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Floor Debate
January 24, 2008

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SENATOR LANGEMEIER PRESIDING

SENATOR LANGEMEIER: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for this, the eleventh day of the One Hundredth Legislature, Second Session. Our chaplain for today is Senator Kruse. Please rise.

SENATOR KRUSE: (Prayer offered.)

SENATOR LANGEMEIER: Thank you, Senator Kruse. I call to order the eleventh day of the One Hundredth Legislature, Second Session. Senators, please record your presence.

SPEAKER FLOOD PRESIDING

SPEAKER FLOOD: Record please, Mr. Clerk.

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

SPEAKER FLOOD: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections, Mr. President.

SPEAKER FLOOD: Are there any messages, reports, or announcements?

CLERK: I have a reference report referring LB1061-1090. And two notice of hearings, both from the Government, Military and Veterans Affairs Committee, signed by Senator Aguilar as Chair. That's all that I had, Mr. President. (Legislative Journal pages 353-354.)

SPEAKER FLOOD: Thank you, Mr. Clerk. (Doctor of the day introduced.) We will now proceed to the first item on the agenda, Mr. Clerk.

CLERK: Mr. President, LB632. (Read title.) The bill was discussed briefly yesterday, Mr. President. At that time, Senator Dierks presented his bill. Senator Erdman, as Chair of the Agriculture Committee, presented Agriculture Committee amendments. At this time, that's what I have pending, are Agriculture Committee amendments. (AM527, Legislative Journal page 697, First Session, 2007.) [LB632]

SPEAKER FLOOD: Senator Dierks, would you provide the Legislature a brief recap of

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LB632. [LB632]

SENATOR DIERKS: Thank you, Mr. Speaker. I'd be glad to do that. The legislation is drafted very simply to allow for people who registered their premises under the thought that it was a mandatory process. The mandatory process is changed. It's now voluntary, and if those people registered their premise, it gives them an opportunity to withdraw their registration. It's just that simple. We're not arguing the merits or the demerits of animal identification. We're just saying that since this now has become a voluntary program rather than a mandatory program and some people signed up under the mandatory program, they'll now be able to get relieved of that responsibility. Thank you. [LB632]

SPEAKER FLOOD: Thank you, Senator Dierks. The floor is open for discussion. Senator Hansen, you're recognized. [LB632]

SENATOR HANSEN: Thank you, Mr. President, members of the body. I just rise to remind everyone that this bill is already...the bill itself is already allowed by the Nebraska Department of Agriculture to delist your premise. So that...it's a moot subject. This is language that should not be in and then it shouldn't be in the state statutes, shouldn't be part of our policy. And then the amendment comes and that's what we're talking about now. And this says that if the U.S. Department of Agriculture comes in and says we need an animal ID program for food health and animal health safety, that Nebraskans would have the chance to opt out. Well, if the USDA comes in and says we're going to have animal ID and it's voluntary now, but if they do come into the states and say this is a mandatory program, I think that Nebraskans would look rather silly, to say the least, to say we have a statute on the books that says we can opt out of this national program. Nebraska is a huge state when it comes to animal agriculture. Beef alone, with the one out of every five products that are sold and consumed in the United States go through the state of Nebraska, whether our feedlots or our packing institutions. And that amounts to about \$11 billion a year. We're a leader in the beef industry. We're not a follower, we're a leader. And I think that the beef producers of the state of Nebraska are going to look, as I said, rather silly if they ask the USDA that we opt out of that program. If it's a mandatory program, animal ID, I think we need to go along with it. And it's a federal mandate. I'm not going to...I don't want to go along with another federal mandate that comes down to the state, but this is one that deals with food safety and animal health. And the reason that USDA would get into this and they need the premise IDs is that if we have an outbreak of the diseases that I listed yesterday--like foot-and-mouth or brucellosis or tuberculosis, even BVD or trichomoniasis, some of those diseases that are harmful to our industry--the idea of the premise ID is that we can locate these animals within 48 hours, quarantine a small area of the state or a small area of the United States that has a problem, and it doesn't affect the whole industry in the United States. We went through this with BSE in 2003 when we found a cow in Washington State with...that came down or died and was diagnosed

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having BSE. So there are catastrophic diseases that affect our industry and I think that someday we will probably have a national animal ID program, and I don't think we need a statute that says we have the option to opt out. Thank you, Mr. President. [LB632]

SPEAKER FLOOD: Thank you, Senator Hansen. Senator Erdman, you're recognized. [LB632]

SENATOR ERDMAN: Thank you, Mr. President, members of the Legislature. I appreciate the comments Senator Hansen brings and recognize that whenever you get into discussion of animal ID, there are two sides to that debate. In fact, we've been discussing this in the Ag Committee for quite a number of years. And in the interim a couple of years ago we had a study in Ogallala where we brought all the stakeholders together. And the irony that I think came out of that meeting was that there was general consensus from those stakeholders that it should be voluntary. And that was whether it was the Nebraska Cattlemen, R-CALF, ICON, there was a pretty healthy discussion and generally there was more commonality that I think a lot of people came into. As I shared with Senator Stuthman yesterday, the reason that the pork producers opposed the bill, as I understand it, is because they're more in favor of a mandatory system or maybe some of the lines of what Senator Hansen's comments are, is that if this is going to happen eventually maybe we should be a part of that discussion sooner than later. Practically speaking, here's what would happen under Senator Hansen's example. This statute could be preempted by federal law. But in the meantime, we're saying that it's clear to those individuals in the state of Nebraska under our plan that it is voluntary. And Senator Hansen is correct, it is voluntary now. In Nebraska it always has been voluntary. There was discussions when the plan originally came out in the early 2004 time frame that it was contemplated by 2009 it would be a mandatory system. While those things have been contemplated, they have never been formally adopted as a policy. The other side of this dynamic is also on point with Senator Hansen's comment, and that is that food safety is going to become an issue that will likely determine where this ends up. The case in Canada, I believe they only tracked back 29 of the 81 potential animals that were known to have been possible carriers of the disease. And so that created a great deal of interest in ensuring that there was an opportunity to track back to the animal or to the premise which animals had been infected with whatever disease to ensure that we had an opportunity to protect our food safety. So that's all a part of this process. If we pass LB632 with the committee amendment, we will state in statute that it's a voluntary program. It's a voluntary program now. We will state implicitly to those that are interested that they can withdraw, because some of them may not know that. They can do that now. It simply codifies the existing practice, but it also gives us a safeguard that outside of federal action we will maintain a voluntary program. That provides some stability for individuals that are interested. We have approximately half the premises in Nebraska currently registered, nearly 50 percent. And the voluntary program will continue to work if there is interest and comfort in knowing that the information is confidential and, to some extent, that it's voluntary. And you can do a

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voluntary program and be effective, as long as a great deal or a good interest of the people are willing to do that. But if Senator Hansen is right and they decide to go to a mandatory program, likely what will happen is Congress will pass a law where they will authorize the department to do that and very well will preempt our law. So in that intermediary we want it to be clear that a program has been and will continue to be voluntary until that action takes place to ensure that individuals are comfortable with what the Department of Agriculture is doing. And more importantly, that they're aware of what's available to them through the Department of Agriculture. If there are other questions, we have reams of paper that have all kinds of information that I'd be happy to share with you, either on the floor or in your office for your review. Thank you, Mr. President. [LB632]

SENATOR LANGEMEIER PRESIDING

SENATOR LANGEMEIER: Thank you, Senator Erdman. There are no other lights on. Senator Erdman, you are recognized to close on AM527. [LB632]

SENATOR ERDMAN: Mr. President, AM527 is the committee amendment to LB632. It does clarify the intent of the bill, which provides for the withdraw provision that is currently a process of the Department of Ag but makes it part of our statute. The other part of the committee amendment that is essential is that we protect the confidentiality provisions that are in current law. And those were going to be changed under the underlying bill. This amendment that would strike that second part of the bill has been agreed to by Senator Dierks and others to ensure that they are aware that these protections need to stay, and I think it was an oversight. But the committee amendment needs to be adopted if for no other reason than to ensure that if this bill goes forward, that the confidentiality provisions for those producers that are registering their premises will still have that under the law. Thank you, Mr. President. I encourage the adoption of AM527. [LB632]

SENATOR LANGEMEIER: Thank you, Senator Erdman. You have heard the closing on the committee amendments. The question is, shall the committee amendments be adopted to LB632? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB632]

ASSISTANT CLERK: 27 ayes, 3 nays on the adoption of committee amendments. [LB632]

SENATOR LANGEMEIER: The committee amendments are adopted. Mr. Clerk. [LB632]

ASSISTANT CLERK: I have nothing further pending on the bill, Mr. President. [LB632]

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SENATOR LANGEMEIER: Thank you. We return now to discussion on LB632, the bill itself. Seeing no lights on, Senator Dierks, you're recognized to close on LB632. [LB632]

SENATOR DIERKS: Thank you, Mr. President. I think that the closing on the amendment took care of the bill, and so I'll just waive any further closing. [LB632]

SENATOR LANGEMEIER: Thank you, Senator Dierks. You have heard the closing on LB632. The question before the body is, shall LB632 advance? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB632]

ASSISTANT CLERK: 30 ayes, 0 nays to advance the bill, Mr. President. [LB632]

SENATOR LANGEMEIER: LB632 does advance. Mr. Clerk, LB621. [LB632 LB621]

ASSISTANT CLERK: Mr. President, LB621, introduced by Senator Pirsch. (Read title.) The bill was read for the first time on January 17 of last year, referred to the Transportation and Telecommunications Committee. Committee reports to General File with committee amendments attached. (AM533, Legislative Journal page 717, First Session, 2007.) [LB621]

SENATOR LANGEMEIER: Thank you. Senator Pirsch, you are recognized to open on LB621. [LB621]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. This bill deals with extreme speeders. We're not talking about people a little bit over. We're talking about people that are just speeding at the level where it's not a question of whether an accident is going to occur, just a matter of when and who else is going to be involved in the accident. And so what the bill essentially functions as introduced was to increase...it was to establish a fifth tier of speeding penalty. Currently in law there's five tiers of speeding classifications and the highest is 21 miles per hour over. And so whether you're going 21 miles over the posted speed limit or 121 miles over the posted speed limit, the penalty in law is the same. Unfortunately there have been a number of cases in my district where, with the advent of these new high-performance motorcycles and racing cars and egged on by movies like The Fast and the Furious, there have been a number of just really foolish people out there who are out there risking...have no problem risking their lives and the lives of others out there on the road going extreme rate of speed. So this bill would create a sixth tier that would state if you're driving over 35 miles past the posted speed limit--so if you're on the interstate, 75, this law would only kick in if you're going 111 miles over the posted speed limit. And unfortunately, it is necessary in some cases. And if you're in a residential neighborhood with schools and kids and a whole bunch of dangers where it's posted 25, you'd have to be going at extremely high speeds, 61 miles per hour or over before this new category would kick

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in. And so what it does, it creates a penalty, as I introduced it, that would be, I believe, a \$400 fine and it would increase the points that are assessed on such a speeder's license from 3 to 5 points. Now there...it was introduced in the Transportation Committee. I do appreciate the great work done by the Chairman and the members of that committee. There is a committee amendment and I do support it. I think it makes it a more palatable bill all in all. And what that would do, it would simply increase the point to...1 point, to 4 points if you're going in this category, speeding in this category, and also increase the fine penalty from \$200 to \$300. So there would be simply just a \$100 fee, if you will, for speeding at this great and dangerous speed. So with that, I will yield the balance of my time. I'd just urge you to vote yes for the amendments and also vote yes for the bill. [LB621]

SENATOR LANGEMEIER: Thank you, Senator Pirsch. As the Clerk has stated, there are amendments offered by the Transportation and Telecommunications Committee. Senator Fischer, as Chairman of that committee, you are recognized to open on the committee amendments. [LB621]

SENATOR FISCHER: Thank you, Mr. President and members of the body. And thank you for turning on my mike. I'd like to thank Senator Pirsch for introducing the bill. The committee did have an amendment to it and that is AM533. It reduces the point accumulation and fine for speeding violations over 35 miles per hour. The green copy of the bill has them at a loss of 5 points and a \$400 fine. The committee amendment reduces the penalties to a loss of 4 points and a \$300 fine. With the possibility of a violation in a construction or a school zone doubling the fine, the committee felt that the proposed penalties were a bit too high. AM533 also corrects a drafting error in Section 2. The amendment keeps the fining tiers in increments of 5 miles per hour. Again, the committee would like to thank Senator Pirsch for this bill. It deserves serious consideration and I believe with the committee amendment, it makes it a more reasonable fine and loss of points. Therefore, I would urge you to support the amendment and also the underlying bill. Thank you. [LB621]

SENATOR LANGEMEIER: Thank you, Senator Fischer. You have now heard the opening on LB621 and the opening on the committee amendments. The floor is now open for discussion. Senator Avery, you are recognized. [LB621]

SENATOR AVERY: Thank you, Mr. Chair. Would Senator Pirsch yield to a question? [LB621]

SENATOR LANGEMEIER: Senator Pirsch, would you yield to a question? [LB621]

SENATOR PIRSCH: I would. [LB621]

SENATOR AVERY: Senator, do you know whether or not people who are in violation of

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this new provision would also still be qualified for the STOP program or not? [LB621]

SENATOR PIRSCH: Well, it's my understanding that the STOP program, which is I believe now regulated by the...used to be that that was kind of on a county-by-county basis, but I believe the Legislature a number of years ago went towards a uniform statewide regulation so that those who were looking for a diversion class such as the STOP program, different results wouldn't happen from one county to the next. I don't believe, currently the way it stands, that if you are speeding 21 miles over the posted speed limit that you're eligible for that. So I don't believe this would change anything with respect to that regard. You were not eligible before, I don't believe. You would not be eligible now. This wouldn't change that. [LB621]

SENATOR AVERY: Okay. Thank you. That's all I have, Mr. Chair. [LB621]

SENATOR LANGEMEIER: Thank you, Senator Avery. Senator Lathrop, you're recognized. [LB621]

SENATOR LATHROP: Thank you, Mr. President. I wonder if Senator Pirsch would yield to a question or two. [LB621]

SENATOR LANGEMEIER: Senator Pirsch, would you yield? [LB621]

SENATOR PIRSCH: I would. [LB621]

SENATOR LATHROP: Senator Pirsch, your bill goes after those people who exceed the posted speed limit by more than 100 miles an hour? Is that the substance of your bill? [LB621]

SENATOR PIRSCH: Who exceed the posted speed limit by more than 100 miles per hour? [LB621]

SENATOR LATHROP: Yeah, that's my question. Is that the... [LB621]

SENATOR PIRSCH: No, no. That's not the intent behind the bill, no. The intent behind the bill is... [LB621]

SENATOR LATHROP: How fast do you have to be going to qualify for this new... [LB621]

SENATOR PIRSCH: Right. I'll give the categories. Currently there is a category of 1 to 5 miles over the posted speed limit, which is punishable by a \$10 fine and court costs; 6 to 10 miles over, which is a \$25 fine; 11 to 15 is a \$75 fine; 16 to 20 miles over the posted speed limit is \$125 fine; and finally, 21 miles per hour and infinitely, however fast

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over 21 miles per hour is punishable by the same fine, which is currently \$200. So this would create a new fifth category which just says if it's over 35 miles an hour, or 36 miles per hour or over the posted speed limit, then it would be now \$300. [LB621]

SENATOR LATHROP: Okay. So it's over 35 miles an hour greater than the speed limit and we now have a new category. [LB621]

SENATOR PIRSCH: Right. So you'd have to go 111 miles per hour on the interstate at 75. [LB621]

SENATOR LATHROP: Now I understand. Now I understand. You prosecuted traffic tickets up in Omaha for a long time, am I right? [LB621]

SENATOR PIRSCH: As part of my duties, yeah. [LB621]

SENATOR LATHROP: Did you ever prosecute one of these as a willful reckless at 35 miles...let me use this. Somebody going 45 miles an hour greater than the speed limit in a school area. Did you ever prosecute that as a willful reckless? [LB621]

SENATOR PIRSCH: You know, that's an excellent question, Senator. The answer to that is no, and that's why this bill is needed. The Supreme Court has weighed in on this matter and clearly and explicitly in a court case stated that no amount of speed, if you're going 2,000 miles per hour, no amount of speed alone constitutes something that you could charge a reckless driving or a willful reckless driving on, that that speed alone can never form a basis for a legal conviction for reckless driving or willful reckless. So the worse that could happen to you if you're going 350 miles per hour but not changing lanes without signaling, under the Supreme Court's holding, is just that \$200 fine. [LB621]

SENATOR LATHROP: Okay. And that was really the point I was getting at, which is we don't want to take away the option of the county attorneys to charge people with felony motor vehicle homicide, which requires either intoxication or willful reckless driving. And this won't; is that right? [LB621]

SENATOR PIRSCH: Yeah, that's correct. [LB621]

SENATOR LATHROP: Okay. That's all I have. Thank you. [LB621]

SENATOR ERDMAN PRESIDING

SENATOR ERDMAN: Thank you, Senator Lathrop, Senator Pirsch. Senator Fischer, there are no lights on. You're recognized to close on the Transportation Committee amendments. Senator Fischer waives closing. The question before the body is the

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adoption of AM533. All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB621]

ASSISTANT CLERK: 31 ayes, 0 nays on the adoption of committee amendments, Mr. President. [LB621]

SENATOR ERDMAN: The committee amendments are adopted. We'll now proceed to discussion on LB621. Senator Louden, you're recognized to speak. [LB621]

SENATOR LOUDEN: Thank you, Mr. President and members. As I think Senator Lathrop has mentioned, you know, that are you going 100 miles an hour. And yes, if it's a 65 mile-an-hour speed limit and you put 35 on top of that, why, you would have to be going 100 miles an hour. As you noticed in the committee amendment, in the committee statement I voted against this legislation. And I think when you talk about unintended consequences, I think you have to be very careful here. Because as you drive across our rural areas in Nebraska, why, you'll come to these small towns and sometimes there isn't much of a town there. But they will have a posted speed limit of probably 25 mile an hour, maybe 20 mile an hour if you're not watching. And you can zip right in there at the speed limit of somewhere around 55 or 60 or something and yes, you will be going 35 mile an hour over the speed limit. So I think the way the bill, the original statutes were seemed to be working quite well. So I question whether this really needs to be done and whether we're doing something that is unintended for other areas of the state. Now I realize Senator Pirsch is talking about Omaha and when we spent \$140 million so we could have an expressway so people could drive 100 miles an hour to get out of Omaha, I understand where he's coming from to have some type of a high-dollar penalty to do that on. And I agree with him that in those type of areas they shouldn't be. And on the high end of those speeding tickets, because at 100 miles an hour, why yeah, you better know what you're doing. So consequently I voted against this in the committee; I'll vote against the entire bill now. I don't think it's necessary. I think that we're doing something that's probably not quite unintended (sic) here for the rest of the area of Nebraska and the rural areas that have these so-called...they're literally speed traps sometime, they can be called, but not necessarily always. Some of our towns have them and a lot of the towns anymore have it so you only have to slow down to somewheres around 45 mile an hour, which would put you at 80 miles an hour and you shouldn't be going through those towns at 80 miles an hour anyway. So I have no problem with that part. But I think there are areas where the speed limits have dropped down and are not controlled at a higher rate, that we need to be very careful on what we're doing here. So I myself am going to vote against this bill. I voted for the amendment because it made the bill way considerably better than what it was. It was nearly intolerable the way the bill was originally drafted. So I think the committee amendment did help the bill, if that's what you want to call help. So with that, I would...notice that on the committee statement where I voted against it and I still will continue to vote against this bill. Thank you, Mr. President. [LB621]

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SENATOR ERDMAN: Thank you, Senator Louden. Senator Pirsch, you're recognized to speak. [LB621]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I'd just like to say I appreciate your concerns and that's...we addressed those specific concerns and I think the committee also. And I thank the Chairman and all the committee for helping to address those concerns as well, recognizing that there may be some sensitivity in the area. That's why we built this. If you note from the current existing tier of penalties, it's 1 to 5, 6 to 10, 11 to 15, 16 to 20. You know, I don't...and then 16 to 20, 21 and over. You'll notice that they're built in increments of 5 miles over. That's why we pegged this extreme speeders statute at such a high level over. This is not an area where there can be simple confusion or a change...a quick switch of signs. This is so high over that you have to be going, like I said on the interstate, 111 miles per hour or over, and if you're in...even assuming that it's a 25 mile per hour residential area and you don't recognize the fact that there's houses and schools and whatnot, that you'd still have to be speeding 61 miles per hour and over. Also built into this is, in looking at the penalty, this is not a huge increase. It is a very modest incremental change designed to deter those, you know. The State Patrol reported that in my district they were issuing three tickets a week to drivers going more than 100 miles per hour on Dodge Street. So this isn't something that isn't used or should be used on a regular basis. It's designed to capture, again, those thrill-seekers who are willing to risk not only their lives but the lives of all Nebraskans, the lives of your constituents. And so you know, this is a very modest, modest bump up. The speed increment that triggers this is set at such a high level when you look at the other increments there and the speed. And you know, in light of my nearly ten years of prosecuting and as a...you know, I can tell you that this is going to capture those people who are quite frankly just not the casual, everyday driver who may not be observant to subtle changes on the interstate. And there are...I should point out the Nebraska Department of Roads and the laws have regulations that deal with changes in the speed levels of highways so that it's not designed so that you can't have something that goes from, you know, 75 miles per hour to 25 miles per hour in the next, you know, your first warning. And so for all those reasons, because there are such safeguards and that those fears were built into the way this bill was drafted, and because I think it is...when you're talking about the safety of Nebraskans and really, you know what it's like to hit a deer going just, you know, at 45 miles per hour, when you're talking about cars at this speed you really are introducing a lot of danger to Nebraskans. And so I would ask that you approve this very modest bump up in this extreme speeders type of case. Thank you very much. [LB621]

SENATOR ERDMAN: Thank you, Senator Pirsch. Senator Wallman, you're recognized to speak. [LB621]

SENATOR WALLMAN: Thank you, Mr. President. May I ask Senator Pirsch a question?

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[LB621]

SENATOR ERDMAN: Senator Pirsch, would you yield to a question from Senator Wallman? [LB621]

SENATOR PIRSCH: I would. [LB621]

SENATOR WALLMAN: Was this brought to you by law enforcement or your personal views on this? [LB621]

SENATOR PIRSCH: This is based on my ten years, or nearly ten years as a prosecutor and just seeing all types of carnage. And when you get up to a certain rate of speed and when you're talking 111 miles per hour, you know, small, you know, small errors in driving are magnified to really horrible levels and lead to a lot of carnage. And so that's what I want to prevent against. This is clearly a public safety bill and I think it's a reasonable, well-rounded one at that. [LB621]

SENATOR WALLMAN: Thank you. I think we all agree, speed...get thrills from speed, speed kills. But school zones are about my only really priority. You know, you go through these...I agree with Senator Loudon. If it works now, I don't know if we're going to stop these people going 110, 120, 130 miles an hour. We make cars that go that fast, motorcycles that go that fast. So I guess I'd be with Senator Loudon. I'll have to vote against any more regulations here. Thanks. [LB621]

SENATOR ERDMAN: Thank you, Senator Wallman and Senator Pirsch. Senator Pirsch, there are no lights on. You're recognized to close on the advancement of LB621 to E&R Initial. [LB621]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. And I do appreciate the comments here by a couple of senators, and I just want to assure them that those types of considerations are built into this bill. That's why we've set this not as the normal speeding kind of increments, 5 miles per hour or over. We really placed this trigger at an incredibly high level to only capture essentially really nutty drivers. I mean drivers who, as I mentioned earlier, are not...it's not a question with them whether or not an accident is going to occur at those speeds. It's just a matter of when. And so they exist in all parts of the state, in residential neighborhoods around schools and out on the highways as well. And so this really is, I think, a well-grounded, reasonable way to, you know, get a modest incremental bump at the pocketbook of those people who are just nuts and to incentivize them to do the right thing. And with, you know, the advent of these high-performance cars and motorcycles and movies that kind of urge people on to do unreasonable things, I think that this is a necessary action that we have to take to protect the people of Nebraska. And so for that reason, in light of the safeguards that we built into the bill to only capture just, I think, activity that everyone here would

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describe as nuts, 111 miles per hour on the interstate, by school and residential areas where kids are playing in the streets and on bikes, you have to be going at least 61 miles per hour in a 25 zone. It's so high over the posted speed limit you can't reach any other, I think, reasonable conclusion but that this is a needed bill. So I appreciate your vote. [LB621]

SENATOR ERDMAN: Members, you've heard the closing on the advancement of LB621 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Roll call vote has been requested. Regular order, Senator Chambers? [LB621]

SENATOR CHAMBERS: Yes. [LB621]

SENATOR ERDMAN: Mr. Clerk, please call the roll. [LB621]

ASSISTANT CLERK: Senator Adams. Senator Aguilar, voting yes. Senator Ashford. Senator Avery. [LB621]

SENATOR ERDMAN: Senator Pirsch, your request will be out of order because the roll call has already began. [LB621]

SENATOR PIRSCH: Very good, Mr. Speaker. [LB621]

SENATOR ERDMAN: Mr. Clerk, please continue. [LB621]

ASSISTANT CLERK: (Roll call vote taken, Legislative Journal page 355.) [LB621]

SENATOR ERDMAN: Record please, Mr. Clerk. [LB621]

ASSISTANT CLERK: Vote is 27 ayes, 5 nays, Mr. President, on the motion to advance the bill. [LB621]

SENATOR ERDMAN: LB621 does advance. Mr. Clerk, next item on the agenda? [LB621]

ASSISTANT CLERK: Mr. President, LB480 was introduced by Senator Johnson. (Read title.) The bill was read for the first time on January 17 of last year, referred to the Health and Human Services Committee. That committee reports to General File with no committee amendments. [LB480]

SENATOR ERDMAN: Senator Johnson, as introducer of LB480, you're recognized to open. [LB480]

SENATOR JOHNSON: Thank you, Mr. President. LB480 relates to the Nebraska Health

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Care Funding Act. This is the body of law that takes the tobacco settlement money and the Medicaid intergovernmental transfer revenues and uses \$52 million a year for health-related purposes. One of the things that you should have received in the last few minutes, we thought that this would be a good time for people to find out exactly what the Nebraska Health Care Funding Act is. I think that nearly half of the body was not here--in fact, I was not here--when this act was originally passed. It is a very important piece of legislation that was passed a few years ago, as you will find out in just a minute. With this information that we've provided, it tells you how the money is now being used. You will see that there are recent estimates of the tobacco settlement dollars and IGT is intergovernmental transfer revenue that states the...excuse me, the state expects to receive over the next ten years. That's as far out as their projection goes. IGT revenues are Medicaid payments received through government-owned, long-term care facilities. These IGT revenues are being phased out by the federal government, so this has to be part of the picture as well. Your handout also contains graphic descriptions of the Nebraska Health Care Funding Act and how it works with the history of what has happened since this was passed in the year 2001. In many ways LB480 is a cleanup bill, but we wanted to point out these features to update the body on our progress, and there are a few significant changes that we wanted to make. First, the bill as introduced requires that \$52 million transferred each year to the Nebraska Health Care Cash Fund must be offset by the amount of the unobligated balance in the fund when the transfer is made. And read this so that we get it right. For example, if there is \$5 million of investment income sitting in the fund and that is unobligated, then you would transfer only \$47 million instead of the \$52 million. And that, you can see, keeps adding to the principal wherever you can and that would perpetuate the fund for an even longer period of time. Secondly, the bill as introduced requires that no more than \$52 million can be appropriated and transferred from the fund in any fiscal year. In the past there have been efforts, particularly when the state was short of funds, to raid this fund in order to meet the state's obligations. This of course would damage the long-term integrity of this fund. This bill is meant as a tool to help protect this endowment fund for future generations of Nebraskans. Here's something, when you go to other meetings, that you will be told: I can't believe that you had the foresight to do this. Nebraska is one of the few states, perhaps the only state, that used these tobacco settlement revenues exclusively for health-related purposes. In hard times and around 2002 and so on, most states just took these funds and put them in their general fund obligations. This is, I think, one of the prouder moments that this Legislature has. Next, I want to make sure that the Legislature is aware of two changes to increase the amount transferred to this Nebraska Health Care Cash Fund. A bill in the Appropriations Committee annually amounted...transferred \$52 million. That was changed to \$54 million and again, that \$2 million increase was for biomedical research--certainly consistent with what the intent of the original bill is. So it was felt that these two requests were such...had such a merit that this was added to the request. LB482 does do one additional thing in that it increases it from \$54 million to \$55 million with this additional \$1 million to cover the autism services that this Legislature passed overwhelmingly last year. This is the

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mechanism that will be put in place. One of the things that also is in this bill is it can...that \$1 million cannot be transferred unless matching fund requirements from private sector are met. The point of LB480 is to put a simple mechanism in place to better protect the principal so that the money will be here next year and five years from now, and we can continue these vital programs. It also, by what we've been describing, can actually help grow the principal so that there will be more money when the investment cycle is not as good. This does have a date set to begin on July 15 of this year...or of last year, with the emergency clause. And because of that, there will be an amendment that we need to do. There is also some obsolete sections of law that are eliminated. With that, Mr. President, I would conclude that. And if you'd like to go on to the amendment, we'd be prepared to do that. [LB480 LB482]

SENATOR ERDMAN: Thank you, Senator Johnson. Members, you've heard the opening on LB480. Before proceeding with additional discussion and amendments, the Speaker has announced that LB474 and LB692 will be passed over at the request of the introducers. Again, LB474 and LB692 will be passed over at the request of the introducer per the Speaker. Mr. Clerk, amendments. [LB480]

ASSISTANT CLERK: Mr. President, Senator Johnson would offer AM1534. (Legislative Journal page 168.) [LB480]

SENATOR ERDMAN: Senator Johnson, you're recognized to open on AM1534. [LB480]

SENATOR JOHNSON: Thank you, Mr. President. Members, AM1534 is simply a white copy of the bill that reflects the changes that started out in the bill in 2007 and was laid over to this year. For example, in Section 71-7611, this was changed to increase the amount of money transferred to the Nebraska Health Care Cash Fund to the \$55 million that we just mentioned. Also in LB482, passed to provide \$1 million for the autism services, again providing that the matching funds come forth. First, and this is the crux, first the bill requires that \$55 million be transferred to the Nebraska Health Care Cash Fund each year and this must be offset by an amount of unobligated balance in the fund when the transfer is made. Secondly, the bill requires that no more than \$55 million can be appropriated or transferred from the fund in any fiscal year. So the Legislature would cap the funding at this time at \$55 million per year. With this, Mr. President, I'd ask for your consideration of this amendment and we could advance both of this measures from General File. [LB480 LB482]

SENATOR ERDMAN: Thank you, Senator Johnson. Members, you've heard the opening on AM1534. Senator Pahls, you're recognized to speak. [LB480]

SENATOR PAHLS: Thank you, Mr. President and members of the body. Could I ask Senator Johnson to yield? [LB480]

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SENATOR ERDMAN: Senator Johnson, would you yield to a question from Senator Pahls? [LB480]

SENATOR JOHNSON: Yes, sir. [LB480]

SENATOR PAHLS: First of all, I want to thank you for those of us who were not here when this was all started. And these are just points of clarification for me. I understand the cap. In the past, have we been...just been able to go to the Appropriations Committee for...to get some money from this fund? [LB480]

SENATOR JOHNSON: I'm sorry, would you repeat that, please? [LB480]

SENATOR PAHLS: Okay. And this is just for information for me for a better understanding. In the past, if I wanted to obtain money from this fund, would I have had to have gone to the Appropriations Committee? [LB480]

SENATOR JOHNSON: Yes, and in fact, this was attempted back in 2002-2003 when the state was quite short of funds. [LB480]

SENATOR PAHLS: Okay. [LB480]

SENATOR JOHNSON: I think that the number mentioned at that time was to transfer \$8 million from this fund to the, you know, to help pay the bills at that time. We were short of cash, so this was a way of getting some and taking it out of the fund. The idea is to preserve the fund. [LB480]

SENATOR PAHLS: Yes, and I believe that's a good concept to have. Now here's the question I have. Let's say that I happen to have a bill--believe it or not, I do have a bill sitting out there--and let's say that I would want to get access to these funds larger than the \$55 million cap, if possible. Would then I have to go to like to amend the statute? Would that be the procedure I would have to follow? [LB480]

SENATOR JOHNSON: Yes, sir. This just...it doesn't mean that you can't do it. It just means that the Legislature has to do it, and that there...this tries to protect the principal so that it will be there for the purposes intended. That's just exactly what it is, is to keep it from, quote, being raided in times of convenience. [LB480]

SENATOR PAHLS: And I understand. We cannot raid the fund. Eventually it would go away. But I'm just trying to sort of give you a hint. I do have a bill that may be looking at some of these funds, just... [LB480]

SENATOR JOHNSON: And see, that's part of the way the system is designed to work. And you know, we did raise it from \$52 million to \$54 million because there were

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requests for \$2 million that were felt necessary and honorable, and that's why that was done. Doesn't mean changes can't be made, just makes it...shall we say, keeps it from being an easy target for raiding in tough times. [LB480]

SENATOR PAHLS: Okay, I thank you. You did clarify those questions for me, and also to thank you again because you are bringing some of us up to speed on this all, how this all came about. Thank you. [LB480]

SENATOR JOHNSON: Okay, thank you. [LB480]

SENATOR ERDMAN: Thank you, Senator Pahls, Senator Johnson. Senator Johnson, there are no lights on. You're recognized to close on AM1534. [LB480]

SENATOR JOHNSON: I think that with the short discussion everyone has things in mind, and therefore I don't see any reason to go any further with this. Again, the Legislature when they created this did an outstanding job. This is our opportunity to perpetuate this for years to come so that it will continue to do that good job. Thank you. [LB480]

SENATOR ERDMAN: Members, you've heard the closing on AM1534. All those in favor vote aye; all those opposed vote nay. Have all members voted who choose to? Record please, Mr. Clerk. [LB480]

ASSISTANT CLERK: 34 ayes, 0 nays on the adoption of Senator Johnson's amendment. [LB480]

SENATOR ERDMAN: AM1534 is adopted. We'll now proceed to discussion on LB480 as amended. Seeing no discussion, Senator Johnson, you're recognized to close. Senator Johnson waives closing. The question before the body is, shall LB480 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all members voted who choose to? Record please, Mr. Clerk. [LB480]

ASSISTANT CLERK: 28 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB480]

SENATOR ERDMAN: LB480 does advance. Mr. Clerk, next item on the agenda? [LB480]

ASSISTANT CLERK: Mr. President, LB386 was introduced by Senator Langemeier. (Read title.) The bill was read for the first time on January 16 of last year, referred to the Banking, Commerce and Insurance Committee. That committee reports the bill to General File. There are no committee amendments. [LB386]

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SENATOR ERDMAN: Senator Langemeier, as introducer of LB386, you're recognized to open. [LB386]

SENATOR LANGEMEIER: Thank you, Mr. President. LB386 requires that a secured creditor record a certificate of satisfaction in the county where real property records upon the receipt of a full payment or a performance of a security loan. If that certificate of satisfaction is not filed within 60 days of receipt of full payment or performance, a closing agent with title insurance may execute and file a certificate of satisfaction on behalf of the landowner. This bill allows for...just to summarize, a title insurance company that has done a closing on a property, that has paid off the lenders, has so filed duly and recorded county courthouse records to, after 60 days, file a certificate of satisfaction stating they paid it off and that would release the loan. We have in the industry right now, we have a number of banks that are really slow to release. And so this would keep it tight, tidy up the process and clean it up. Now what you're going to see is there's two amendments filed. They're both on Select File. One is offered by the Nebraska bankers, one is offered by a title company. As you look at the record, the bankers had some concerns, which is very understandable, to have someone else release their loans. I don't blame them. We worked out that language. We're down to two words that still have a little conflict. What I'm asking you to do is advance the green copy as it is. We will address their two concerns on those double words. They've each...I've filed both their amendments. We have them both to review from now until Select File, and we will deal with which one of those amendments, or maybe a third as a compromise between the two, on Select File. So at this time I'd ask you for your advancement of LB386, and we'll adopt one of those amendments to satisfy all parties involved on Select File. Thank you, Mr. President. [LB386]

SENATOR ERDMAN: Members, you've heard the opening on LB386. Senator Langemeier, there's no discussion. You're recognized to close. [LB386]

SENATOR LANGEMEIER: Waive. [LB386]

SENATOR ERDMAN: Senator Langemeier waives closing. The question before the body is, shall LB386 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all members voted who choose to? Record please, Mr. Clerk. [LB386]

ASSISTANT CLERK: 28 ayes, 0 nays to advance the bill to E&R Initial, Mr. President. [LB386]

SENATOR ERDMAN: LB386 does advance. Mr. Clerk, next item on the agenda? [LB386]

ASSISTANT CLERK: Mr. President, the next bill is LB352 which was introduced by

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Senator Langemeier. (Read title.) The bill was read on January 12 of last year, referred to the Government, Military and Veterans Affairs Committee. That committee reports the bill to General File with committee amendments. (AM665, Legislative Journal page 841, First Session, 2007.) [LB352]

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Langemeier, you're recognized to open on LB352. [LB352]

SENATOR LANGEMEIER: Thank you, Mr. Lieutenant Governor. LB352 will provide shooting range operation with guidelines and protections that would allow these ranges to continue to operate when faced with urbanization. Over the years, shooting ranges have been established in many locations across Nebraska. They provide a significant benefit to many of our sportsmen. However, with the continued growth and urbanization of the cities, they soon quickly get surrounded. Under this bill, a shooting range may conduct its activities in a range of times between 7:00 a.m. and 10:00 p.m. However, a local unit of government may temporarily extend or shorten the hours of operation. A shooting range that is in nonconformance will be allowed to operate and if the shooting range remains in compliance with noise restrictions. This portion of the bill, you'll find in the committee amendments, has been removed. The committee amendments would allow cities to establish their own time zones instead of 7:00 to 10:00. In the bill, it would allow each city and county to take its own into effect. It would create a 750-foot buffer strip, I call it, around the zones that if someone wanted to move into that that would make the shooting range unsafe, they would be liable to incur the costs. This person has one, if we want to call it, relief from litigation would be a noise factor. They'd have no other actions would be prohibited, just strictly a noise base. With that, I would ask for your support and will wait till after we hear the committee amendments. Thank you, Mr. President. [LB352]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. Senator Aguilar, you're recognized to open on the committee amendment, AM665. [LB352]

SENATOR AGUILAR: Thank you, Mr. President and members. The committee amendment actually makes several changes to this bill. First, the amendment lists the activities a shooting range which operates in compliance with performance standard is permitted to do within its geographic boundaries. Specifically, the shooting range is allowed to operate the range and conduct activities involving the discharge of firearms, expand its membership or opportunities for public participation related to the primary activity as a shooting range, make repairs or improvements to meet or exceed the performance standard requirements, and also acquire additional lands to be used as buffer zones or noise mitigation efforts. The committee has also concerns about the hours of operations of a shooting range. The language specifying that a shooting range

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may conduct activities between 7:00 a.m. and 10:00 p.m. is eliminated by the amendment. In its place, the committee decided that the local unit of government with zoning authority over the shooting range may enforce its applicable ordinances and permits, including determining the shooting range's hours of operation. I urge your support of the committee amendment and the underlying legislation. Thank you, Mr. President. [LB352]

PRESIDENT SHEEHY: Thank you, Senator Aguilar. You have heard the opening for the committee amendment, AM665. Members wishing to speak are Senator Chambers, followed by Senator Kruse. Senator Chambers. [LB352]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I need to ask Senator--although we're on the committee amendment--Langemeier a question or two about something he said. [LB352]

PRESIDENT SHEEHY: Senator Langemeier, would you yield to some questions? [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR CHAMBERS: Senator Langemeier, what was it you said about the only cause of action a person having in the event of noncompliance by this shooting range? I guess I would call it a noise abatement or some such action. Is that what you stated? [LB352]

SENATOR LANGEMEIER: The bill states in there that a nuisance action would be exempt on noise if you remained within the city's decibel level, which example for the city of Lincoln is 65 decibels. So if you're outside that, you have a problem. But if the gun range operates within the time allotted and stays under the city--I'm just using Lincoln for an example--under the 65 decibel level, you couldn't file a nuisance complaint about noise. [LB352]

SENATOR CHAMBERS: And give me an example of an item that makes noise at about 65 decibels so we are aware of what you're talking about, if you have any examples. [LB352]

SENATOR LANGEMEIER: I don't. Fireworks, Black Cat fireworks. [LB352]

SENATOR CHAMBERS: And what are the days of the week during which this range could be operational? [LB352]

SENATOR LANGEMEIER: The particular days during the week is not addressed. [LB352]

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SENATOR CHAMBERS: So it could be from... [LB352]

SENATOR LANGEMEIER: The committee... [LB352]

SENATOR CHAMBERS: ...it could be seven days a week. [LB352]

SENATOR LANGEMEIER: Yes. It would be up to the local jurisdiction. For example, if it's outside of Lincoln, with the committee amendment I would believe the city of Lincoln could set the hours and the days of operation. [LB352]

SENATOR CHAMBERS: But we're passing a state law and it doesn't just apply to Lincoln, does it? [LB352]

SENATOR LANGEMEIER: Correct. [LB352]

SENATOR CHAMBERS: What we're talking about here is a 65 decibel noise level from 7:00 in the morning until 10:00 p.m. at night. Is that true? [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR CHAMBERS: So if a person...what's the closest that a person can live to this range? [LB352]

SENATOR LANGEMEIER: The restriction is not...there's no restriction to how close you can live there. Now the restriction is, within 750 feet if you...let's say you build a house within 750 feet of a gun range and you make that facility unsafe in some fashion, you may be liable for rectifying that problem with the gun range. [LB352]

SENATOR CHAMBERS: The person who builds the house? [LB352]

SENATOR LANGEMEIER: Correct. [LB352]

SENATOR CHAMBERS: So... [LB352]

SENATOR LANGEMEIER: Within the 750 feet. [LB352]

SENATOR CHAMBERS: So you could have this 65 decibel noise level going continuously, or at least continually, from 7:00 in the morning to 10:00 at night 7 days a week. And you want to protect that against anybody bringing a nuisance lawsuit on the basis of noise. Is that correct? [LB352]

SENATOR LANGEMEIER: Yes. If you don't mind, I can give you an example.

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Conversational speech is leveled at 60 decibels. [LB352]

SENATOR CHAMBERS: So who said fireworks? [LB352]

SENATOR LANGEMEIER: That's an example as I have, as well. [LB352]

SENATOR CHAMBERS: So then are you telling me--and we can put it in the bill so we won't say decibels--any noise above the conversational level would justify the bringing of a noise abatement or nuisance suit based on noise? Are you willing to put that into the statute, that if the noise exceeds the level of a conversational tone, then a nuisance lawsuit can be brought on the basis of noise? Are you willing to do that? [LB352]

SENATOR LANGEMEIER: I am not. And if you don't mind, I'll give you the reason why. Because every community has a different level. Lincoln is at 65, Wahoo is at 60. In the evening it's 50. I think that's still a local decision... [LB352]

PRESIDENT SHEEHY: One minute. [LB352]

SENATOR LANGEMEIER: ...in the communities these may reside in. [LB352]

SENATOR CHAMBERS: In effect, if this range is built and the city begins to expand to where the range is, the range cannot be shut down by that city or that subdivision. Is that correct? [LB352]

SENATOR LANGEMEIER: If it does not exceed those decibels and it remains within the safety guidelines of operation, correct. [LB352]

SENATOR CHAMBERS: So the city could expand around it in the way that Lincoln has territory around the current State Fair territory, correct? [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR CHAMBERS: It could provide the donut hole in a community in a manner of speaking. [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR CHAMBERS: And nothing could be done to correct that. [LB352]

SENATOR LANGEMEIER: Correct. [LB352]

SENATOR CHAMBERS: And you want the state to put that into statute--just so that we know clearly what we're talking about--correct? [LB352]

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SENATOR LANGEMEIER: Yes. [LB352]

SENATOR CHAMBERS: Thank you. And my time is probably up so I'll stop now. Thank you, Mr. President. [LB352]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Kruse, followed by Senator Chambers. Senator Kruse. [LB352]

SENATOR KRUSE: Thank you, Mr. President and colleagues. Would Senator Langemeier yield? [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

PRESIDENT SHEEHY: Senator Langemeier. [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR KRUSE: Senator Langemeier, I'm struck by the title of this protection act. Is a shooting range an endangered species? [LB352]

SENATOR LANGEMEIER: Some would consider that an endangered species, not under the technical federal term "endangered species." [LB352]

SENATOR KRUSE: So I'm not going to be able to amend this to include the purple-beaked plover or something like that? [LB352]

SENATOR LANGEMEIER: I don't think so. [LB352]

SENATOR KRUSE: All right. But to continue in a somewhat serious...you know, is there a danger of being taken out of circulation, or why the word "protection"? [LB352]

SENATOR LANGEMEIER: The concern right now is, as we've had these gun ranges--and typically these have been around for many, many, many years. And as the communities grow, they become surrounded. And so the discussion is out there is, is you made your development, you built your house right next to the gun range, you knew it was there. We're willing to operate under hours and under decibel levels under the city's requirements. You had forewarning that we were there. This does not give protection to anyone trying to build a new range. It's just if they were there and you build around it, you've been notified that we're here--don't complain about our noise. Safety, that's always an issue and that is not in here. [LB352]

SENATOR KRUSE: Thank you. [LB352]

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PRESIDENT SHEEHY: Thank you, Senator Kruse. Senator Chambers. [LB352]

SENATOR CHAMBERS: Senator Langemeier, I don't like the proliferation of guns. I don't like the glorification of guns. I'm not in love with guns. I don't need to have a gun as an extension of myself, nor do I need to be the extension of a gun. In other words, I don't love and respect the guns as probably you might. So I'm skeptical about people who love guns to this extent, especially with the carnage being wreaked by the guns. Now let me ask you this question. You're in real estate, is that correct? [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR CHAMBERS: Are you able, by studying maps and population trends, to get a notion of the direction in which a city or a village might expand? [LB352]

SENATOR LANGEMEIER: Some would say they could, yes. [LB352]

SENATOR CHAMBERS: So if...that's all I will ask...okay, let me continue. If I were clever, if I were a speculator, I could build a gun range in the path of that development, couldn't I? [LB352]

SENATOR LANGEMEIER: You could. It wouldn't be the most profitable decision you made. [LB352]

SENATOR CHAMBERS: Well, let's...wait a minute! You're not as smart a real estate man as I thought. See, there are realtors, real estate developers who are speculators also. Have you heard that term used in connection with real estate? [LB352]

SENATOR LANGEMEIER: Yes, I would probably be one of them. [LB352]

SENATOR CHAMBERS: And you've heard about speculation in terms of acquiring land with the idea that it may increase in value because of other things that may develop around that land. You've heard of that kind of speculation, haven't you? [LB352]

SENATOR LANGEMEIER: Yes, and I've done it. [LB352]

SENATOR CHAMBERS: Okay. So if I am a clever speculator, I can build a gun range across the path of that developing city, village, or whatever political subdivision. Couldn't I do that? [LB352]

SENATOR LANGEMEIER: You would have the right to do that, if you can get it through county zoning and city zoning, yes. [LB352]

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SENATOR CHAMBERS: And then if you develop--by you, I meant the subdivision--I cannot be shut down, can I? [LB352]

SENATOR LANGEMEIER: If you get it built? [LB352]

SENATOR CHAMBERS: Yes. If I comply with all this stuff, the hours and so forth. [LB352]

SENATOR LANGEMEIER: Yes, this would protect you. [LB352]

SENATOR CHAMBERS: And I don't have to ever allow a shot to be fired on that gun range, do I? [LB352]

SENATOR LANGEMEIER: No. [LB352]

SENATOR CHAMBERS: And I don't have to build any structures on the gun range once I have it set aside for that purpose, do I? [LB352]

SENATOR LANGEMEIER: You have to build to the Game and Parks in this guideline book here. You would have to build to be considered a gun range. So you would have to build something. [LB352]

SENATOR CHAMBERS: But I could do it at minimum cost to myself if I don't really intend to operate it as a gun range. Isn't that true? [LB352]

SENATOR LANGEMEIER: As long as it meets one of these blueprint standards, and they're not cheap. [LB352]

SENATOR CHAMBERS: Now if the desire to develop in that direction is strong enough, the only way they can get me out of there is if they buy me out. Isn't that true? [LB352]

SENATOR LANGEMEIER: Correct. [LB352]

SENATOR CHAMBERS: And I can set the price where I want, can't I? [LB352]

SENATOR LANGEMEIER: That's always your option, yes. [LB352]

SENATOR CHAMBERS: Can this entity use its power of eminent domain to take that land for a public purpose or is it exempted from the entity's utilization of eminent domain? [LB352]

SENATOR LANGEMEIER: The bill does not exempt you from eminent domain. [LB352]

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SENATOR CHAMBERS: So then the entity can take it, if it chooses to. [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR CHAMBERS: And all they have to do is give a reasonable amount of compensation for it, correct? [LB352]

SENATOR LANGEMEIER: Correct. [LB352]

SENATOR CHAMBERS: But if the gun lobby, which has been able to bludgeon this Legislature into submission... [LB352]

PRESIDENT SHEEHY: One minute. [LB352]

SENATOR CHAMBERS: ...is dealing with a little peanut-head county board, city council, or village board, they're not going to use their power of eminent domain, and great amounts of money can be extorted from them if they want to move into the location where that range is. Is that a possibility? [LB352]

SENATOR LANGEMEIER: Yes, we've seen county boards reroute roads that just happened to go through this particular spot. [LB352]

SENATOR CHAMBERS: Thank you. You've been very forthright in your answers, Senator Langemeier. How much time do I have, Mr. President? [LB352]

PRESIDENT SHEEHY: Twenty-five seconds. [LB352]

SENATOR CHAMBERS: Okay, I'll stop now. Thank you. [LB352]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Gay, followed by Senator Chambers. Senator Gay. [LB352]

SENATOR GAY: Thank you, Mr. President. Would Senator Langemeier yield to a few questions? [LB352]

PRESIDENT SHEEHY: Senator Langemeier, would you yield to questions? [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR GAY: Thank you, Senator. Senator, under Senator Chambers' proposal where a speculator would buy this land, would they not have to go and front it and get it rezoned to do that and get a building permit? Or how would that process work? [LB352]

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SENATOR LANGEMEIER: You would have to apply to the local county zoning--whether it's county or city--zoning authorization board and get a permit to put a gun range in, and that is a very difficult task. [LB352]

SENATOR GAY: Okay. So the way I'm understanding this, the draft you have, an existing gun range in a community that's expanding or around a community that's expanding now, they cannot go...this protects that existing gun range. If they have land to expand now and they want to expand, do they have to go to the county board or the local zoning authority and get that approval, or can they just go expand? [LB352]

SENATOR LANGEMEIER: This would protect the facilities that are currently in existence. If they...it depends on what county zoning you are, or where you are in the state. But if you want to expand, you go get a building permit like you would always do and go through that process of getting it approved. And if they do approve it and you do get it built, then you'd be under the protection. But this wouldn't aid in anybody's ability to expand or build a new facility. [LB352]

SENATOR GAY: Okay. Senator Chambers also brought up the fact that, you know, the county, they'll just do this. I would disagree with that. Counties...this is a difficult issue and it's a tough issue, it's a divided issue on a lot of different things when you have these shooting ranges. But it is...still becomes a local issue. What you're saying is we would protect those, remove it from the local issue and make it state protection. And locals would get to decide some of the...whether you can put it, locate it. This just protects existing shooting ranges. [LB352]

SENATOR LANGEMEIER: Correct. For an example, if law enforcement wanted to build a gun range somewhere and they get it built, they build it to the standards here, Game and Parks has to certify that it's a true and authentic safety requirement gun range. This isn't going to be Johnny Smith's facility behind his house where he's shooting into a dirt pile. They have to be to the standards of this guidelines and then approved by Game and Parks to be designated as an official gun range, and then you would have this protection. [LB352]

SENATOR GAY: Okay. So under Senator Chambers' proposal as a speculator, he would have to be out quite a ways actually in a growing community to have it...the community grow into that area. And maybe somebody would want to do that. I'm not so sure that would happen, but that would be a local decision whether they're going to allow this speculator to even open this gun range. [LB352]

SENATOR LANGEMEIER: Correct. [LB352]

SENATOR GAY: And it would probably be a special use permit possibly, as well. That option would be available to the city or the county. [LB352]

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SENATOR LANGEMEIER: Correct. [LB352]

SENATOR GAY: Okay. And then with the...like I said, the thing that concerns me is if you already have a community out there, they're going to be protesting any gun range that comes before a county or city. It's not the easiest thing in the world to go say well, I want to put a shooting range right here in this neighborhood. You would have, in reality, neighbors would be coming in protesting. You would hear all about it, happens quite a bit. And that's a very controversial issue. So I think in reality, if it were close enough to harm somebody, they would come in and express their concerns to any city or county. And that would be that local decision for the board or the county to make. This bill basically protects existing people from saying, oh... [LB352]

PRESIDENT SHEEHY: One minute. [LB352]

SENATOR GAY: ...by the way, we've been here 20, 25 years and now everyone is growing around us and everyone is complaining. Well, they should have rights, too, to protect their existing range. And that's what this does, is what you're trying to accomplish with this bill, correct? [LB352]

SENATOR LANGEMEIER: Correct. This does not aid and is not designed to aid in the facilitation of new gun ranges, strictly to create those that we have now, and there's very few of them. [LB352]

SENATOR GAY: All right. Thank you, Senator Langemeier. Thank you, Mr. President. [LB352]

PRESIDENT SHEEHY: Thank you, Senator Gay. Senator Chambers, followed by Senator Langemeier, Senator Pirsch. Senator Chambers, this is your third time. [LB352]

SENATOR CHAMBERS: I know. Mr. President, members of the Legislature, now that "Charlie McCarthy" Gay has put...I meant "Edgar Bergen" Gay has put words into the mouth of "Charlie McCarthy" Langemeier, I'd like to ask Senator Langemeier a question or two, so that he will answer my questions rather than have Senator Gay state what Senator Langemeier's purposes are. [LB352]

PRESIDENT SHEEHY: Senator Langemeier, would you yield? [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR CHAMBERS: Senator Langemeier, does this bill deal only with existing gun ranges? [LB352]

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SENATOR LANGEMEIER: Yes. [LB352]

SENATOR CHAMBERS: So a new gun range would not be affected by this bill? [LB352]

SENATOR LANGEMEIER: No. [LB352]

SENATOR CHAMBERS: If I built a gun range according to all these standards and a community built up around that gun range, this bill would not protect that new gun range. Is that correct? [LB352]

SENATOR LANGEMEIER: No. It would protect any gun range that is built. It would not aid in the construction of it or getting through that process. But once you get it built, you're protected, yes. [LB352]

SENATOR CHAMBERS: Let me ask you a question. I asked you, based on what Senator Gay said, and you said yes the first time. I said, does this bill protect only existing gun ranges, and you said yes. So it protects newly built gun ranges too, doesn't it? [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR CHAMBERS: So Senator Gay was not correct when he gave the impression it involves only those that have been here maybe 20 years and so forth. That's not accurately representing what your bill does, is it? [LB352]

SENATOR LANGEMEIER: No. We want to make sure that's clear. If you get it built and you go through the steps and requirements to get it built, once it is built this bill would then protect it, yes. [LB352]

SENATOR CHAMBERS: And we hear the power of the gun lobby in Senator Gay's statements. He is misstating what a bill is about in order to protect what the gun lobby wants. Now if they can bully the Legislature and legislators like that, and the specific bill I'm talking about is to let these nitwits carry concealed weapons, then they can certainly bully a county board, a city board, council, or a village board. I get complaints right now about these huge livestock operations where there are clouds of flies, stench, huge cesspools called by another name, and there is nothing the board that could do something about it is willing to do. The citizens have no recourse. And if Senator Gay doesn't know that, he needs to find out what's happening in the rural areas. So don't tell me after I've been here 38 years that these entities stand up full-bore against these powerful special interest groups. They do not. I would like to ask Senator Langemeier another question. [LB352]

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PRESIDENT SHEEHY: Senator Langemeier, would you yield? [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR CHAMBERS: Senator Langemeier, you are putting into state law a sanctification of the National Rifle Association's view relative to what constitutes an appropriate gun range, aren't you? [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR CHAMBERS: Suppose it develops that there are better and safer factors. They cannot be added, can they? [LB352]

SENATOR LANGEMEIER: No. The bill specifically goes back to the safety manual as of November 1999, revised edition. [LB352]

SENATOR CHAMBERS: Which means that nothing in the way of improving safety standards is expected to develop since 1999. Isn't that correct? [LB352]

SENATOR LANGEMEIER: It is. And if I can explain why I think that's important, the reason we put the date in there to go back to November 1999 is because once we do pass this, if we just say we're going to use this particular manual and they revise it, they could revise it with whatever they want... [LB352]

PRESIDENT SHEEHY: One minute. [LB352]

SENATOR LANGEMEIER: ...without us ever reviewing it. [LB352]

SENATOR CHAMBERS: I understand that. I'm the one who's brought that before the Legislature constantly so that there will not be an inappropriate delegation of legislative authority. [LB352]

SENATOR LANGEMEIER: Correct. [LB352]

SENATOR CHAMBERS: Why don't you write those standards into the statute instead of sanctifying the National Rifle Association by mentioning it in the statute? Why can't you do that? You can, can't you? Can't you? [LB352]

SENATOR LANGEMEIER: We can do anything we want to do. [LB352]

SENATOR CHAMBERS: So why did you choose not to do that, but rather sanctify the National Rifle Association? [LB352]

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SENATOR LANGEMEIER: Strictly by the sheer mass of this manual. [LB352]

SENATOR CHAMBERS: But we could do it, couldn't we? [LB352]

SENATOR LANGEMEIER: We can. We can do anything we want. [LB352]

SENATOR CHAMBERS: Thank you. And my time is up, but I have much more to say on this bill, and I'll find many ways to do it. [LB352]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Langemeier. [LB352]

SENATOR LANGEMEIER: Thank you, Mr. President. I would yield my time to Senator Chambers if he has more questions. [LB352]

PRESIDENT SHEEHY: Senator Chambers. [LB352]

SENATOR CHAMBERS: That is very collegial of Senator Langemeier. And Senator Langemeier, I appreciate it and I'm not being facetious. Senator Langemeier knew that I'd have problems with this bill and he did notify me of the fact that it's coming up, so it's not like he blindsided me or anything like that. I want that clear from the record. The reason I might question him closely is because it's his bill. One thing I'm going to attempt to do is strike references--I only see one so far, on page 2 in lines 15 through 19--strike reference to the National Rifle Association. It is...let me ask Senator Langemeier a question or two so that I can get an understanding of what this organization is about. [LB352]

PRESIDENT SHEEHY: Senator Langemeier, would you yield? [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR CHAMBERS: Senator Langemeier, is this a private association, the National Rifle Association? [LB352]

SENATOR LANGEMEIER: It is a dues-paying private association, yes. [LB352]

SENATOR CHAMBERS: Do they take political positions at the federal, state, and local level? [LB352]

SENATOR LANGEMEIER: I'm going to say yes, but I think they have like a spin-off kind of a PAC group off of them that actually takes those positions. But yes, in all relevance, yes. [LB352]

SENATOR CHAMBERS: And they speak in the name of the NRA, don't they? When the

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NRA takes a position, they don't hide it. They want everybody--these cowardly, bootlicking politicians--to know that the NRA is in the game. Isn't that true? [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR CHAMBERS: Okay. They support candidates of whom they approve and they oppose candidates of whom they disapprove. Is that correct? [LB352]

SENATOR LANGEMEIER: Yes. And I was in the latter of those two. [LB352]

SENATOR CHAMBERS: Are you aware of anything we put in the statute that would be a general statute governing everybody that carries the political platform of the Democrat or "Repelican" party? [LB352]

SENATOR LANGEMEIER: No. [LB352]

SENATOR CHAMBERS: Who actually drafted the language of the green copy? [LB352]

SENATOR LANGEMEIER: It was drafted with a gentleman here, Bill Schultz, and then with my review and we went through the first copy. We had a number of drafts before we ever got to this copy. [LB352]

SENATOR CHAMBERS: Is Mr. Schultz connected with the NRA? [LB352]

SENATOR LANGEMEIER: No, he's a member of the Nebraska Hunting Club or...I don't know that I say that quite right, Izaak Walton League. [LB352]

SENATOR CHAMBERS: That's okay. It's some hunting club rather than the NRA. [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR CHAMBERS: Were there any...is he a member of the NRA? [LB352]

SENATOR LANGEMEIER: Once the bill was...I'm going to follow up on that for a second. [LB352]

SENATOR CHAMBERS: Okay. [LB352]

SENATOR LANGEMEIER: Once the bill was drafted and I entered it as a green copy, then the NRA has reviewed it and my understanding is they have some suggested amendments, but I have not seen those at this point. [LB352]

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SENATOR CHAMBERS: Who suggested putting the NRA into the statute? [LB352]

SENATOR LANGEMEIER: Well, it was a joint effort, because they have a resource book and if you'd like, I'll share it with you. It's amazingly in the detail in the requirements, and I think it's an excellent reference, if not the only reference on there, in safe operation at the gun ranges. So it kind of made sense in that regard. [LB352]

SENATOR CHAMBERS: So anybody who opens a gun range must procure a copy of the 1999 NRA manual and comply with everything in that manual before the gun range can be certified in accord with this state statute. Is that correct? [LB352]

SENATOR LANGEMEIER: Correct. [LB352]

SENATOR CHAMBERS: So I can look beyond this state statute and if I find a flaw, because they overlooked something in the NRA manual, can I have them decertified if they were certified? [LB352]

SENATOR LANGEMEIER: I would say you'd have that opportunity to challenge it. [LB352]

SENATOR CHAMBERS: Well, what must be done to decertify them? The opportunity means nothing. [LB352]

PRESIDENT SHEEHY: One minute. [LB352]

SENATOR CHAMBERS: That means I can come in and say I think this ought to be done, and they can say, well, we're not going to do it. [LB352]

SENATOR LANGEMEIER: Game and Parks has to review that certification every five years in the bill and at that point I think you would complain to Game and Parks, and they would have to consider that in their recertification of the gun range. [LB352]

SENATOR CHAMBERS: To whom can I go if it's prior to the five-year certification inspection by the Game and Parks Commission/NRA? [LB352]

SENATOR LANGEMEIER: I would go to the Game and Parks. The language says at least every five years, so I think Game and Parks, with a complaint, could review it at any time. [LB352]

SENATOR CHAMBERS: Can they shut it down? [LB352]

SENATOR LANGEMEIER: They remove their certification and then they lose the protection. [LB352]

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SENATOR CHAMBERS: Well, who can shut that down? [LB352]

SENATOR LANGEMEIER: And then you go through your standard procedure. You'd do what you do now. You'd probably file a lawsuit against them, which you do today. [LB352]

SENATOR CHAMBERS: And the only kind of lawsuit they're protected from, under the existing language of the green copy, is a noise... [LB352]

PRESIDENT SHEEHY: Time, senators. [LB352]

SENATOR CHAMBERS: Thank you, Mr. President. [LB352]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Louden, followed by Senator Gay. Senator Louden. [LB352]

SENATOR LOUDEN: Thank you, Mr. President and members. I would ask if Senator Langemeier would yield for questions. [LB352]

PRESIDENT SHEEHY: Senator Langemeier, would you yield? [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR LOUDEN: Senator Langemeier, in the green copy, Section 5 is still part of the whole deal. Is that correct? [LB352]

SENATOR LANGEMEIER: Correct. [LB352]

SENATOR LOUDEN: Yeah. [LB352]

SENATOR LANGEMEIER: The committee amendments strike Section 4. [LB352]

SENATOR LOUDEN: Just Section 4. Well, my concern is, is when you have this in here, you're talking about 750 feet perimeter around the property line. Now that's what? That's 90 feet more than an eighth of a mile around there. Who owns that property or who is supposed to own that property in that 750 feet? Is that a no-man's land that nothing can be built on it or what's the use of that land? [LB352]

SENATOR LANGEMEIER: It says within 750 feet. Let's say you build a house within 750 feet and you put yourself too close to the gun range. You would have to, as the builder or the person building within that 750 feet...it could be owned by anybody. But as the builder, as you build your home, if you create a substandard situation for that gun

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range because you built so close, that you would have to provide whatever it would take to bring that back in. So if the berm has to be expanded, the stop berm would have to be expanded, you would be liable for doing that. [LB352]

SENATOR LOUDEN: Okay. Then that isn't some type of a restricted zone that nothing could be built out there. Something could be built out there, but whoever does it would have to furnish their own protection for stray bullets. Is that what you're telling me? [LB352]

SENATOR LANGEMEIER: You would have...if your building of your...whatever you build out there, let's just use a home for an example, and that would take that gun range, it would deem that their berm or something on their facility became designated as unsafe, you would be liable for making it safe to build within that 750 feet. [LB352]

SENATOR LOUDEN: Now as I look through the bill, most of it talks about noise level and that sort of thing. Now when you say gun range, are you talking about shooting skeet or clay pigeons or something like that, or your handguns, or is this a rifle range or...? [LB352]

SENATOR LANGEMEIER: All the above. [LB352]

SENATOR LOUDEN: All of them. [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR LOUDEN: And then...and this will be an, what would you say, an open range; it won't be an enclosed facility where there will be a roof over something for, like, handguns where you would have targets inside of an area? This would be outdoor type deal? [LB352]

SENATOR LANGEMEIER: Typically, a certified range, if you look through here, handguns are shot into a container type system, guns are shot on a range with baffle systems for noise and projectile ricochet back into the berm, and then the only thing that's extremely out and about would be a skeet or a trap shoot range. [LB352]

SENATOR LOUDEN: Okay. Thank you, Senator Langemeier. In the district I represent, up there by Alliance, we had this problem arose and especially when we were building this...putting in this veterans' cemetery. There was a rifle range out there and it had been a problem for the city for several years because the way the rifle range was pointed was towards the city and towards some other buildings that were, oh, half or three-quarters of a mile away, nearly a mile away in fact, and there was a problem with stray bullets. And my observation has been that as you have people move around in these areas and you get more metropolitan that a gun range usually has to move out

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someplace where they...where there's less danger of stray bullets. So consequently, that's what happened with those gun ranges. They picked up and moved. I don't see anything in the bill that has any way of protecting anyone from stray bullets and with these rifles, why, it could be, you know, a couple miles away. So I wonder if... [LB352]

PRESIDENT SHEEHY: One minute. [LB352]

SENATOR LOUDEN: ...this is something that we can really do or if they should just do like we have been over the past few years. Whenever it gets to be too many people around there, you just have to load up your gun range and move someplace else. I hate to mention that that's usually the solution, but that's usually the best solution that I've seen for gun ranges. I'm somewhat concerned because you can't have a rifle range in a metropolitan area. I don't think that will work. I've hunted all my life. I've shot rifles and everything all my life and I've been around gun ranges. I've done target practice in gun clubs, so I know that there's always a chance of stray bullets. So I'm listening to the debate on this thing to see where it goes, but I do have some concern about that I don't see anything in the bill. It's concerned about noise, but I don't see anything here where there's a great concern about stray bullets. [LB352]

PRESIDENT SHEEHY: Time, Senator. [LB352]

SENATOR LOUDEN: Thank you, Mr. President. [LB352]

PRESIDENT SHEEHY: Thank you, Senator Louden. Senator Gay, followed by Senator Langemeier and Senator Aguilar. Senator Gay. [LB352]

SENATOR GAY: Thank you, Mr. President. I am concerned on the bill. The reason I'm at all concerned is because I am in an area where there are gun ranges in an expanding community, and have dealt with growing community into a gun range. So I have some experience on this. And we have two gun ranges--one in Bellevue, one in Papillion. But I do think there's some local control over what goes on. Just last year I think I read in the newspaper somebody wanted to put a gun range out in the suburban area in Gretna and that got...didn't go through. It got defeated by the local county. They didn't think it was a proper place to put it. But these existing...the way I understand this bill, and I'm just looking at it this morning and listening to the debate as well, the way I understand this bill is it's protecting existing ranges that are there. And in a way, why should we not do that? I think they follow most safety standards and they have to. I'm listening to the debate. There's different standards they must follow and quite a bit of responsibilities they have to enforce to keep their range in order. The questions, though, that I looked at, to the extent...on the amendment it says to the extent consistent with the act a local unit of government with zoning authority over a shooting range may enforce its applicable ordinances and permits, including determining the hours of operation. So if they say, well, you can only go till 8:00, you go till 8:00, is the way I understand this.

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So...but as I look at this, it is a concern, and I don't think these gun ranges would pop up in the middle of an urban area. If that were to happen, I assume that would be an indoor range, because there are many indoor ranges, I think, that are popping up. I'm no hunter. I don't own a gun. I don't...I've never been hunting in my life. I'm not a gun guy, I guess, but the way this reads, it is a concern. So that's why I'm kind of involved, and I don't mean to put words in anyone's mouth so if I came across that way, apologize, but I think it is a concern we should look at. As communities grow, is there an option for the locals to have a say in this? And I think there is under this bill, and I'm listening to the debate as we go, but they do say no sometimes, in spite of what's being said, and maybe not all the time, I don't know, but a lot of times it is a concern. And the debates are very good when issues come up, I think...at least every one I've been involved in. So I think this amendment helps clarify that and...the way I read it. If Senator Langemeier would yield to a question... [LB352]

PRESIDENT SHEEHY: Senator Langemeier, would you yield? [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR GAY: Senator, so I read the amendment correct, that a local jurisdiction still has control over these hours except for two days out of the year they could extend these hours. Is that the way this reads? [LB352]

SENATOR LANGEMEIER: Yeah, with the committee amendment. It takes the hours of operation, 100 percent, to the local zoning authority, city or county, so they could determine whatever their hours are. That is stricken. The original green copy said there was a time set from 7:00 to 10:00. The committee amendment strikes that time frame totally, and so to have hours of operation you're going to have to get those from your overseeing power of authority, which would be your city, county, whatever. [LB352]

SENATOR GAY: Thank you. Thank you, Senator. But another question I would have, Senator Langemeier, then: Many communities or counties don't have zoning authority and would have no say in this. We do in the area I represent, but what if you're in a rural area with no zoning authority? Then this current...they... [LB352]

SENATOR LANGEMEIER: Then you wouldn't have hours of operation. [LB352]

SENATOR GAY: They'd have no, yeah, they'd have no say in that, though. [LB352]

SENATOR LANGEMEIER: You wouldn't be open. [LB352]

SENATOR GAY: Okay. So...but, Senator Langemeier, did you introduce this? Is there a situation in your area that prompted this or what? [LB352]

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SENATOR LANGEMEIER: I like to shoot trap. I'm not, as you talked earlier, I'm not a hunter,... [LB352]

PRESIDENT SHEEHY: One minute. [LB352]

SENATOR LANGEMEIER: ...but I do like to shoot trap, and as we've been to some of the trap ranges here across the state, and again there's very few of them, there's an issue out there to...each time you go the houses are just a little bit closer, and many of these have been there 100 years. [LB352]

SENATOR GAY: Right. Okay. Thank you. Well, as I said, the reason I've been interested is because we do have this exact situation going on in several ranges, and I think they would want some kind of protection. I think they probably need some kind of protection. And if a better use comes of their property, perhaps they would sell out to a speculator or developer and move out, out in the country a little more, just to get away from the hassles that they're going to receive. So if they want to expand their range, they're going to have to go through quite a bit of...well, they got to go get approval from their local zoning authority, if they have that, I guess. So thank you, Mr. President. [LB352]

PRESIDENT SHEEHY: Thank you, Senator Gay. (Visitors introduced.) Senator Langemeier. [LB352]

SENATOR LANGEMEIER: Thank you, Mr. President. I appreciate the conversation we're having here. I think it's always constructive to make sure we get this all flushed out. And with that, I'd yield my time to Senator Chambers. [LB352]

PRESIDENT SHEEHY: Senator Chambers. [LB352]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Langemeier. And Senator Loudon jumped the gun on me. I was not going to get into the green copy of the bill, but since he did I'm going go back to the point that he raised, because I read the bill differently from the explanation. If you go to Section 5 in the green copy, it says, "Except for those lawful uses, developments, and structures in existence or for which approval has been granted prior to the effective date of this act, or as provided in subsection (2) of this section, no change in use, new development, or construction of a structure shall be approved for any portion of property within 750 feet of the perimeter property line of an outdoor shooting range." So if Senator Loudon owns some of that land and he wants to build, say, a wall or anything, he can't get approval. The state law says, not that you have to mitigate harm to this shooting range, you cannot get approval. I'd like to ask Senator Langemeier a question. [LB352]

PRESIDENT SHEEHY: Senator Langemeier, would you yield? [LB352]

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SENATOR LANGEMEIER: Yes. [LB352]

SENATOR CHAMBERS: Senator Langemeier, do you agree, first of all, that I correctly read the language in Section 5 on page 3 of the green copy? [LB352]

SENATOR LANGEMEIER: You did, but I think you need to keep going. [LB352]

SENATOR CHAMBERS: Okay. So read on and tell me what I should have read and how it modifies what I stated. [LB352]

SENATOR LANGEMEIER: I think what you state...what you stated is correct. You read the green copy there. But if you keep going you have, "if the change in use," and you just then jump over to page 4, section (2), the change in use, new development, construction, as you read through that, there's where you provide any mitigation required to keep the range in compliance with the act and the standards. [LB352]

SENATOR CHAMBERS: But the person cannot get approval for that change unless this other group decides that there will be approval. Is that correct? [LB352]

SENATOR LANGEMEIER: That's not the intent, if that's the way you feel you're interpreting it. [LB352]

SENATOR CHAMBERS: So how should it be? Who's going to do the approving? [LB352]

SENATOR LANGEMEIER: The intent is, is if you develop within that 750 feet and you build a home and that home puts the gun range out of its safety compliance, that you, as that builder within that 750-foot range, would be subject to mitigation to make that gun range back within compliance. [LB352]

SENATOR CHAMBERS: But all of this is dependent upon the approving authority agreeing that you would be allowed to build. Is that true? [LB352]

SENATOR LANGEMEIER: Yes, you still have to go before your city, county zoning and they have to authorize a building development. [LB352]

SENATOR CHAMBERS: So they can tell you we're not going to approve,... [LB352]

SENATOR LANGEMEIER: That's the way it is today. [LB352]

SENATOR CHAMBERS: ...in which case you cannot build. Isn't that true? [LB352]

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SENATOR LANGEMEIER: They can do that today. [LB352]

SENATOR CHAMBERS: And within 750 feet or whatever it is of a gun range? [LB352]

SENATOR LANGEMEIER: The city...and I'm going to keep using city as the example so we stay on the same page, but the city today determines the zoning and what is going to be built within one foot of a gun range now. [LB352]

SENATOR CHAMBERS: Well, 1 foot is different from 750 feet. [LB352]

SENATOR LANGEMEIER: From one to whatever, the city now currently sets whether there's going to be houses built there,... [LB352]

PRESIDENT SHEEHY: One minute. [LB352]

SENATOR LANGEMEIER: ...whether there's going to be a store built. [LB352]

SENATOR CHAMBERS: Is that pursuant to a state statute saying there cannot be an approval unless you get this approving authority to agree? That's not in the statute, is it? [LB352]

SENATOR LANGEMEIER: No. [LB352]

SENATOR CHAMBERS: This is the only place in the statute where we have this system or procedure. Isn't that true? [LB352]

SENATOR LANGEMEIER: Yes, this would state that if the city does approve it in that area then you fall under this mitigation section, within 750 feet. [LB352]

SENATOR CHAMBERS: And if the city doesn't approve, you cannot use your property as you choose within 700 and something feet of this gun range. Isn't that true? [LB352]

SENATOR LANGEMEIER: If you...if your building takes them out of compliance, correct. [LB352]

SENATOR CHAMBERS: So we're basing it on compliance and the convenience of the gun range, not the right of a property owner to use his or her property as that person chooses. Isn't that correct? [LB352]

SENATOR LANGEMEIER: Correct. [LB352]

SENATOR CHAMBERS: And this doesn't say that by building within that area you are in any way... [LB352]

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PRESIDENT SHEEHY: Time, Senator. [LB352]

SENATOR CHAMBERS: Thank you, Mr. President. [LB352]

PRESIDENT SHEEHY: Thank you, Senator Chambers. (Visitors introduced.) Mr. Clerk, do you have items for the record? [LB352]

CLERK: I do, Mr. President. Your Committee on Transportation, chaired by Senator Fischer, reports LB279 to General File; LB59, LB163, LB182, LB287, LB360, LB421, LB660 as indefinitely postponed; those reports signed by Senator Fischer. Revenue Committee, chaired by Senator Janssen, reports LB896 to General File, and LB898 to General File; those signed by Senator Janssen. Notice of hearing from the Natural Resources Committee and the Judiciary Committee, signed by Senators Loudon and Ashford, respectively. Amendments to be printed: Senator Langemeier to LB386; Senator Flood, LB467. And a new A bill. (Read LB179A by title for the first time.) That's all that I had, Mr. President. Thank you. (Legislative Journal pages 356-357.) [LB279 LB59 LB163 LB182 LB287 LB360 LB421 LB660 LB896 LB898 LB386 LB467 LB179A]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Aguilar. [LB352]

SENATOR AGUILAR: Thank you, Mr. President. I'd yield my time to Senator Chambers. [LB352]

PRESIDENT SHEEHY: Senator Chambers. [LB352]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Aguilar. Rather than asking questions, which Senator Langemeier is answering very directly, I'm going to make some assertions, in the interest of trying to make the best use of my time. These gun ranges are being given protection no other entity that I'm aware of in this society is given. If you want to use your property, you are restricted in the use of your property in order that this gun range can remain in compliance with certain rules and regulations. Your property utilization does not have to interfere in any way with the operation of the gun range. If you build and the rest of the act stays in place, you cannot file a nuisance lawsuit because of the noise. What this language says, and I think it is brazen--and in a state like Nebraska where they talk about respecting property rights other than gun ranges--if you can get approval to build in this area, any mitigation required to keep the range in compliance with the act and the standards is what you're going to have to do. You're going to have to limit what you're doing with your property, not for the public good, not for society's best interest, but for a gun range. Is...Senator Johnson is not here. I would like to ask...oh, here he is. Senator Johnson, is there any restriction that you're aware of in terms of what can be built near a hospital? And I'm not talking about gun ranges and things like that, but ordinary utilization such as a home or

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whatever. [LB352]

SENATOR JOHNSON: Senator Chambers, I don't really know the answer to that. I did remark to someone when this...we were talking about this a little bit back. I live on a golf course. The golf course was there first and I think that there is some rule that if I'm in my yard and get hit on the head by a golf ball, they were there first. So that's the best I can do for you. [LB352]

SENATOR CHAMBERS: Are you aware of any statute that says you cannot build within a certain distance of that golf course, in order that the golf course can carry on its activities? [LB352]

SENATOR JOHNSON: No, sir, I'm unaware of that, literally, across the fence. [LB352]

SENATOR CHAMBERS: Okay. That's all I'll ask you. [LB352]

SENATOR JOHNSON: Thank you. [LB352]

SENATOR CHAMBERS: When Creighton was building its...a part of its medical complex, there was a man who refused to sell his house, and when you drive past on the interstate, you'd see that house sitting, surrounded by Creighton's medical facilities. Now they had to leave a way in and out of that house. So the house was there. You're saying that to keep this gun range in compliance with standards, you cannot use your property if any use would bring you within 700--whatever the number of feet would be--of this gun range. I'm not for that. I wouldn't be in favor of that for any private entity. Nobody has argued, so I don't want to make it seem like I think they argued that, nobody has argued that the gun range is serving a public purpose. Nobody has argued that it's being maintained for the good of society's health, welfare, and safety. [LB352]

PRESIDENT SHEEHY: One minute. [LB352]

SENATOR CHAMBERS: I'm not saying that has been alleged. But what I am saying is that they don't even make those kind of arguments to justify restricting the use that a person can make of his or her property. And to correct or clarify what I was talking about, because Senator Gay had talked about outdoor shooting ranges cropping up within an urban area, I'm not talking about building it or trying to build it in an urban area. I'm talking about building it in an area that has not been developed, that has not been developed. So you don't have houses and anything there, but you anticipate where the movement is going to be. OPS has speculated and purchased property far to the west for which they have no use, but they say eventually they think they might build a school there, and the property increases in value and OPS engages in property and land speculation, as does a certain large church organization. [LB352]

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PRESIDENT SHEEHY: Time, Senator. [LB352]

SENATOR CHAMBERS: Thank you. [LB352]

PRESIDENT SHEEHY: Speaker Flood, you are recognized to make announcements. [LB352]

SPEAKER FLOOD: Thank you, Mr. President and members. I rise today to tell you and remind you that tomorrow we'll be engaging in some Select File. That will be on the agenda, so those senators that have bills that have advanced to Select File, our office has been communicating with yours. We will take that up in the morning. At 10:00 a.m. tomorrow morning, it will be the time for the State of the Judiciary Address. Chief Heavican and the other members of the Nebraska Supreme Court will be here. We would ask that everybody make sure they're in the Chamber at around 9:50 so that we can stop what we're doing, immediately precede to the address at 10:00 a.m., and then return to our agenda following the completion of the Supreme Court's address. Thank you very much for your attention.

PRESIDENT SHEEHY: Thank you, Speaker Flood. Members wishing to speak are Senator Aguilar, Senator White, and Senator Langemeier. Senator Aguilar, this is your third time. [LB352]

SENATOR AGUILAR: Thank you, Mr. President. I'd yield that time to Senator Chambers, if he so chooses to use it. [LB352]

PRESIDENT SHEEHY: Senator Chambers. [LB352]

SENATOR CHAMBERS: Yes, I'll answer. [LB352]

PRESIDENT SHEEHY: He was yielding you his time. [LB352]

SENATOR CHAMBERS: Oh! Oh! Oh, thank you, Senator Aguilar. Thank you, Mr. President. Members of the Legislature, this language about any different use, you can't use it for anything that would take this gun range out of compliance with the standards set by the National Rifle Association. The National Rifle Association is setting the standards for the use of property in Nebraska. That's what we're talking about. You all don't want to see it that way. You will argue that that's not what you intend, but that is what is happening. I am not making these things up. I'm reading from the language of the bill. The standards for this gun range are set out by the National Rifle Association in 1999. If the National Rifle Association itself has come up with additional safety standards, they're ignored. They're ignored. If Senator Langemeier wanted to utilize the National Rifle Association as the bible for building these gun ranges, he could have looked to see if there have been any updatings of the National Rifle Association's own

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manual. So I'd like to ask him a question with those comments in mind. [LB352]

PRESIDENT SHEEHY: Senator Langemeier, would you yield? [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR CHAMBERS: Senator Langemeier, who suggested using the 1999 Rifle Association manual? [LB352]

SENATOR LANGEMEIER: I think through some discussion with Bill and the Game and Parks. It is a reference manual that is widely used and that's how it came up. [LB352]

SENATOR CHAMBERS: Has that manual been updated since 1999? [LB352]

SENATOR LANGEMEIER: No, this is the newest version, 1999 version. [LB352]

SENATOR CHAMBERS: So there have been no changes between 1999 and today in that manual. [LB352]

SENATOR LANGEMEIER: Not that I'm aware of in this manual. [LB352]

SENATOR CHAMBERS: If there are any updating, those will not be taken into consideration and cannot be taken into consideration by a zoning authority, is that correct, or an authority that would approve this range? They are bound by the 1999 manual. Isn't that true? [LB352]

SENATOR LANGEMEIER: They would have...this manual would be used by Game and Parks to determine the safety and the qualifications of the gun range. [LB352]

SENATOR CHAMBERS: And if there are safety qualifications of a higher order that came into being after 1999, Game and Parks could not require that those factors be utilized. Isn't that true? [LB352]

SENATOR LANGEMEIER: Correct, and that's why you and I had talked a little off the mike about giving Game and Parks the authority to impose stricter, newer standards at their will. [LB352]

SENATOR CHAMBERS: But I don't trust Game and Parks. [LB352]

SENATOR LANGEMEIER: That's what you told me. [LB352]

SENATOR CHAMBERS: I don't trust them at all. I don't trust Game and Parks as far as I could take a wet noodle and shove it through a tungsten steel beam. Now how far can

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I shove a wet noodle through a tungsten steel beam? And that will show you that I don't trust Game and Parks that much. These special interest groups who will have these big shots put on their commission because they have political power, clout and money are not the ones who will look out for the best interests of the public. They never have and they never will. And I've railed against these things every since I've been here, and I think that's why there's so much pleasure and joy throughout the land that I won't be here after this session. All this kind of stuff we're talking about now will go through and nobody will even raise a whimper. [LB352]

PRESIDENT SHEEHY: One minute. [LB352]

SENATOR CHAMBERS: Nobody will ask a question and pursue it. There is more in this bill that needs to be discussed, not on the basis of my dislike of the glorification of the gun, but in terms of its impact on property ownership, utilization of property, and putting one particular activity at the apex in terms of protection of property by the state, giving them a sanctified position above all others because they involve guns. And these people worship guns in this state. They worship guns more than they worship God. Of course, the gun is their god, so I guess they are loyal to their god. Thank you, Mr. President. [LB352]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator White. [LB352]

SENATOR WHITE: Thank you, Mr. Lieutenant Governor. Senator Chambers raises a concern that I would like addressed and I'll ask Senator Langemeier in a moment. [LB352]

PRESIDENT SHEEHY: Senator Langemeier, would you yield? [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR WHITE: Senator Langemeier, one of my concerns and concerns of many people who own property is condemnation of the property in any form, but particularly condemnation of property without compensation. In this case, this bill, if you already own land adjoining a gun range, in effect, takes away your right to develop the property, does it not? [LB352]

SENATOR LANGEMEIER: No, it puts on mitigation standards to develop the property that may or may not affect the gun range. And with that said, it's your time and mine is next so I'll give you back some time if we need to. [LB352]

SENATOR WHITE: Oh, I don't need much time. [LB352]

SENATOR LANGEMEIER: But I think we have to look at...and we talk about mitigation,

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and you and I had that conversation about affecting one's property rights, per se. Colfax County, you want to put a hog unit in, the county requires that you mitigate the surrounding area, whether it be trees or wind breaks or a number of mitigation to get your permit to build your facility. [LB352]

SENATOR WHITE: But I don't have to do that if I own land today next to a gun range. And for example, today I would have the right to develop that property, consistent with zoning, without expending any money for mitigation, correct? [LB352]

SENATOR LANGEMEIER: Correct, but the county then could say if you...in today's world, before this bill, if you wanted to develop next to a gun range, the county is very capable of saying, yeah, we'll let you make a housing development there, but you're going to put a wind break up between the two of you. [LB352]

SENATOR WHITE: Only, only if it's not...if it's not zoned for that. But the point we're doing here is people own land that's not...that we're putting in a requirement for mitigation that wasn't there before. I mean, if I go to the county to change the use and the zoning from ag to housing, certainly they have the right to put requirements in before I can make that change. But aren't we, at this point in time, requiring certain limitations on the use of property with people that are not otherwise so constrained and weren't when they bought the property? [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR WHITE: Doesn't that concern you? I mean, I know the protection of activities and gun ranges. I don't have a problem with them, but it worries me any time we start restricting use of property, particularly retroactively and without payment. [LB352]

SENATOR LANGEMEIER: Refresh me on the question. [LB352]

SENATOR WHITE: Well, yeah, I mean what bothers me is if the guy that already owns the land next to the gun range, he may find his value of his land substantially reduced, and we're not offering him any payment at all. [LB352]

SENATOR LANGEMEIER: I think the majority of these had sold out in a farm, and a couple of examples. There's one at Columbus that sold. The gentleman that sold the gun range still owns the remainder of the section around it. I think he knew what he was putting that into at the time. The problem comes when he sells that farm ground in the future. The future owners then all of a sudden want to build up to it. [LB352]

SENATOR WHITE: Well, not necessarily. I mean he might want to do something different with it that he's permitted to do now. [LB352]

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SENATOR LANGEMEIER: Um-hum. [LB352]

SENATOR WHITE: He may, for example, want to put a machine shed in within your range and that...his ability to do that or change those uses, consistent with zoning that exists when he bought it, have suddenly been reduced, haven't they? [LB352]

SENATOR LANGEMEIER: If it affects the safety. I would hope that a gun range would not have projectiles that could go beyond the property lines of the property they own. So to...it would be an odd situation that if you built in that 750-foot range that you would change the safety standards of the gun range. And if it did, I would question whether you had a safe gun range in the first place. [LB352]

PRESIDENT SHEEHY: One minute. [LB352]

SENATOR WHITE: Thank you, Senator. I would yield the rest of the time to Senator Chambers, if he wishes it. [LB352]

PRESIDENT SHEEHY: One minute, Senator. [LB352]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator White. Members of the Legislature, why are gun ranges given this kind of status? Why? Because of the NRA, that's why. Who makes these senators shake and quake more than anybody else? The NRA. They know it. I've watched down through the years, when the NRA is out in that lobby senators run back and forth here from their seats to the lobby enough to wear a path. That's why we had to put a new carpet here. They wore that carpet down in that aisle running back and forth to see what the NRA wanted them to do, and if they seemed to be deviating from it, a note would be sent in. That senator's hair, if he had any, would stand straight on in and out he would fly to see what the NRA wanted or what that senator had done that displeased the NRA. [LB352]

PRESIDENT SHEEHY: Time, Senator. [LB352]

SENATOR CHAMBERS: Thank you, Mr. President. [LB352]

PRESIDENT SHEEHY: Senator Langemeier, and this is your third time. [LB352]

SENATOR LANGEMEIER: Thank you, Mr. President. I would add to Senator's comments. As they run in, they kept their mouths full of food, too, as you would bring up on a regular basis. You talked a little bit about gun range. Gun range use, the majority of people out there are law enforcement agencies, and I think we need protect the ability for law enforcement agencies to have safe places to train. I'm going to give a little example. If you read in the paper, in Schuylers we had a 911 call that a gentleman got beat up by another gentleman, and when the law enforcement officer was there, he shot

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the wrong one. I think it's crucial...he hit his target, I suppose that's good, but it wasn't intentional. I think we have to make sure these facilities are out there. I know Omaha Police Department is looking for a new location for a gun range. I think we have to...and they're seeing struggles out there to get the ability to do it, and I think that it's a good, safe place. We talked earlier about a mentoring program, and I think there's no better place to have a young individual learning how to shoot a gun is in a safe gun range where people understand, and the protections are there so nobody gets shot unintentionally. And so I think the importance of gun ranges are there. And with that, I would yield the balance of my time to Senator Chambers, if he'd like it. [LB352]

PRESIDENT SHEEHY: Senator Chambers, you're yielded about 3 minutes, 30 seconds. [LB352]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Langemeier. I will tell you other things that I see in this bill that are problematic, even in the committee amendment. Beginning in line 3, Section 4, "A shooting range that operates in compliance with the shooting range performance standards is permitted to do all of the following within its geographic boundaries, under the same or different ownership or occupancy." I'd like to ask Senator Langemeier a question. [LB352]

PRESIDENT SHEEHY: Senator Langemeier, would you yield? [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR CHAMBERS: Senator Langemeier, is there anything that prohibits a felon from operating a gun range if the felon neither owns nor possesses any of the guns? [LB352]

SENATOR LANGEMEIER: Not that I'm aware of,... [LB352]

SENATOR CHAMBERS: So... [LB352]

SENATOR LANGEMEIER: ...as long as he doesn't own and possess, as you stated. We prohibit that. [LB352]

SENATOR CHAMBERS: Is there anything that requires a background check on somebody who's going to own and operate a gun range? [LB352]

SENATOR LANGEMEIER: No. [LB352]

SENATOR CHAMBERS: Could somebody use a gun range as a facility for the sale and exchange of illegal firearms, since firearms of every variety that would be allowed are going to be there? In other words, could an... [LB352]

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SENATOR LANGEMEIER: I don't know. [LB352]

SENATOR CHAMBERS: ...could an illegal use be made of a firearm range? [LB352]

SENATOR LANGEMEIER: That's hard to say. [LB352]

SENATOR CHAMBERS: Well, let me ask you this. [LB352]

SENATOR LANGEMEIER: Well, let me say why I say that, is typically guns aren't sold there. You have swap meets, you have gun dealers, you have a number of ways to buy guns in Nebraska. Now does that mean that Joe Smith and his friend are on the range and he says, man, that's a nice rifle, I would like to buy it from you if you'd be willing to ever sell it, and he says, sure, I'll sell it to you? Yeah, that... [LB352]

SENATOR CHAMBERS: Or the gun range owner could do it, if he's going to do something illegal and hope that he's not caught. [LB352]

SENATOR LANGEMEIER: As long as he doesn't take possession of that firearm in the middle. [LB352]

SENATOR CHAMBERS: Would you be in favor of or opposed to or you're indifferent to a background check on anybody who's running or is seeking to run a gun range? [LB352]

SENATOR LANGEMEIER: I guess I would limit that to seeking. I think you have a number of clubs out there that own them today. Who do you do the background check on? Izaak Walton League, for example, who would we do the background check on? I think that may be appropriate for a new gun range, which we're... [LB352]

PRESIDENT SHEEHY: One minute. [LB352]

SENATOR LANGEMEIER: ...not addressing new construction. I don't see a problem with that on a new gun range, as you go into apply for the application for a new gun range. [LB352]

SENATOR CHAMBERS: Let me ask you this, because I'm going to offer an amendment to do it. Strike the language from the committee amendment that says "under the same or different ownership or occupancy." Strike that language. Think about it, so that when we get to it then you will be able to address how you feel about it. And in the time that I have, I'd like to ask Senator Stuthman a question, if he's willing to answer. [LB352]

PRESIDENT SHEEHY: Senator Stuthman, would you yield? [LB352]

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SENATOR STUTHMAN: Yes. [LB352]

SENATOR CHAMBERS: Senator Stuthman, in order that I may have time to draft my amendment, are you willing to turn your light on, cede some time to me, so that I can do that before the committee amendment is voted on? [LB352]

SENATOR STUTHMAN: Yes. [LB352]

SENATOR CHAMBERS: Thank you. That's all I have, Mr. President. [LB352]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Stuthman. [LB352]

SENATOR STUTHMAN: Mr. Lieutenant Governor and members of the body, I would like to give some time to Senator Chambers. [LB352]

PRESIDENT SHEEHY: Senator Chambers, you are being yielded time. [LB352]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Stuthman. Senator Stuthman and I, we get along very well and we have for the time we've been in such close proximity, and people refer to us as the Arnie and Ernie team, or the Ernie and Arnie team, whichever one you feel ought to be given top billing, and that changes from time to time, depending on the person who's saying it. But what I'm going to do beginning...I'm going to be in line 5, and I speak slowly, I would strike, beginning with "under," and you know how careful I try to be so I must proceed with deliberation. I will strike, beginning with "under" in line 5 through "occupancy" in line 6. And I will tell you why I'm doing that. When the initial application is made, the person who makes that application may seem to be and may, indeed, actually be an upstanding citizen. I don't know whether...you might say, under pressure of financial problems or of another variety, that person would be persuaded to give up that gun range to somebody else, and that somebody else may be an unsavory character. I would like to ask Senator Langemeier a question or two. [LB352]

PRESIDENT SHEEHY: Senator Langemeier, would you yield? [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR CHAMBERS: Senator Langemeier, if you know the answer, what steps would have to be gone through in order for you, if you were the operator of the gun range, and owner, to transfer ownership to me if I were desirous of having that transaction occur? [LB352]

SENATOR LANGEMEIER: File a deed. [LB352]

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SENATOR CHAMBERS: Would we simply draw up a contract, like any other exchange of real property? [LB352]

SENATOR LANGEMEIER: Wouldn't have to. We'd just file a deed and acknowledge it. I could write you...make you a deed, duly notarized; you acknowledge acceptance of the deed as the law states, file it, and you'd own it. [LB352]

SENATOR CHAMBERS: And there would be no necessity that this initial authorizing entity approve of that transfer. That's not required, is it? [LB352]

SENATOR LANGEMEIER: Correct. [LB352]

SENATOR CHAMBERS: I could actually be a felon and I could have that transferred to me. Isn't that correct? [LB352]

SENATOR LANGEMEIER: No restrictions on ownership in Nebraska. [LB352]

SENATOR CHAMBERS: Had you considered this aspect at all while you were drafting the bill? Although this is the committee amendment, so maybe you're not the one I should ask those questions of. I would like to ask Senator Aguilar a question, if he's available. And I want to thank Senator Langemeier. Well, since I don't see him, let me go on with this point because I've drafted the amendment. I don't want there to be a spreading out, in terms of the people who will wind up operating these gun facilities. But here's a question I can ask Senator Langemeier. [LB352]

PRESIDENT SHEEHY: One minute. Senator Langemeier, would you yield? [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR CHAMBERS: Senator Langemeier, let's say that the gun range is built in accord with every specification so that that won't be an issue. Am I required, in order to keep possession of that range where it is and enjoy the protections of this law, am I required to operate it any number of days per year? [LB352]

SENATOR LANGEMEIER: No. [LB352]

SENATOR CHAMBERS: Any minimum number of hours per day? [LB352]

SENATOR LANGEMEIER: No. [LB352]

SENATOR CHAMBERS: So I...once it's there, I've got it. [LB352]

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SENATOR LANGEMEIER: Yes. [LB352]

SENATOR CHAMBERS: And when that transfer is made from you to me, if I leave everything in place it remains a gun range. If I remove a building, does that take it out of compliance sufficiently to take away the protection of this law? [LB352]

SENATOR LANGEMEIER: Long as it doesn't affect the safety of the range. So if the building is the building that catches the bullets from the front of the range... [LB352]

SENATOR CHAMBERS: No, no, it wouldn't have anything to do with the safety. [LB352]

PRESIDENT SHEEHY: Time, Senator. [LB352]

SENATOR CHAMBERS: Thank you, Mr. President. [LB352]

PRESIDENT SHEEHY: Mr. Clerk, do you have an amendment filed on your desk? [LB352]

ASSISTANT CLERK: Mr. President, Senator Chambers would offer FA161. (Legislative Journal pages 357-358.) [LB352]

PRESIDENT SHEEHY: Senator Chambers, you're recognized to open on your amendment to committee amendment, FA161. [LB352]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I want to make what I'm doing as clear as possible, so I'm going to read the existing language, then I'm going to tell you the language I'm striking, and I'll read what will be left after that language is stricken. The existing language beginning in line 3 says, "A shooting range that operates in compliance with the shooting range performance standards is permitted to do all of the following within its geographic boundaries, under the same or different ownership or occupancy, if done in accordance with the shooting range performance standards." I would strike the words "under the same or different ownership or occupancy," and this is how it would read: The shooting range...a shooting range that operates in compliance with the shooting range performance standards is permitted to do all of the following within its geographic boundaries if done in accordance with the shooting range performance standards. It changes no standard, it imposes nothing, it takes away nothing. It simply removes the language that allows different ownership or occupancy. I'd like to ask Senator Langemeier a question. [LB352]

PRESIDENT SHEEHY: Senator Langemeier, would you yield? [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

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SENATOR CHAMBERS: Senator Langemeier, do you object to my removing that language? [LB352]

SENATOR LANGEMEIER: I'm rereading it. I don't...in my opinion, I don't think...because that's the committee amendment, that wasn't my drafting, I don't think it would still...even if you take that out I don't think we're going where you want to go. [LB352]

SENATOR CHAMBERS: Where do you think I want to go and then I'll tell you if you sized it up correctly. [LB352]

SENATOR LANGEMEIER: Well, what I think you want to do is if I own a gun range and I happen to sell it to Joe Smith and Joe Smith is a felon, you don't want this allowance for him to own it. [LB352]

SENATOR CHAMBERS: Oh, no, I'm not...I just gave the...I just used the felon as an example of what can be done under this law. [LB352]

SENATOR LANGEMEIER: Well, let's just use Joe Smith, though. If I go to sell it to Joe Smith, and in this language it says other...different ownership, I think you take that out in the manner in which you want to take it out, I think legally you still, just rereading it quickly here, I still don't think...as long as the gun range goes to a new owner and that still operates in compliance with the shooting range performance standards, no matter who owns it when you take your wording out, is still permitted to continue to be certified and protected, no matter who owns it. [LB352]

SENATOR CHAMBERS: So then you don't object to the removal of this redundant, superfluous language, do you? [LB352]

SENATOR LANGEMEIER: Nope. [LB352]

SENATOR CHAMBERS: Because adding it doesn't really add anything, in your opinion. [LB352]

SENATOR LANGEMEIER: It may do a touch of clarification, but I think it has no significance. [LB352]

SENATOR CHAMBERS: So when the votes comes, will you support this amendment? [LB352]

SENATOR LANGEMEIER: Yep. [LB352]

SENATOR CHAMBERS: Okay. Is there... [LB352]

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SENATOR LANGEMEIER: Can we vote now? [LB352]

SENATOR CHAMBERS: Oh. [LB352]

SENATOR LANGEMEIER: Can we vote now? [LB352]

SENATOR CHAMBERS: No. [LB352]

SENATOR LANGEMEIER: Oh. (Laughter) [LB352]

SENATOR CHAMBERS: Patience is a virtue. I'd like to ask Senator Aguilar a question or two. [LB352]

PRESIDENT SHEEHY: Senator Aguilar, would you yield to some questions? [LB352]

SENATOR AGUILAR: Certainly will. [LB352]

SENATOR CHAMBERS: Senator Aguilar, did you hear the exchange between me and Senator Langemeier? [LB352]

SENATOR AGUILAR: I did. [LB352]

SENATOR CHAMBERS: If he has no objection to removing this language, would you, as the Chair of the committee, have any objection to removing it? [LB352]

SENATOR AGUILAR: None whatsoever, sir. [LB352]

SENATOR CHAMBERS: Thank you. Members of the Legislature, here's what I would like to do, to the extent that I'm able. If you're going to have something like this, I want there to be as few turns and twists and detours in reading it and understanding it as possible. I do not want there to be language which might raise questions, that could any way dilute the power or authority of the approving agency to take whatever action it chooses. Now I will ask Senator Langemeier another question. Senator Langemeier,... [LB352]

PRESIDENT SHEEHY: Senator Langemeier, would you yield? [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR CHAMBERS: Would the approving agency...entity, whether we mean a city, village, whatever, be able to put into its ordinance a requirement that before a change of ownership can occur it must be approved by that entity...let me not put it like that. The

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entity at that point could redetermine the issue of whether or not this gun range ought to be allowed to remain. Should the approving entity have that authority, in your opinion? Remember, the original owner would still be protected, I agree. If there's to be a change of ownership, should the approving agency be able to revisit the question, and if it's to determine the suitability of the person owning it or for any other reason, be given that plenary authority to revisit and make a new determination about the continued existence of that gun range? Should the entity be allowed to do that? [LB352]

SENATOR LANGEMEIER: Referring to the entity as the city, the county, the... [LB352]

SENATOR CHAMBERS: Yes, the one that would be approving... [LB352]

SENATOR LANGEMEIER: ...the zoning authority? [LB352]

SENATOR CHAMBERS: Yes. [LB352]

SENATOR LANGEMEIER: Well, I think the city and the county, they have...I'm not sure I'm going to get to your question, but I think they have the authority to make those kind of decisions. I think you have a question of property rights and use. I don't know where anywhere else in our statutes that we dictate who can buy property from who, so it would be a new...and maybe I...I may not understand the question. [LB352]

SENATOR CHAMBERS: Okay. [LB352]

SENATOR LANGEMEIER: But I don't see anywhere in statute where we currently restrict the ownership from me selling a property to anybody. We don't discriminate. [LB352]

SENATOR CHAMBERS: But we do determine whether or not it can be used in the way it was being used prior to the sale. Is that correct? Suppose I've got a liquor license? I have a right to sell liquor in this building. [LB352]

SENATOR LANGEMEIER: Okay. [LB352]

SENATOR CHAMBERS: I can sell the building, but the liquor license doesn't go with it. Isn't that true? [LB352]

SENATOR LANGEMEIER: Correct. [LB352]

SENATOR CHAMBERS: The license goes to the individual. Would you be opposed to putting language in that would say, when we're dealing with a gun range, that the approving authority, in the event that there is to be a transfer of ownership, has the authority to revisit the issue as to whether or not that gun range, under the new

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ownership, proposed ownership, would be allowed to continue functioning as a gun range? Would you be opposed to language like that? [LB352]

SENATOR LANGEMEIER: So you'd want to create a licensing program for gun ranges ownership. [LB352]

SENATOR CHAMBERS: It's not called a license. It's called making sure that somebody who operates a facility like this is suitable. You require people who get a liquor license to have good character, although I don't know what good character has to do with selling liquor. So if you're going to have to have good character to sell liquor, you don't have to have good character to run a gun range? [LB352]

SENATOR LANGEMEIER: And I don't have a problem with that. I think we'd have to flesh that out a little bit and determine whether that's a gun range license or...I don't think that's wording you just put in here. I think that adds a whole new magnitude of things we could address, and I'm more than happy to sit down and work with you. By Select File, maybe we can come up with something on that regard. [LB352]

SENATOR CHAMBERS: You are one of the most optimistic people that I have come across during my 38 years in the Legislature. That's all I'll ask you, though, Senator Langemeier. Members of the Legislature, this position that I'm taking today is not antigun as such. If I were antigun, I would offer a bill to prohibit the ownership or possession of guns by certain people, the banning of certain weapons which seem to be the weapon of choice of those who want to kill a bunch of white people or an unoffending, young, black, female student. I don't do that. That's not what I'm doing here. I'm talking about an activity which is going to restrict the use that can be made of land by a city, a village, or a county. In addition to giving it island status, which cannot be breached, they don't even have to build a moat around it,... [LB352]

PRESIDENT SHEEHY: One minute. [LB352]

SENATOR CHAMBERS: ...but it goes further and restricts the use that a property owner abutting that gun range can do with his or her property. You're giving a leg up to this gun range that nobody else that I'm aware of has, and I'm open to being told another entity or group enjoying that kind of power and status when it comes to controlling the use of property by society at large and by an abutting landowner. Thank you, Mr. President. [LB352]

PRESIDENT SHEEHY: Thank you, Senator Chambers. You have heard the opening to FA161, amendment to the committee amendments. Members wishing to speak, Senator Langemeier, followed by Senator Chambers. Senator Langemeier. [LB352]

SENATOR LANGEMEIER: Mr. President, members of the body, I appreciate...I

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continue to appreciate the discussion we're having here and, Senator Chambers, the reason I said we need to flesh that out maybe by Select File is I think, as we look to the ownership of some of these gun ranges, they may be owned by their membership, and so you may have 200 owners. And then if you take the committee amendment that you had addressed before, they put in there that we must expand our membership opportunity to the public for participation related to primary activity as a shooting range. As we expand that out to have more member ownership, I think we need to...we need to look at a way to create...if you want to proceed with your mind-set there, and I don't argue that. I think preventing felons from owning a gun range is a smart direction. But I think we need to look at that in a little more detail to figure out how do we...do we say...and I'm going to use Izaak Walton League, do we use the league or it as holding the license, or do we have their 100 or 200 members? I think we need to flesh that out and determine who we're going to talk about to do this background check on. Do we have to do...so if I...let's say I want to go join, and obviously I'm elected so I don't have a felony record, but if I did have a felony record...that's the only requirement. Senator Chambers, you've talked many times about having requirements to send us down here. We don't have to come on intelligence or anything else. You've said many times that we do have to not be felons. But anyway, with that said, I think we need to develop a little more plan for that to address your concern, and I'm more than happy to do that. But I think we have to look at that multiple ownership factor and determine how we could do that. Do we...does Joe Blow want to join Izaak Walton League? So do we have to do a background check on him? Does that affect his license or his ability to operate, and so on and so forth? So I think it can get pretty complex, more than I can put on this little yellow pad that we normally put brackets and IPPs on. So with that, I would yield the balance of my time to Senator Chambers. [LB352]

PRESIDENT SHEEHY: Senator Chambers, about 2 minutes, 50 seconds. [LB352]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Langemeier. And before you sit down, Senator Langemeier, I'm going to call on your expertise as a real estate authority. [LB352]

PRESIDENT SHEEHY: Senator Langemeier, would you yield? [LB352]

SENATOR LANGEMEIER: Yes, and I appreciate being called an expert. [LB352]

SENATOR CHAMBERS: Senator Langemeier, if there is a deed, there is an owner of record of any property. Is that true? [LB352]

SENATOR LANGEMEIER: Yes, it can be an individual, a corporation, a group, a nonprofit. [LB352]

SENATOR CHAMBERS: So if we're talking about changing ownership, we know who

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the owner is or what the owner is based on the document that is filed and carries the designation of the owner of that property. Is that true? [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR CHAMBERS: So if another individual were going to purchase the property or ownership would be transferred, that wouldn't pose a difficulty. So here's what I was reducing my suggestion to, not the background check. I mentioned that to show that anybody can run one of these gun ranges, even a felon. And by the way, I'm not in favor of taking every right from somebody who was convicted of an offense that the Legislature described as a felony. But if the...I'm trying to get to this point where if ownership is transferred, then to whomever it is transferred the authorizing entity prior to that transfer taking place is empowered to review whether or not this gun range should continue to operate as a gun range,... [LB352]

PRESIDENT SHEEHY: One minute. [LB352]

SENATOR CHAMBERS: ...regardless of what is in this bill. So it would be something like any law to the contrary notwithstanding, when and if ownership of a gun range is to be transferred, at that point the authorizing agency is empowered to review whether or not that gun range would continue to function as a gun range--something like that. The issue is whether or not you would agree that there should be the allowance of a reevaluation, because we may be looking at a situation where the gun range has now been encircled by the city. And a way to get rid of that is to say the entity can just reevaluate whether or not it should be allowed to operate as a gun range. The entity could say no, and that would be the end of the gun range. [LB352]

PRESIDENT SHEEHY: Time, Senator. [LB352]

SENATOR CHAMBERS: Thank you, Mr. President. [LB352]

PRESIDENT SHEEHY: Thank you, Senator Chambers. (Visitors introduced.) Senator Chambers, followed by Senator Langemeier. [LB352]

SENATOR CHAMBERS: Mr. President, having engaged Senator Langemeier in the question and answer, here's what I'm looking at. You have a gun range that has managed to gain protection under this law, should it become law, by complying with every rule, regulation and standard. The current owner is going to get out of that business, is going to transfer ownership. Under this law, the city, the county, the authorizing entity cannot bother that gun range. It's allowed to stay there. In addition to being allowed to stay there, any abutting landowner cannot obtain approval, practically speaking, to use his or her land, or any portion of it, in a manner within a 700-something-foot buffer zone. Even if that property is partly owned by the abutting

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landowner, it cannot be used in a way that would put the gun range out of compliance with the law. So what I'm saying is this, if my amendment were to be adopted: The authorizing entity, say a city council, when ownership is to be transferred to another person, could review the entire matter of whether or not this land would continue to operate as a gun range. Obviously, the city would not want it to operate as a gun range, so upon the transfer of ownership it would no longer operate as a gun range. I want to be as direct and forthright as I can so you won't think I'm dealing in that which is academic or theoretical. I am of a mind, if I can do it, to create a set of circumstances, where this law, which I think is terribly flawed, can be circumvented, provided there is to be a change in ownership of this gun range. That's what I'm talking about in terms of an amendment. I don't know whether Senator Langemeier would agree to that idea or that concept. I think I've made it clear that I don't want these gun ranges to be allowed to impede the development of a city, county or village. I don't think they ought to have the kind of protection that the NRA and its minions want this Legislature to roll over and give. You don't do it for schools, as far as I know, or any other entity. You even say that before somebody can get a liquor license, that cannot be obtained if it's within so many and so many feet of a church. Now I don't know what would happen if a church sprang up within that distance, whether that would nullify the holding of the liquor license. I don't know. But when those kind of restrictions are put in, they are not put in to protect the liquor seller. They're put in to protect these other entities. What is being done here is not to benefit society at large but to protect the gun range, and the purpose of protecting the gun range escapes me, other than the fact that the NRA wants these kinds of things done. And when they can get a Legislature to do this, they'll come in here when I'm gone and try to force this Legislature to do what they've tried to force other Legislatures to do,... [LB352]

PRESIDENT SHEEHY: One minute. [LB352]

SENATOR CHAMBERS: ...and that's to say that a person who owns a business cannot keep employees from bringing guns on the property. They talk about owning guns to protect your property, then they want the state to take away the right of a business owner to determine what will be allowed on his or her property? That's the NRA. They've tried it in other states. They got it in one state and the federal court struck it down. That won't stop them. They'll wear these Legislatures out. And when there's not somebody like me in a Legislature, they can get it through very easily, very easily. Nobody on this floor besides me dares to say anything against the NRA and mention those three initials by name. The only individual in literature whose name could not be uttered was Lord Voldemort in Harry Potter, and Harry Potter... [LB352]

PRESIDENT SHEEHY: Time, Senator. [LB352]

SENATOR CHAMBERS: ...broke the code and did so anyway. Thank you, Mr. President. [LB352]

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PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Langemeier. [LB352]

SENATOR LANGEMEIER: Mr. President, members of the body, and we continue the discussion of the ownership changes. For example, we have a number of properties owned in Nebraska. What if we started Pistols LLC and owned a gun range and the ownership changed? There would be no deed change. You'd buy...actually, let's call it an Inc., incorporated property, and you have a corporation owns the gun range. As we change ownership on corporations, there may not be a change in a deed, so is somebody even going to know there was a transfer of the property? Like I said before, I think that's something we need to look at in a little more detail. I can propose and see loopholes that would slip right around what Senator Chambers would like to do there. So I think it's crucial that we do spend some time from now to Select File and try and address that in a thorough manner. Thank you, Mr. President. Oh, wait a minute. I'd yield my time to Senator Chambers. [LB352]

PRESIDENT SHEEHY: Senator Chambers, about 4 minutes. [LB352]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Langemeier. And I would like to engage Senator Langemeier in a bit more exchange. [LB352]

PRESIDENT SHEEHY: Senator Langemeier, would you yield? [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR CHAMBERS: Senator Langemeier, I had mentioned a transfer of ownership. Can ownership be transferred without altering anything on the face of a deed? [LB352]

SENATOR LANGEMEIER: Yes, if it's owned by a corporation. [LB352]

SENATOR CHAMBERS: Now how can... [LB352]

SENATOR LANGEMEIER: You could buy a corporation and then you would then take on all the entities or the properties the corporation owns. [LB352]

SENATOR CHAMBERS: But there would also be included in that a transfer of the ownership of the range, so we would know that the range now was under the ownership of somebody or some entity other than the original person or entity. We'd know that, wouldn't we? [LB352]

SENATOR LANGEMEIER: No. [LB352]

SENATOR CHAMBERS: How...why...okay, you're corporation A. I'm corporation B.

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[LB352]

SENATOR LANGEMEIER: Right. [LB352]

SENATOR CHAMBERS: I'm going to absorb you and take over everything you've got. Is that the scenario you mentioned? [LB352]

SENATOR LANGEMEIER: No. If...for an example, let's say I own Guns Unlimited, Inc. [LB352]

SENATOR CHAMBERS: Okay. [LB352]

SENATOR LANGEMEIER: I own it. I sell Guns Unlimited, Inc., to you. You buy my whole entire...whatever Guns Unlimited owns. There is no deed transfer. We...you now own the corporation, Guns Unlimited, Inc., and there's no change in the record because that property was already owned under Guns Unlimited, Inc. There's no change in the record for that. [LB352]

SENATOR CHAMBERS: So what was transferred to me was the name of the operation? [LB352]

SENATOR LANGEMEIER: And everything that goes with it, yep. [LB352]

SENATOR CHAMBERS: But there was a transfer of ownership? [LB352]

SENATOR LANGEMEIER: Once I sell you the name or the corporation, the entity itself, you know...there is no change in the property because it's owned under the name now which you own. [LB352]

SENATOR CHAMBERS: But there was a change of ownership, wasn't there? [LB352]

SENATOR LANGEMEIER: Yeah, but you wouldn't...you'd never know that if I didn't tell you. [LB352]

SENATOR CHAMBERS: Well, all we'd have to do is say when one of these gun ranges is being approved, should there be a change of ownership, the authorizing entity must be so notified. We could do that, couldn't we? [LB352]

SENATOR LANGEMEIER: You can do it. [LB352]

SENATOR CHAMBERS: And failure to do so would carry an appropriate penalty. [LB352]

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SENATOR LANGEMEIER: Yeah, we'd have to create all that. [LB352]

SENATOR CHAMBERS: That wouldn't take a lot. We could do that on less than one-third of the size of this pad, couldn't we? Because it took me a very few words to say it. [LB352]

SENATOR LANGEMEIER: You might be able to; I might not be able to. [LB352]

SENATOR CHAMBERS: You mean you couldn't write up on a transfer in ownership the authorizing entity, the Omaha City Council, must be so notified? [LB352]

SENATOR LANGEMEIER: Well, yes, we could write that up, but then I guess as I try and be thorough in looking at these bills, is we'd have to decide where to insert it, where to put it. I think there's more than just to put it on a piece of paper. [LB352]

SENATOR CHAMBERS: We could do that. We...(laugh) if that's your biggest problem, if I offer that amendment you're telling me, if I determine where it ought to be put, you will agree with the amendment? [LB352]

SENATOR LANGEMEIER: I haven't got to that point yet. [LB352]

SENATOR CHAMBERS: Well, do you agree that the language... [LB352]

SENATOR LANGEMEIER: Draft it and let me look at it. [LB352]

SENATOR CHAMBERS: ...that I mentioned would accomplish what I'm saying that it would,... [LB352]

PRESIDENT SHEEHY: One minute. [LB352]

SENATOR CHAMBERS: ...if we're not dealing with somebody who's dishonest and would hide the fact that there had been a transfer of ownership, if we're not dealing with somebody like that, to require that a transfer of ownership, or you can say a change in ownership, whatever you're comfortable with? [LB352]

SENATOR LANGEMEIER: I would require that there's a limitation to put on to what they can deem as determining whether...if we limited it down to if you sell your gun range, that individual has to reapply before the city council and the only thing the city council can use as judgment is their felony record, I'm all for that. If you want to open up...I think what that opens up is if you just say the city council gets to review it, then you have the people back in the neighborhood saying, hey, we don't want a gun range so don't approve that permit, I'm not going to go there. [LB352]

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PRESIDENT SHEEHY: Time, Senator. Thank you. Senator Nantkes. [LB352]

SENATOR NANTKES: I'll yield my time to Senator Chambers, if he so wishes to utilize it. [LB352]

PRESIDENT SHEEHY: Senator Chambers. [LB352]

SENATOR CHAMBERS: Thank you, Senator Nantkes. Thank you, Mr. President. Senator Langemeier, you touched on exactly what I said I want to do. The city has engulfed this shooting range. To avoid the restrictions placed by this bill on what that city can do, there would be language which says that if ownership changes, that entity can review the issue of whether or not that gun range should continue to exist as a gun range. That's what I said in the beginning was my intent. Let me ask you this, Senator Langemeier. When you ran for this office, did you ever go door to door to have direct contact with the people who you wanted to vote for you? [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR CHAMBERS: Do you respect the people? [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR CHAMBERS: But you don't want them to have any say-so in an issue such as this, if I understood you correctly, because you said if my amendment were adopted then the neighbors and the people would be down there saying, we don't want this gun range. And you don't want the people to be able to do that. Isn't that true? [LB352]

SENATOR LANGEMEIER: The people that build up to the gun range, because it already exists, when they bought their home or developed their property, they knew the gun range was there. So to say, yes, I'm going to build in that area but soon as that gun range sells I'm going to go try and kill the gun range, I don't think is a fair policy. [LB352]

SENATOR CHAMBERS: You tap-danced in accord with the lessons given by Arthur Murray/NRA. You tap-danced right around the question I asked you. The question I asked you, and I'll paraphrase it, you don't want the neighbors and the people to be in a position to object to the continued existence of this gun range. Isn't that what you're saying? [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR CHAMBERS: So you don't want the people...you don't respect the people's right to do that, in other words. [LB352]

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SENATOR LANGEMEIER: Not if the gun range came first. [LB352]

SENATOR CHAMBERS: So the gun range's rights supersede those of people, right? [LB352]

SENATOR LANGEMEIER: Yes. [LB352]

SENATOR CHAMBERS: Okay. That's all I need from you. Senator Langemeier could get in the race for President right now as the NRA's candidate, because I have never heard anybody admit--a politician--that the rights of a gun range supersede the rights of the people. You know what? Going back to the "Bible," there was a commandment that said remember the Sabbath day to keep it holy, and a religion laid out certain things that could not be done on the Sabbath because to do so would violate the injunction to keep it holy. Well, a fellow came along who was a member of that religion, and he and his disciples were doing things that violated the Sabbath. And when fault was found with him, you know what that rascal said? Senator Langemeier, you know what that rascal said? That rascal said, the Sabbath was made for man and not man for the Sabbath. That's what that rascal said. The gun range should not be elevated above the interests of the people. The rights of the people should come first. There are numerous examples of property of every variety being taken... [LB352]

PRESIDENT SHEEHY: One minute. [LB352]

SENATOR CHAMBERS: ...for a public use and purpose. I have not seen anybody so brazenly come here and tell us that a gun range has rights superior to those of the people. But Senator Langemeier is straightforward and he's honest in letting us know where he stands. And I'm going to be just as straightforward in doing everything I can to restore the rights of the people to where they belong. Even the U.S. Constitution talked about life, liberty and the pursuit of happiness--not life, liberty and property. They first wanted to say property because they felt like Senator Langemeier, but property should not be given that status in the constitution, even though there were people who felt that way about it. So Senator Langemeier and I are going to continue worrying and tussling over this issue. And now, since Senator Christensen has chosen to come into my neighborhood,... [LB352]

PRESIDENT SHEEHY: Time, Senator. [LB352]

SENATOR CHAMBERS: ...he and I are going to tussle. [LB352]

PRESIDENT SHEEHY: You may continue. [LB352]

SENATOR CHAMBERS: Oh, thank you. He and I are going to tussle over a thing or two also, because he thinks that it's all right to make things available for white people who

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make up 92 percent of the state's population. Everything the Legislature does is for white people. You don't have to say this is for white people because everything is for white people. When we talk about farm legislation and I fight for rural issues, I'm fighting for rural white people. And I don't have to say white people, because they're all white. But then, when those groups who have been discriminated against and prevented from getting an education are to be given some compensation, here comes old Christian Christensen saying, I want the constitution to say, by God, them people haven't had no rights and they ain't going to get no rights if I can do and have it my way. And if you want to know what my attitude is, listen to my accent and that will tell you what my attitude and my orientation is. I am fed up with these racists coming around trying to prevent those who have been cheated already from having an opportunity to get an education, which schools like UNL are trying to do--making job opportunities available for those who have been systematically denied. I have yet to see Christensen...Senator Christensen do anything with any bill that helps any group. When these narrow-minded people come here with their narrow-minded religious views, they're going to be counteracted by me, and I expect to be taken to task on this floor in the same way I take others to task. But by God, if a God there be, I will not run and hide. I will not jump behind an organization. I will not hide behind anybody's skirts. I will stand on this floor and I will fight for those who need to be protected. And that's why these white racists wanted me out of this Legislature, and that's why they changed their constitution. They changed it to show how much they hate lesbian and gay people. They changed it to show that black people have no rights that white people have to respect, so we will change the law so they cannot elect whom they choose. But, by God, we're going to go over to Iraq and Iran and Afghanistan and make those people practice democracy, as white people say it should be practiced. What does that mean? Dividing Iraq into three entities so that the three groups can each have representation in the government. That's what America is for, white America, but white America is not in favor of these groups who have fought in every war for this country, who have paid taxes and suffered all of the burdens of citizenship. They don't want us to have rights. And I'm supposed to stand here and swallow spit and be courteous and allow that to happen? If I let a man on this floor call my mother a whore, you think I'm going to stand here and let that pass because I'm trying to be courteous? He slapped me, and I'm supposed to accept it in silence? He's going to have the fight of his life, and I'm going to call it like I see it. It is racism--racism and hatred of black people. I had my thoughts about him when I first heard his accent and now I know what he is. Now if you don't like what I'm saying, why don't you all expel me from the Legislature? Your white voters have fixed the constitution so my colleagues...not my colleagues, my constituents cannot put me in office. You all don't want us to have effective representation. You all are upset, your colleagues, your constituents out there, because they send dumbbells down here who cannot fashion rules to stop me. So get him out of the Legislature. What are you saying about yourself as a white society? You cannot deal with one black man? Forty-eight white people cannot deal with one black man? And I'm supposed to feel inferior to you in any regard? You make it impossible. I am superior. [LB352]

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PRESIDENT SHEEHY: One minute. [LB352]

SENATOR CHAMBERS: And my parents did not teach me that. My parents and the church I attended when I was small taught that everybody...they were very inexact. They would say things like everybody is the same. So I try to maintain that attitude, but the more I'm around white people the more impossible it is for me to be humble, a spit swallow. Bow my head, shuffle my feet, grin when nothing is funny, scratch when I don't itch in order not to offend some white people who hate me and hate people like me, and will put it in their constitution and laws? They don't have the decency, the courtesy, the courtliness, the politeness to allow black people to exercise the ballot, because the ballot means what they say it is,... [LB352]

PRESIDENT SHEEHY: Time, Senator. [LB352]

SENATOR CHAMBERS: ...just like the Jews in Israel. You said continue, or that's it? [LB352]

PRESIDENT SHEEHY: Time, Senator. That was your third time. [LB352]

SENATOR CHAMBERS: Okay. [LB352]

PRESIDENT SHEEHY: Further members wishing to speak on FA161? Seeing none, Senator Chambers, you're recognized to close. [LB352]

SENATOR CHAMBERS: As I was going to say, the Jews in Israel said they wanted there to be democracy among the Palestinians. When democracy took its course and a party was elected in a democratic fashion that the Jews in America didn't like, they said, "F..." democracy; it didn't come out the way we want it to. And white and Jewish democracy means that the ones we want, the ones we approve of, are the only ones who are going to be allowed in office. And you think these people around the world don't see through you? You think I don't see through you? Don't mistake my being courteous around here when people are courteous to me with being stupid and blind. I know what is going on around here and you all know it too. And if you don't know, I'm going to do what I can to bring it to your attention. Back to this bill and this amendment. Senator Langemeier does not object to this amendment which would remove language which really does nothing. It is superfluous, it is redundant. Removing the language that I'm talking about will not give me a leg up on his bill or move me in the direction that I would like to move, and that direction has a destination at the end. The destination at the end is to take away this sanctified status of gun ranges. I don't want the state to create a "cathedral of the gun." I want to stop that. I don't want the state to build a 700-and-something-foot-wide moat all the way around the "cathedral of the gun," and within that moat there can be no encroachment by anybody. You talk about idolatry!

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You talk about foolishness! And this is the Legislature. What these white people, if they had any sense, would do is vote to put all of you all out of here and let me be the only one left. When they have a truly serious issue and their rights are going to be compromised, I'm the one they call. They tell me about having tried to contact other senators and they can't even get past staff members, so they come to me. They admit it's the last stop on the road to perdition. If you were drowning, I could take a scimitar with an edge sharp as a razor blade and reach it to you in the water, and you would grab that sharp blade if you thought by so doing you'd save your life. So as a last resort they will even come to Senator Chambers, and they come with a higher expectation of assistance when they come to me than when they go to you. And what I'm doing here is attempting to uphold some of these principles you all say your society honors. If you could get that gun, that love, that inordinate, that perverse love of the gun out of your brain and look at the issue itself, this bill would have been dead aborning. It would not have gotten out of committee. I know you all are afraid of the NRA. You have nothing to fear but fear itself, is what Roosevelt told you. Do the thing you fear and the death of fear is certain. Stand up to the NRA. But you're too afraid. Your knees won't support the weight of your body; they're knocking too hard. So I've got to fight this bill... [LB352]

PRESIDENT SHEEHY: One minute. [LB352]

SENATOR CHAMBERS: ...and try to save this Legislature from itself. This is not, as I see it, one person building a house beside a gun range. Those who push this bill have made it clear that they're worried about a city, a village, a county or whatever the entity is, growing and surrounding the gun range even, and they don't want the gun range to be touched. They want the state to give that protection. And what becomes of local control? Well, local control is used when you find it to your advantage to talk about local control, but it's not a valid principle to be applied in all instances where the interests of the people are to be affected. My problem is that I've taken too seriously too many things that white people talk about. [LB352]

PRESIDENT SHEEHY: Time, Senator. [LB352]

SENATOR CHAMBERS: Thank you, Mr. President. I will ask for a call of the house. [LB352]

PRESIDENT SHEEHY: There has been a request for the call of the house. 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. [LB352]

CLERK: 30 ayes, 0 nays, Mr. President, to place the house under call. [LB352]

PRESIDENT SHEEHY: The house is placed under call. All unexcused senators please return to the Chamber. All unauthorized personnel please step from the floor. The

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house is under call. Present senators please record your presence. Senator Nantkes, Senator Kruse, Senator Wightman, the house is under call. Senator Janssen, would you record your presence. Senator Chambers, you're recognized. [LB352]

SENATOR CHAMBERS: Mr. President, I will accept a machine vote at this point. [LB352]

PRESIDENT SHEEHY: Thank you, Senator Chambers. We will proceed with a machine vote. The question before the body is on the adoption of FA161, amendment to the committee amendment. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB352]

CLERK: 37 ayes, 0 nays, Mr. President, on the adoption of Senator Chambers' amendment to the committee amendments. [LB352]

PRESIDENT SHEEHY: FA161 is adopted. The call is raised. We will...items for the record, Mr. Clerk. [LB352]

CLERK: Mr. President, Committee on Enrollment and Review reports LB465, LB586, LB619, LB620, LB196 to Select File, some of those having Enrollment and Review amendments attached. Your Committee on Agriculture reports LB790, General File; LB791, General File; and LB925, General File with amendments. I have hearing notices from the Appropriations Committee and from the General Affairs Committee, signed by the respective Chairs. Reminder: Reference will meet upon adjournment in Room 2102. (Legislative Journal pages 358-365.) [LB352 LB465 LB586 LB619 LB620 LB196 LB790 LB791 LB925]

And a priority motion, Mr. President. Senator McGill would move to adjourn until Friday morning, January 25, at 9:00 a.m.

PRESIDENT SHEEHY: You have heard the motion to adjourn until Friday, January 25, 2008, at 9:00. All those in favor say aye. Opposed, nay. We stand adjourned.