources, of the company's resources.

SENATOR CHAMBERS: Would it be fair to say that if I were going to stick up Borsheim's, I could be described as a desperado?

SENATOR STUHR: Yes.

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SENATOR CHAMBERS: And a desperado is a desperate person who might be willing to resort to desperate means to achieve my goal.

SENATOR STUHR: Right.

SENATOR CHAMBERS: One of those desperate means may include disabling or killing somebody with a weapon if that somebody tries to stop me from doing what I intend to do.

SENATOR STUHR: Right.

SENATOR CHAMBERS: It's reasonable to conclude that that may happen.

SENATOR STUHR: Yes.

SENATOR CHAMBERS: Now, if I am desperate enough, or if I'm going to hit and get, and I'm aware that there might be people in Borshaim's who are carrying weapons and armed, but I don't know which ones are, but somebody is, then maybe what I've got to do is be sure that anybody who is there, who may be one who will obstruct me, is erased. Is it possible that allowing these guards to be dressed plain clothes and carrying a concealed weapon could lead to problems that would not occur if the guard were in uniform?

SENATOR STUHR: I don't know, Senator Chambers, and I don't know even what is done in, you know, a jewelry store of that type. I...really, I don't know. But...

SENATOR CHAMBERS: Senator Stuhr, if you had a jewelry store and there was a chance that you may be robbed, would you employ...or if it's a proprietary situation, where you don't bring somebody from the outside but you have kind of like house security, would you have somebody in a uniform if you have a security guard, or would you have somebody who is not visible on the floor at all but may be sitting at a monitor which scans the entire operation and no attempt would be made to apprehend a person committing a crime until the person had left and nobody in the store would be endangered? And you may not have an answer,...

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SENATOR STUHR: Yes, I don't know. Right.

SENATOR CHAMBERS: ...but I'm just pointing out some of the things that I'm thinking about when I look at what the bill allows, because I'm not sure that I want security guards to be carrying concealed weapons. You gave a very limited, narrow application and made it proprietary, but there's nothing in the bill that would limit it to that. They could drive with it. They could go anywhere. And if Senator Stuhr's bill were in effect, the security guards still could probably go places where that bill would stop these idiotic nitwits that I've been talking about from going. Might that be possible?

SENATOR STUHR: Anything is possible.

SENATOR CHAMBERS: So the language would have to make it clear in that area what limitations might apply if somebody is going to carry a weapon concealed.

SENATOR STUHR: I thought that we had appropriate language, but we are willing to, you know, to look at it again.

SENATOR CHAMBERS: Okay. Thank you. And I'm looking at it, too, but I won't try to do all of that today. I'm just mentioning some of the things that I find problematic. I support legislation such as this because the existence of security guards has been established and entrenched to such an extent that the...

PRESIDENT SHEEHY: One minute.

SENATOR CHAMBERS: ...activity will not be banned by the Legislature. Maybe it shouldn't. But as regulation is being put in place, I want to restrict, as much as possible, what these people can do and cut down the likelihood that innocent people are going to be harmed. When I read all of the requirements and restrictions that are contained in this bill, there still is no guarantee, as there never can be, that you're not going to get some nut who just hasn't yet been certified to be a nut. This bill talks about somebody having been certified,

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I think by a hospital or something. I don't want to confuse this with that NRA nonsense, so I'm just kind of woolgathering here as I try to compile a record.

PRESIDENT SHEEHY: Time, Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. President.

PRESIDENT SHEEHY: (Visitors introduced.) Senator Stuhr.

SENATOR STUHR: Thank you, Mr. President and members of the body. I do stand in support of Senator Chambers' amendment that we are addressing at this time, and I do appreciate his concern in trying to make the bill the best bill possible. We have spent a great deal of time, but nothing is perfect and we are open to looking and improving the legislation the best we can. As I said, I do have a list of areas that we did expand on since the amendment that we introduced last session, and also we have some procedures for enforcing the act by reviewing and investigating complaints of violations of the act, and suspending or revoking licenses issued under the act, which we did not have last time, and I think that's also an important area. As far as a question that Senator Beutler had in regards to the fee, we do have in Section 5 that the fee shall be based on the costs of administering the act. I do understand also his concern in that area and I don't know if we're going to be able to narrow that down, but we will certainly look at that if at all possible. If we do change some of the wording to include the firearms training under the State Petrol, we will need to do some work between now and either...now and Select File. I'm not sure what the time frame will allow us to do. But we also have a provision in there for a 90-day temporary license because we know that it will take time to go through the process, but we did limit that to 90 days. In some instances, it has taken a much longer time, and that's why we actually put it in statute that there would only be a temporary license for 90 days so that that person, if they had another license from another state, they would have some time...could be issued a temporary license and could continue with their work here in Nebraska. I guess mainly what we are talking about, and there are always questions when we do something new, and this is a new provision. This

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would be a new provision in our statutes in regards to qualifications for security guards and, again, I think what we have to look at is right now we have...we have none. So I think that this is a gigantic first step, and it will not be a perfect piece of legislation and we'll continue to work on it, I'm sure. I won't, but future legislators will have the opportunity to improve it as we go along. So I do support the amendment that is before us. Thank you, Mr. President.

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

SENATOR CHAMBERS: Mr. President, members of the Legislature, since Senator Stuhr has said she would accept this amendment, I'm going to call her attention to something else in the bill.

PRESIDENT SHEEHY: Senator Stuhr, would you yield?

SENATOR CHAMBERS: Oh, I can ask Senator Beutler this question. I'd like to ask...

PRESIDENT SHEEHY: Senator Beutler.

SENATOR CHAMBERS: ...Senator Beutler a question. Senator Beutler?

SENATOR BEUTLER: Yes.

SENATOR CHAMBERS: Senator Beutler is coming to his mike, and I'm going to call his attention to the page that I will be looking at, page 4, line 2.

SENATOR BEUTLER: Okay.

SENATOR CHAMBERS: There is a listing here of items which would go to minimum guidelines for educating and training licensees, and these minimum guidelines would include, on page 4, line 2, "Ethics, honesty, professionalism, and proper conduct." Those are general terms which, to me, would apply to any person who is involved in any profession. Would you agree?

SENATOR BEUTLER: Yes.

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SENATOR CHAMBERS: Senator Beutler, which do you think carries a greater amount of responsibility, forgetting that carrying a gun allows you to kill? Lay that aside. On which would be reposed the greater responsibility: a person who is a security guard maybe working in a grocery store, or a person who sits on the Board of Regents governing the university system of a state?

SENATOR BEUTLER: Could you restate that, Senator?

SENATOR CHAMBERS: Yes. Upon which of the two do you think greater responsibility and obligations would repose: a security guard who might be working in a grocery store, or a person who sits on the Board of Regents of a university system? Shall I repeat it again?

SENATOR BEUTLER: Well, Senator, considering the breadth of responsibility in the case of a regent, I might say the regent.

SENATOR CHAMBERS: Should we put a greater responsibility on a security guard than we do on a member of the Board of Regents?

SENATOR BEUTLER: No.

SENATOR CHAMBERS: Thank you, Senator Beutler. That's my feeling, too. Why should we not require a regent to have ethics? And we've got people on this floor trying to defend one of the most unethical people walking, let alone merely sitting on the Board of Regents. Honesty. Does not honesty apply where somebody sits on the Board of Regents? I'm talking about David Hergert, in case some of you all don't know. And I know there are people on this floor who supported him in his campaign, and it shows how poor their judgment is. And they feel, having made that blunder, they got to stick with it now, but I don't. It sticks in my craw, and I've got to talk about it from time to time so the public knows that Senator Chambers has not forgotten it. But there are certain activities going on outside the Legislature which, in a general informal way, we have agreed to allow to run their course. But I want to keep it before us. Professionalism. You don't require professionalism from David Hergert. That scoundrel, that criminal, that self-confessed

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violator of criminal statutes sits on the Board of Regents. You would find a professor perhaps willing to flunk a student who cheats on an exam, but there sits David Hergert, who cheated, who lied, who violated criminal statutes, helping to establish standards and rules for the governance of the entire university,...

PRESIDENT SHEEHY: One minute.

SENATOR CHAMBERS: ...not just UNL, but the university system. And the Governor says he can't say anything about that, but he jumps into a situation in Omaha, a dispute between and among school districts. But when it comes to the flagship university and all the other parts of that system, he says the fact that you've got a man on there--these are my words--who I say has established that he is unethical, he is dishonest, he is unprofessional, and he has engaged in improper conduct, the Governor can't say anything about it. But I can and I will. I have a responsibility as an elected official, and the university is an agency of the government of this state and it is there to have an influence on and educate all of the young people, middle-aged people, old people,...

PRESIDENT SHEEHY: Time, Senator Chambers.

SENATOR CHAMBERS: ...traditional students and others who go there.

PRESIDENT SHEEHY: Senator Chambers.

SENATOR CHAMBERS: Now I'm going to ask Senator Stuhr a question.

PRESIDENT SHEEHY: Senator Stuhr, would you yield?

SENATOR CHAMBERS: You can take your time, Senator Stuhr. I'm not going anywhere.

SENATOR STUHR: Yes, Senator Chambers.

SENATOR CHAMBERS: Senator Stuhr, why should we place higher

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standards on security guards than we do on members of the Board of Regents? So this is the question I'm going to ask you. Would you object to my striking line 2 on page 4 with one of my amendments? And what would be stricken is "Ethics, honesty, professionalism, and proper conduct." Would you object to me striking those words from this bill?

SENATOR STUHR: Well, yes, I would.

SENATOR CHAMBERS: Well, what do they have to do with anything?

SENATOR STUHR: Well, I think they have a lot to do with the licensing of these individuals.

SENATOR CHAMBERS: Could you give me an idea...I meant, and I don't mean you have to go into great detail...why would the person have to be ethical? All he's going to do is be doing whatever this bill allows. He's not running a university system or establishing policy anywhere.

SENATOR STUHR: No, he's not establishing policy, but I think that this was...I mean, this was discussed in the discussion with the industry, and they felt that certain standards, you know, should be put forth and they want honest, upholding people serving as security officers.

SENATOR CHAMBERS: Oh, so this is what the industry itself wants into the law.

SENATOR STUHR: Yes. Yes.

SENATOR CHAMBERS: They want people who are ethical, they want people who are honest, they want people who are professional, and they want those who engage in proper conduct. And if I read the bill correctly, these are the minimum guidelines.

SENATOR STUHR: Yes.

SENATOR CHAMBERS: This is the ground floor of what they want to have.

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SENATOR STUHR: That's right.

SENATOR CHAMBERS: Senator Stuhr, can you understand my puzzlement, not that they would want that in their bill, not that you would put it in their bill, but my puzzlement that a profession like that would want higher standards as a minimum than the standards we require for people who sit on the Board of Regents? Can you understand why I'm puzzled about that apparent disconnect?

SENATOR STUHR: Yes.

SENATOR CHAMBERS: Thank you, Senator Stuhr. And I am puzzled. I'm going to tell these young people sitting in front of me, these pages, if you want to make it, cheat. Cheaters win. When I was growing up, they used to have the expression cheaters never prosper. When we were shooting marbles, cheaters never prosper, cheaters never win. Well, now you see the cheater got the biggest prize when it comes to the education system. They say crime doesn't pay. He has admitted to violating statutes that are criminal. Crime paid for him. There are a lot of honest people who didn't cheat on their exams, who wrote their own term papers, who didn't look at somebody else's paper, who did not carry little electronic gadgets that they could use to cheat with, and they barely make it through school. See, you all aren't smart. If you want to win, if you want to succeed in America, at least in Nebraska, cheat, cheat, cheat; lie, lie, lie; violate the law. You need practical education, and David Hergert gives it to you. You sit in those classrooms and listen to these professors talking up in the clouds, and maybe if these professors would do a little cheating they wouldn't be getting that minuscule...

PRESIDENT SHEEHY: One minute.

SENATOR CHAMBERS: ...salary, by comparison, and they'd be pulling in the big bucks, like David Hergert does when he welshes on contracts, when he operates his businesses in such a way that there are foul odors and explosions, when he has people on the legislative floor supporting him and defending him and saying, they don't know whether anything ought to be done about

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it. But if they found out students were cheating or a professor was cheating, they'd say, get him out, or, as they would say, throw the bum out. Well, I say throw the bum out. Do you notice how they tiptoe around him? But you know why they are so strong in attacking students who cheat? Because students are easy targets. They're weak. They can't hit back. You can do anything you want to, to them. But David Hergert, a liar, a cheater, a violator of the criminal law, sits on the Board of Regents. So if there are honest students and they want to approach the Board of Regents, they have to talk to...

PRESIDENT SHEEHY: Time, Senator Chambers.

SENATOR CHAMBERS: ...this kind of person. Thank you, Mr. President.

PRESIDENT SHEEHY: Further discussion on FA356? Seeing none, Senator Chambers, you're recognized to close.

SENATOR CHAMBERS: Thank you, Mr. President. It should be on the floor of the Legislature that the things I'm saying need to be said. The public needs to know that there is one man, at least, who is not going to go along with evil. What is needed for evil to prevail? That good people do nothing. And the Legislature is coming as close to doing nothing as it can. Think how lucky your state is going to be if term limits gets me out of here. Liars, cheats can be on the Board of Regents, and there will be no whisper about it on the floor of the Legislature. All of this thing that I'm talking about will go unattended to as far as the Legislature. Senator Friend brought several bills to the Judiciary Committee yesterday to stiffen penalties, and we're going to have other bills to stiffen punishments. But when it comes to a man like David Hergert, they don't know what to say. I want to sit back and watch. I want to see what somebody else will do. Let Ernie handle it. They know I'm telling the truth. They're afraid to tell it, that's what the problem is. They are afraid. They owe more to mere men than they owe to the truth. When Pilate was dealing with that man that you all pray to every day, he asked a question, and I wish he had waited long enough to get the answer. He asked Jesus, what is truth? And when I was a little

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fellow and reading the "Bibble" for the first time, I said, Jesus knows everything, so at last I'm going to know what the truth is. So then I read on and Pilate did not stay long enough to get an answer. But we've been in the world long enough to have an idea of what the truth is. We know enough of the truth to distinguish between what is appropriate and what is not. We are taught as little children that we should tell the truth, which means, when you speak, make sure that what you speak expresses something the way it really is. Do not deceive. Do not mislead. Do not lie. And as adults, we have had many experiences that have sharpened, deepened and more "sophisticatedized" our understanding of what truth is, and every definition, every descriptor has been violated by David Hergert, who still sits as a member of the Board of Regenta. If we impeach him, all we do is say his conduct is such that it ought to go before the court to see if he ought to be thrown out of office, and as soon as we vote impeachment, he is removed as far as exercising any of the powers of that office. That is the least we could do. So if any of these senators run around here saying, we can't do anything, they are lying. We have the power to stop that man in his tracks and get him out of that position where he can exercise any of the powers of a member of the Board of Regents. As soon as the Legislature votes impeachment, the officer immediately is suspended from office. And we have not made a finding of guilt. All we have done is to say that enough is here to present it to a court and let that court, by its procedures and processes and standards,...

PRESIDENT SHEEHY: One minute.

SENATOR CHAMBERS: ...make a determination as the constitution said these things ought to be determined. And the Legislature is afraid. Why should I trust them when it comes to taxes or people carrying pistols or some of the other things that I won't mention at this particular time but I will later when it is more appropriate? I'm troubled by the fact that security guards have to meet a higher standard pursuant to the statute than a member of the Board of Regents. That troubles me, not that the standard is there--it ought to be there, it ought to go without saying--but the fact that we put it in a statute for these people but don't require that standard to be observed by a member of

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the Board of Regents. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Chambers. The question before the body is, shall FA356 be adopted to the committee amendment? All in favor vote aye; opposed, nay. The question before the body is, shall the house be placed under call? All those in...all those in favor vote yea; opposed, ney. Please record, Mr. Clerk.

CLERK: 21 ayes, 1 ney, Mr. President, to place the house under call.

PRESIDENT SHEEHY: The house is under call. Would all unexcused senators please report to the Chamber. All unauthorized personnel please step from the floor. Senator Chambers, would you authorized call-in votes? Senator Chambers has authorized call-in votes. Again, the question before the body is, shall FA356 be adopted to committee amendment, AM0059? All those in favor vote aye; opposed, ney.

CLERK: Senator Wehrbein voting yes. Senator Hudkins voting yes. Senator Langemeier voting yes. Senator Breshear voting yes. Senator Dwite Pedersen voting yes. Senator Schimek changing from no to yes. Senator Brown voting yes. Senator Smith voting yes. Senator Synowiecki voting yes. Senator Beutler voting yes. Senator Don Pederson voting yes.

PRESIDENT SHEEHY: Please record, Mr. Clerk.

CLERK: 26 eyes, 0 nays, Mr. President, to adopt the amendment.

PRESIDENT SHEEHY: FA356 is adopted. Next item...the call is raised. Next item, Mr. Clerk.

CLERK: Mr. President, may I read some items before?

PRESIDENT SHEEHY: Go ahead, Mr. Clerk.

CLERK: Thank you, Mr. President. Amendment to be printed to LB 790 by Senator Hudkins. Natural Resources reports LB 792 to General File with amendments, and LB 818, General File with

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amendments. I have a series of hearing notices from Business and Labor, Appropriations, and the Transportation Committee. (Legislative Journal pages 423-424.)

Mr. President, Senator Chambers would move to amend the committee amendments, FA357. (Legislative Journal page 424.)

PRESIDENT SHEEHY: Senator Chambers, you're recognized on FA357.

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, it's not on our gadget yet, but it's going to come up. And, Mr. Clerk, because I've been drafting them, I believe this is the one that goes to page 3, line 23? Is that the one we're on?

CLERK: Yes, sir.

SENATOR CHAMBERS: Thank you.

CLERK: Strikes "may," inserts "shall."

SENATOR CHAMBERS: Members of the Legislature, this amendment goes to page 3, line 23, and I would strike the word "may" and insert the word "shall." Senator Stuhr and I discussed this earlier and this word appears in connection with the establishment of minimum guidelines for educating and training these licensees. Below the language that I am addressing you will find a list of some of the items that would be included, but since the word "may" is utilized, none of those need be a part of these minimum guidelines. It is not Senator Stuhr's intent, from what I gathered during our discussion, that these...the inclusion of these items be left to the discretion, whim, or desire of the Secretary of State or anybody else, but that they be required in the statute. The only way we can make sure that they will be included is to drop the word "may" and insert the word "shall." Before I use the opportunity granted me by this amendment to "Expatriate free" over other subjects--I didn't create that language, I got that from Alexander Pope--I'd like to ask Senator Stuhr a question.

PRESIDENT SHEEHY: Senator Stuhr, would you yield?

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SENATOR STUHR: Yes.

SENATOR CHAMBERS: Senator Stuhr, was I accurate in saying that you agree with dropping this word "may" and inserting the word "shall"?

SENATOR STUHR: Yes, Senator Chambers, although I might add, as I stated previously, in last year's amendment we did not add any specific areas, and this...and after discussion we decided there should be some areas that are certainly noted that are important in the education and training. So I will...I will support your amendment.

SENATOR CHAMBERS: Senator Stuhr, I don't want you to support something that you cannot, in good faith, support, even though I would proceed with it even if you didn't support it. But I don't want to say that you support it if, in fact, you don't. That's what I want to be sure is not happening.

SENATOR STUHR: Well, we have not had a chance to contact the industry in that every one of those issues, you know, must be included, and I believe that's why we wrote "minimum guidelines may include, but not limited to," to at least give a range of issues that are important and that if they were stated and addressed in the statute that there would be somewhat of a guideline to be followed. Do you understand what I'm saying?

SENATOR CHAMBERS: I understand what you're saying, Senator Stuhr. However, the way the language reads, none of these needs to be included.

SENATOR STUHR: Yes, I understand, and that...

SENATOR CHAMBERS: So why should we put in a statute, where we give the impression that we're putting in place requirements, when in fact we're not? Why don't we just eliminate that entirely and you can leave it up to this advisory committee--which I'll go into Monday when we get back, not today, there's not enough time--just let them put in whatever they want to, or whatever the industry tells them? I wasn't of

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the understanding that the industry is drafting this bill, so...

SENATOR STUHR: No.

SENATOR CHAMBERS: ...I overstated earlier the way this bill is being handled. If permission has to be obtained from the industry, then I can understand you, if you've told them you'll work with them and get their opinion before you allow changes to the bill or support them. I'm going to seek changes, and if the industry will not allow those changes to be made then this bill goes the way of LB 454, because as good as I think the intention is, I'm not going to allow poorly crafted legislation to go across the floor and be enacted into law. When we're supposed to be setting up regulations, regulations, the way I view them, constitute more than mere suggestions or good advice. We're not giving advice in the statute. We are giving mandates or we are giving nothing. If this entire bill were to say "may" every place where currently it says "shall," the bill would be worthless and everybody knows it. Why should some things be a "shall" and others a "may"? If it is believed that these items are important, then make them "shall." But if they're not so important that there is a requirement that they be there, strike all this from the statute. Just say, "Establish minimum guidelines for educating and training licensees under the act," which I would attack because it leaves the whole thing wide open and they could simply say, if the person...let me ask Senator Stuhr's question, because maybe I'm about to make a presumption that's not warranted. Senator Stuhr, would you answer a question?

SENATOR STUHR: Yes.

SENATOR CHAMBERS: In Senator Combs' atrocity, known as LB 454, they talk about visual acuity of somebody who's going to have one of these guns. There's nothing in here that requires that a person not be blind, is there?

SENATOR STUHR: You're addressing the section above, I believe.

SENATOR CHAMBERS: Anywhere.

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SENATOR STUHR: Yes.

SENATOR CHAMBERS: Is there anything in here? Because it doesn't talk about driving a vehicle,...

SENATOR STUHR: No.

SENATOR CHAMBERS: ...which the motor vehicle laws would take care of. There's nothing in here that says that a person must be able to see in order to be a security guard, is there?

SENATOR STUHR: No, there isn't.

SENATOR CHAMBERS: The person need not have any arms unless you're going to say it's assumed that they would in order to show competency with a gun. But maybe if they have a prosthetic device, they can manipulate a pistol. Here's what I'm getting at. If we're establishing regulations or requirements, "shall" is what we say. If it is not believed that it's necessary for a person to know basic first aid to be a successful security guard, strike "first aid." If it's not necessary, in order to be a security guard, that cardiopulmonary resuscitation be included in the educating and training, strike that. Crowd control, if it's not felt they need to know that, strike it; emergency response procedures, which are not defined. And these are things that I'm going to get to and that's why I told Senator Stuhr this bill is not going to move today. It may not move Monday. But, see, although her name is on it, I don't want to seem arrogant, but the bill is mine. I'm like that program they had called the "Outer Limits." Don't monkey with your television set. Don't worry about the brightness, the dimness, the horizontal, the horizontal or the vertical. We are in control of your television set. We can make it blur, or we can sharpen it to crystal clarity, (snaps fingers) bam; you just sit back and watch. So this bill is mine.

PRESIDENT SHEEHY: One minute.

SENATOR CHAMBERS: With reference to certain important aspects, it is going to be my way or no way. And if there are people who are representing this industry, since they see the turn we've

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reached this morning, watching or listening, I want to serve notice that they're not going to run the Legislature while I'm here. And if there are things I think ought to be done to this bill, they're going to be done or this bill is not going anywhere. I'm still, however, going to make offerings of amendments that I think will improve it, and they do not substantively change the bill. But this one that is up there would make a substantive change in the small area that it addresses. If my colleagues think that it is good legislating to put into the statute...

PRESIDENT SHEEHY: Time, Senator Chambers. Senator Stuhr.

SENATOR STUHR: Thank you, Mr. President and members of the body. Senator Chambers, I do not need to check with the industry, and I'm sorry that I made that statement. We had the discussion that these were important areas that should be included in education and training, and last session we did not. We said only establish minimum guidelines, and we did want to be more specific. I wanted to be more specific and that is why we listed those. I would agree with your amendment that those would...shall be included. I would agree with that, in the fact that I do believe that all of those areas that we have listed were discussed and they...and we feel that they are important in the education and training of being a security officer. So I would agree with your amendment. Would you like to make any response?

SENATOR CHAMBERS: Yeah. And, Senator Stuhr, in fairness to you, that's what I thought you had said...

SENATOR STUHR: Yes.

SENATOR CHAMBERS: ...originally,...

SENATOR STUHR: Yes.

SENATOR CHAMBERS: ...and that's why I just floated along.

SENATOR STUHR: Right.

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SENATOR CHAMBERS: But then, when you had made that other statement,...

SENATOR STUHR: Right. (Laugh) I know. I'm sorry.

SENATOR CHAMBERS: ...I had to be sure that I wasn't putting words in your mouth...

SENATOR STUHR: No.

SENATOR CHAMBERS: ...that I thought you had said which, in fact,...

SENATOR STUHR: Yes.

SENATOR CHAMBERS: ...you hadn't said.

SENATOR STUHR: Right. So yes.

SENATOR CHAMBERS: Okay. So we're on the same page now.

SENATOR STUHR: We are on the same page.

SENATOR CHAMBERS: Thank you. Members of the Legislature, I'm going to help Senator Stuhr, to the extent that I can, make the bill...

PRESIDENT SHEEHY: Senator Chambers.

SENATOR CHAMBERS: ...what it should be. Well, she had more time.

PRESIDENT SHEEHY: Yes. Were you yielding to Senator Chambers, or were you done with your time?

SENATOR STUHR: Yes, I will yield to Senator Chambers.

PRESIDENT SHEEHY: Senator Chambera.

SENATOR CHAMBERS: Thank you. Mr. President, pay attention. Mr. President, pay...I say, pay attention. This is the

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Legislature and we have ways of operating which may be unfamiliar because you're not always here. But many times we don't just state, maybe as we should, with the explicitness that we should. So that's why I wanted to be...wanted it to be clear that I wasn't just bogarting Senator Stuhr's time. Senator Stuhr has worked so much with others that I was confident that we were going to work together, and we are going to work together. My way is not as soft as some of my colleagues. Some of my colleagues would have bailed out, especially if it was a guy named "Stinkberg," and say, ah shucks, you won't do it my way; I'm through. Well, I might say that, but that doesn't mean there is not room for us to come to an arrangement and an agreement. My conviction, without having talked to Senator Stuhr or anybody else about this bill, was that they had discussed these provisions. This amendment that we're dealing with is different from the one that she is going to withdraw. There is more in this one than there is in the one that she will withdraw. So obviously, there had been some discussions, some agreements reached. But remember, I read you all's bills more carefully and closely than you all read them. Is it because I'm smarter than people? Quite the contrary. I am a very slow, plodding reader. I read words. I don't read phrases. I don't read sentences. I read words. If I were constructing a house the way that I read words, I couldn't use particle board. I couldn't use all of the kinds of things they use now to take up a lot of space or cover it at one time, Sheetrock and such things as that, no. I've got to take brick by brick,...

PRESIDENT SHEEHY: One minute.

SENATOR CHAMBERS: ...no facsdes. So when you read a word at the time, you see things that other people don't see. You see spelling. You see whether the word is what it should be in the context where it appears. So something like the tortoise, it takes me awhile longer to get there, but I will get there. And if you're like the hare and you decide you can go to sleep, when you wake up I'm going to be there and you're going to be where you went to sleep. We want good legislation and this bill does require considerable work, and we're going to work our way through it. At least I'm going to put the work into it that it needs, because I think we need some kind of legislation. Thank

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you, Mr. President.

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

SENATOR CHAMBERS: Thank you, Mr. President. Notice that I'm not trying to remove, at this point, anything from the bill. But after some of these types of amendments which I think can be accepted, I'm going to make those motions to strike sections and see if, indeed, everything here is needed. The first thing I want to do, by way of the amendment that I'm offering, is to put this subsection (3) into the shape it ought to be in; namely, requiring these minimum standards. Then, when we reach the point where I'm going to try to strike it, or make a motion to strike it, we can discuss, if anybody is interested, whether we believe that all of these things are essential to being a successful security guard when you consider, from the beginning part of the bill, what it is that security guards are supposed to do. Cab drivers don't have to know all of these kinds of things, but we know they are not protecting persons and property. But I don't know that somebody protecting person and property would need to have all of these things under his or her umbrella of knowledge in order to function as a security guard. Before I ask Senator Stuhr any more questions, I have another little bitty amendment that I'm going to offer. One of them was going to deal with those fees, but Senator Beutler is looking at that. What I had wanted to do was say that when it comes to cost and they're trying to recoup the costs of whatever the administration of this act would entail, something that would say "actual cost" or "the cost shall not exceed" or "the fee shall not exceed the actual cost of providing" whatever the service is, because I don't want the Secretary of State to see this as a moneymaker for his office. And I'm still not convinced that the Secretary of State's Office is the place where some of these things ought to be. It's not unheard of to require a person to go to more than one office to carry out a transaction. As a matter of fact, when I filed for reelection, or when you file for election in the first place, there are certain papers you fill out in the county of your residence; then you trot all that stuff down to the Secretary of State's Office. So there are processes which require a person to be in

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more than one place in order to complete that process, so I don't see anything out of the way or unreasonable about requiring the State Patrol to be the agency that would issue a firearms permit. So some of the material in this bill that talks about the Secretary of State's Office would simply place responsibilities on the State Patrol. But those are things we'll get to later. I'm just kind of serving notice of what it is I'm looking at. I know my time is running, but I must sometimes do more than one thing at a time. What I do wonder, since many people were looking at this bill, why some things were not noted...

PRESIDENT SHEEHY: One minute.

SENATOR CHAMBERS: ...which, slow reader that I am, are being noticed by me. What makes my job doubly difficult is that I can't concentrate on just one bill. I have to know about every bill that comes on the agenda. Nobody else on the floor has to do that. And I would venture to say that everybody on the floor reads more rapidly than I do. I don't say they understand more, but everybody reads more rapidly than I do. But nobody assumes the responsibility that I voluntarily assume. I'm like the conductor. I know everybody's part. Like the quarterback, I know every play and the responsibility of every player. Nobody has to know that. Even the referees don't have to know that much. But quarterbacks get paid. Conductors get paid.

PRESIDENT SHEEHY: Time, Senator Chambers. Senator Schrock.

SENATOR SCHROCK: Mr. President, members of the Legislature, I shouldn't do this, Senator Chambers, but you talked about a subject and you said you were running out of time. I, you know, I agree with you on a certain regard you were talking about, and I was proactive in that, and I think we're taking the right course there. We have a grand jury investigating. I am looking forward to that report. I think we've approached it rather reasonably. But I still maintain that if the Legislature does nothing, then we just as well change our statutes and auction off that position. I think the university could generate a lot of money. Apparently, it's a status to serve on the University Board of Regents. We want good people there. But let's just

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auction them off. I'll bet you could auction...I'll bet you could get \$500,000, maybe even \$1 million from somebody from Omaha to serve on that Board of Regents. And, you know, they get football tickets and other perks. Doesn't pay very well, but then we know what that's like. We want to be here even though it doesn't pay well. So...but I commend you for bringing that up. When my bill is up, I'd rather you wouldn't take a lot of time on it, but you do...you do what you do. There's nothing I, necessarily, have to have passed this session, but when the proper time comes I'm looking forward to the debate on Mr. Hergert. I want you to know that. And I don't think you're alone there. So if you have portrayed that you're the only one that cares about that issue, you're not alone there. We're going to disagree on some things, but there's going to be some things we agree on, and that's going to be one of them we're probably going to be together on. So if I have any time left, I'd give it to you.

PRESIDENT SHEEHY: Senator Chambers, about 3, 30.

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Schrock. What I was...what made me kind of chuckle, if we weren't going into hearings in the afternoon, I told the President, how in the world did he know what time I was going to continue debating this bill, too, which would have been 3:30, so you're close. Senator Schrock, I know where some of my colleagues are on the Hergert issue, and I know the positions that they have taken. But I've also read in the paper where some of them are pussyfooting, vacillating, and pretending they don't know how serious the issue is or that we ought to do anything, and say, well, I want to wait until somebody tells me what it is, when all they have to do is read for themselves. They are cowardly. They are morally reprehensible, because they hold in their hands the power to do something and they're trying to find every reason not only why they won't do anything, but to try to prevent the rest of us from doing it. And I want the public who have been reading about this to know that I haven't gone to sleep on it, and I intend to raise that issue. This rascal has even been monkeying around with the water. When the water issues come up, it's perfect for me to talk about Hergert there. But for me, it's perfect for me to talk about him

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anywhere. And I am so concerned about how quiet it is on this state among public officials as far as statements being made and outrage being expressed, because I'm reading more and more articles about the lamentations going skyward based on the cheating that students are involved in. And I don't think they ought to cheat, but that's living in a world that does not exist for real. And my comments earlier could be considered Machiavellian in nature only for this reason. Machiavelli did not lie. He was not an evil man. He studied history more carefully than others, analyzed it, and every statement he suggested in The Prince,...

PRESIDENT SHEEHY: One minute.

SENATOR CHAMBERS: ...and The Discourses was based on evidence derived from history and the experiences of persons called princes, and that term was applied to any ruler. Machiavelli simply told the truth, and people couldn't stand it. He knew the way things ought to be, and he would say that. Then he'd say, but in the real world, this is the way it operates. So I was telling these young people what happens in the real world, and I invited them to look around themselves and see it playing out among those who are to be their examples--the Board of Regents and the legislators who don't read the legislation, who are dictated to by forces outside the Legislature and don't have enough principle to do what they know is right, because somebody told them, do it this way. Thank you, Mr. President. Thank you, Senator Schrock.

PRESIDENT SHEEHY: Thank you, Senator Chambers. Further discussion on FA357? Senator Chambers, you're recognized to close.

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I wish Senator Bourne were here, but he's probably someplace resting, because he's young and strong and got a whole lot of stamina. I'm the one he said was going to wear out and be...well, he didn't say panting with my tongue hanging out, but that was the image he tried to project, because I am so old. And I want you youngsters to know that I am old and I revel in my agedness. You'll never see me using creams or injections to

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try to get rid of these age lines, these gouges and grooves. You know what I tell people in my district? Because some of them will tell me if I'd just have a little something done with my forehead here and these lines running from the edges of my nose down past the corner of my mouth, I could look younger. What do I want to look younger for? I'm not young. But, at any rate, I tell my...the people in my district--and this is where I let white people off the hook--I say, that strip of bacon that you see across my forehead in the form of those wrinkles were put there by you all. I earned every one of these wrinkles working with you all. These gouges, you all took some miniature plows and plowed those furrows from the sides of my nose down past the corners of my mouth. You all turned every hair on my head white that is white, my moustaches, my beard. Imagine what I would look like if my hair and beard were as ebony as they used to be (singing) when I wore a younger man's clothes. I sure like that song. I think Billy Joel sang it, the "Piano Man," and I think he said to that piano man: Play me a song, you're the piano man; play me a song tonight. We're all in the mood for a melody, and you are playing it just right. Or something like that. Music, some people say, is the universal language. I don't know if I can complete what I want to say during my closing, but it applies to this job of legislating. People who play jazz, true jazz, not just technicians, those who are excellent manipulators of their instruments, they can play beautiful melodious tunes with what they call great musicality. I think Dave Brubeck was one of those people. His compositions are extremely complex, they are pleasing to the ear. And he had a saxophone player. Now, the young people may not have ever heard of him; some of the older ones may not have ever listened to him, so I may not give his name and somebody will tell me later on, but he had one of the most melodious creations that I had heard. The title doesn't do it justice. It's simply "Take Five." The drummer was a man named Joe Morello. I've always admired drummers, not just because my brother is one, but drummers have a way of tapping into the beat or rhythm of the universe, and it's why, when you want to make people pat their feet or their hands, even if they can't keep time themselves, a drummer, without any instrumentation, can do that. Other instruments can make you dreamy and maybe you'll sway, but they don't make you get up and boogie like a drummer can do. This

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man played a drum solo which was...

PRESIDENT SHEEHY: One minute.

SENATOR CHAMBERS: ...contemplative, thoughtful. It evoked images unlike other drum solos. It was not loud. There were spaces. He didn't feel every space had to be filled with a drum beat or a riff or whatever you want to call it. And if you get a chance to listen to it, you should do so. He just carries you along. He'll go a little faster, but never breaking the mood. Then there will be a slight increase in the volume, a little bit more of the bass drum, the tom-toms, and then he goes along that plateau for awhile, then just gently carries you back; then Dave Brubeck comes in with his piano. And Paul Desmond comes...oh, I wasn't going to tell you his name. The saxophonist was Paul Desmond.

PRESIDENT SHEEHY: Time, Senator Chambers.

SENATOR CHAMBERS: And I got in just under the wire. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Chambers. The question before the body is, shall FA357 be amended to the committee amendment? All those in...there is a request for the call of the house. All those in favor vote yee; opposed, nay. Please record, Mr. Clerk.

CLERK: 18 ayes, 1 nay, Mr. President, to place the house under call.

PRESIDENT SHEEHY: The house is under call. Would all unexcused senators please return to the Chamber. All unauthorized personnel please step from the floor. Senator Brown, would you check in, please? Senator Cunningham, Senator Mines, Senator Synowiecki, Senator Thompson, the house is under call. Senator Thompson, the house is under call. The question before the body is, shall FA357, amendment to the committee amendment, be adopted? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk.

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CLERK: 30 ayes, 0 nays, Mr. President, on the adoption of Senator Chambers' amendment.

PRESIDENT SHEEHY: FA357 is adopted. The call is raised. Would like to announce Senator Stuhr and her husband Boyd are celebrating their 50th wedding anniversary today. Let's give them a congratulations. (Applause) Do you have items at the desk, Mr. Clerk?

CLERK: I do, Mr. President. Hearing notices from the Education Committee; a priority bill designation by the Education Committee, LB 1024. And a new resolution, Mr. President, LR 277 offered by Senator Smith; that will be laid over. That's all that I have. (Legislative Journal pages 425-426.)

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Next item.

CLERK: Senator Chambers would move to amend with FA358, Mr. President. (Legislative Journal page 426.)

PRESIDENT SHEEHY: Senator Chambers, you're recognized to open on FA358.

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, this amendment is found on page 6, in line 13, and if we move right along, I think it can be adopted this morning, and it does not substantively change the bill but I think it's an important change. We're talking here about certain requirements and the language, as it reads currently, says that the applicant, prior to completion of the national criminal history record check, submit evidence of successfully completing any education and training requirements. I would strike "any" and insert the word "all." Since these are requirements, we want all of these items to be successfully completed. In the context where this word occurs, it's clear that the meaning is not some of them or selected portions, but rather all. So I am suggesting that they all be required. And since Senator Stuhr is otherwise occupied, I'll speak for her. Senator Stuhr, I'd like you to answer a question. Would you yield? "Yes." (Laughter) Here's my question. I'm going to strike the word "any" in line 13, on page 6, and insert "all." Is that all

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right with you? "Yes." Members of the Legislature, there you have it. If you have any questions of me or Senator Stuhr, each of us are willing to answer. Right, Senator Stuhr? "Yes." Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Chambers. Further discussion on FA358? Seeing none, Senator Chambers, you're recognized to close. Senator Chambers waives closing. The question before the body is, shall FA358 be adopted to the committee amendment? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record. Please record, Mr. Clerk.

CLERK: 25 ayes, 0 nays, Mr. President, on the adoption of Senator Chambers' amendment.

PRESIDENT SHEEHY: FA358 is adopted. Next item, Mr. Clerk.

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

PRESIDENT SHEEHY: We will return...we'll return to discussion on AM0059 from Government, Military and Veterans Affairs. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'd like to ask Senator Schimek a question.

PRESIDENT SHEEHY: Senator Schimek, would you yield?

SENATOR SCHIMEK: Yes.

SENATOR CHAMBERS: Senator Schimek, for the sake of clarity, it's called the committee amendment, even though Senator Stuhr's would incorporate it, because we're dealing with the committee amendment and on this vote, if we vote yes to adopt the committee amendment, we are in fact adopting what we have been discussing that Senator Stuhr offered. Is that correct?

SENATOR SCHIMEK: That is correct. We are adopting actually the committee amendment, as amended by the Stuhr amendment. And the

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Stuhr amendment struck all of the committee amendment but then incorporated it into the Stuhr amendment. It was...it's a little bit complicated, and Senator Heidemann had asked me about that a little while ago, so I was going to be sure to explain that on closing. So thank you, Senator.

SENATOR CHAMBERS: Oh, thank...I just wanted to be sure that was in the record. Thank you. And that's all I had, Mr. President.

PRESIDENT SHEEHY: Thank you. Is there further discussion on AM0059? See none. Senator Schimek, you're recognized to close. Senator Schimek waives closing. The question before the body is, shall AM0059 be adopted to LB 72? All those in favor vote aye; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of committee amendments.

PRESIDENT SHEEHY: Committee amendment AM0059 is adopted. Do you have items for the record, Mr. Clerk?

CLERK: I do, Mr. President. And just maybe for clarification, Senator Stuhr, can we withdraw your amendment, the earlier amendment, to LB 72?

SENATOR STUHR: Yes, you may.

CLERK: Thank you. Mr. President, a series of name adds: Senator Dwite Pedersen to LB 772, LB 790, and LB 932, as well as a request to withdraw his name from LB 849; Senator Howard to add her name to LB 1013. (Legislative Journal page 426.)

Mr. President, I have a priority motion. Senator Cudaback would move to adjourn until Monday morning, January 23, at 10:00 a.m.

PRESIDENT SHEEHY: The motion before the body is, shall we adjourn until Monday morning? All those in favor say aye. Opposed say nay. We are adjourned.

Proofed by: AEG