

JANUARY 23, 2006

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FLOOR DEBATE

January 23, 2006 LB 366, 1019

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Good morning. Welcome to the George W. Norris Legislative Chamber. Our chaplain of the day is Pastor Dale Marples from Jubilee Church, Omaha, Nebraska; Senator Redfield's district, District 12. Pastor, please.

PASTOR MARPLES: (Prayer offered.)

SENATOR CUDABACK: Thank you, Pastor Marples, for being with us this morning. We appreciate you being here. I call the thirteenth day of the Ninety-Ninth Legislature, Second Session, to order. Senators, please record your presence. Record please, Mr. Clerk.

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

SENATOR CUDABACK: Are there any corrections for the Journal?

CLERK: I have no corrections, Mr. President.

SENATOR CUDABACK: Announcements, reports, or messages, please?

CLERK: Mr. President, I have a Reference report, as well as a Reference report regarding certain rereferrals, to be inserted in the Journal, and priority bill designations by the Retirement Committee, their two committee priority bills. (Re: LB 366 and LB 1019.) That's all that the I have, Mr. President. (Legislative Journal page 429.)

SENATOR CUDABACK: Thank you, Mr. Clerk. We now go to the first agenda item, legislative confirmation reports. Mr. Clerk, please.

CLERK: Mr. President, the Natural Resources Committee, chaired by Senator Schrock, reports on the appointment of Mark Pinkerton to the Game and Parks Commission. (Legislative Journal page 415.)

SENATOR CUDABACK: Senator Schrock, to open on your report.

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SENATOR SCHROCK: Mr. President, members of the Legislature, Dr. Mark Pinkerton is a reappointment to the Game and Parks Commission, and he came before the committee on January 18 for his confirmation hearing. The Game and Parks Commission is an eight-member commission, and Dr. Pinkerton represents District 1. He is from Beatrice, and he practices dentistry. He is a graduate of the University of Nebraska, University of Nebraska Medical...College of Dentistry. Dr. Pinkerton is a dentist. He was appointed to the commission in August of 2002, when a new district was added, and is the past chairperson of the commission. The committee vote was unanimous, he is...to recommend the approval of Dr. Mark Pinkerton to the Game and Parks Commission. It is unusual, matter of fact it's not...you cannot be reappointed to a full...if you've served a full term on the Game and Parks Commission, you cannot be reappointed to a full term. But as you know, back, I believe, in the '02 Session, or the '01 Session, we created an extra position on the Game and Parks Commission. So Dr. Pinkerton is probably going to serve about seven and a half years on the commission, where normally they would serve five. He's been...he's an avid sportsman, and I know the sportsmen in this state are very glad he's on the commission. So with that, I would recommend that you vote to confirm Dr. Mark Pinkerton to the Game and Parks Commission.

SENATOR CUDABACK: Thank you, Senator Schrock. You've heard the opening on the confirmation report, offered by Natural Resources Committee, by Chairman Schrock. Open for discussion. There are no lights on. Senator Schrock, did you wish to...all in favor of adoption of the confirmation report, offered by the Natural Resources, please vote aye; all those opposed vote nay. Motion before the body is to adopt the confirmation report offered by the Natural Resources Committee. All in favor vote aye, and all those opposed please vote nay. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 430.) 32 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

SENATOR CUDABACK: The confirmation report has been adopted.

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(Doctor of the day introduced.) Next agenda item, Mr. Clerk, motion to withdraw.

CLERK: Mr. President, I have a second confirmation report from Natural Resources.

SENATOR CUDABACK: I'm sorry.

CLERK: Involves the appointment of Mr. Vaughn Blum to the Environmental Quality Council. It's offered by the Natural Resources Committee. (Legislative Journal page 415.)

SENATOR CUDABACK: I'm sorry. Senator Schrock, to open.

SENATOR SCHROCK: Mr. President, members of the Legislature, Vaughn Blum was unable to attend the confirmation hearing for his reappointment to the council on January 18, but he was represented by Mike Linder, director of the Department of Environmental Quality. The Environmental Quality is a 17-member council, and Mr. Blum represents the food production and manufacturing interests. This will be his second term on the council. Mr. Blum is from Columbus. He is manager of, G.M., Excel Corporation in Schuyler and has served on the Scotus School Board, state chamber, and has helped with UNL fund-raising. In private conversations with Mike Linder, Mike said that Vaughn is very attentive and attends almost all the Environmental Quality Council meetings. So the fact that he had something come up at the last minute that he couldn't be there shouldn't affect his reappointment, I don't believe. With that, I would recommend that you vote to confirm Vaughn Blum. The committee vote was unanimously in favor of this. Thank you.

SENATOR CUDABACK: Thank you, Senator Schrock. You've heard the opening on the second report by the Natural Resources Committee. Senator Stuthman, for discussion.

SENATOR STUTHMAN: Thank you, Mr. President, members of the body. I truly support the appointment of Vaughn Blum. I've worked with this gentleman for many years. In my opinion, he's a very open-minded, conscientious individual, and he takes things into consideration. He's a very good person to have on

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any board. So with that, I truly support that, and I hope we can vote in favor of this appointment. Thank you.

SENATOR CUDABACK: Thank you, Senator Stuthman. Further discussion on the report by the Natural Resources Committee? Seeing no senators wishing to speak, Senator Schrock, you're recognized to close. The question before the body is the adoption of the second report offered by the Natural Resources Committee. All in favor vote aye; those opposed vote nay. Voting on the adoption of the second report offered by the Natural Resources Committee. Have you all voted on the motion who care to? Record please, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 430-431.) 37 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

SENATOR CUDABACK: The report has been adopted. Before we go on to the next...Mr. Clerk, you have any more Natural Resource?

CLERK: No, sir.

SENATOR CUDABACK: (Visitors introduced.) Next motion, motion to withdraw. Mr. Clerk, please.

CLERK: Mr. President, Senator Louden would move to withdraw LB 1129.

SENATOR CUDABACK: Senator Louden, to open on your motion.

SENATOR LOUDEN: Thank you, Mr. President and members of the Legislature. LB 1129 was not drafted the way I intended to introduce it. I've introduced another bill, LB 1255, which is the correct version, and I ask to withdraw LB 1129. Thank you.

SENATOR CUDABACK: Thank you, Senator Louden. Discussion on the motion? Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I'd like to ask Senator Louden a question or two, if I may.

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

SENATOR LOUDEN: Yes.

SENATOR CHAMBERS: Senator Louden, what is wrong with LB 1129, as it is drafted?

SENATOR LOUDEN: The way it was drafted, it undid some of the work we did for Northeast Community College last year, and as it was written, why, we inadvertently included some of that in there, so this was something that I didn't intend to do. What I intended to do was to do some property tax relief by fully funding the community colleges, so I had to...decided it was easier to redraft and introduce another bill.

SENATOR CHAMBERS: Well, Senator Louden, LB 1129 is one of the best bills that you've offered so far, so...but you want me to follow your lead and vote to let you withdraw it; that's what your desire is this morning?

SENATOR LOUDEN: That's what I'm asking this morning, yes.

SENATOR CHAMBERS: Okay, it's your bill, you have a reason for it, and I am going to support you in it. Thank you, Mr. President.

SENATOR LOUDEN: Thank you, Senator.

SENATOR CUDABACK: Thank you, Senator Chambers. Further discussion on the motion to withdraw? No other lights are on. Senator Louden, did you wish to close on your motion? Senator Louden waives closing. The question before the body is, shall LB 1129 be withdrawn? All in favor vote aye; all opposed vote nay. Have you all voted on the motion who care to? Record please, Mr. Clerk.

CLERK: 39 ayes, 0 nays, Mr. President, on the motion to withdraw LB 1129.

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SENATOR CUDABACK: The motion was successful. LB 1129 has been withdrawn. (Visitors introduced.) Next agenda item, Select File, Revisor bills. Mr. Clerk, please.

CLERK: Mr. President, LB 764. Senator Flood, I have no amendments to the bill.

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

SENATOR FLOOD: Mr. President, I move the advancement of LB 764 to E & R for engrossing.

SENATOR CUDABACK: You've heard the motion to advance LB 764 to E & R for engrossing. All in favor say aye. All opposed say nay. It is advanced. Mr. Clerk, please.

CLERK: LB 765. Senator, I have no amendments to the bill.

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

SENATOR FLOOD: Mr. President, I move the advancement of LB 765 to E & R for engrossing.

SENATOR CUDABACK: You've heard the motion to advance LB 765 to E & R for engrossing. Discussion? Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'd like to ask Senator Flood a question or two on this bill.

SENATOR CUDABACK: Senator Flood, would you yield, please?

SENATOR FLOOD: Yes, Mr. President.

SENATOR CHAMBERS: Senator Flood, did that other bill strike some obsolete language relative to dates which had already passed? Is that what that bill had done?

SENATOR FLOOD: Senator Chambers, my committee has been diligently working on the bills before it. Granted, there are few at this point in the session, but I'm unprepared to comment specifically on your question. If you'd give me a moment for me

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to refresh my memory, I'd be able to answer your question a little bit better.

SENATOR CHAMBERS: Yes, I will. These are not trap questions.

SENATOR FLOOD: Now which bill were you specifically asking about?

SENATOR CHAMBERS: The one that was just advanced.

SENATOR FLOOD: LB 764?

SENATOR CHAMBERS: Is that the one that was just advanced?

SENATOR FLOOD: Correct. Wouldn't it be more appropriate to ask me about LB 765, since you've missed your opportunity to question me on LB 764? (Laughter)

SENATOR CHAMBERS: Well, the way we do things is to bring up any matter when it comes to our attention, and the opportunity to discuss it presents itself. So I want to see if this provides a lead-in to the discussion of LB 765.

SENATOR FLOOD: If I recall correctly, without seeing the bill in front of me, and some of our colleagues are working to get me a copy of that, doesn't LB 764 repeal language regarding a Hardship Fund, if my memory serves me correctly, that existed in the school statute, or the school laws?

SENATOR CHAMBERS: Are you asking me the question?

SENATOR FLOOD: I'm making sure that we're on the right track together, Senator.

SENATOR CHAMBERS: Well, I don't want to put you on any track. I'm asking you, as the Chairperson of the committee, to help us out. And the reason I didn't follow you, I was being importuned by one of your colleagues on your side of the aisle, about a bill which we have not yet taken up, but will be doing so.

SENATOR FLOOD: Now that I've had an opportunity to refresh my

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memory in LB 764, it does delete provisions related to Section 79-1072.01, which provided for payments for the fiscal school year, 1998-1999. Obviously, since that date is past, this section is no longer needed. The other section repealed by LB 764 is Section 79-1072.02. It provided for a transfer of all money in the Hardship Fund on May 26, 2001. Since that date is past, this section is no longer needed. So my...

SENATOR CHAMBERS: So then without my having looked at the bill this morning, I had greater awareness of it than the Chairperson of the committee which reviews these things, because my question was, does that bill repeal certain obsolete language relative to dates which are past? And the answer would be, yes, that's what it does?

SENATOR FLOOD: Well, as you'll recall, without even refreshing my memory as to the statement of intent, I did know that this had something to do with the Hardship Fund that had been enacted, and the Hardship Fund pursuant to Section 79-1072.02. So I was familiar. I had read the bill, to be honest, Senator, but I just needed an opportunity to refresh my memory.

SENATOR CHAMBERS: But this bill doesn't really deal with hardship or the Hardship Fund, does it, but rather the dates? Are we repealing anything associated with the Hardship Fund, or just dates?

SENATOR FLOOD: We're dealing with a bill that removes obsolete language because of dates, some of which related to a Hardship Fund in Section 79.

SENATOR CHAMBERS: But it could have been a software fund, and because the dates had passed, we would still be making the repealer, since the dates no longer have any relevance to the statute?

SENATOR FLOOD: That would be true, Senator.

SENATOR CHAMBERS: You're a hard man. Now I will ask you,...

SENATOR CUDABACK: One minute.

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SENATOR CHAMBERS: ...Senator, about LB 765. What does that bill do? Does it...

SENATOR FLOOD: The second Revisor bill in LB 765 corrects internal references relating to motor vehicle legislation that we passed last year. This bill includes the emergency clause, so that the Revisor of Statutes can substitute those sections in bills that might be passed this session.

SENATOR CHAMBERS: And were those bills LB 274 and LB 276, passed in 2005? Were those the two bills?

SENATOR FLOOD: Before I answer your question affirmatively, I need a chance to check that and make sure it's accurate.

SENATOR CHAMBERS: Why don't you look at your agenda under Select File, Revisor bills?

SENATOR FLOOD: That would be true, Senator Chambers.

SENATOR CHAMBERS: Thank you, and I'd like to say this, Senator Flood. You have been very efficient, very capable and competent in the way that you've handled the job that your committee does, and it's based on your record of having been so competent...

SENATOR CUDABACK: Time, Senator.

SENATOR CHAMBERS: ...that I ask these questions,...

SENATOR CUDABACK: You may continue.

SENATOR CHAMBERS: ...and also to show my colleagues that sometimes we might want to look at what it is that we're routinely moving across the board. I'm going to support the motion. But it also is designed to serve notice to some of my colleagues that I intend to do this session what I said I'm going to do. People were very bodacious, to use an old word, when they were voting cloture, rejecting amendments, and I said what I intended to do. You did what you wanted to do; I intend to do what I'm going to do. If I will take issue, as I did when

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these bills were on General File, with Revisor bills, then ask questions on...about them on Select File, that should give an indication of what I intend to do with the other bills that come before us. I did point out the other day that Senator Brashear prevailed on me to leave those resolutions alone, as far as requiring that they be brought before us on the agenda, so that we can debate or discuss them. Even though I'm not going to object to their being moved along and deemed passed after five days, once they've appeared on the agenda, let me state more coherently what I'm talking about. When one of these congratulatory resolutions appears on the agenda, or some other innocuous resolution, unless somebody requests within five days of its appearance that it be placed on the agenda for discussion, it will be deemed passed by the Legislature, and the Speaker or the presiding officer will sign such resolutions. I can still discuss them if I want to. I can still ask questions about them, if I choose, but I don't want to, and I do not choose. But the Speaker is not going to be able to prevail on me to back away on everything that I've said that I intend to do. I had pointed out that some bills I'm going to make you vote cloture on. They may be very inconsequential bills, but it will give you all a chance to show the public that you can stand up to me and put me in my place. But as you know, I will have my day, I will get my pound of flesh, or exact the "Ernie" tax. Now that position creates an interesting set of circumstances. There are bills that come before us which require a lot of work to be put in proper shape, because I do take time, just because I want to take time, and I'll tell you when I'm doing that, most of the time. But I won't do it all of the time. The problem is this: Most of my colleagues don't read bills. Many of my colleagues don't know what is in their own bill, so they won't know whether I'm just taking time to take it, or whether the work that I'm doing is designed to improve a piece of bad legislation. Since they tend to look upon the board like Pavlov's canines and follow the leader without knowing what they're voting for,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...it is essential that the person whose bill it is give the right leadership on some of these matters. But

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it's not for me to counsel those people. I'm going to do what I'm going to do, and I'm going to do it as often as I please and for as long as I please. I did say--and this, again, in consultation with the Speaker--I'm not interested in taking every bill to cloture, but I'm interested in deriving my tax. The tax man doesn't come to you and say, well, I will derive a small amount of tax on this item; therefore, I'm going to exempt it, waive the tax, and not collect it. It's up to me to decide what I'm going to do and how. It's up to you all to decide what you will do and how.

SENATOR CUDABACK: You're now on your third time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President. But we all need to merk well what it is we do. I think before I act. I don't have lobbyists pushing me and telling me, run in there and jump on somebody. And the lobbyist is hiding out in the lobby and is not going to confront me to my face and say to me what he is telling you that you ought to do and say to me. Next time the lobbyists come to you, tell them that they ought to go say that to Senator Chambers, and then the lobbyists and I can operate from there. But the lobbyist knows that he or she will have other items before the Legislature which he or she is being paid to shepherd through this body. So they're not about to put their hand on the red-hot stove, but they'll sit your rump on it, because they care nothing for you and have no respect for you. When you look at some of the bills that have been introduced, the only conclusion can be that the one who asked that it be introduced has no respect for the one introducing it, but is put in a position to charge the principal for having introduced the bill, knowing it won't go anywhere, knowing it has no credibility, knowing that it's atrociously drafted. All that lobbyist wants is to have somebody introduce the bill. So this morning, I'm not going to offer any amendments to the Revisor bills, but I could. Every bill that comes before us can be subjected to amendment. There are other fish that I can fry. And I don't see Senator Flood...oh, here he is, returning to his station. I didn't want to finish before he had the opportunity to take hold of the wheel and steer this ship of state safely through the rocky shoals. And it would not be caught between Scylla and Charybdis and suffer an untoward fate, because he

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knows how to navigate both those obstacles and hazards. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. There is a motion on the floor by Senator Flood to advance LB 765 to E & R for engrossing. Further discussion? Seeing none, all in favor of advancement of LB 765 to E & R for engrossing say aye. All those opposed, nay. LB 765 is advanced. Mr. Clerk, please, new bills.

CLERK: Mr. President, some items: LR 278, offered by Senator Foley; and LR 279, offered by Senator Byers, both resolutions, both will be laid over. A series of hearing notices from Health and Human Services Committee, from General Affairs, and from the Banking, Commerce and Insurance Committees, aigned by the respective Chairs.

Confirmation reports: one from Natural Resources involving appointments to the Ethanol Board, and one from the Revenue Committee to the Tax Equalization and Review Commission, again signed by the respective Chairs. Your Committee on Natural Resources, chaired by Senator Schrock, reports LB 805 to General File; LB 933, General File with amendments; and LB 340 indefinitely postponed. Revenue Committee, chaired by Senator Landis, reports LB 813 to General File with amendments, LB 942 indefinitely postponed, and LB 1011 indefinitely postponed. That's all that I have, Mr. President. (Legislative Journal pages 431-436.)

SENATOR CUDABACK: Thank you, Mr. Clerk. We now move on to the next agenda item, General File. Mr. Clerk, LB 72.

CLERK: Mr. President, LB 72 on General File has been discussed. (Raad title.) The bill was discussed last Friday. Committee amendments, as well as a few amendments by Senator Chambers, were adopted. I do have additional pending amendments at this time, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Stuhr, would you like to take a minuta or two and update us on the contents of LB 72?

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SENATOR STUHR: Thank you, Mr. President and members of the body. We have been under discussion the last couple days on LB 72, which does propose to create the Security Personnel Licensing Act, which would license security personnel in the state of Nebraska, and we have included some definitions in the law. We have also included those people who are not considered security officers, and we have very distinctly listed those. As any new legislation, I think there's always a time period that you work through the provisions in the bill. There's also an advisory committee that will be formed, and they will assist, then, in doing the rules and the regs. So I hope that gives you some understanding, without going into a lot of detail of what this bill is that we have before us today. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Stuhr. (Visitors introduced.) Mr. Clerk, next motion, please.

CLERK: Senator Chambers would move to amend, Mr. President, with FA359. (Legislative Journal page 436.)

SENATOR CUDABACK: Senator Chambers, to open on FA359.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, if you want to look at these amendments, you obviously may do so. When I left here Friday, I had every intention of trying to rewrite this bill, but as I embarked upon that, it's an impossible task, with the amount of time that I have, which I must give to other things, and that is not my responsibility. So I decided that I would work this bill on the floor--it was sent out here--and let the body see the condition that these bills are in. Everybody is going to work with me to do this. People need not listen, they need not offer amendments, they need not vote for these amendments. But these amendments are going to show the problems with this bill, and you need to realize that there are people already involved in this kind of activity. So I'd like to ask Senator Stuhr a question.

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

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please?

SENATOR CHAMBERS: Senator Stuhr,...

SENATOR STUHR: Yes.

SENATOR CHAMBERS: ...does this bill have the emergency clause?

SENATOR STUHR: No, it does not have the emergency clause, because it will not take in effect until April 2007.

SENATOR CHAMBERS: So until April 2007, there still will be no regulation of this industry; is that correct?

SENATOR STUHR: That's correct.

SENATOR CHAMBERS: And would you explain why the delay?

SENATOR STUHR: We wanted to allow time to work on the rules and the regs, and as you know, when you're doing...licensing a new group of people such as we are doing, that this process takes considerable time to do. And so that was one reason, and also, if there needs to be some changes made, they could actually be introduced in some legislation, some amendment or such, next session.

SENATOR CHAMBERS: Thank you. And, Senator Stuhr, under this bill as it's drafted, can police officers serve as security guards without complying with the requirements of this bill?

SENATOR STUHR: Police officers will need to have a license, as other people that are going to be licensed. They will probably meet most of the requirements, so will not need to have the separate training that might be required for someone who hasn't had previous education or training in this area.

SENATOR CHAMBERS: Where in the bill does it say that, that some people won't have to take all of the training because they already probably meet those requirements?

SENATOR STUHR: I will find that...

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SENATOR CHAMBERS: Okay, you can look at that...

SENATOR STUHR: I...if I...I will find that for you.

SENATOR CHAMBERS: Okay, then, I will proceed with what I'm doing and not drop that on you and expect you to be able to give me the answer right now. Members of the Legislature, let me tell you what this amendment would do. On page 2, in line 10, it says that a permit is given to a licensed security officer, following the completion of the application process. It is not given under the law; it is issued. To be given something connotes the notion of a gift or largess. This is a matter of a person being required to meet certain standards, and once those standards are met there is the issuance of a permit. So this amendment would strike the words "that is given," and substitute the single word "issued." The language would then read, security officer firearms permit means a permit that is issued to a licensed...oh, a permit issued to a licensed security officer, and so forth. I think this is an amendment which is appropriate. I have another amendment for this area of the bill, still on line 10. It says, this permit issues, following the completion of an application process. A process can be completed without the person meeting the requirements, and therefore, he or she can be said, in the vernacular, to have flunked. So this language should say that a permit issues, following the successful completion of an application process, in the same way that in lines 13 and 14 we have the language, "upon the submission and approval of evidence of successfully completing" this firearms training program. The idea that this must be successfully done is necessary; otherwise, all a person has to do is go through the process. If that means giving my name, address, whatever else they want, paying a registration fee or whatever the bill requires, that completes the application process. And if that is completed, give me my permit to carry a pistol. But I know that's not Senator Stuhr's intent; I'm pretty sure it's not. So as we get further along this morning or tomorrow or the next day, or the next, we will get to that point, also. My understanding is that this bill has been in the works for more than one year, more than two years, perhaps as much as three years. I don't know who was writing

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it, but somebody was not doing a good job. When those of us who care about this system, the Legislature I mean, as an institution, and who care about the process and the end result, which is legislation, when we no longer are here, you're going to get stuff like this that's going to run through, become the law, then havoc and chaos will result. And people who are not directly affected will laugh and say, well, that's just the Legislature; you know they don't know anything. But since there are mandatory provisions in this bill, there are restrictions, there are requirements imposed, if they are not well-thought-out, if they are not prudent, then the people who are going to bear them will not think it's funny at all. They will fail to see the humor. And then people will come in with a term limits bill or constitutional provision that will let senators stay one year. They think that the amount of time that a person stays determines the caliber of that individual. What do they say in this computer work? Trash in, trash out? If you get somebody with a thimble full of brains, that person never is going to produce barrels of sense. The capacity simply is not there. People cannot give what they don't have. I'm going to take the time to work over this bill, as long as the Legislature wants to give me time, but I'm not going to do it on my own. I'm going to take from you at least some of the time that perhaps you'd rather spend doing something else. Now if you want to discard this bill, you can do that, too. But I will not make a motion to bracket it, I will not make a motion to return it to committee, I will not make a motion to kill it. I'm going to let it stay out here and wriggle and wiggle...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...as long as it takes to correct some of the problems that I see in it. After I have reached a certain point, I may decide to throw up my hands and say it's not worth the effort. Sometimes...well, I'll put my light on and then continue. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. (Visitors introduced.) On with discussion of FA359. Senator Stuhr.

SENATOR STUHR: Thank you, Mr. President and members of the

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body. It appears to me that we are doing some language smoothing. I have a question for Senator Chambers.

SENATOR CUDABACK: Senator Chambers?

SENATOR CHAMBERS: Yes, Mr. President.

SENATOR CUDABACK: Question.

SENATOR CHAMBERS: Oh.

SENATOR STUHR: What does "issued" mean to you?

SENATOR CHAMBERS: It means to present.

SENATOR STUHR: To give?

SENATOR CHAMBERS: No.

SENATOR STUHR: (Laugh)

SENATOR CHAMBERS: Senator Stuhr, I know you have some clever people working for you, but if you read through the statute, you even have a place in this bill where it talks about the issuance of various permits and so forth.

SENATOR STUHR: Yes.

SENATOR CHAMBERS: So "issue" is what I'm going to push for, and if you would object to it, then object and we'll see who gets the votes.

SENATOR STUHR: No, I'm not going to object to this, Senator Chambers. If we can work through some of the language that you think would be more applicable, you know, I'm not going to have a problem with that. It is just an interpretation. If a firearms means a permit that is given to a licensed security officer, following the completion of all of the things that we have listed, and if you feel it's better to say "issued," I don't have a problem with that, and I will support that amendment. And I believe you did also ask a question about

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whether...who might have to submit evidence, and on page 6, on part (9), we have "submit evidence of successfully completing" all education and training requirements established by the Secretary of State by rule and regulation. And that refers to that if they have successfully...if they can submit evidence that they have successfully completed this training, they will not need to go through that training. Have you found that...

SENATOR CHAMBERS: Yes. Yes, I have it.

SENATOR STUHR: ...particular part? Okay. All right. No, I will support this amendment, if that helps clarify the language. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Stuhr. Senator Chambers, you may continue.

SENATOR CHAMBERS: Senator Stuhr, is this language that you just referred to on page 6 designed to allow police officers to be security guards without taking this training?

SENATOR CUDABACK: Senator Stuhr.

SENATOR STUHR: If they can submit evidence, yes, of successfully completing. It says, requires the applicant.

SENATOR CHAMBERS: Now, of what does such evidence consist?

SENATOR STUHR: Submit evidence? I would imagine that they would have some sort of...I've never...I've never went to a firearms training class or such, or CPR, but I think you usually receive certificates upon your education and training.

SENATOR CHAMBERS: I heard you say you imagina. Well, (singing) imagination is funny, / makes a cloudy day sunny. But we're not dealing with imagination in the statute,...

SENATOR STUHR: Well,...

SENATOR CHAMBERS: ...and the point I'm getting to is this.

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SENATOR STUHR: Yes.

SENATOR CHAMBERS: In an ordinary conversation among people on the street or anywhere else, there are words used that are not very precise, and it doesn't make any difference. But when we're putting it into the statute, it's like freezing it in stone, or carving or etching it in metal.

SENATOR STUHR: Yes.

SENATOR CHAMBERS: And we should be precise in what we say. So if you're going to require that this evidence, whatever it should consist of--and we'll have an opportunity to explore that later--...

SENATOR STUHR: Yes.

SENATOR CHAMBERS: ...must show the successful...

SENATOR STUHR: Yes.

SENATOR CHAMBERS: ...completing of these requirements.

SENATOR STUHR: And we have written "successful," yes.

SENATOR CHAMBERS: Then on page 2, which I said I would get to, in line 10, we should require the successful completion of an application process. I could go through that process, and when I've done everything that's required to complete...well, I'm not going to go through all that now, because I'll come to it. I want to stay on the one that I'm dealing with...

SENATOR STUHR: Okay.

SENATOR CHAMBERS: ...because we can go from place to place in the bill...

SENATOR STUHR: Right.

SENATOR CHAMBERS: ...and at some point I don't mind doing that. Senator Stuhr said that she's prepared to accept this amendment.

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So because it is not one of great consequence and I have plenty of others that will give me the opportunity to explore other areas, I'm not going to take all of the time on this particular amendment that I can. But when we talk about the word "issue," we know that vouchers...let me say warrants, because I'm thinking about pay now. Checks or warrants are issued by the state; they're not given by the state. They are issued. The word "issue" does have a precise meaning, and I'm not going to allow, if I can catch them, colloquialisms to enter into the statutes. That is not the place for it. I'd like to ask Senator Stuhr another question.

SENATOR CUDABACK: Senator Stuhr, please. Would you yield to Senator Chambers, Senator Stuhr? Senator Stuhr, would you yield to a question of Senator Chambers?

SENATOR STUHR: Yes.

SENATOR CHAMBERS: And, Senator Stuhr, you don't need your amendment at this point for this question. Is it your intent that cops be allowed to receive a license to be a security guard without going through this training? All they have to do is show that they've had training which is the equivalent of whatever the Secretary of State requires, and they can be given that license. Is that what you intend?

SENATOR STUHR: I intend...if they show evidence of successfully completing...

SENATOR CUDABACK: One minute.

SENATOR STUHR: ...all of the requirements that will be stated in the bill.

SENATOR CHAMBERS: So it could be somebody who's not a cop, somebody who's never been a security guard, but if they can do all of these things that are required, they must be given a license to be a security guard; is that true?

SENATOR STUHR: Well, I mean,...I don't know, Senator Chambers, if they must. There are lots of areas that they are going to

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have to comply with before they can become a licensed security guard.

SENATOR CHAMBERS: But anybody who meets those requirements, whether a cop or not, will all be on the same footing, and will not have to take additional training.

SENATOR STUHR: That's correct.

SENATOR CHAMBERS: Is that your intent?

SENATOR STUHR: That's, you know, that is the intent.

SENATOR CHAMBERS: And on my closing, when I get to that, I have another question I'd like to ask you, but I will stop for now. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Schimek, on FA359 to LB 72.

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I rise in support of LB 72 and I reiterate, I think this bill is a good bill. It is something that is necessary, and I don't think I've heard yet on the floor that it isn't a good bill overall. There might be a few minor amendments that need to be made. I'm not sure that I agree with all of Senator Chambers' amendments. I think this first one, I believe, is the one on "issue," and I have no problem with that, and I'm guessing that Senator Stuhr doesn't have any problem with that, and I think we should adopt it and move on. Some of the others down the line I think are not necessary. They probably wouldn't hurt the bill, but I don't think they're necessary. The next one, regarding the successful completion of an application process, well, either you complete it or you don't. And if you complete it, it's a successful completion, so I think that's a little nonsensical. As you move on down further, I would disagree about the grammatical change. I don't think we need to make that. I think "services" is plural, and so I think you leave "mean" as "mean" and don't change it to "means." I would hope that we could move this bill along today. I don't think it's of huge controversy. I think it's one that we could be working on off

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the floor, possibly, between now and Select File. And again, I don't see anything major, major that needs to be done to it, unless I'm not understanding some of Senator Chambers' amendments, and I haven't been through all of them yet. But I am very hopeful that we can discuss these amendments as they come, if they come. I would much rather that we can find some kind of an agreement to move along this morning. So, Senator Chambers, may I ask you a question, please?

SENATOR CUDABACK: Senator Chambers, would you...

SENATOR CHAMBERS: Yes. You may have my attention, undivided.

SENATOR SCHIMEK: Oh, thank you, (laugh) Senator. I'm really thinking that it would be good if we could move this bill along, and I'm...I haven't been through all of your amendments yet. The ones that I have seen I don't think are hurtful, but I'm not sure that I think all of them are necessary. I think this first one is the one about issuing, right?

SENATOR CHAMBERS: Yes.

SENATOR SCHIMEK: And that one I think we could do, and it would probably improve the bill. But the next one, I was just saying, while you and the Speaker were talking, that completion is completion. If you've completed something, you've successfully completed it. So I'm not sure that I think the second amendment is necessary, and so on. But I also think that some of this stuff could be discussed between now and Select File. So I just wanted to indicate to you that I think this is...I still think this is a good bill. I think it's a necessary bill, and I hope that we can move on, on it. So with that, Mr. President, thank you.

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

SENATOR JANSSEN: Thank you, Senator Cudaback, members of the Legislature. I hadn't intended on getting involved in this piece of legislation, but over the weekend I had someone stop at my place of business and was asking me about LB 72. This young man was in the security business, and he gave me his card, the

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Old West Pride Security Company, or something like that. And the questions he were asking me were, now, all right now, if you're going to have off-duty policemen and sheriffs, so on and so forth, that come in and work security at events, and so on, so forth, now are they going to be under the same restrictions or legislation that would effect his type of business? And I told him, I said, well, I'm sure that they would be. And I didn't realize that there are people out there that ere meking a living by providing security to events like rodeos or concerts, so on and so forth. He was explaining to me that he had quite e bit of money invested in security cameras, so on and so forth, and the hoops that he had to go through to run his company. And he said he thought it was quite unfair that someone could just get off duty as a policeman or a county sheriff and go perform the same duties that he was trying to make a living doing, and sometimes at a lesser expense than what he wes able to provide this type of service for. So I just wanted to bring that up to your...bring this to your attention, that there ere probably...are other people that have these companies. Senator Stuhr, I see, is back and, Senator Stuhr, could I ask you a couple questions, please?

SENATOR CUDABACK: Senator Stuhr, do you yield?

SENATOR STUHR: Yes, Senator Janssen.

SENATOR JANSSEN: Senator Stuhr, I don't know whether you heard me and what I was talking about. I talked to you a little earlier about the fact that there are security companies that are feeling that law enforcement people who want...when they're off duty, are providing the same type of services that this gentleman was able to perform. Are the qualifications for someone who, let's say, is an off-duty county sheriff, can come in and provide these services, are they under the same scrutiny ss what a private company would be?

SENATOR STUHR: Actually, every person who wishes to be a security guard will need to have a license, Senator Janssen. It really doesn't have anything to do with the companies. We're dealing with the individuals, and so they will all heve to submit evidence of completing, you know, the training

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requirements as we set out in LB 72. And many of them have, you know, have some of the training already that we are talking about.

SENATOR JANSSEN: Well, are there any areas then that wouldn't be covered if someone was a county sheriff, and doing this on their off...or a policeman, Omaha police, Lincoln police, Fremont police, North Plette police? Would...are there...are there any areas that they aren't qualified in now, or would they have to take some training to be able to do this?

SENATOR CUDABACK: One minute.

SENATOR STUHR: I think that most of them will be covered. We haven't put every detail in this bill, because the rules and the regs will, you know, contain some of that information. But I think the thing that we're trying to do is, people take for granted now that security officers have training, are licensed, are prepared to handle crowd control and CPR and all of those things that we expect. And we really have no standards here in Nebraska, and we're one of only eight states that does not have any standards. And we believe for the safety and health of the public that we need to set some uniformity, and the industry feels that it will help the (inaudible).

SENATOR JANSSEN: So in other words then, yes, there probably would be some areas that they...that they weren't trained in.

SENATOR STUHR: There might be, yes.

SENATOR CUDABACK: Time, Senator Janssen.

SENATOR STUHR: There might be.

SENATOR JANSSEN: All right. Thank you, Senator Stuhr. Thank you, Senator Cudaback.

SENATOR CUDABACK: Thank you, Senator Janssen. On with discussion of FA359. Senator Chambers, and this will be your third time, as you know.

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SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, we can digress. You all bring these bills out here. You all know that if I find a bill that I think something is wrong with it, I'm going to work it. Well, why do you send it out here, knowing what I'm going to do, then come to me and say, Ernie, be something other than what you are? If I do yield on this bill to some extent, because the Speaker has been bringing pressure to bear, I want people to know I'm not going to do it again. This I want the Speaker to hear. He and I work together a lot, but this is an inconsequential bill, in my opinion, compared to what we have before us. If you want to use up whatever goodwill you may have with me on this bill, use it up; then don't come to me with anything else. I'm closing the door. I won't even talk to people. I'll speak to you and be courteous, but no more conversations. And I'll have a lot more time. See, you all don't know how many of you call me on the phone and come slithering into my office to talk over issues. But I know, because they come to me, and you don't want to work on the floor like I work. And then you want me to change my modus operandi. I'm not going to keep doing that. I'm not a pushover, for anybody. The Speaker has wrested something from me already on those resolutions. That was a huge thing that I gave up, based on my overall approach that I intended to take. Then you bring this bill out here, and I heard some of what Senator Schimek said about some of the amendments, they might improve the bill but they're not really essential, not really necessary. Well, it's not really necessary that we say "is not," such and such "is not." We can say "ain't." Everybody knows what "ain't" means. So since these words don't mean anything, those are some of the amendments I'm going to offer from now on. You have language in the bill, but it need not be there. Why don't I use the language that reflects the grammar that I hear on the floor: "this here," "them is"? You don't want that in the bill. Why not? Why don't you want "ain't" in the statutes? You can grasp that at the level you operate on. Well, I operate on a different level, and some things make me cringe when they're to be put in the statute more than "ain't" would make me cringe. In some circles right now, literary circles, they're trying to restore the dignity to the word "ain't." "Ain't" has not always been a bad word. "Ain't" has not always been considered an illiteracy. "Ain't" has an

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honorable history. How grammatical is it to say I am functioning well, aren't I? Aren't I--that's what you are taught in school to say, aren't I. But you dare not say I are not. I am not. So if you cannot say I are not, why can't you say ain't, since you can say aren't I? You should not say I are not. You should not say aren't I. You should say ain't I.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: So we're going to start trying to see if you want to put "ain't" in the statute books and be on the cutting edge of this literary reform movement. But I'm going to take my amendments, and the more people mess with me, the less likely I will be to yield on anything. So this morning, for sure, this bill is going nowhere, fast or slow. I didn't bring it out here, but now that it's out here I'm going to work it, and you've got other bills out here and I'm going to work them all in the way that I see fit, unless the introducer grovels. That's the offer I made. Introducer, grovel before me, and I'll give you a break; otherwise, leave me be.

SENATOR CUDABACK: Time, Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. President.

SENATOR CUDABACK: Further discussion on FA359? Seeing no lights on, Senator Chambers, you're recognized to close on your motion.

SENATOR CHAMBERS: Thank you, Mr. President. Do I sound testy this morning? Do I sound cranky this morning? I like to help my colleagues by giving them the words with which to express how they might feel, but in their emotionally wrought-up state, they may not be able to come up with appropriate words that can be uttered when children are around, so I like to provide them with some of those words. And I'm also a mind reader, and around here it's very light reading. Mess with me if you will, as you did in the beginning of the session, and take pride in what you did. You got what you consider victories. Find out what a Pyrrhic victory is. We have a goodly number of days to spend with each other. I won't run and hide. I'll be on the floor

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every day, and I'm going to work this bill. I don't know who wrote it, but if others were aiders and abettors, and feel defensive, what is that to me? Each one of us can do on the floor, with reference to legislation, whatever we think ought to be done. Sometimes we get votes that go our way; sometimes we don't. But this is a bill that everybody wanted, this is a bill the committee put out here, and this is a bill that I find fault with. And I'm going to continue to work this bill. So that the Speaker will be able to eat his lunch without getting indigestion, any agreement that I had made with him, I will abide by it. So be cool. But the rest of you all don't know what that agreement is, and I'm not going to tell you. But I will ask for a call of the house, Mr. President, and I'll take a machine vote.

SENATOR CUDABACK: Thank you, Senator Chambers. You've heard the closing on FA359, offered by Senator Chambers to LB 72. There's been a request for a call of the house. All in favor to call the house vote aye; those opposed, nay. The motion is to call the house. Record please, Mr. Clerk.

CLERK: 21 ayes, 2 nays, Mr. President, to place the house under call.

SENATOR CUDABACK: The house is under call. All unauthorized personnel please leave the floor. Unexcused senators report to the Chamber and record your presence. The house is under call. Unexcused senators please report to the Chamber. The house is under call. Members, please record your presence. Senator Engel, Senator Johnson, Senator Hudkins, Senator Langemeier, Senator Fischer. Senator Thompson. Senator Bourne, please. Senator Thompson, Senator Bourne, and Senator Hudkins. The house is under call. Please report to the Chamber. All members are present or accounted for. The question before the body is, shall FA359 be adopted to LB 72? All in favor vote aye; opposed vote nay. Have you all voted on the amendment who care to? Record please, Mr. Clerk.

CLERK: 44 ayes, 0 nays, Mr. President, on the adoption of Senator Chambers' amendment.

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SENATOR CUDABACK: The motion was...Senator Chambers' amendment has been adopted. I do raise the call. Mr. Clerk, do you have items, please?

CLERK: I do, Mr. President. Your Committee on Government, chaired by Senator Schimek, reports LB 817 to General File with amendments. Natural Resources, chaired by Senator Schrock, reports LB 871 and LB 872 to General File, and LB 930 indefinitely postponed; confirmation report from Natural Resources involving appointments to the Environmental Quality Council; and a series of hearing notices from the Education Committee, those offered by Senator Raikes, as Chair. That's all that I have, Mr. President. (Legislative Journal pages 436-439.)

SENATOR CUDABACK: Thank you, Mr. Clerk. (Visitors introduced.) Mr. Clerk, next motion, please.

CLERK: Mr. President, Senator Chambers would move to amend the bill with FA360. (Legislative Journal page 439.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Chambers, to open on FA360 to LB 72.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, it is my understanding that Senator Schimek expressed some disapproval of this amendment, so on the chance that I did not hear her correctly, I would like to ask Senator Schimek a question.

SENATOR CUDABACK: Senator Schimek.

SENATOR SCHIMEK: Yes.

SENATOR CHAMBERS: Senator Schimek, when you were speaking on these amendments, I was talking to the Speaker, so I didn't follow everything, but it seemed to me that an edge entered your voice when you were talking about this particular one, which involves inserting the word "successful" on page 2, line 10, before the word "completion." And that edge was one that suggested disapproval. Did I correctly assess your reaction to

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this particular offering?

SENATOR SCHIMEK: May I say more than just yes or no?

SENATOR CHAMBERS: You may say as much as you want to say.

SENATOR SCHIMEK: Thank you, Senator. You are entirely correct, and the reason is I don't think it adds anything to the language. If an applicant completes an application process, that's it. I mean, it's successfully done, and you can add the word "successful" in here; it's not going to hurt the bill, but I don't see the reason for it, Senator. That was my objection to it.

SENATOR CHAMBERS: If a person puts false information and submits that, it is your view, or is it, that nevertheless, the person has successfully completed that process, because if there were five answers to give, five answers were given, even if they were fraudulent? You feel the application process was successfully completed?

SENATOR SCHIMEK: Correct. I mean, they did finish the process. That is the completion. And I kind of see what you're driving at, but what you're driving at is really handled in the rest of the paragraph, I feel, when you look through the criminal history check and the completion of an approved firearms training course. Those round out that whole process.

SENATOR CHAMBERS: Senator Schimek, that is all I will ask you at this point,...

SENATOR SCHIMEK: Thank you.

SENATOR CHAMBERS: ...and then I might come back. But, Senator Stuhr, I'd like to ask you a question.

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

SENATOR STUHR: Yes, Senator Chambers.

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SENATOR CHAMBERS: Senator Stuhr, in this subsection (6), comprising lines 9 through 14 on page 2,...

SENATOR STUHR: Yes.

SENATOR CHAMBERS: ...we have the listing of some of the things Senator Schimek alluded to.

SENATOR STUHR: Yes.

SENATOR CHAMBERS: And on line 14 are the words, "an approved firearms training course."

SENATOR STUHR: Uh-huh.

SENATOR CHAMBERS: Who gives that approval?

SENATOR STUHR: At this point, it would be...it was through the Secretary of the State, but we may make an amendment, I believe, that the, you know, State Patrol...if we make that consistent, it may be the State Patrol. And that will be worked out in the rules and the regs, or in the language.

SENATOR CHAMBERS: But there will be a designation...

SENATOR STUHR: Yes.

SENATOR CHAMBERS: ...of the person who's authorized to give the approval.

SENATOR STUHR: Um-hum, right.

SENATOR CHAMBERS: Thank you. That's all I'll ask you. Senator Schimek, may I resume my discussion with you?

SENATOR CUDABACK: Senator Schimek.

SENATOR SCHIMEK: Yes.

SENATOR CHAMBERS: Senator Schimek, I don't know if you were listening when I was expressing my reaction to the way the

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Speaker has dealt with me and wrested from me certain concessions,...

SENATOR SCHIMEK: Yes, Senator.

SENATOR CHAMBERS: ...and how irritated I've become. Were you...did you kind of pick that up as I was talking?

SENATOR SCHIMEK: A little bit, yes.

SENATOR CHAMBERS: Senator Schimek, whom do you think I like better, you or the Speaker?

SENATOR SCHIMEK: I wouldn't presume to answer that question, (laugh) Senator Chambers.

SENATOR CHAMBERS: Which of the two do you think is worthy...more worthy of my liking, you or the Speaker?

SENATOR SCHIMEK: Again, same answer.

SENATOR CHAMBERS: Senator Schimek, whom do you know better, yourself or the Speaker?

SENATOR SCHIMEK: Well, myself, certainly.

SENATOR CHAMBERS: Senator Schimek, are you aware of any defects in you that would cause me not to like you?

SENATOR SCHIMEK: I don't know. I got plenty of defects, but I don't know if that would mean that you wouldn't like me, Senator Chambers.

SENATOR CHAMBERS: Do you think, knowing yourself as you do, feel that I ought to like you?

SENATOR SCHIMEK: Of course.

SENATOR CHAMBERS: In your dealings with the Speaker, do you think I ought to like him?

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SENATOR SCHIMEK: Of course.

SENATOR CHAMBERS: Which of the two do you think I ought to like the better?

SENATOR SCHIMEK: Again, same answer. I'm not going to presume to answer that question, Senator.

SENATOR CHAMBERS: Do you know yourself better than you know the Speaker?

SENATOR SCHIMEK: Yes.

SENATOR CHAMBERS: So if there are ten good things about him and ten good things about you, it would come out a draw, perhaps. But you don't know that the same number of good qualities you have, he would have; is that true?

SENATOR SCHIMEK: I don't know the Speaker as well as I know myself, that is true.

SENATOR CHAMBERS: So based on how you know yourself, and you don't know the other person, really, the same way, you could give me evidence as to why I should like you, but you couldn't give me evidence as to why I should like the other person, right?

SENATOR SCHIMEK: That is correct.

SENATOR CHAMBERS: So which of the two should I like better, from your position and what you know?

SENATOR SCHIMEK: (Laugh) Well, Senator, let's just say that I hope that you like me, okay?

SENATOR CHAMBERS: I do like you, and I like you better, and if I have allowed him to wrest certain concessions from me, if I like you better, shouldn't I allow the same for you?

SENATOR SCHIMEK: Yes.

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SENATOR CHAMBERS: Is it your wish that I...

SENATOR SCHIMEK: I've got to jump on that, Senator Chambers.

SENATOR CHAMBERS: Is it your wish that I withdraw this amendment?

SENATOR SCHIMEK: Yes.

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

SENATOR SCHIMEK: Thank you, Senator.

SENATOR CUDABACK: It is withdrawn. Mr. Clerk, please, next motion.

CLERK: Mr. President, the next amendment I have is by Senator Chambers, FA361. (Legislative Journal pages 439-440.)

SENATOR CUDABACK: Senator Chambers, you're recognized to open on FA361.

SENATOR CHAMBERS: Mr. President, members of the Legislature, this is one of those amendments which I believe will simplify the bill, to some extent. The language, as it exists now in lines 5 and 6 on page 2, says the following: "security services mean the protection of human and physical resources." I don't know what that means. I don't know what physical resources are, I don't know what human resources are, so what my amendment would do is strike "human and physical resources" and insert "persons and property." Then the language would simply say, security services mean the protection of persons and property. I'd like to ask Senator Stuhr a question or two.

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

SENATOR STUHR: Yes, Senator Chambers.

SENATOR CHAMBERS: Senator Stuhr, in addition to persons and property, what would these security services be dealing with?

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SENATOR STUHR: Well, probably it is primarily persons and property, and "persons" refers to human, and "physical" refers to property. And...

SENATOR CHAMBERS: So then you wouldn't object to this amendment or think that it's designed to undermine what the aim of the bill is.

SENATOR STUHR: You know, Senator Chambers, I think at one time we had "persons and property," and we wanted it more...e little bit broeder or something, and so we changed to "human and physical resources." Wa thought that sounded better.

SENATOR CHAMBERS: If you...

SENATOR STUHR: So what...yes.

SENATOR CHAMBERS: If you discussed it with somebody who thought maybe additional language should be there, or different language from "persons and property," what other things did they mention that would not be included in the terms "persons" and "property" that would be guarded?

SENATOR STUHR: Senetor Chambers, as I had mentioned earlier, many of the definitions and terminology that we used we took from federal terms and model of legislation that was being discussed on the federal level. And we tried to liken as much of those definitions from the federal and use those in our bill, to make it more uniform.

SENATOR CHAMBERS: Senetor,...

SENATOR STUHR: And so I think that's probably why, you know, we ended up using that term.

SENATOR CHAMBERS: Thank you, Senator Stuhr. And I'm not going to do this by way of question and answer. I'll just make my assertions. I have read a lot of history. I've read a lot of material on a subject called political science, whatever that is, because politics is not a scienca, but nevertheless, such

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things, and in all of my reading I have never encountered anything that gave me the impression that people in Congress, whether the Senate or the House of Representatives, I have not seen where any of them are overburdened with brains. And you watch them on television and listen to them; they cannot even speak for themselves. They all have a spokesperson, all of them. They can't answer questions. If one of them can talk for six minutes without notes, the senators and congresspersons are in awe. When this man who is now the Chief Justice of the U.S. Supreme Court, John Roberts, gave an opening statement and he spoke six minutes without notes, the "Repelicans" swooned. They said, that shows how intelligent he is. What a low standard is set for a person who is to be Chief Justice of the United States Supreme Court. Such being the case, why should I accept as a standard or paradigm for legislation here what they're talking about in Congress? That is not an example of competency! This monstrosity called the Patriot Act went on and on and on for pages and pages and pages, and all of the senators and all of the congresspersons, to a person, acknowledged that they had not read what was in it. They were carried away by the emotions of the moment. Those airplanes had crashed into those towers in New York. One had crashed in the Pentagon, and one had crashed in a field somewhere in Pennsylvania. So the response of congressmen, congresspersons, was not to exercise good judgment and reassure the public. They got a trash bag and told all these idiotic congresspersons, their staff members, and lobbyists to throw everything in that bag they wanted to, it would be incorporated into a law, and to make people unable to resist it or oppose it in any way, they would call it the Patriot Bill. And they don't have people like me at the federal level. So they roll over, because some people called super patriots, which is another name for nitwit, will be out there and be critical. These people in these positions of leadership are to provide and show a better way, but they don't. They don't educate and inform the public; they fall in behind, and they pander to the public. If the workings and the efforts of federal representatives and their staff are what brought us to this bill, it's understandable why it's in the atrocious shape that it is in. In the past senators have looked to what is in other states on an issue, and because they cannot think or will not think, they don't collate or coordinate this stuff and make

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it fit and mesh. They say, I got this bit from California, this bit from Ohio, this bit from New York, this bit from Texas, this bit from Arkansas, this bit from Alaska, and just put all the bits together and offer it as a bill--inconsistency, contradictions, nonsense, but they want the body to accept it, and I refuse. So whether I'm called an obstructionist or any other designation that is designed to describe a person who is not going to let trash legislation find its way into the statute books, I welcome all of those labels. I am pleased by the criticism that I get, because it doesn't amount to a hill of beans anyway, and I don't pay attention to these ignorant people who don't even know what they're talking about. They don't know what's going on on the floor of this Legislature. Why, I read something in the paper where a woman was supporting Senator Foley's bill and telling me I need to go to Biology 101, because the fetuses have arms, legs, a head, and all these other things, and if you've ever seen a picture of a fetus, you see all these things. She doesn't know that Senator Foley rejected an amendment of mine, which would have said the bill could apply when the stage of development had reached that point. She didn't know that they rejected an amendment that says it would not apply to anything which you could not see with the naked eye. She believed that the legislation dealt with what I suggested it ought to, if it's to be here at all, a stage of development with arms, hands, legs, and the things she described in her critical letter. She was really criticizing Senator Foley, but she didn't know it, because she's ignorant of what goes on here. She might listen to people on a talk show who don't know anything, but we're here, and if we don't know, it's because we choose not to, not because we don't have the opportunity. So I'm going to just keep...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...chopping that wood. I'm going to continue to work and do my job as I see it. You see your job as sitting around doing nothing; I see my job as standing on my feet all day and doing something. You don't like what I do? Well, a lot of things go on in this world that we don't like. But those of you all who believe the "Bible," Solomon said there's no new thing under the sun, so somewhere there has been a me. There's

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been somebody like me, unless Solomon didn't know what he was talking about, and maybe he didn't. Maybe there wasn't even a Solomon. But people mention all kinds of things which may or may not have validity. The one thing you can take to the bank: I'm going to do my job as I see fit, except where the Speaker persuaded me, now I say against my better judgment, to be moved to some extent away from doing that.

SENATOR CUDABACK: Time, Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. You've heard the opening on FA361 to LB 72 by Senator Chambers. Open for discussion. Senator Stuhr.

SENATOR STUHR: Thank you, Mr. President and members of the body. For clarification, I don't have a problem if we substitute those words, "persons" and "property." I think that we are actually talking about the same thing. So, Senator Chambers, if that makes you feel more comfortable, I do not have a problem with that. I do, however, ... I do not agree with Senator Chambers in his remarks of saying that this is a very, very bad bill. I think we have worked very hard, and as in any piece of legislation, there is always room for improvement. And I appreciate that we are doing some of the word, as I said earlier, word smoothing. But I would prefer that we do some of this off the floor, which we usually try and attempt to do. It seems that sometimes making all of these split-second decisions is not always the easiest thing, when you are involved in a piece of legislation. But as I said, I will support this amendment, if...and I think that it will clarify. I'm used to...in the area that I worked in, family and consumer sciences, we talk about resources all of the time. We talk about human resources and how to deal and make the best use of the resources that we have. We also talk about physical resources. But persons and property, I believe in this case, define it very well, so I will support the amendment. Thank you.

SENATOR CUDABACK: Thank you, Senator Stuhr. Further discussion on the Chambers' motion? Senator Chambers.

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SENATOR CHAMBERS: Thank you, Mr. President. Senator Stuhr, thank you. Members of the Legislature, you all bring these bills out here and I'm still going to work them. I can smile and still do what it is that I'm going to do. As a matter of fact, when they make movies, the most fearsome of the killers are those who kill with a soft voice, a smile, and not even a feeling of anger, bitterness or hatred; in other words, the amoral individual--feels no emotion. Kills you the same way he or she would kill a bug or flip a coin. So how I feel has no bearing on what I'm going to do. My determination is what establishes that. If you all want to bring these bills out here, as George Bush the ignoramus said, bring them on, except he wasn't going to do any fighting. When he and Dick Cheney get together they say, by God, people's children have to die but, Dick, aren't we lucky that they aren't ours? That's the good news. Well, I'm going to be in the middle of this. When I say bring it on, I'm going to be here to deal with it. When you all boldly vote cloture, that means you should be here to deal with the consequences. You are observing the consequences of your actions. Aren't "Republicans" the ones who always say be accountable, take responsibility for what you do, don't blame somebody else? Don't blame me. I'm just delivering on a promise that I made to you, and you ought to be glad. Senator Stuhr tried to rescue the language they put in this bill that I'm striking right now. Learn a lesson from the saga of Senator Stuhr. She said language like what I'm offering now is what she originally wanted in the bill, but they changed it. Her first judgment was the better judgment. When you arrive at that conclusion based on your reasoning, don't let people push you away just because they say, I don't like that. You all don't like what I do and I don't like what you do. And you'll get your chance to stick it to me again after we've gone eight hours on some of these bills. Then you can take great pleasure in voting cloture on a bill that is atrocious. And who wins? Do you win because you got 33 votes? And look at the product. Every bill you all clotured has got something seriously wrong with it. So who is really running the show? Who is really winning? And why does it have to come to winning and not winning? Because it's difficult for you all to acknowledge that you did not do something as well as it could be done, it did not

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meet the standard that it ought to meet, and to your chagrin, I am the one who am trying assiduously to get the Legislature to do what it ought to do.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: Senator Stuhr is going to accept my amendment, she informed you all. There really is no need for me to speak again on this. However, I think I shall. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. You may continue, and this will be your third time, Senator.

SENATOR CHAMBERS: Mr. President, members of the Legislature, there is much surplusage in this bill. Many things don't need to be spelled out in the way that they are. I believe security guards should be regulated. Sometimes so much can be put into a piece of legislation that it's difficult to know exactly what is there and how different things interact with each other. So I'm not going to deal with the philosophy of the bill. That's for others. I'm going to deal with the structure of the language and the concepts expressed, whether I agree with the concept or not. I'm going to eventually offer an amendment, I don't know if it's up there now, because I spent so much time on this thing over the weekend, that would strike everything of the bill...out of the bill that relates to the Secretary of State issuing a firearms permit. I don't believe that the bill ought to authorize any security guard to carry a concealed weapon. These people are supposed to serve as preventatives. You see the person there, and that is designed to prevent certain things from occurring, unlike the police, where you set speed traps because your aim is to catch as many people violating the law as possible. Merchants don't want problems in their store. They don't want people stealing, they don't want people robbing, they don't want violence to occur. When you have these security guards, they are in plain sight. I worked in a Dairy Queen when I was much younger, and the way the building was put together was that a little screened door, it was like a window, was...one was on each side of the front of the building, and you opened the little screen, and there was a counter there, and whatever

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somebody had ordered and paid for, you slide to them what they wanted. Right next to one of these windows was a malt can. Youngsters may not know what that is. That was where you had this powder that you put in what you call milk shakes now, and that's what made it a malted milk. If it had no malt in it, it was a milk shake. He showed me this .32 caliber automatic that was in this can. He said, Ernie, I'm showing you that just so you know it's there, not so you'll do anything with it. Your job is not to use that gun; your job is to just sell the products that people want to buy. If somebody comes and sticks you up, give them everything they want. It's not your job to do that. And I wouldn't have done it anyway. But it's good that he mentioned it, it's good he told me it was there, so I would not inadvertently take the lid off and somebody might be standing outside and see the gun in it. Shooting is not what ought to be encouraged in these commercial establishments. None of these security guards should have concealed weapons. And I'm going to ask when we get further into the discussion, not today, whether they can, under the bill as it's crafted, carry concealed weapons, and why should they be allowed to? I'm not going to create private police forces.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: As bad as they are now, sworn police forces are better...let me say it differently. They are less bad when compared to these private police forces that some people may want to establish. There would be less accountability with these private police forces. So I'm not going to just roll over and let this bill go. Even if they come in with a rewrite, if I see problems with it, I will do on the rewrite what I'm doing on this one. But if it's rewritten, it couldn't help but be better. If they just eliminated every other provision, that would make it better. But that doesn't necessarily mean it would be acceptable and do what it should.

SENATOR CUDABACK: Time, Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Further

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discussion on the Chambers amendment? Seeing no lights on, Senator Chambers, you're recognized to close on FA361.

SENATOR CHAMBERS: Thank you, Mr. President, members of the Legislature. I wonder where Senator Foley is. I wonder where Senator Combs is. I wonder where Senator Burling is. Aren't they the three that you all voted cloture for? And I told you at the time, oh, they'll stay here when it's theirs, but they're going to lickety-split and get off this floor when they've gotten what they want. Was I right or wrong? That's what they say when you're marching and they want you to count cadence. The guy says, am I right or wrong? Well, you better say, you're right, because it's the sergeant. Everybody knows about that. And I was right, as usual. They're not here. I've run them off. But they didn't want you all running off, did they, because the NRA told you, you better be here for that, and the pro-lifers, as they call themselves, told you, you better be here for the other one. I neglected to bring an article that I wanted to read for Senator Foley's benefit. Some guy, his first name was Eamon, Eamon, E-a-m-o-n, he was a bishop who took off running out of Ireland because he fathered a child and it was a scandal. Well, now he's coming back, because the religious people are even saying, Ireland has grown up, and that's not as bad as it was viewed as being at one time. Then it comes up that a 73-year-old one of the scamps fathered a child with a secretary who's 31 that he'd been dating for years. So they've taught this stuff, they've put these burdens on women, and they can't even keep their business in their britches, and they're setting the standards for everybody. They are obsessed with sex. That's all that's on their mind. If you cut their head off and they tilted their head forward, thousands of female genitalia would come tumbling out of their heads. That's why so much of what they write and talk about relates to what is in people's crotches. And they want to dictate to women and keep them repressed and suppressed. But that's one of those approaches I'm opposed to also, and I'll speak against that every time the opportunity presents itself. But back to this idea of the private police forces. Anything in this bill that encourages that should be taken out. And I'm going to look very carefully at allowing these cops, whether they're sheriffs, state troopers, or local police, to compete with these people

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for money when these people are not allowed to compete with them when it comes to doing the work of a sworn officer. So there is more in this bill than may first meet the eye. There's a lot more in it that's bad than first met my eye. Every time I read it through I find additional problems. There is a provision, for example, which allows a person to appeal if he or she is aggrieved by an opinion or a ruling by the Secretary of State, and it said that the appeal would be conducted in accord with the Administrative Procedure Act. But it doesn't say to whom the appeal will be directed. It does not say whether...after that appeal, whatever it is and to whomever it is directed, that a person can go to court and challenge, ultimately, that negative decision. Maybe there is something hidden away in this bill that I haven't detected that will answer every question...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...that is in my mind. But since I have not found it, I will ask those questions. But today, we're just going to merrily roll along, for life is but a dream. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. You've heard the closing on FA361 to LB 72. The question before the...Senator Chambers. There's been a request for a call of the house. All in favor of the house going under call vote eye; those opposed vote nay. We're voting on the call of the house. Record please, Mr. Clerk.

CLERK: 22 ayes, 3 nays, Mr. President, to place the house under call.

SENATOR CUDABACK: The motion was successful. The house is under call. All unauthorized personnel please leave the floor. Unexcused senators report to the Chamber. The house is under call. The house is under call. All unexcused senators please report to the Chamber and check in. All present senators please check in. Senator Engel, would you check in, please? Senator Synowiecki, Senator Beutler, Senator Thompson, Senator Bourne, and Senator Landis. Senator Synowiecki, the house is under call. I'm sorry. You're coming in. I apologize. All members

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are present or accounted for. The question before the body is adoption of FA361 to LB 72. All in favor vote aye; opposed, nay. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: 36 ayes, 0 nays, Mr. President, on the adoption of Senator Chambers' amendment.

SENATOR CUDABACK: The amendment has been adopted. I do raise the call. Mr. Clerk, please.

CLERK: Mr. President, Senator Chambers would move to amend with FA362. (Legislative Journal page 440.)

SENATOR CUDABACK: Senator Chambers, to open on FA362.

SENATOR CHAMBERS: Thank you, Mr. President, members of the Legislature. Watch me now. This is not tricky. It may seem so. But when we're giving definitions, whether the word we're defining is plural or singular, we always say what that term as an entity means. For example, in LB 548, which we discussed the other day at great length, we talked about mandated projection costs. The word "costs" was plural, but we said "means." It's taken as a unit. So what I would do, on page 2 in line 5, I would strike the word "mean" and put in its place "means." What we're defining here is "security services." We're not defining one service; we're taking "security services" as a unit. So we're saying, this unit means, m-e-a-n-s. I want it to be grammatically correct. I want it to follow the pattern that we have in the statutes whenever we are defining a term. The term may have one word, two words, three words. So, a simple amendment, which would make the construction of this definition consistent with the way definitions are written in the statute, regardless of what is being defined. My understanding is that the brain trust of the Legislature, excluding me, will get together and give us a rewrite. And I'm not opposed to that being done. We will then look it over and see if it is more acceptable. I think they want to know if Senator Kopplin will agree with it; they want to know if Senator Langemeier is for it; Senator Pahls, if he's for it. And you know they're going to make sure that Senator Byars is in favor of it. Senator Byars doesn't miss anything, except, every now and then, a vote.

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But we all do that. They want to make sure that Arnie, of the "Ernie and Arnie short persons team," agrees with it. And we'll just see. Why oh why is it necessary to do it this way? Because people are hardheaded and they think that I'm weak. And the Speaker has managed to get me to put myself in a position where people might feel justified in adopting that opinion, that I'm weak, that I'm a wimp, that I'm a pushover. But I let myself be put in that position. If I were going to characterize my approach, I would call it being reasonable, accommodating, collegial. But it doesn't matter what label you apply to anything, because labels are so easily changed and shifted from one thing to the other. The word "good" can be transferred from one thing to the other. One person's goodness is another person's evil. When old Bishop Eamon, whatever his name was, was having sex with that woman and impregnated her and created a child out of wedlock who has no father, which the Catholic Church and others are always condemning, some people call that evil. He said, but Lord, it sure felt good. So what are you going to do, when the bishop does it, the bishop says it's okay? They have always done it. There is just more disclosure and exposure. And I intend to do that from time to time on the floor, because I get tired of seeing the condemnations heaped on young women. You all think when a woman gets pregnant that there are such things as virgin births? You think there wasn't a man someplace? You think there wasn't a man's sperm when Mary got pregnant with Jesus? You all can accept that crazy stuff, but I don't. And maybe if you'd leave some of those myths alone you would start showing some understanding and compassion for these young women. A young woman might be pregnant, and she can't go to school, she can't graduate. What about the boy, who might be the valedictorian, who impregnated her? They don't track these boys down and say, you can't graduate, you can't go to school, because you made the baby. People on this floor are not dissatisfied with that. They're not upset about it. But I'm upset about it all the time. It's unfair, grossly unfair. Women, though, have been beaten down so much that they parrot the same things men have drilled into their heads. These young girls are ostracized. But then when you see all these movie stars, these so-called beautiful people getting pregnant without a husband, without being married, there's nothing wrong with that. If they're the beautiful people, if they're the ones

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setting the standard, leave these young women alone, show them an example. But there are so many times a man who's supposed to be in a position of trust with one of these young women is the very one who will take advantage of her, who will insinuate and weasel his way into her confidence. Then, after he has misused her, he's going to turn on her, and he's going to say she's a little liar, the little slut, the little tramp. You young girls, you want to know how to make a man fly without wings, without a cape, without being in an airplane? Tell him you're pregnant and he's the daddy, and you'll see him take off like Superman, faster than a speeding bullet. You all know it. These guys know it. They talk about these things. They talk about girls, make fun of them, low-rate them. You've got to protect your own dignity and self-respect, and don't let these guys ruin you on the way to their having fun and being allowed to make it through school and be the big sports hero, or whatever kind of hero it is. It takes two to tango, two hands to clap. But those are not the things discussed on this floor. Don't you hurt a fetus, don't you hurt a zygote. But what about the young woman? I don't care about her; I'm interested in the fetus. Well, maybe they are. But I have a different set of values, and my conduct is guided by my values, and they're not drilled into my head by some preacher, some pope, some so-called civil rights leader, some politician, or anybody else. I have a brain because I'm supposed to think. I have a conscience because my conscience guides me, not your conscience, not the Pope's conscience, not the bishop's conscience, not anybody's. And that's why I'm freer than anybody, not only on this floor, but in this universe, because nobody tells me what I've got to do. And I'm not afraid to speak on those things that I think need to be spoken on, and I'm not reluctant to come to the aid of those who are considered the pariahs, the lepers, the untouchables, the unmentionables. They are human beings. They need somebody. And if all these Holy Joes and "Holy Janes" worried about these fetus were worried about the welfare of all people, we'd have a better state, we'd have a better society. But that's not what they're concerned about. They don't see people hurting and feel their hurt. They say, you got what you deserve. They glory when somebody gets AIDS and goes through the suffering that that person inevitably is going to go through. I don't.

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SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: I don't take pleasures in that. And I will do all I can to try to change the opinions of those people whose opinion needs to be changed in order to create programs to influence others to give their brothers and sisters a break. I'm not going to give anybody a break on this floor. You all don't need one. You all do the breaking, so I'll break you all if I can. But those people out there who are entitled to something better than what they get from this Legislature are the ones who need to be looked after. And to the extent that I can, that's what I shall do. And I'm doing it on this atrocious bill, Senator Stuhr's objection to that definition or that description notwithstanding. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. You've heard the opening on FA362. Mr. Clerk, items for the record, please.

CLERK: Mr. President, new resolution, LR 280, offered by Senator Howard. That will be laid over. An amendment to be printed, Senator Landis, to LB 693; Senator Flood, a motion to LB 588; Senator Beutler, an amendment to LB 32. Senator Flood would like to withdraw, and moves therefor, for the withdrawal of LB 779. Mr. President, confirmation report from the Retirement Systems Committee. Senator Dwite Pedersen would like to add his name to LB 825, and Senator Minas to LB 1148, as cointroducers. (Legislative Journal pages 440-442.)

Priority motion, Mr. President: Senator Brashear would move to adjourn until Tuesday morning, January 24, at 9:00 a.m.

SENATOR CUDABACK: You've heard the motion by Senator Brashear to adjourn until Tuesday morning, 9:00 a.m. All in favor say aye. Opposed, nay. We are adjourned. (Gavel)

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