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Floor Debate
February 20, 2008

[LB39 LB113 LB116 LB268 LB279 LB280 LB280A LB395 LB395A LB474 LB500 LB581 LB609 LB609A LB623 LB624 LB668 LB715 LB716 LB717 LB725 LB732 LB733 LB737 LB744 LB747 LB750 LB752 LB755 LB756 LB757 LB766 LB782 LB786 LB790 LB791 LB829 LB846 LB851 LB852 LB856 LB857 LB880 LB881 LB896 LB898 LB912 LB913 LB915 LB918 LB925 LB945 LB946 LB974 LB1012 LB1026 LB1040 LB1149 LR220CA LR230CA LR239 LR242]

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twenty-seventh day of the One Hundredth Legislature, Second Session. Our chaplain for today is Senator Carlson. Would you all please rise.

SENATOR CARLSON: (Prayer offered.)

PRESIDENT SHEEHY: Thank you, Senator Carlson. I call to order the twenty-seventh day of the One Hundredth Legislature, Second Session. Senators, please record your presence through roll call. Please record, Mr. Clerk.

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

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Corrections for the Journal.

CLERK: I have no corrections, Mr. President.

PRESIDENT SHEEHY: Messages, reports, or announcements.

CLERK: Your Committee on Enrollment and Review reports LB395A as correctly engrossed. Revenue Committee, chaired by Senator Janssen, reports LB846 and LB912 to General File with amendments, and the following bills indefinitely postponed: LB732, LB733, LB737, LB757, LB881, LB913, LB946, LB974, LB1012, LB1026, LB1040, LR220CA, and LR230CA, all of those reported indefinitely postponed. And that's all that I had, Mr. President. (Legislative Journal pages 627-628.) [LB395A LB846 LB912 LB732 LB733 LB737 LB757 LB881 LB913 LB946 LB974 LB1012 LB1026 LB1040 LR220CA LR230CA]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We will move to the first legislative bill under Select File.

CLERK Mr. President, LB268. Senator McGill, I have no amendments pending to LB268. [LB268]

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PRESIDENT SHEEHY: Senator McGill. [LB268]

SENATOR MCGILL: Mr. President, I move LB268 to E&R for engrossing. [LB268]

PRESIDENT SHEEHY: You have all heard the motion. All those in favor say aye. Opposed, nay. LB268 advances. Next bill, Mr. Clerk. [LB268]

CLERK: Mr. President, LB782. Senator McGill, I have Enrollment and Review amendments, first of all. (ER8155, Legislative Journal page 522.) [LB782]

PRESIDENT SHEEHY: Senator McGill. [LB782]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB782]

PRESIDENT SHEEHY: You have heard the question on the adoption of the E&R amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB782]

CLERK: Senator Howard would move to amend with AM1847. (Legislative Journal page 579.) [LB782]

PRESIDENT SHEEHY: Senator Howard, you are recognized to open on AM1847. [LB782]

SENATOR HOWARD: Thank you, Mr. President. Members of the body, I would like to briefly refresh your memory of this bill. The public has a legitimate interest in having information when a tragic event occurs involving a child who is or has been a ward of the state. Allowing Health and Human Services the ability to confirm, to clarify, or to correct information concerning an allegation or actual instance of child abuse or neglect that has been made public by someone outside the department, will ensure that the public has substantive and accurate information. This change in the way the information is released will also result in greater transparency and increased public confidence in the work the department does to protect children. In brief, the amendment is simply this: For the purpose of this section, the best interests of the child, the child's siblings, or other children in the household does not allow the disclosure of information that would impede a pending or current criminal investigation by a law enforcement agency. What this does, in essence, is information will not be released if it will compromise in any way an ongoing investigation. Thank you. [LB782]

PRESIDENT SHEEHY: Thank you, Senator Howard. You have heard the opening to AM1847. Members wishing to speak, Senator Pirsch. [LB782]

SENATOR PIRSCH: Thank you, Mr. Lieutenant Governor, members of the body. I would just urge you to support this, both the amendment and the underlying bill. I think

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the underlying goal of greater transparency for the public is a good one, and so with that I would urge you to vote the amendment and the bill through. [LB782]

PRESIDENT SHEEHY: Thank you, Senator Pirsch. Are there additional members wishing to speak? Seeing none, Senator Howard, you are recognized to close. Senator Howard waives closing. The question before the body is on the adoption of AM1847 to LB782. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB782]

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Howard's amendment. [LB782]

PRESIDENT SHEEHY: AM1847 is adopted. Next amendment, Mr. Clerk. [LB782]

CLERK: Mr. President, Senator Chambers would move to amend with AM1878. (Legislative Journal page 589.) [LB782]

PRESIDENT SHEEHY: Senator Chambers, you are recognized to open on AM1878. [LB782]

SENATOR CHAMBERS: Thank you, Mr. President. I would invite the attention of my colleagues to this amendment. It should be on your gadget. And what it would do is to eliminate from the statute a provision that I procured. That provision would make reprimands to judges a matter of public record, would make it a matter of public record. Those reprimands under the existing law that I placed on the books would be published in the same way that cases from the Supreme Court are published. I heard my colleagues, even some lawyers, say that if you allow the public to be made aware that a police officer had been disciplined, that could be used to impeach the officer when he testifies. Well, how damaging is it to a judge and that judge's ability to be respected if that judge has been reprimanded and the public is made aware of it? You all would not support that bill that would open these files on discipline when the officer had been disciplined by his or her own agency. You all said that the cops have the right not to let that be made known to the public. Well, what about the judges? Why shouldn't the judges have the same protection you all saw fit to give to the cops? You're going to be standing before a judge, and you know that this judge has been disciplined. Why should that be? How foolish is this Legislature and how simpleminded is it, to let the police union make fools out of you? And that's what happened. And now that same union is involved in trying to deny a person a nomination because that person is not one that the police union likes. And you think I'm going to be a fool and help the police union? They have another thing coming. I don't forget these things, and they are serious. There are policies that we're dealing with. And I want to hear how many people are going to object to shielding the judges when they have been reprimanded on more serious types of discipline. It's a matter of public record and I'm not taking that away. Because it becomes public, judges can have hearings if they choose. Now, the reprimand is not

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something that was made public. And sometimes in order to avoid a type of discipline that would be made public, a judge would be merely reprimanded and the misconduct might justify one of those harsher punishments, but it would be made public. So I worked with the last Chief Justice, Hendry, and put into the statute that when a judge is reprimanded, that will be made public. And you all have convinced me that I made a mistake. If you're going to protect these wrongdoing, rotten cops, and they do some rotten things, Senator Pirsch--and you ought to know it as a prosecutor--you want to protect them. And Senator Flood is talking about I wanted to punish the cops. No, I...not Senator Flood; Senator Friend. I'm sorry, Senator Flood. Senator Friend. Now, how is he going to say--he said it so we know how he would say it--how rational is it for Senator Friend to suggest that I'm punishing these cops, when the cop has been disciplined by his or her own agency? He wants to protect the wrongdoer. And even when the wrong for which the cop has been disciplined involves sexual abuse, physical or verbal abuse, and you want to hide it from the public and say it's a rush to judgment. Was it a rush to judgment when I got that bill through that said judges who are reprimanded are not entitled to have that reprimand shielded from the public? Oh, you all are going to have a field day when I'm gone from this Legislature. Look at the silliness, the craziness that this Legislature will be involved in, because the police union dragged you all outside those glass doors and made you behave like foolish people. You know that a wrongdoing cop should not be shielded and protected. And if the argument can be made that when this cop committed violations for which he or she was disciplined, you're going to argue, well, if that's known when the cop testifies in court against somebody, it can be used to impeach the cop's credibility, shouldn't that happen? Suppose you are looking for a job, and they find out that you have bad credit and you can't get the job. If bad credit can prevent you from getting the job and we won't pass a law to prevent that from happening; if having been arrested but not convicted can be a basis for denying you a job or firing you, and we won't pass a law to prevent that from being done, you are so concerned about these wrongdoing cops, those are the only ones we're talking about, that the public should not know when they've been disciplined by their own agency--their own agency. And you think they should be shielded and protected. I've heard people who voted against that bill stand on this floor and talk in other contexts just like I'm talking now. I didn't hear what Senator Pirsch's amendment was, but I heard the word "transparency" come out of his mouth, and he's the one who is against that transparency when it comes to these wrongdoing cops. You know what his agenda is. Watch his vote. Watch the way he talks. Watch the issues he brings. Don't look down and be embarrassed. We are grown people, and he voluntarily takes these positions and advocates them openly and notoriously, and I'm going to call attention to it. He's a grown man. You think what I'm doing is unethical? I am not the one with his agenda. It's his agenda. And you all are so timid, so concerned about how somebody feels about you that you are going to allow policies to be undermined because you feel sorry for somebody. The public has a right to know. This bill is the appropriate one for me to offer my amendment on, because I want to shield judges as you want to shield these cops. Now if a judge was involved in sexual abuse, the judge

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would be off the bench. If the judge was involved in physical abuse, Senator Pirsch, he would be off the bench. Check "Deacon" Jones. Probably a friend of yours. He may not be. I got him off the bench. He's off the bench, and these people want to protect these wrongdoing cops so the public doesn't even know what they have done, doesn't know that they were disciplined. Why are you so worried about these cops? Do they have something on you? Did they catch you creeping with a woman when you're married, and you shouldn't have been doing it, and you're afraid so you better go along with what the union tells you to do? Did they tell you, I'll jerk the cover and I'll expose you as you may have exposed yourself where you ought not have done, and you got caught? Is that what the union has on you all? You want to expose other types of information on other people... [LB782]

PRESIDENT SHEEHY: One minute. [LB782]

SENATOR CHAMBERS: ...pursuant to this bill. I'm going to see how many people will support me in shielding the judges. Why should a judge who is going to be allowed on the bench be exposed as having received a reprimand for violating the code of judicial conduct? Thank you, Mr. President. [LB782]

PRESIDENT SHEEHY: Thank you, Senator Chambers. You have heard the opening to AM1878. Speaker Flood for an announcement. [LB782]

SPEAKER FLOOD: Thank you, Mr. President and members. Just briefly with regard to today's agenda, I've had a few questions from members in the body regarding how we will proceed with the agenda today. Please note that if we reach the category of Select File nonpriority bills prior to 11:45 this morning, we will take up the bills in the order listed, whether or not they had a substantive amendment filed to them. The notation about the bills with no amendments other than E&R amendments indicates that wherever we are at on the agenda at 11:45 we will then move to the clean Select File bills and advance those bills by voice vote. I'm just clarifying that so that there's no question remaining as to how we will proceed today. Thank you, Mr. President. [LB782]

PRESIDENT SHEEHY: Thank you, Speaker Flood. Senator Pedersen, followed by Senator Chambers. [LB782]

SENATOR PEDERSEN: Thank you, Mr. Lieutenant Governor and members of the Legislature. After hearing Senator Chambers explain his amendment, I want to visit with you about the fact that if he gets this through, which I would support, then I'm going to try and offer an amendment also to take medical professionals out of this. And what I mean by that is when they discipline medical professionals--doctors, nurses, counselors, anybody that's in the medical profession--they make it public information. And I don't know what this does to the courts, but I know what that does to a private practice. If we're going to do it for one we need to do it for all, especially those who

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serve and we trust. Obviously, you don't want to go to a medical professional who is doing things wrong, medically or ethically. However, what is good for one is good for all. I think Senator Chambers makes sense, and I'm going to support this amendment. Thank you. [LB782]

PRESIDENT SHEEHY: Thank you, Senator Pedersen. While the Legislature is in session and capable of transacting business, I do propose to sign and hereby sign LR239. (Visitors and doctor of the day introduced.) Senator Chambers. [LB782 LR239]

SENATOR CHAMBERS: Mr. President, members of the Legislature, whether you all like it or not, I'm going to do some teaching. You can reject it if you want to, but you need to open your minds to what is being done. You are establishing policies. If you're going to shield people from the consequences of their wrongful conduct, grown people, in some cases where they've taken an oath to behave, you're going to shield them. You don't feel that way about children. When a kid gets in trouble in school, you don't say, well, we need to cover that up because it may affect the child's psyche and he or she will be no good for the rest of his or her life, so if we become aware of wrongdoing, we will write it in a book someplace, but we're not going to do anything in the way of correcting it, because children are sensitive. You wouldn't think of doing that. We should stop making certain convictions in court matters of public record if they involve public officials who have a trust relationship with the public, because it will interfere with that trust. I'd like to ask Senator Friend a question or two. [LB782]

PRESIDENT SHEEHY: Senator Friend, would you yield to some questions? [LB782]

SENATOR FRIEND: Yes, I will. [LB782]

SENATOR CHAMBERS: Senator Friend, the language that is currently in the law says the following: Any reprimand of a judge shall be public and shall be announced in a fashion similar to that of a published opinion of the Supreme Court. I want to strike that language to protect and shield the judges, because if it's publicized that they were reprimanded it could interfere with the public's trust of that judge. Will you support this amendment? [LB782]

SENATOR FRIEND: I'm not sure that I wouldn't support the concept, but I'm not going to support it here and now. [LB782]

SENATOR CHAMBERS: Can you tell me why, if it's not prying too deeply into things you would rather keep quiet? [LB782]

SENATOR FRIEND: No. No, that's okay. I'm not trying to keep anything hidden. I don't believe that this amendment is germane to the underlying bill. [LB782]

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SENATOR CHAMBERS: When you say you support the concept, so that we can get to what I am asking you questions about, do you believe that judges should be shielded from public disclosure when they have been reprimanded for misconduct? [LB782]

SENATOR FRIEND: I think it depends on how...what they're being reprimanded for and how the...what the original intent and the idea was. I mean, you're the one...you had even mentioned you're the one that put this language in. So my problem, Senator Chambers, is we're dealing with something that...two things. One, we haven't had a lot of time to discuss and investigate, you know, the reasons for your measure... [LB782]

SENATOR CHAMBERS: Okay, you made your point clear to me that you're not going to support the amendment. You're not willing to say that a reprimand of a judge should be kept from the public. You're not prepared to say that at this point, correct? [LB782]

SENATOR FRIEND: Well, yeah, because I think... [LB782]

SENATOR CHAMBERS: Okay. Okay, thank you. [LB782]

SENATOR FRIEND: ...because I think this is a long...just like our previous conversation, Senator Chambers... [LB782]

SENATOR CHAMBERS: My time will run out, though. [LB782]

SENATOR FRIEND: Okay. [LB782]

SENATOR CHAMBERS: I got the answer that I needed. Thank you, Senator Friend, not to cut you off, although that's what it effectively did. Members of the Legislature, you see how people, when they're brought face to face with what they have done, suddenly are not willing to go along with it. I'd like to ask Senator Pirsch a question. [LB782]

PRESIDENT SHEEHY: Senator Pirsch, would you yield? [LB782]

SENATOR PIRSCH: I would. [LB782]

SENATOR CHAMBERS: Senator Pirsch, are you going to support this amendment? [LB782]

SENATOR PIRSCH: Your amendment here? [LB782]

SENATOR CHAMBERS: Yes, so that reprimands against judges will no longer be public. [LB782]

SENATOR PIRSCH: I would certainly be open to listen to the debate on it, but at this

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point in time if I had to vote on it right now I probably would not support it. [LB782]

SENATOR CHAMBERS: Did you vote against making those disciplinary actions against police, public? You voted against making those public, didn't you? [LB782]

SENATOR PIRSCH: I voted against your proposal for making certain things public, yes. [LB782]

SENATOR CHAMBERS: Because you don't think those things ought to be made public, isn't that why you voted the way you did? [LB782]

SENATOR PIRSCH: The breadth of the things that you covered, public, yes. [LB782]

SENATOR CHAMBERS: So you felt that if an officer was convicted by his own agency,... [LB782]

SENATOR PIRSCH: Um-hum. [LB782]

SENATOR CHAMBERS: ...of sexual abuse, verbal or physical abuse, that's too broad and the cops should be shielded from that disclosure. Is that correct? [LB782]

SENATOR PIRSCH: I believe sexual abuse or committing any crime should definitely be revealed, definitely transparent. What I feared is that on the other end of the spectrum, that we went too broad and started revealing things such as... [LB782]

PRESIDENT SHEEHY: Time, Senator. Senator Louden, followed by Senator Pedersen, Senator Chambers, and Senator Pirsch. Senator Louden. [LB782]

SENATOR LOUDEN: Thank you, Lieutenant Governor and members of the committee. As I look over this amendment here, I guess I have some questions to ask, and I was wondering if Senator Chambers would yield for questions. [LB782]

PRESIDENT SHEEHY: Senator Chambers, would you yield to some questions? [LB782]

SENATOR CHAMBERS: With a song in my heart, but I shall not sing it. [LB782]

SENATOR LOUDEN: Well, I would hope you wouldn't sing it right now, Senator, but thank you anyway. [LB782]

SENATOR CHAMBERS: Well, now I might, but go ahead. [LB782]

SENATOR LOUDEN: What I'm wondering with your amendment, what this does is it

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takes away any reprimand that would be on any judges for some type of...something that they would do they needed to be disciplined for. Is that correct? [LB782]

SENATOR CHAMBERS: It would not take away the reprimand. It would shield that reprimand from the public. It would be hidden from the public. [LB782]

SENATOR LOUDEN: Okay. Now on judges, we don't vote for judges but we vote to retain judges. And wouldn't...isn't that the reason this is in statute, so that something can be made public so whether...when you...at the next election, you would decide whether or not you wanted to vote to retain those particular judges? Because as I remember, there have been instances in...when I've know the judges that had conduct that was unbecoming and they were reprimanded, and then, of course, that was part of the system when they came up to be whether we voted to retain them or not. And so I think...is that the reason that this is in here to start with, in the statutes? [LB782]

SENATOR CHAMBERS: Senator Louden, I'm the one who put this into the statute, and my view was that judges, because of the role they play, should not be shielded when they have been reprimanded, because they're reprimanded for having been found guilty of a violation of the code of judicial conduct. When they knowing... [LB782]

SENATOR LOUDEN: Then it doesn't have anything to do with whether or not you vote to retain a judge or not? It didn't have anything to do with that? [LB782]

SENATOR CHAMBERS: No, not as far as I'm concerned. It could be used for that purpose, and it ought to be. But my point was that judges should not be shielded when they've done something wrong, because I've gotten reprimands and other action taken against judges, and I've believed, and still do, that the public should know this. [LB782]

SENATOR LOUDEN: Well, I agree, and that's the reason I thought perhaps this was...and you say you put this in statute some time or another? [LB782]

SENATOR CHAMBERS: Yes. [LB782]

SENATOR LOUDEN: Okay. But it didn't have...did it go in about the same time when we started voting to...whether or not we would retain judges rather than voting for judges? [LB782]

SENATOR CHAMBERS: No, this is of relatively recent vintage, maybe two or three years ago. [LB782]

SENATOR LOUDEN: Okay. Thank you, Senator Chambers. At the present time, I don't think I can support this amendment, because I think if we're going to have an election where we're going to vote to retain judges, if there are serious reprimands then it

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probably needs to be made public, because that's part of the public record. Usually, this is something that's done by the bar association or whoever does the reprimand, but at the present time I'm comfortable the way the law is. Thank you, Mr. President. [LB782]

PRESIDENT SHEEHY: Thank you, Senator Louden. Senator Chambers. [LB782]

SENATOR CHAMBERS: Mr. President, members of the Legislature, police officers are sworn. They take an oath, and that oath binds them to obey the law, certainly. They are bound to abide by the rules, the regulations, of the department for which they work, and we know they're bound to obey the law. When they violate that oath and their own agency finds that they have done it, why should they be shielded when other people in society are not? That is preposterous. Didn't Senator Friend sound foolish when he cannot grasp what this amendment does and we need a lot of time to debate it? What is he talking about? I've made it so clear a fool cannot err. It's clear what this amendment does. And there is old Senator Pirsch, a prosecutor, who wanted to put people in jail, saying, well, your amendment is too broad; these cops are so sensitive; I mean, you know, they might go home, and they would be nervous because their agency found them to have committed a sexual abuse and punished them for it, but the public shouldn't know because it makes the cop uncomfortable. Nobody made him or her do wrong. The cop physically abused somebody. And Senator Pirsch would want physical abuse made known if it's done by a person associated with HHS. But a cop? No. And that is the unholy reliance between these prosecutors and the police. They cannot see justice. He protects the police who have done wrong, and their own agency said they're wrong. And here's a prosecutor who is going to put other people in jail, saying, but you protect these cops, the ones who swore an oath are entitled to protection; the ones who have a higher duty to obey the law should be protected when they do wrong, because the prosecutor is too weak to do what he has sworn to do when he was a prosecutor. He's not a prosecutor anymore. But he is showing you the kinds of things he probably did when he was. He looks the other way when big shots come along. They are untouchable. That's part of the problem with prosecution in Omaha and by the county attorney. They play favorites. But where we have an insight with Senator Pirsch, he stands on the floor and says it's too harsh on these cops, when their own agency has disciplined them. It's too harsh on them to let the public know, so all these cops driving around in these cars, enforcing the law on people, may have had this disciplinary action taken against them, but the public is supposed to believe that they're all right because people like Senator Pirsch and Senator Friend think that they should be protected. And on the car is says, to protect and serve. Protect whom? Senator Pirsch wants to protect the cops. To serve whom? Senator Friend wants to serve the cops' interests. Not all police officers. They're not interested in the cops who behave. They are protecting the wrongdoers, which casts a reflection on all of the cops. That's what you've got sitting in your midst. And you all get all nervous when I talk like this. Who else is going to do it? Does it need to be said? You think the public needs to know what we're doing? [LB782]

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PRESIDENT SHEEHY: One minute. [LB782]

SENATOR CHAMBERS: The public certainly does need to know. I know what my role is and my responsibility is. I get attacked all the time. I get attacked by editorialists. I get attacked on this gadget that people have. And you don't hear me standing up here saying, they shouldn't attack me. I'm a good guy, I try to do right, I try to be good, and they attack me. No. I'm a grown man. And we're talking about grown men and grown women. And we've got people who like to be...they are members of that party that claims to have so much morality. And at the federal level, they just got through, in the Senate, reprimanding this guy who was trying to pick up some illicit sexual activity in a public toilet--a "Repelican." I've got a file this thick on the "Repelicans." They talk righteousness. They talk values. [LB782]

PRESIDENT SHEEHY: Time, Senator. [LB782]

SENATOR CHAMBERS: Say it again? [LB782]

PRESIDENT SHEEHY: Time. [LB782]

SENATOR CHAMBERS: Thank you, Mr. President. [LB782]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Pirsch, followed by Senator Aguilar and Senator Friend. Senator Pirsch. [LB782]

SENATOR PIRSCH: Thank you, Mr. Lieutenant Governor and members of the body. And I appreciate the opportunity to clarify some of the, I guess, misperceptions that may have come about to Senator Chambers with respect to his earlier bill. You know, and I know this probably isn't too germane to the underlying bill that we're talking about, but I did want to speak to that. My objection with your bill prior to this, Senator Chambers, is no one has any objection to the act of revealing criminal acts by anyone, be they police officers or anyone else. Those, to my understanding, are already revealed to the public, those...any criminal acts, be they of a sexual assault nature or any kind. My objection to your bill, and when I say overbroad, deals with the fact as it was introduced would call for any disciplinary type of action to be revealed, and that would include the not following the policies. The policies of a police department were such that they had policies on the proper way to polish their shoes, other types of trivial matters such as that. And so that, the breadth of yours on the trivial end, was my objection. Having said that, again I don't know that this is particularly germane to Senator Howard's bill, but I would yield the rest of my time to Senator Chambers for his comments (inaudible). [LB782]

PRESIDENT SHEEHY: Senator Chambers, about 3 minutes, 20 seconds. [LB782]

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SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Pirsch. And I would like to ask Senator Pirsch a question or two. [LB782]

PRESIDENT SHEEHY: Senator Pirsch, would you yield to some questions? [LB782]

SENATOR PIRSCH: I would. [LB782]

SENATOR CHAMBERS: Senator Pirsch, you and others had made the point that you're making now, so that bill was narrowed. It specified only three areas--not shining shoes, not washing cruisers. Sexual abuse, physical abuse, verbal abuse; only those three things. Were you aware that that's the form of the bill you voted against? [LB782]

SENATOR PIRSCH: I would say now you're talking about the amendment that came...your amendment, correct? [LB782]

SENATOR CHAMBERS: Yes. [LB782]

SENATOR PIRSCH: Okay. Yes. [LB782]

SENATOR CHAMBERS: So you thought that even when it was narrowed it was still too broad. [LB782]

SENATOR PIRSCH With respect to not the physical abuse or the sexual abuse, but the category of verbal abuse and what that may or may not be composed of. [LB782]

SENATOR CHAMBERS: Senator Pirsch, are you aware that the bill would apply only when the officer's agency felt that verbal abuse was sufficiently egregious to be disciplined? Are you aware that it was the officer's agency that would make that determination? [LB782]

SENATOR PIRSCH: Well, with respect to the specific verbal abuse, I don't think then that specific category was explored enough on the floor for us to have an understanding of what that would and what that would not be composed of such that it could be published. [LB782]

SENATOR CHAMBERS: Thank you, Senator Pirsch. Members of the Legislature, you are watching Fred Astaire. He's embarrassed and he ought to be. He knows better. And they want to pretend to not hear what I'm saying, so I'm going to say it again and again and again and again: Only when that officer's agency has made a determination that the verbal abuse was sufficiently wrongful to be disciplined. We as a Legislature don't make that determination. My bill didn't make that determination. The officer's agency made it, but... [LB782]

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PRESIDENT SHEEHY: One minute. [LB782]

SENATOR CHAMBERS: ...you all needed a way out because the police union dragged you out there and bludgeoned you. So now you've got to skip around and play like you didn't know what we were talking about, and we were on that bill for a long, long time. But if you can't understand concepts as simple as those, you can see why I think we need to stay for a long, long time on other bills. Now Senator Pirsch is sitting there, probably getting sweats because he thinks that I'm going to mess with his bill, LB624, which is coming up next. We made a deal on that. That bill is safe from me. We're talking about something else so I don't want him to worry about that. I'm not like prosecutors. I'm baffled, if these very simple concepts cannot be grasped. Then when I make comments about the lack of intellectual capability... [LB782]

PRESIDENT SHEEHY: Time, Senator. [LB782]

SENATOR CHAMBERS: Thank you, Mr. President. [LB782]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Aguilar. [LB782]

SENATOR AGUILAR: Thank you, Mr. President. I'd yield my time to Senator Chambers. [LB782]

PRESIDENT SHEEHY: Senator Chambers. [LB782]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Aguilar. Then when I make comments about the lack of intellectual capability of some of my colleagues, you think I'm wrong. If Senator Carlson asked me, Senator Chambers, what's two plus two, and I say eight, then he stands up and says, Senator Chambers doesn't understand simple math; you all going to get mad at him? No, you would laugh, because I've demonstrated the truth of what he said. You all say these kind of things on the floor and the rest of you act like these things have not been said at all. That bill was narrowed, and said when the officer's...I'd like to ask Senator Cornett a question or two. [LB782]

PRESIDENT SHEEHY: Senator Cornett, would you yield to some questions? [LB782]

SENATOR CORNETT: Yes. [LB782]

SENATOR CHAMBERS: Senator Cornett, for the record, are you a former police officer? [LB782]

SENATOR CORNETT: Yes, I am. [LB782]

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SENATOR CHAMBERS: Are you familiar with rules and regulations that officers are to comply with? [LB782]

SENATOR CORNETT: Yes, I am. [LB782]

SENATOR CHAMBERS: If we talk about an instance of verbal abuse which is deemed serious enough for the officer to be disciplined, who makes that determination as to the level of severity and the type of discipline that should be imposed? [LB782]

SENATOR CORNETT: Internal affairs or the chief of police. [LB782]

SENATOR CHAMBERS: Are internal affairs employees sworn police officers? [LB782]

SENATOR CORNETT: They are usually command officers. [LB782]

SENATOR CHAMBERS: Command officers. Are they aware of the rules and regulations that they are applying to an officer's alleged misconduct as far as verbal abuse? [LB782]

SENATOR CORNETT: Theoretically. [LB782]

SENATOR CHAMBERS: Now, if an officer is found to have committed verbal abuse of a nature to be disciplined...has that ever happened, to your understanding, since you've been on the police force? [LB782]

SENATOR CORNETT: Multiple times. [LB782]

SENATOR CHAMBERS: Does the Legislature make that determination or is it done internally by other police officers? [LB782]

SENATOR CORNETT: It is done internally. [LB782]

SENATOR CHAMBERS: Thank you. I just wanted to establish that for Senator Pirsch, that we are not defining the conduct; the officer's agency is defining that conduct. Now I'd like to ask Senator Pirsch a question or two. [LB782]

PRESIDENT SHEEHY: Senator Pirsch, would you yield to some questions? [LB782]

SENATOR PIRSCH: I would. [LB782]

SENATOR CHAMBERS: Senator Pirsch, did you hear that exchange between me and Senator Cornett? [LB782]

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SENATOR PIRSCH: I did. [LB782]

SENATOR CHAMBERS: Does it let you know that the officer is going to be disciplined on the basis of misconduct that the police department itself has determined to be worthy of discipline? [LB782]

SENATOR PIRSCH: Yes. [LB782]

SENATOR CHAMBERS: So what does your opinion or my opinion as to what constitutes this misconduct have to do with anything? [LB782]

SENATOR PIRSCH: Well, it's, I guess, differing standards perhaps. I'd like to have a better sense of what exactly that conduct, that verbal conduct, could include. Could it include discipline for not showing proper respect? [LB782]

SENATOR CHAMBERS: What difference does it make when he or she has been disciplined? It's the discipline that will be made public. [LB782]

SENATOR PIRSCH: Well, there's differing standards for differing reasons. If it's an educational purpose, best practices standard that's employed for teaching purposes or educational purposes, that type of discipline may differ than some higher threshold where it's a... [LB782]

SENATOR CHAMBERS: Senator Pirsch, what are you talking about? Are you talking about what I'm talking about? You're talking about maybe you don't like the standard that the police department uses in determining that a... [LB782]

PRESIDENT SHEEHY: One minute. [LB782]

SENATOR CHAMBERS: ...cop violated the rules and regulations. That's what you're talking about, isn't it? [LB782]

SENATOR PIRSCH: Well, no. I just referenced the polishing the shoes illustration as a... [LB782]

SENATOR CHAMBERS: That's not a part of this. [LB782]

SENATOR PIRSCH: But it's an illustration of where, yes, that is a policy, but in my mind it's trivial. [LB782]

SENATOR CHAMBERS: That's not a part of what we're talking about. That's why I asked you, what are you talking about? You've still got shoeshining on your mind. Get rid of shoeshining. We're not talking about shoeshining, Senator Pirsch. Did you

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graduate from law school? [LB782]

SENATOR PIRSCH: I did. [LB782]

SENATOR CHAMBERS: Then you graduated from college before then? [LB782]

SENATOR PIRSCH: I did. [LB782]

SENATOR CHAMBERS: Is English your native language? [LB782]

SENATOR PIRSCH: It is. [LB782]

SENATOR CHAMBERS: And you've been in the Legislature how long? [LB782]

SENATOR PIRSCH: This would be the second session I'm in the Legislature. [LB782]

SENATOR CHAMBERS: And you don't know the difference between shoeshining and verbal abuse for which an officer has been disciplined by his or her own department? [LB782]

SENATOR PIRSCH: Well, it's an analogy. [LB782]

SENATOR CHAMBERS: It's not an analogy. There is no comparison or relevance at all. If we're talking about verbal abuse, and the only way... [LB782]

PRESIDENT SHEEHY: Time, Senator. [LB782]

SENATOR CHAMBERS: Say it again, Mr. President. [LB782]

PRESIDENT SHEEHY: Time, Senator. [LB782]

SENATOR CHAMBERS: Thank you. [LB782]

PRESIDENT SHEEHY: Senator Friend, followed by Senator Carlson and Senator Aguilar. Senator Friend. [LB782]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. I think I wouldn't call myself a knowledgeable old sage here, but I do...this is so predictable that it doesn't...you know, nothing that he's doing here surprises me because I expect this. I expected it before I took the action that I took on his particular bill a month ago. I was actually talking to Senator Pahls earlier. I know he's got some stuff up on General File here. And he said, well,...and he's all ready and he's got his papers up there and he's all ready to go to work on it. Well, there are three things out ahead of it, this being one of

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them, on the schedule. I said, Dude, we may not get to your items yet today. I mean, it's 9:00; we could. He said, oh, I have a couple of things on Select File; we'll fly right through them. Again, five years in this body, three items on Select File can take a little while. So it doesn't surprise me, and absolutely I'm not offended. I do...you know, in a certain way, as I mentioned to Senator Chambers--I don't know that anybody implied that I should be offended--but as I had mentioned to Senator Chambers when he was questioning me earlier, I guess I have a question about germaneness. But I have a question about germaneness a lot out here, and we slide forward with items and we group things into our committee bills, and some of those things fly through, some of them don't; some of them are questioned, some of them aren't. So I'm not prepared even to make a formal argument against something like that. All I would say is, with the knowledge that I have, limited as I mentioned, the knowledge that I have of the things that I've dealt with and the experience that I've had with Senator Chambers and others out on this floor over the last five years, I know one thing to be true--one thing with about three different subsets. But many of the issues out here that we deal with out on the floor, are similar. You can draw similarities. When you open up a section of law you can draw similarities all the time, and the analogies sometimes fit, sometimes they don't. Many of the issues that we deal with, you can draw that logical parallel. And many of the issues that we deal with on the floor are similar but turn out to be complicated in nature, okay? And he...Senator Chambers can make the argument--I'm not sure that I buy it--that this is really simple; it's black and white. I made the argument weeks ago that we were treading into some interesting ground, questionable ground, ground that we haven't been on, and he acted like it was a total outrage. All I'm saying is, and I said this to him earlier when he questioned me, one of the reasons I would, you know, question my support or be extremely reticent about AM1878 is because I don't even know why this thing was...I don't even remember why this thing was put in to begin with, and the context in which it was put in when Senator Chambers did it. This isn't spin; this isn't cover. I'm just telling you, these issues, while you can draw similar parallels, are all unique. That's what I have learned. Unique situations for each thing that we deal with out here. Now, let's go down the litany. Let's go down the list, shall we? Public jobs, private jobs, let's include them all. Let's include police officers, teachers. [LB782]

PRESIDENT SHEEHY: One minute. [LB782]

SENATOR FRIEND: Let's include bankers, lawyers, judges, nurses, doctors. All have jobs that are quite different. You know what? I work at a bank. Bankers' personnel files are not open. If I punch someone at the bank and they fired me, unless somebody went out and filed charges against me, my next employer--it could be Wells Fargo or somebody else--isn't going to know about it. And the funny thing about that is, this is a...this commercial bank is heavily regulated by the federal government. So are lawyers; so are doctors. They're regulated in a different way. The difference is, you're talking about a private sector, a public sector. This is how complicated this can be. Why should I be offered, just because I'm in the private sector, the type of protection that a lawyer

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wouldn't get or that a judge wouldn't get? The OCC and the FDIC heavily regulate the banking industry, but I can punch out my boss and nobody is ever going to know about it unless they file charges? [LB782]

PRESIDENT SHEEHY: Time, Senator. [LB782]

SENATOR FRIEND: Thank you, Mr. President. [LB782]

PRESIDENT SHEEHY: Senator Carlson. [LB782]

SENATOR CARLSON: Mr. President and members of the Legislature, I stand in opposition to Senator Chambers' amendment, and I want to make a statement or two, and then I'd ask Senator Chambers to yield to a question. As many of us in here, as we've begun our service to the Legislature, found it has a very, very steep learning curve. During the process, we assess people and their thoughts about things, their attitudes about things. And so being very open and honest, I have assessed Senator Chambers, as time has gone along, and when it comes to law enforcement people and people in education, particularly teachers, he can be very harsh on them, and he is harsh on them. And so he introduced LB474, and an amendment that narrowed the scope to physical abuse, sexual abuse, and verbal abuse. And with that in mind, I'd like to address a question or two to Senator Chambers, if he would yield. [LB782 LB474]

PRESIDENT SHEEHY: Senator Chambers, would you yield to some questions? [LB782]

SENATOR CHAMBERS: Yes, I will, Mr. President. [LB782]

SENATOR CARLSON: Senator Chambers, in these three areas of possible abuse, are there of them that are more difficult or subjective to evaluate than others? [LB782]

SENATOR CHAMBERS: That's totally irrelevant. [LB782]

SENATOR CARLSON: I don't think it is. [LB782]

SENATOR CHAMBERS: That's because you don't understand the bill that I'm talking about. They have been found by their agency, whether subjectively or objectively, to have violated the rules and were disciplined. That's what is relevant. I'm not saying reveal all of the investigative activity, but the fact that they were disciplined. What you're talking about is irrelevant, and I can give you an answer which would apply to anything. There are different ways that different people arrive at conclusions about different things. [LB782]

SENATOR CARLSON: Okay. And Senator Chambers, I'm going to openly disagree with

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you. It's not irrelevant, in my mind. Sexual abuse generally leaves marks. Physical abuse leaves marks. There may be marks of verbal abuse, but you can't see them or identify them. And I asked you several days ago in the Legislature if you ever are guilty of verbal abuse on this floor, and you said no. And I think you are, at times, guilty of verbal abuse. So you have mastered the process in this Legislature. You bring back LB474 and narrow it further and leave verbal abuse out of it, I will vote for the bill. And many of us, as we're learning in here, are sometimes hesitant to get up and speak against you because of your background, because of your knowledge, and that's the way I was on this bill. I know a lot of people that are good people, really good people, that at one time or another are guilty of verbal abuse, and that's a subjective area. It isn't something that I think can be put into records and be identifiable and accurate, and so I think that's something that we want to be very careful about exposing people to. I'm not going to vote for your amendment, but I will stand on what I said, that I would certainly have supported your bill and would support it if it were narrowed to the other two areas. But I appreciate the opportunity of being able to state this. Thank you, Mr. President. [LB782]

PRESIDENT SHEEHY: Thank you, Senator Carlson. Senator Aguilar. [LB782]

SENATOR AGUILAR: Thank you, Mr. President, and my time to Senator Chambers. [LB782]

PRESIDENT SHEEHY: Senator Chambers. [LB782]

SENATOR CHAMBERS: Thank you, Senator Aguilar. And you and I have one more time. Members of the Legislature, white people have had privilege all their life. There is nothing, Senator Carlson, in public schools that a white child would encounter from a teacher that is devastating as Little Black Sambo was to me as a child. That's what I went through. You want to know what verbal abuse can do to a child? You all don't care. You don't face it. Your children don't face it. That might be why I'm in this Legislature. That might be why I'm exactly the way I am now, because when I was a child and could not defend myself and had nobody to defend me, an adult white woman whom my parents had told me I should respect because she was going to teach me, devastated me, held me up to ridicule and laughter. Now as a grown man, I can deal with it. As a child, I didn't know what I know now, and I didn't know people who I was taught to respect would be so vicious. And I also didn't know that my feelings could be hurt to the extent that they were. And there was nobody; I was alone. And I'm not like all these white kids that these white people here rally around and say, you don't want their feelings hurt so get an antibullying bill. That's for white kids. I got Little Black Sambo out of the schools; not white people. And you know how I did it? I wrote a parody of it and ridiculed little white children and their family, and said I was going to hand it out to all the black children and their families, so when that child come home and he is Little Black Sambo, this is Little Cracker Peckerwood or Honky. Suddenly, they said, well, no,

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that's not good. Well, Black Sambo was good because it only affected us. And when I say us, I mean black people. We have been dehumanized in this country. I know what it means, from having been on the receiving end. Senator Pirsch doesn't know. He defends those who do it; you defend them. We're not defining verbal abuse. That officer's agency has defined it. That agency has determined that this officer's conduct violates the rules to such an extent that there should be discipline, and they impose the discipline. And it should be made public, in my view. You all can vote it down, but I'm going to make it clear, on the record, what you are doing. Do I commit verbal abuse on this floor? You all are not children. You can stand up and talk back to me. Is it my fault because you feel you're dumb? Is it my fault because you feel you're a man of stammering tongue and loose lips, so you can't express yourself? Am I supposed to do what Hillary Clinton wants Senator Obama to do; be as dull as toast, as she is? When she thought she could contest with him, she was always out there babbling. Then when she saw that he could inspire people, she condemned him for being able to use the language well. She was in front of the cameras every time she had a chance until it became clear that she came across on the camera like the Old Grey Mare instead of a spring chicken. Then all of a sudden, the black man is condemned for doing well, what we in school are taught: learn these white people's language, learn how to speak in the words they understand. Then when you do it well, they condemn you. And do you know...I'm going to show you how dumb white people are. She and others will say, well, he's just using words. What is Hillary Clinton and any campaigner using? Only words. But you don't apply it to white people. Every campaigner uses only words. We, on this floor, use only words. But when a black man uses words effectively, then something is wrong with it because white people have not mastered their own language, and they want to drag me down to their level so that I cannot speak the language. [LB782]

PRESIDENT SHEEHY: One minute. [LB782]

SENATOR CHAMBERS: I worked hard to learn you-all's language because I had to communicate with you. You could talk to me any old kind of way. In slavery days, a black man was named Jupiter, Nero, Captain, and they were addressed like that in the courthouses, and you all never confronted that. You're Mister, you're Ms., you're Mrs., or by your title. You all don't experience these things, and until it happens to you it does not happen. America did not exist until some white people of questionable derivation stumbled upon it, then suddenly it came into existence. Many cartographers or mapmakers were offended when discoveries were made, because they had to change all their maps to reflect the information that their ignorance prevented them from having. Everything is done to accommodate white people, and that's why Senator Pirsch wants to protect these cops; it's why Senator Carlson wants... [LB782]

PRESIDENT SHEEHY: Time, Senator. [LB782]

SENATOR CHAMBERS: ...to let these cops engage in verbal abuse. Thank you, Mr.

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President. [LB782]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Aguilar. This is your third time. [LB782]

SENATOR AGUILAR: Thank you, Mr. President. My time to Senator Chambers. [LB782]

PRESIDENT SHEEHY: Senator Chambers. [LB782]

SENATOR CHAMBERS: Thank you, Senator Aguilar. Thank you, Mr. President. I'd like to ask Senator Cornett another question or two. [LB782]

PRESIDENT SHEEHY: Senator Cornett, would you yield? [LB782]

SENATOR CORNETT: Yes. [LB782]

SENATOR CHAMBERS: Senator Cornett, Senator Carlson and Senator Pirsch are concerned about verbal abuse. Let's say that I have a commanding officer, and I get so upset--now I don't use profanity, but suppose that I did--and I cursed him or her out, would that be considered verbal abuse under the rules and regulations of the department? [LB782]

SENATOR CORNETT: No, that would be insubordination. [LB782]

SENATOR CHAMBERS: So then not everything that comes from a person's mouth that might be punishable is verbal abuse? [LB782]

SENATOR CORNETT: No. [LB782]

SENATOR CHAMBERS: Senator Pirsch...I meant Senator--I've got Senator Pirsch on my mind--Senator Cornett, it seems like at one point there was a bill that Omaha wanted on behalf of the Omaha Police Department, and what Omaha wanted was to be able to get the disciplinary records of people who had been police officers someplace else, so they would know what kind of person they're getting. Do you...if I've mischaracterized it, do you remember a bill something like that? [LB782]

SENATOR CORNETT: I remember the city of Omaha coming to me with a bill similar to that, and you and I discussed it two years ago; yes. [LB782]

SENATOR CHAMBERS: And in case I may have not stated correctly what it did, what was the purpose and thrust of that bill? [LB782]

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SENATOR CORNETT: The police department...the city of Omaha frequently hires police officers from other agencies throughout the state, and they were concerned that those personnel records of the employees that they were interviewing were not available to them. And they did not want to take the time and expense of hiring people that had a disciplinary history, so they wanted a bill to make personnel files of police officers and applicants to the police department available to them in background checks. [LB782]

SENATOR CHAMBERS: And that was Omaha wanting revealed even more information than what my bill was talking about making available to the public. [LB782]

SENATOR CORNETT: Yes. [LB782]

SENATOR CHAMBERS: Okay. Thank you, Senator Cornett. And I'm not trying to put you in the middle of this, but that was a subject I was unclear on. Thank you very much. [LB782]

SENATOR CORNETT: I was going to say, we talked about that, I think, two years ago, originally, and I don't remember what happened to that bill. [LB782]

SENATOR CHAMBERS: Yes. I don't think it passed, but I don't remember either, but thank you. And I would like to educate Senator Friend. He doesn't know the difference between private employment and public employment. I am talking about public employees. Let me tell him and people who are beguiled by what he said, if you are a public employee, Senator Carlson, on the public payroll, paid by taxpayers with public money, and you commit a violation while you are on the clock as a public employee, supposedly doing the public's business, you should not be shielded from public disclosure when you have violated your trust, and be punished by your agency. That's why I said what you said is irrelevant. We, as a Legislature, are not defining verbal abuse. Senator Cornett had given an example in response to a question that demonstrates that not everything that comes out of an officer's mouth is verbal abuse. There can be conduct unbecoming an officer, as is the case in the army. And that conduct can be based on sexual misconduct. It can be based on insubordination. In fact, it can be based on a violation of any rule or regulation that goes to the suitability, the fitness, the professionalism of an officer... [LB782]

PRESIDENT SHEEHY: One minute. [LB782]

SENATOR CHAMBERS: ...who is deemed by law to be a gentleman. And they said the word "gentleman" includes women, too. That's what we're talking about here, and you all are so protective of wrongdoers. You don't think cops can do wrong, and when they do wrong, you don't think it's wrong, and you don't think the public should know. But I do. And while I'm here, I'm going to push for that standard of disclosure and

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transparency. Thank you, Mr. President. [LB782]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Pedersen. [LB782]

SENATOR PEDERSEN: I give my time to Senator Chambers. [LB782]

PRESIDENT SHEEHY: Senator Chambers. [LB782]

SENATOR CHAMBERS: Thank you, Senator Pedersen. Thank you, Mr. President. I said I'm going to do some teaching this morning, and that is my intent. I've selected Senator Pirsch. I don't say I picked him because you'll say I'm picking on him. I'm not a prosecutor. I've never been a prosecutor. How am I going to be picking on a prosecutor? How am I going to be picking on anybody in this Legislature? If I said, on this floor, about the pages, then I'd be wrong. If I said it about employees of the Legislature, I would be wrong, unless they did something egregious. I'm not talking about that. I'm talking about people who stood for election and promised the people when they came down here they could take care of the state's business, and they are so intimidated they won't talk back to me. I'm one out of 49. You just sitting there waiting until I'm gone, then you can blossom hot. Then you can stand up and stick your little chest out and say, I'm the grandest legislator on the floor, and then you're going to look around to make sure that Senator Chambers is not here, that he didn't find a way to stay here. And if I happen to come to visit, you'd start shaking like leaves on a tree because you're cowards. That's the matter. Moral cowards! You know what I'm saying is correct. You know it. If you didn't know it, I wouldn't talk to you in the way that I'm doing. It would be wrong for me to condemn a child in the third grade who might be grappling with long division, condemn and ridicule that child because he or she does not know anything about differential equations, doesn't know the difference between a slide rule and a regular rule. And by the way, what they call a ruler is really a rule. That's the formal name. That yardstick is a rule, not a ruler. You don't talk about a slide ruler; you talk about a slide rule. But Americans are so accustomed to misnaming, misstating, that the misstatement becomes that which is acceptable as being correct. A mistake maybe that I made since I was going to be laboring around white people all these years, is to take seriously the notion that I should learn the language, that if there's a word I don't understand, I ought to look it up in the dictionary. If there is a concept that escapes me, I ought to go read up on it and see what it means. Do you think I need that to be in this Legislature? Heavens no. Heavens no. I would be ashamed to say, in any company, whether they're doctors, lawyers, thieves, or anything else, that I've got a point of view but I'm afraid to express it in a forum where everybody is invited to speak. Do you know why I say it like that? Because if a thief also may be a robber and he's got a pistol, and he's got a pistol stuck on my nose, and says, Ernie, if you open your mouth and a word comes out, I'm going to open your nose and your head. I'd zip my lip and be "silenter" than Silent Night, because I'm not a fool. I don't hold a gun to anybody's head. If you have something you want to say to me, I welcome it, but I'm not going to be like you: sit

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down and swallow spit and not respond. That's not the way Lillian Chambers reared her son. And although she is dead and has been dead, a part of her remains in me. [LB782]

PRESIDENT SHEEHY: One minute. [LB782]

SENATOR CHAMBERS: And when Lillian Chambers was younger, she was almost as white as Senator McGill, and her hair was just as red. They referred to her as the redhead. And she had hazel eyes, but she was not Caucasian. She was black. In our community, black is not a matter of hue; it's a matter of point of view. And my mother, when she was in grade school, wrote this poem: I am proud to meet a person who is glad that he is black,/ who is conscious of his color and appreciates the fact./ I am glad to meet a person who is glad that she is white./ Every person has some color, any color is all right./ I am glad to meet all people who fully understand,/ character makes the person, color does not make the man. You all praise Martin Luther King;... [LB782]

PRESIDENT SHEEHY: Time, Senator. [LB782]

SENATOR CHAMBERS: ...my mother wrote that when she was in grade school. [LB782]

PRESIDENT SHEEHY: Thank you, Senator Chambers. (Visitors introduced.) Are there additional members wishing to speak? Seeing none, Senator Chambers, you are recognized to close on AM1878. [LB782]

SENATOR CHAMBERS: Mr. President, members of the Legislature, you all think I should stop talking, don't you? Get ready to get angry, those of you all who understand the "Bibble." Senator Carlson, I have more pearls to cast. You all think, or at least one, that I engage in verbal abuse. You all disrespect me all the time. You disrespect other people all the time. You are so arrogant. You are so narrow-minded. You think this world and the sun are created for you. You can see only things that involve white people, and until it's a white people's issue, it's not an issue. When black women were having to work outside the home to make it, you know what white people said? Well, they shouldn't have had those babies if they couldn't take care of them. Then when white women had to get outside the home, do you know what they did? They created, first of all, a bill called the Displaced Homemaker. When these white women helped these no-good white men go to school, then they kicked the white woman out, then they passed a bill. Then they created day-care centers for people who work. Nobody told the white woman, you shouldn't have had those babies if you can't take care of them. They created Medicaid for white people--poor, white people. Every program. Medicare was created for white people. They even calculate into their figuring, about the amount of money available under Social Security, the fact that many black men do not live to be 65, so they will contribute a lot of money to Social Security and never claim any of it, and that is calculated in. You all didn't know that, did you? Precious little you know. And

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you wonder why black people don't take offense. And you don't want me to talk about it. I'm supposed to sit up here like I'm a white man in black face? Why, you are insane if you think that's what I'm going to do. What do I need from you? What can you give me? What can you take from me? You think I'm going to back up from you one centimeter to get along with you, to get you to vote a certain way? My job is not just to get votes. My job is to do a job, and it's to make you understand that black people are human beings, in the way that Standing Bear had to teach you all, the master race, that Native Americans are human beings; as the Elephant Man plaintively said when these white people in England were going to attack him as a mob: I am a human being. Everybody has to make that plea to the master race, those of you who haven't experienced anything but do so much damage to everybody else who is vulnerable, who is weak, who is voiceless, who is friendless. And you want me to go along with that? Mr. President, I'm going to withdraw my pending amendment but I may offer it again. [LB782]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Chambers wishes to withdraw AM1878. It is withdrawn. [LB782]

CLERK: I have nothing further pending on the bill at this time, Mr. President. [LB782]

PRESIDENT SHEEHY: Senator McGill. [LB782]

SENATOR MCGILL: Mr. President, I move LB782 to E&R for engrossing. [LB782]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Correction. Senator Chambers. [LB782]

SENATOR CHAMBERS: Thank you, Mr. President. Now, if I was a nice guy I would have let that go. I would have said, he didn't see it, so I should just be quiet and let it go. I don't think he deliberately did not see my light. We're forced to be assertive in situations where you all are not, and you accept it because you're accustomed to seeing us in that role. Par for the course. So I can't change your conduct, but I can make you listen to me, and you can leave the floor, but you will listen. I'm going to support Senator Howard's bill. She knew I was going to support it. She knew I was going to withdraw my amendment, but I meant every word that I uttered. And unlike your Attorney General, I may forget some things I say but not anything that is of great consequence. This bill has a purpose, and I'd like to ask Senator Howard a question or two so we can get back to the purpose of her bill. [LB782]

PRESIDENT SHEEHY: Senator Howard, would you yield to some questions? [LB782]

SENATOR HOWARD: Yes, sir. [LB782]

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SENATOR CHAMBERS: Senator Howard, without going into detail in response to this question, what is the main thrust of your bill? [LB782]

SENATOR HOWARD: It is disclosure and transparency to improve the sharing of information regarding the way the Health and Human Services Department operates. [LB782]

SENATOR CHAMBERS: With a focus on any particular group in society? [LB782]

SENATOR HOWARD: Abused and neglected children v. child welfare. [LB782]

SENATOR CHAMBERS: Children. And Senator Howard, what kind of information would be made available which currently is not, and would continue to be unavailable if your bill were not to become law? Just some examples. It doesn't have to be every single one. [LB782]

SENATOR HOWARD: Well, I'll just give you, as you say, an example. Let's see. And this...sometimes there is information released...or there is sometimes information that reaches the press that's not correct, so one example would be to correct erroneous information regarding a child abuse or neglect situation. [LB782]

SENATOR CHAMBERS: And that would be for the purpose of making sure that whatever information does reach the public domain is, at least, correct, based on factual information of things that have taken place. [LB782]

SENATOR HOWARD: That's true, sir. [LB782]

SENATOR CHAMBERS: And if...would this information relate to mistreatment of one kind or another, directed against children or a child? [LB782]

SENATOR HOWARD: It would. [LB782]

SENATOR CHAMBERS: And by that information being made public, it is your belief and those who support the bill, that an umbrella of protection may be more available for children who might be? [LB782]

SENATOR HOWARD: I believe that would be the intended result, is that with more disclosure, more transparency, it will be a better system. [LB782]

SENATOR CHAMBERS: So in some instances, at least, the more that is known, the more that will be made known, the greater likelihood there is that certain types of misconduct may not even occur, in the first place. [LB782]

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SENATOR HOWARD: That would be ideal. [LB782]

SENATOR CHAMBERS: Senator Howard, were you aware that I had offered this amendment and that it was my intention not to take it to a vote? [LB782]

SENATOR HOWARD: Yes, sir. [LB782]

SENATOR CHAMBERS: You knew it because I told you, is that correct? [LB782]

SENATOR HOWARD: That's right. [LB782]

SENATOR CHAMBERS: Would you have had heartburn and palpitations had I not explained to you what my intentions were? [LB782]

SENATOR HOWARD: That's true. (Laugh) [LB782]

SENATOR CHAMBERS: And that would have been abusive on my part if I knew in advance that I was not going to carry it to a vote, and I had kept that from you after having... [LB782]

PRESIDENT SHEEHY: One minute. [LB782]

SENATOR CHAMBERS: ...told you that I support your bill? [LB782]

SENATOR HOWARD: I would agree with that. [LB782]

SENATOR CHAMBERS: It could have even been called a form of bullying, in a sense,... [LB782]

SENATOR HOWARD: Do you know, it could... [LB782]

SENATOR CHAMBERS: ...if I knew that I was not going to take it to a vote and didn't tell you, and I knew how much agony it would put you through. [LB782]

SENATOR HOWARD: You know me well. [LB782]

SENATOR CHAMBERS: Thank you. I'm going to speak one more time. [LB782]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Chambers. [LB782]

SENATOR CHAMBERS: Members of the Legislature, I'm going to support this bill. And I would rather have seen the discussion go deeper into the kinds of things that children are confronted with in this society, not just the kind of abuses Senator Carlson touched

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on where there are scares and bumps and bruises. You will heal from that. I can't even remember all the fights that I was in. I don't remember whether I won or lost. That doesn't even register with me. And I think everybody in here, maybe even some of the women, had fights when they were in grade school or when they were growing up, but those are not the things you remember. The things that I remember, and I won't put it on anybody else, are those things that went inside of me and left marks that nobody saw, that nobody would know was even there unless I revealed it. Human beings are composed of different parts or elements based on what philosophers and even some religious people say. They talk about a soul, they talk about an intellect, they talk about a mind, they talk about emotions, they talk about feelings, yet all of these comments are directed to one individual. It might be like the layers of an onion, the different layers, and you unpeel them and strip them away. And people can be wounded and injured at any one, several, or all of those layers. And that person may have been hurt to such an extent that he or she reaches the point of believing that nobody understands, nobody cares, everybody is the enemy. As a child, you can't fight back, but you watch things, you hear things--and I realize I can't finish this on my first five minutes so I had to put on my light--but you know that a day may come when you can at least strike back. You can't make everything right, but you can strike back, and you can pay the society back for the way they hurt you when you had nobody you could turn to; you had nobody who cared. And when you were out there alone and needed help and understanding the most, you were the one that the adults chose to abuse to the greatest extent. You know the children who get abused most in school by teachers? The ones who seem to come from an impoverished background. They might have holes in their clothes, and people don't realize there might be a corresponding hole in their soul, because they're little, they're young, and they don't understand why these things are like they are and why they are mistreated to the extent that they are, when they haven't done anything to the people who are mistreating them. So they grow up and they don't say anything. And maybe the parents think, this boy is a little peculiar, so I'm going to have him talk to a psychologist. And they have words: Well, he's depressed, he's schizoid, he has mood swings, so we're going to give him some medication. And if he takes the medication, nobody will know. Well, the parent says, Doc, is this going to cure my child? Well, no, but it will make the child seem cured, it will make the child behave. The child can sit in a classroom and not be disruptive. Will the child be able to pay attention and learn? Well, no, we're not worried about that; we don't want this child to be disruptive. So the child gets a little older, and the child says, bump this medicine; I'm not going to take this-- [LB782]

PRESIDENT SHEEHY: One minute. [LB782]

SENATOR CHAMBERS: --and uses one of those words--any more. He picks up a catalogue or watches television, and sees where I can get me a gun, and I'm going to get me a gun, and I'm going to scare the daylights out of some people. So he gets a gun and he's content at first to scare the daylights out of some people. Then when you see

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how scared they are from just seeing the gun, what would it be like if I took some of them out of here? I don't have anything to stay here for, these people hate me, they're going to make fun of me. My family doesn't understand or care, they put me out, so I am going to leave here. But I'm not going to leave here alone. And they take people with them. Then I read all these articles where white people who know everything are saying, why did this happen? We don't know why; we don't have an answer. Because you don't look for underlying causes ever. You look at symptoms--outward manifestations. [LB782]

PRESIDENT SHEEHY: Time, Senator, but you may continue for your third time. [LB782]

SENATOR CHAMBERS: Thank you, Mr. President. When you see conduct that you think is inappropriate, that is hurtful to the child, that it might lead the child to hurt somebody else, don't give Ritalin, Mellaril, or some of these other psychoactive drugs to convert that child into a little zombie, where you cover over these things, and you never look at what is causing the child to behave in the way the child is behaving. So, you'll pay now or you'll pay later, and you're going to see more of these examples where these people kill up numbers of people, as many as they can. So why then do they kill themselves? That's expected now, because they don't have any reason to stay here. When people find life to be so intolerable that death is preferable to living, it means that person has nothing to live for. And you all will sit around and think of all the things that mean something to you; and then you project that onto the shooter and act as though you think that person feels the same way about life that you feel, that person has the same support systems that you have, that person receives respect and consideration from somebody. But that's not the case. You don't see things as they really are. You see those things as you are, and you misunderstand. You don't bother to try to understand. And because you don't try, and there are kids who will watch this stuff and they will be told some of the things that went on in the shooter's life, and they say, that happened to me, too, and I can do what he did. And then they say, we don't know why; he didn't leave a note. This last kid erased the hard drive on his computer so they didn't know. And it leaves people saying, well, he wasn't a monster; he didn't seem like that to me. You saw what that person let you see. So it might be good if people would take just a little more time and develop some understanding. And I'm going to bring it back to what I had said earlier when I offered my amendment: There are people in this society who work for you all who create tremendous hostility against all of you, because they do it in your name, you know about it, you shield and protect them, so you're worse than they are. The dog that bites is not nearly so bad as the one who wears shoe leather and trained that dog to bite. So when you sic these dogs in blue out among us, you are responsible. Look over your shoulder when you hear a leaf crackle. Ask yourself, is that somebody looking for me? And maybe you ought to flee when nobody pursues. Maybe you should be so afraid to look over your shoulder, because something is right behind you: a nameless terror, which if you saw, would make you unable to continue to

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function. Thank you, Mr. President, and I will support Senator Howard's bill with my voice vote. [LB782]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Other members wishing to speak? Seeing none, Senator McGill. [LB782]

SENATOR MCGILL: Mr. President, I move LB782 to E&R for engrossing. [LB782]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB782 does advance. (Visitors introduced.) Mr. Clerk, do you have items for the record? [LB782]

CLERK: I do, Mr. President. Your Committee on Natural Resources reports LB581 and LB945 as indefinitely postponed. I have notice of cancellation of hearing by the Revenue Committee, a motion to withdraw LB1149. That will be laid over. Amendments to be printed: Senator Lautenbaugh, an amendment to LB725; Senator Heidemann to AM756. And a new resolution, LR242, by Senator Aguilar. That will be laid over, Mr. President. And that's all that I have at this time. (Legislative Journal pages 629-630.) [LB581 LB945 LB1149 LB725 LB756 LR242]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We'll move to the next item under Select File.

CLERK: LB624, no Enrollment and Review amendments. Senator Pirsch would move to amend with AM1842. (Legislative Journal page 580.) [LB624]

PRESIDENT SHEEHY: Thank you. Senator Pirsch, you are recognized to open on AM1842. [LB624]

SENATOR PIRSCH: Thank you, Mr. Lieutenant Governor, members of the body. First, just a one-liner about the underlying bill. It deals with flight to avoid arrest, operating a motor vehicle to avoid arrest, and having the penalty now describe the actual danger that's presented by the act itself. If you recollect, on General File there were some concerns expressed about the way the language was written in one particular manner by Senator Chambers, and towards a resolution of this, AM1842 is offered. It does encapsulate the language that Senator Chambers suggested to cure those concerns. And so I would urge this body to vote yes on the amendments, and to vote yes on the underlying bill. [LB624]

PRESIDENT SHEEHY: Thank you, Senator Pirsch. You've heard the opening to AM1842 to LB624. Members requesting to speak, Senator Chambers. [LB624]

SENATOR CHAMBERS: Mr. President and members of the Legislature, Senator Pirsch

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demonstrates what I have often said about human beings: They have many facets. Senator Pirsch can show himself to be so reasonable, on occasion, and so totally lacking in reason on others, that I would say there is something like a split personality--Dr. Jekyll and Mr. Hyde. He was Mr. Hyde on the other issue; he's Dr. Jekyll on this one. He and I did discuss the amendment that he's talking about. We did reach an agreement, and I will support this bill. And just so it's clear why I support it, Senator Pirsch did make the case that when a person is fleeing to avoid arrest, it should not be as important why the person is fleeing as what happens during that flight. The current law would say...it does say that if a person flees because of a misdemeanor as the underlying offense that the person was being sought for, that person fleeing would be charged with misdemeanor flight to avoid arrest. Some people got the misimpression that that meant no matter what happened during the flight the person couldn't be charged with anything else. Oh, yes, that person could be charged with reckless driving, careless driving, disobeying traffic signals, if he hit somebody or she, running over that person--all of these things could be charged. What this bill of Senator Pirsch's does is relate only to the offense, flight to avoid arrest, not anything else. However, by him changing the law, we now will say that it doesn't matter what the underlying offense was. The person could be wanted for a felony, but if, in fleeing, the person does not commit acts that cross a certain threshold, that will be misdemeanor flight to avoid arrest. The person did not create a danger or do any other offensive things while fleeing. That would be misdemeanor flight. On the other hand, if the person was fleeing because of an underlying misdemeanor and did certain things that endangered the public, that would be felony flight to avoid arrest. And it makes eminent sense. Senator Pirsch and I discussed a concern that I had which was addressed by his amendment. He explained it well enough for the purposes of the body, and since he and I had discussed it on General File, the record will be clear on what my views were. But he did accurately state what the amendment was. I do support the amendment, and I will support the bill. And I just wish that there were something that could be put in a bottle, Senator Pirsch, which could capture this moment when you are being so reasonable. And if it was necessary for me to slip it to you unbeknownst to you, that's what I would do, and then Senator Pirsch would read in the paper what he had done while under the influence, and he would say, I didn't realize I was so brilliant; I didn't realize I was so reasonable; I didn't realize I had that in me. [LB624]

PRESIDENT SHEEHY: One minute. [LB624]

SENATOR CHAMBERS: Well, since there's nothing to put in a bottle that will work that way, I'm just going to have to push and pull, tug, and worry and harry him until I can bring out of him what I see in him. He's not a bad man. He's a bad prosecutor. I'm going to make him into a good senator. And another one of my proteges is Senator Karpisek. He now knows the different between hotdogs and sausage, I understand. So we may battle tooth and nail in the morning, but before the morning is over there will be an opportunity for us to come together on other issues, and that's the way we function

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effectively as a Legislature. Thank you, Mr. President. [LB624]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Are there additional members wishing to speak? Seeing none, Senator Pirsch, you're recognized to close. Senator Pirsch waives closing. The question before the body is on the adoption of AM1842 to LB624. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB624]

CLERK: 25 ayes, 0 nays, Mr. President, on the adoption of Senator Pirsch's amendment. [LB624]

PRESIDENT SHEEHY: AM1842 is adopted. [LB624]

CLERK: I have nothing further on the bill, Mr. President. [LB624]

PRESIDENT SHEEHY: Senator McGill. [LB624]

SENATOR MCGILL: Mr. President, I move LB624 to E&R for engrossing. [LB624]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB624 does advance. First item under General File. [LB624]

CLERK: Mr. President, on LB851, a bill introduced by the Banking, Commerce and Insurance Committee, and signed by its members. (Read title.) Introduced on January 11 of this year, at that time referred to the Banking, Commerce and Insurance Committee. The bill was advanced to General File. There are Banking Committee amendments, Mr. President. (AM1782, Legislative Journal page 560.) [LB851]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Pahls, you are recognized to open on LB851. [LB851]

SENATOR PAHLS: Thank you, Mr. President, members of the body. LB851 was introduced by the Banking, Commerce and Insurance Committee at the request of the director of the Department of Banking and Finance. The committee amendments become the bill. They provide the underlying provisions of LB851 and the provisions of six other banking and finance-related bills: LB113, LB116, LB716, LB717, LB852, LB918. These bills make up this year's version of the Banking, Commerce and Insurance Committee's banking package. All these bills have been voted out of the committee with no dissenting votes. The committee amendments contain the provisions of the underlying bill, LB851, which would make changes regarding state-chartered financial institutions. The bill would amend Nebraska Banking Act to change how the department schedules hearings on bank charter applications. Current law provides that hearings are to be scheduled not more than 90 days after a filing of an application with the department. The bill would change that time frame to 90 days after the department

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accepts the application for filing as being substantially complete. The proposal was made to allow the department the time to conduct the extensive review and analysis of the information required in these applications, and if necessary, obtain additional data and clarification so that the application is complete prior to setting the hearing. The bill would revise the capital standards for a bank charter applicant and for a bank on its opening day. The capital accounts of a bank already in operation consist of paid-in stock, surplus, and undivided profits. The bill would change provisions which provide that at opening a new bank must have, in addition to capital stock in surplus, undivided profits in an amount equal to 20 percent of the paid-in capital stock. As a bank not yet in operation does not have any undivided profits, this requirement represents an incorrect accounting treatment. The bill would repeal the undivided profits requirements and increase the required amounts of surplus currently set at 50 percent of paid-in capital stock to 70 percent of paid-in capital stock, so there would be no reduction in the overall amount of capital required to opening a bank. Other corresponding references to undivided profits would be removed. The bill proposes two amendments to the Nebraska Trust Act. This act provides to freestanding trust companies and to trust departments of banks. The bill would clarify that trust companies of banks do not have to file with the department the two reports of condition required under the act, that such reports are already included in the bank's reported conditions that are required to be filed under the Nebraska Banking Act. The bill would allow freestanding trust companies an alternative to the requirement that reports of conditions must be published. The proposed alternatives would allow a trust company to provide a written disclosure of the trust company's financial condition to any member of the public who requests such information. The bill would provide that a trust company choosing the option must provide notice of availability of the disclosure document and how it can be obtained, and authorizes the bank to prescribe the form of disclosure. The bill also contains the annual wild-card statute which provides state-chartered banks, savings and loan associations, and credit unions with the same rights, powers, and privileges as those enjoyed by their national or federal counterparts doing business in Nebraska. Because the Legislature is restricted by the separation of powers clause in the state constitution from delegating away its public policymaking functions, these wild cards must be reenacted every year. This concludes my opening remarks of the bill. [LB851 LB113 LB116 LB716 LB717 LB852 LB918]

PRESIDENT SHEEHY: Thank you, Senator Pahls. You have heard the opening to LB851. Senator Pahls, you are recognized to open on Banking, Commerce and Insurance Committee AM1782. [LB851]

SENATOR PAHLS: Thank you, Mr. President, members of the body. In addition to the provisions of LB851, the committee amendments also contains the provisions of LB852, introduced at the request of the director of the Department of Banking and Finance, these provisions related to financial entities under the jurisdiction of the department. The amendments would amend the Mortgage Bankers Registration and Licensing Act by

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eliminating the exclusion from the act for businesses that make or offer to make fewer than ten mortgage loans a year. These amendments would provide that individuals who make a purchase-money mortgage, who finance the sale of their own property, or finance property of their own individual investment on a limited basis would be exempt from the act. The amendment would provide for a 30-day instead of the 60-day notice to the department of proposed changes of control of a mortgage banker's license. The change would facilitate Nebraska's participation in the nationwide mortgage licensing system that is getting underway. The amendments would also amend the Delayed Deposit Services Licensing Act. The amendments would provide that when the director waives the hearing requirements for a DDS license application, the costs of the required publications are to be paid by the applicant. The statutes already provide that when an application is set for a hearing, notice is to be published and the applicant is to pay the publication costs in those situations. This is a clean-up item. The amendments would also provide that disciplinary action may be taken if a licensee knowingly violates a voluntary consent or compliance agreement that is entered into with the director. The amendments would propose one amendment to the Nebraska Installment Loan Act. It would change the time frame for setting a hearing on the installment loan license application. Current law provides that the hearing be held not less than 30 days after the filing of the application. The law, however, also requires publication of a notice of hearing for three consecutive weeks. In those cases where an incomplete application is filed, the time is not sufficient, as the notice of hearing will not be posted until the application is complete. In addition, the time frame is very short for anyone wishing to file an objection to the application. The amendment would remedy this by providing that the publication shall be made after the application for a new license is accepted by the director as being substantially complete, and the hearing shall be held not less than 30 days after the last publication. The amendments would also clarify the costs of hearing are to be paid by the applicant. LB717, the committee amendments also pertain to the provisions of this bill. This part of the amendments would eliminate various certified mailing requirements under the Nebraska Banking Act. It clarifies the ability of a state-chartered bank to exclude licensed executive officers from the definition of executive officer for the purpose of insider lending restrictions. It would expand the statute of limitations applicable to mortgages to include deeds of trust foreclosed as a mortgage and extend the time period to which a cause of action for foreclosure of such instruments accrues from 20, to 30 years. It would conform the authority for bank employees and agents to serve as notary publics to the same authority allowed for agents of other financial institutions. It would also repeal existing provisions of law relating to investment of short-term funds which have been rendered obsolete by adoption of the Nebraska Uniform Trust Code, which authorizes the deposit of trust money in a regulated financial service institution operated by the trustee, as long as the transaction is fair to the beneficiaries. The committee amendments contain the provisions of LB918. This part of the amendments would allow banks located in Nebraska to voluntarily identify customers from outside Nebraska and then the deposit from these customers would not be calculated in a Nebraska bank holding company

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cap. What is a deposit cap? Our bank holding company statutes provides that the bank or banks owned or controlled by a bank holding company cannot have deposits in Nebraska greater than 22 percent of the total deposits of all the banks in Nebraska, plus deposits in savings and loan associations in Nebraska. With the growth of Internet and global competition for deposit, the landscape is completely changed from the pre-electronic banking world when the concept of the deposit cap emerged. The cap was intended to prevent one bank from getting too large a share of deposits in Nebraska. These amendments do not stray from this objective. The statutes would still prevent one bank from gaining control over too large a share of Nebraska deposits. The amendments would assure that our deposit cap does not discourage banks from competing in the global marketplace, and attempting to attract deposits from other states electronically. The committee amendments contain the provisions of LB113. This part of the amendments would amend the Interstate Branching By Merger Act of 1997, in order to provide a definition of bank for the purpose of this act. The definition of a bank would incorporate, by reference, a definition of bank found in federal statutes, and in so doing would clarify the restrictions in the Nebraska act applied to a broad range of financial institutions, including most importantly, industrial loan companies formed in other states. In this way, the amendments would reaffirm the existing Nebraska law that out-of-state financial institutions may not establish a de novo branch in Nebraska, or require a branch already located in Nebraska without engaging in an interstate merger transaction with a Nebraska bank or without the acquisition of a Nebraska bank. If some large retail organization wants to have a financial subsidiary in a bank branch in Nebraska, it would need to follow the rules everyone else must follow, and could not take advantage of a loophole like charting an industrial loan company in Utah and then locate branches of it in the state of Nebraska. Finally, the committee amendments contains the provisions of two bills, LB113 and LB716, which would make clarifying adjustments in Uniform Commercial Code, Article 9, which governs secured transactions. The provisions of LB113 would plug a loophole in UCC Article 9, repealed by an appellate court in Texas. The loophole allows for the possibility of something UCC Article 9 intended to avoid; that was hidden liens. In the Texas case, it was a hidden purchase money security interest in livestock, which the court concluded was illegally held by the feedlot. The court ruled that the feedlot had a PMSI, even though it had not notified a competing security interest holder as it would otherwise be required to do so. The loophole that allowed this result was that the debtor never had possession of the secure property. The livestock had been delivered directly from the sale barn to the feedlot. The debtor in the case, the cattle buyer, never had possession of the cattle. The amendment would provide that possession in this kind of situation means possession by the debtor or possession by a third party on behalf or at the direction of the debtor. The provisions of LB716 will make another very technical change in UCC Article 9. Currently, a financial statement filed by a security party to perfect a security must sufficiently provide the name of the debtor. A financial statement that fails sufficiently to provide the name of the debtor is seriously misleading. The amendments would provide that if a search of the Secretary of State's records and the debtor's correct last name

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would nonetheless disclose a financial statement that otherwise fails sufficiently to provide the name of the debtor, the name provided does not make the financial statement seriously misleading. These are the highlights of this year's Banking package. Thank you. [LB851 LB852 LB717 LB113 LB918 LB716]

PRESIDENT SHEEHY: Thank you, Senator Pahls. You have heard the opening to AM1782. Members wishing to speak, Senator Chambers and Senator Dierks. Senator Chambers. [LB851]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I would like to ask Senator Pahls a question or two. [LB851]

PRESIDENT SHEEHY: Senator Pahls, would you yield to some questions? [LB851]

SENATOR PAHLS: Yes. [LB851]

SENATOR CHAMBERS: Senator Pahls, earlier when Senator Friend was speaking, he had mentioned that he suggested to you that we might not get to your bill. Is that a correct reflection of a discussion you and he had? [LB851]

SENATOR PAHLS: Yes. [LB851]

SENATOR CHAMBERS: You stayed on the floor during all the discussion that preceded your bill coming up, so you apparently did not believe necessarily that we wouldn't get to your bill. Is that true? [LB851]

SENATOR PAHLS: True. [LB851]

SENATOR CHAMBERS: And, in fact, we did get to your bill, which is where we are now. [LB851]

SENATOR PAHLS: Yes. [LB851]

SENATOR CHAMBERS: Are you glad that we got to your bill? [LB851]

SENATOR PAHLS: Yes. [LB851]

SENATOR CHAMBERS: Do you think there are sometimes people ask for something and don't really realize what they're asking for, and they get exactly what they ask for, but it turns out not to be what they really wanted? Does that happen on occasion? [LB851]

SENATOR PAHLS: That has happened. [LB851]

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SENATOR CHAMBERS: Senator Pahls, you had mentioned that somebody--it may have been a licensee--who commits a violation of some kind can be disciplined. [LB851]

SENATOR PAHLS: Yes. [LB851]

SENATOR CHAMBERS: What is the status of that person? What is that person doing? What would you...how would you describe that person, so we know who would be the one being disciplined? [LB851]

SENATOR PAHLS: Well, I'm assuming, if there is a deadline and I needed to file a report, and I did not file that report on time, the Department of Banking would reprimand me. [LB851]

SENATOR CHAMBERS: Is that a private or a public matter? [LB851]

SENATOR PAHLS: To be honest with you, I do not know that. I could find that out for you though. [LB851]

SENATOR CHAMBERS: Okay. See, that blew my cover. I should have asked you this question first: Other than that question, is there any other question I can ask about this bill to which you don't know the answer? [LB851]

SENATOR PAHLS: I think, to be honest with you, Senator, you probably could find a number of issues that I would have to search out the answer for. I do have people who are willing to help me out with that though. [LB851]

SENATOR CHAMBERS: Can you give me an example of a question I can ask you to which you don't know the answer? (Laughter) That's all right. You don't have to answer that one. Senator Friend had also mentioned that the banking industry is heavily regulated, and I think I can agree with that. Would you? [LB851]

SENATOR PAHLS: I believe that they feel that they need regulations. [LB851]

SENATOR CHAMBERS: And there is a focus on regulating the industry, is that correct? [LB851]

SENATOR PAHLS: Yes, that's one of their responsibilities. [LB851]

SENATOR CHAMBERS: And he had difficulty seeing the difference between that kind of regulation, and he had said if he was a private banker and had punched somebody, that might not be public if it was in the personnel record, whereas lawyers and judges will have their discipline made known. When you are regulating the banking industry,

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you are regulating an industry. Is that correct? [LB851]

SENATOR PAHLS: Right. [LB851]

SENATOR CHAMBERS: And these codes of conduct that apply to lawyers and judges are designed to regulate conduct. Would you agree with that? [LB851]

SENATOR PAHLS: Yes. [LB851]

SENATOR CHAMBERS: So there could be a different approach taken with reference to how those disciplinary matters would be handled. [LB851]

SENATOR PAHLS: Yes. [LB851]

SENATOR CHAMBERS: Okay. Now, I'm going to get to something that might be a little more difficult for you. [LB851]

SENATOR PAHLS: Okay. [LB851]

SENATOR CHAMBERS: And to this, I don't know the answer. Your name appears on the golden rod or Final Reading copy of LB39. Are you a sponsor...were you...are you a cosponsor of that bill? [LB851 LB39]

SENATOR PAHLS: Yes. [LB851]

SENATOR CHAMBERS: Did you believe in the bill when you put your name on it? [LB851]

SENATOR PAHLS: At one time I had a belief in that bill. [LB851]

SENATOR CHAMBERS: And did you ever ask to have your name taken off the bill? [LB851]

SENATOR PAHLS: No. I...to be honest with you, this is... [LB851]

PRESIDENT SHEEHY: One minute. [LB851]

SENATOR PAHLS: ...I would have to be honest with you on that part. I did not realize I could. I did not realize that. [LB851]

SENATOR CHAMBERS: So when the override showed that you voted against overriding, which in effect was to vote against a bill on which your name appears, by the time the override came, you no longer supported the bill. Is that true? [LB851]

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SENATOR PAHLS: Right. [LB851]

SENATOR CHAMBERS: Thank you. And thank you, Mr. President. [LB851]

PRESIDENT SHEEHY: Thank you, Senator Chambers. (Visitors introduced.) Senator Dierks, followed by Senator Chambers. Senator Dierks. [LB851]

SENATOR DIERKS: Thank you, Mr. President and members. I'd like to visit with Senator Pahls for a moment, please. [LB851]

PRESIDENT SHEEHY: Senator Pahls, would you yield? [LB851]

SENATOR PAHLS: Yes. [LB851]

SENATOR DIERKS: Senator Pahls, one of the remarks you made in your opening struck me. You were talking about the loans, I think, or the money trail between...from the auction market to the feedyard to the bank. [LB851]

SENATOR PAHLS: Yes. [LB851]

SENATOR DIERKS: Would you go through that again for me, a little bit? [LB851]

SENATOR PAHLS: Okay. This is my understanding. This is what happened in Texas and this is why it was brought to trial. We had an individual who bought cattle at the barn through the cattle lot. He also had a blanket lien from other organizations. The cattle lot paid for the cattle, and the reason why, when the person went basically belly up, the cattle lot got first access to the profits from those cattle, is because the line of possession had not been clarified because the person who bought the cattle never had possession of the cattle. So the courts ruled in favor of the feedlot, leaving that organization which had a blanket lien, out in the cold. This intent is to make sure that when you take possession of the cattle, if you buy those from the barn, you do not have to have the physical possession, but you still are in possession of that. And that was the reason why the courts ruled in favor of the feedlot, because the person who bought the cattle never actually had actual possession of the cattle. And this is to clean up the word "possession." [LB851]

SENATOR DIERKS: Thank you. I have introduced legislation for a number of years, unsuccessfully, that deals with the lien rights for auction markets. Currently, the auction market gets left holding the bag if the cattle have moved through their market to a feedlot, and the banker forecloses on the feedlot before the auction market gets paid for the cattle. And this has happened on a number of occasions, most recently one out in Holdrege. And the auction market finally got their money after many years and a lot of

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expense. And my bill would provide first lien rights for the auction markets, and, of course, the bankers don't like that very well. I mean, they don't like it at all. So this is why we haven't been very successful with it. I'll probably introduce the bill again next year. I just think it's an unfair situation on the part of the whole process. Some way we've got to find some way to provide equity for the auction markets. The other question I wanted to ask you is concerning bankruptcy. Did you talk anything about bankruptcy in this legislation? [LB851]

SENATOR PAHLS: Now, what is your question? [LB851]

SENATOR DIERKS: Well, I just wondered if there was anything in your legislation that deals with bankruptcy. [LB851]

SENATOR PAHLS: We can talk to you off...if we can move on, because as Bill and I were looking for this, it's a very small section, probably not to the degree which you are looking for though. [LB851]

SENATOR DIERKS: Okay. Thank you. [LB851]

PRESIDENT SHEEHY: One minute. Okay. Thank you, Senator Dierks. Senator Chambers. [LB851]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, Senator Pahls, I have one question. [LB851]

PRESIDENT SHEEHY: Senator Pahls, would you yield? [LB851]

SENATOR PAHLS: Yes. [LB851]

SENATOR CHAMBERS: When definitions are changed, I want to be clear on what they do. [LB851]

SENATOR PAHLS: Okay. [LB851]

SENATOR CHAMBERS: If I understood you, and I could have missed it, you're changing the existing definition of bank to correspond to the federal definition. Is that accurate? [LB851]

SENATOR PAHLS: Yes. And I think that can be found, if I'm not mistaken, on page 20... [LB851]

SENATOR CHAMBERS: Well, I accept what you say about that. I just want to ask the significance of it. [LB851]

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SENATOR PAHLS: Yes. [LB851]

SENATOR CHAMBERS: Does it expand, contract, or change in any way what banks are allowed to do that are affected by that new definition? [LB851]

SENATOR PAHLS: No. My understanding was we want to be sure we are in line with what the federal government is saying, the description of a bank. [LB851]

SENATOR CHAMBERS: And that would be the case even without the change in definition, but the definition is changed to go along with what already is required? [LB851]

SENATOR PAHLS: Right. I think it would make it clearer. That's the intent. [LB851]

SENATOR CHAMBERS: Okay. Thank you. That's all that I have. [LB851]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Are there additional members wishing to speak? Seeing none, Senator Pahls, you are recognized to close on AM1782. Senator Pahls waives closing. The question before the body is on the adoption of AM1782 to LB851. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB851]

CLERK: 27 ayes, 0 nays, Mr. President, on adaption of committee amendments. [LB851]

PRESIDENT SHEEHY: AM1782 is adopted. (Visitors introduced.) We will now return to discussion on LB851. Seeing no members wishing to speak, Senator Pahls, you are recognized to close on LB851. [LB851]

SENATOR PAHLS: Waive. [LB851]

PRESIDENT SHEEHY: Senator Pahls waives closing. The question before the body is, shall LB851 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB851]

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB851. [LB851]

PRESIDENT SHEEHY: LB851 does advance. Next item under General File. [LB851]

CLERK: LB755, introduced by the Transportation and Telecommunications Committee. (Read title.) The bill was introduced on January 9 of this year, at that time referred to the Transportation Committee; advanced to General File. I do have committee

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amendments, Mr. President. (AM1707, Legislative Journal page 463.) [LB755]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Fischer, you are recognized to open on LB755. [LB755]

SENATOR FISCHER: Thank you, Mr. Lieutenant Governor and members of the body. This bill is a technical bill with really no substantial changes in it. LB755 accomplishes three goals. First, the bill clarifies the Public Service Commission's fining authority. In the recent past, an argument has been made that the commission may not fine for a violation of a rule or regulation, but must first enter an order finding a violation has occurred, and then impose a fine if the entity violates that order. Basically, the commission would have to allow the violation to occur twice before it could have any recourse. Section 3 of the bill amends the language to clarify that the commission can impose a fine for violation of a rule, regulation, order, or lawful requirement, and makes the fining authority consistent for all departments under the commission. Second, LB755 lowers the cap on the Competitive Marketplace Fund. The Competitive Marketplace Fund is comprised of funds derived from Qwest Performance Assurance Plan. When Qwest does not meet certain predetermined performance indicators in the plan in regards to its wholesale obligations to other competitive carriers, Qwest pays a set penalty based on a schedule into this fund. The fund is used for oversight and auditing of the plans, provisions, and payments. The commission has never required more than \$24,000 from the fund for oversight and auditing, and the commission believes that a \$30,000 lid is sufficient to cover future expenses. All monies in excess of this cap will continue to be transferred over to the Nebraska Internet Enhancement Fund. This fund is used to promote broadband infrastructure and services in communities across the state, usually in rural areas. This fund has, in the past, received money from a leasing agreement for dark fiber from NPPD. However, the leasing agreement was not renewed after a major ice storm caused significant damage to NPPD's system. Therefore, there is no new funding available at this time for the fund. Lowering the cap on the Competitive Marketplace Fund will help to make up for some of the revenue shortfall the fund has experienced. Finally, LB755 updates land line and wireless 911 reporting requirements. It eliminates the requirement that local exchange carriers...carriers--they could be characters, too, probably--but that local exchange carriers provide information regarding the existence of interlocal agreements for the provision of 911 service, as such information is not available to the carriers. The bill clarifies quarterly reporting requirements for wireless carriers by changing the reporting of all telephone numbers to reporting just the quantity of telephone numbers. Paging companies are granted an exception from having to provide quarterly reports, as they do not collect and remit the enhanced wireless 911 surcharge. Thank you, Mr. Lieutenant Governor. [LB755]

PRESIDENT SHEEHY: Thank you, Senator Fischer. You've heard the opening to LB755. Senator Fischer, you are recognized to open on the Transportation and

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Telecommunications Committee AM1707. [LB755]

SENATOR FISCHER: Thank you, Mr. Lieutenant Governor and members of the body. This is a committee amendment, AM1707. It strikes the original sections and becomes the bill. The amendment makes technical changes to LB755, as well as adds a provision of LB829 to the bill. The amendment substitutes the language, "regarding any subject," in Sections 1 and 3 of the green copy, and "within the jurisdiction of the commission as." This change eliminates the possibility of widening the scope of the commission's authority. Several representatives of the telecommunications industry expressed concern with some of the bill's language, and that it may indirectly open up wireless industry to regulation by the commission, or broaden the commission's fining authority. In response, the commission has agreed to this language change. The amendment also removes the language "lawful requirement" from Section 75-156, 75-1011, and 75-1012 in the original bill. This language was added for consistency throughout the statutes, but it was unnecessary, and it is stricken by this amendment. LB829 is included as Sections 2 and 10 of the amendment. All provisions relating to authorization of the Public Service Commission to regulate rates related to the provisions of the telehealth and enhanced 911 programs in the original bill is removed by the amendment. In addition, Section 86-465 is amended to prohibit a wireless carrier who receives funds from the wireless E-911 fund from assessing any costs associated with the implementation of enhanced wireless 911 service to any public safety answering point--a PSAP, county, or municipality, without the commission's consent. This replaces language in the original bill authorizing the commission to determine whether rates for services related to the provisions of enhanced wireless 911 service are fair and reasonable. The new language narrows the scope of the commission's regulation without putting the burden of paying for the implementation of enhanced wireless 911 service on the local governments. There has been concern that certain wireless carriers will attempt to bill any nonreimbursed costs to local governments for the installation of Phase 2 technology. Phase 2 allows an emergency responder to locate a wireless user calling 911 by a GPS chip in the phone, or by using triangulation with surrounding towers. LB755 will ensure that the wireless industry will only receive compensation through the enhanced wireless 911 fund administered by the commission unless expressly authorized by the commission. Thank you, Mr. Lieutenant Governor. [LB755 LB829]

PRESIDENT SHEEHY: Thank you, Senator Fischer. You have heard the opening to AM1707. Mr. Clerk, do you have an amendment on your desk? [LB755]

CLERK: Senator Fischer would move to amend the committee amendments with AM1898. (Legislative Journal page 616.) [LB755]

PRESIDENT SHEEHY: Senator Fischer, you are recognized to open on your amendment to committee amendment, AM1898. [LB755]

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SENATOR FISCHER: Thank you, Mr. Lieutenant Governor and members. AM1898 regulates two provisions of reimbursement for wireless carriers out of the Enhanced Wireless E-911 Fund. The amendment makes two technical word changes by inserting the word "directly" in line 4, and substituting the word "amount" with the words "cost associated." Industry members felt that these small alterations ensure that the new language cannot be construed to be intrusive on the regulation of wireless carriers and wireless rates. The commission is currently preempted by federal law from regulation over wireless rates. Thank you, Mr. Lieutenant Governor. [LB755]

PRESIDENT SHEEHY: Thank you, Senator Fischer. You have heard the opening to AM1898. (Visitors introduced.) Are there members wishing to speak on AM1898? Seeing none, Senator Fischer, you're recognized to close. Senator Fischer waives closing. The question before the body is on the adoption of AM1898, amendment to committee amendment. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB755]

CLERK: 31 ayes, 0 nays, Mr. President, on the adoption of the amendment to the committee amendments. [LB755]

PRESIDENT SHEEHY: AM1898 does pass. We'll return to members wishing to speak on the Transportation and Telecommunications Committee amendment, AM1707. Seeing none, Senator Fischer, you're recognized to close. Senator Fischer waives closing. The question before the body is on the adoption of AM1707 to LB755. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB755]

CLERK: 34 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB755]

PRESIDENT SHEEHY: AM1707 is adopted. Are there members wishing to speak on LB755? Seeing none, Senator Fischer, you are recognized to close. Senator Fischer waives closing. The question before the body is, shall LB755 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB755]

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB755. [LB755]

PRESIDENT SHEEHY: LB755 does advance. Mr. Clerk, we will move to items under Select File. [LB755]

CLERK: Mr. President, the first bill, LB280. Senator McGill, I have Enrollment and Review amendments. (ER8158, Legislative Journal page 566.) [LB280]

PRESIDENT SHEEHY: Senator McGill. [LB280]

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SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB280]

PRESIDENT SHEEHY: You have heard the motion on the adoption of the E&R amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB280]

CLERK: I have nothing further pending at this time, Mr. President. [LB280]

PRESIDENT SHEEHY: Senator McGill. [LB280]

SENATOR MCGILL: Mr. President, I move LB280 to E&R for engrossing. [LB280]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB280 does advance. Proceed to LB280A. [LB280 LB280A]

CLERK: LB280A, Mr. President. Senator McGill, I have Enrollment and Review amendments. (ER8157, Legislative Journal page 566.) [LB280A]

PRESIDENT SHEEHY: Senator McGill. [LB280A]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB280A]

PRESIDENT SHEEHY: You have heard the motion on the adoption of the E&R amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB280A]

CLERK: Senator Stuthman would move to indefinitely postpone LB280A. [LB280A]

PRESIDENT SHEEHY: Senator Stuthman, you are recognized to open on your motion. [LB280A]

SENATOR STUTHMAN: Thank you, Lieutenant Governor and members of the body. In 2007, LB280 had a fiscal impact with an A bill when it was introduced. However, the Supreme Court received an additional juvenile court judge last session, so they can absorb the additional workload without any additional funds. So this A bill is not needed and can be indefinitely postponed. Thank you. [LB280A LB280]

PRESIDENT SHEEHY: Thank you, Senator Stuthman. You have heard the opening on the motion to indefinitely postponed. Members wishing to speak, Senator Chambers. [LB280A]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I would like to ask Senator Stuthman a question. [LB280A]

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PRESIDENT SHEEHY: Senator Stuthman, would you yield? [LB280A]

SENATOR STUTHMAN: Yes. [LB280A]

SENATOR CHAMBERS: Senator Stuthman, you don't want this bill to stay in existence in case it might be needed later in the session for some other purpose? Or you hadn't considered that? [LB280A]

SENATOR STUTHMAN: No, I did not consider that, but I just felt that since there was no fiscal impact needed on LB280, there was no need to have an A bill with it. [LB280A LB280]

SENATOR CHAMBERS: Okay. [LB280A]

SENATOR STUTHMAN: And that's the reason that I want to have it indefinitely postponed, because LB280 is a clean bill with no need of funding. [LB280A LB280]

SENATOR CHAMBERS: But LB280A would not affect the cleanliness of LB280, would it, if we didn't kill LB280A? [LB280A LB280]

SENATOR STUTHMAN: No. That it wouldn't. [LB280A]

SENATOR CHAMBERS: Thank you. Members of the Legislature, I'm going to vote against killing the bill. I know it's Senator Stuthman's bill, but not every parent has the right to slay his own child. This is his legislative child, and I think I know what's best to a greater degree than Senator Stuthman does. We have had occasions where we would get farther into the session, it would be too late to bring a bill. There was no bill that would be germane to which the subject we were trying to deal with would be germane. No bill to which it would be germane. If you have an A bill, you can clean it out and make use of that bill to carry another subject. So if you were going to go around the earth in a craft that was going to orbit the earth, you would not expect it to fail. But if it did, you would be comfortable if there was some kind of backup system by which you might be returned to earth. If you were on the sea in a large ship, you would believe that it's going to survive the journey from point A to point B, Senator Stuthman. But if the ship sprang a leak, you would like to have something that might be usable as a rescue vessel. So I'm viewing LB280A as a lifeboat, a rescue vessel. Maybe it will never be needed, but if it should be needed it would be there. So I feel pretty sure that Senator Stuthman will get his way; however, the introducer of a bill, when a kill motion is made even by the introducer, I should think has the right to lay it over a day. I like to ask Senator Stuthman a question. [LB280A]

PRESIDENT SHEEHY: Senator Stuthman, would you yield? [LB280A]

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SENATOR STUTHMAN: Yes. [LB280A]

SENATOR CHAMBERS: Senator Stuthman, you've made the motion. Would you like to lay the bill over a day to think about it, or do you feel that the position you're taking now will not change? [LB280A]

SENATOR STUTHMAN: Senator Chambers, the position that I'm taking now will not change. [LB280A]

SENATOR CHAMBERS: Okay. [LB280A]

SENATOR STUTHMAN: I don't have enough capacity in my brain to allow that to go on for one more day. [LB280A]

SENATOR CHAMBERS: (Laugh) But I do, and I will bear the burden. The strong ought to bear the infirmities of the weak, and that's what I'm prepared to do. But since Senator Stuthman does want his bill to die, I will not resist it. However, I will vote against it because of the possibility that in order to facilitate what we may find it necessary to facilitate further in the session, we might need that bill. That's why I'm voting against it, not that Senator Stuthman is doing anything inappropriate by moving to kill his bill. I just think it's unwise. Thank you, Mr. President. [LB280A]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Erdman. [LB280A]

SENATOR ERDMAN: Thank you, Mr. President. Would Senator Stuthman yield to a question? [LB280A]

PRESIDENT SHEEHY: Senator Stuthman, would you yield? [LB280A]

SENATOR STUTHMAN: Yes. [LB280A]

SENATOR ERDMAN: Senator Stuthman, if I were to offer to cosponsor LB280A, and then you would withdraw your name and I would be willing to bear the burden of having a bill laying around on Select File so that you would not have to think about it anymore, would you consider the option of leaving this bill alive for a similar solution that Senator Chambers has offered? [LB280A]

SENATOR STUTHMAN: (Sigh) [LB280A]

SENATOR ERDMAN: Don't think too hard. It's a yes or no question. [LB280A]

SENATOR STUTHMAN: No. [LB280A]

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SENATOR ERDMAN: No, you wouldn't allow me to cosponsor it, or, no, you wouldn't take your name off? [LB280A]

SENATOR STUTHMAN: I would not take my name off of it. [LB280A]

SENATOR ERDMAN: Okay. Thank you. That's all I have for you. I don't want to trouble you any more. Members, I am going to vote against the motion to IPP, as well. I think Senator Chambers brings up a valid point, and, in fact, I recall vividly during the last legislative session we did that very thing. We actually utilized one of Senator Chambers' A bills to provide a vehicle for important legislation to be adopted and advanced by the Legislature through the process. There is no harm in advancing LB280 without LB280A. And even if LB280 becomes law, as Senator Stuthman has pointed out, there is no requirement for the A bill to follow. I think Senator Chambers is right. I think we should vote against the motion to IPP it, and leave this vehicle available for us as a Legislature should we need it, as we address the issues before the Legislature. The logic behind me offering to take this bill off Senator Stuthman's hand is that then I could offer some of the bills I'm trying to figure out how to get prioritized as an amendment to that. But that would come at a later battle, and it was just another opportunity for me to get another, quote, unquote, priority bill at this stage of the game, but I do, in all candor, think that we should leave the A bill alive as a vehicle. Thank you, Mr. President. [LB280A LB280]

PRESIDENT SHEEHY: Thank you, Senator Erdman. Are there additional members wishing to speak? Seeing none, Senator Stuthman, you are recognized to close on your motion. Senator Stuthman waives closing. The question before the body is on the motion to indefinitely postpone LB280A. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB280A]

CLERK: 6 ayes, 16 nays, Mr. President, on the motion to indefinitely postpone. [LB280A]

PRESIDENT SHEEHY: The motion to indefinitely postpone is not adopted. Senator Erdman. [LB280A]

SENATOR ERDMAN: Mr. President, would Senator Stuthman yield to a question? [LB280A]

PRESIDENT SHEEHY: Senator Stuthman, will you yield? [LB280A]

SENATOR STUTHMAN: Yes, I think I have the capacity to hopefully answer a question. [LB280A]

SENATOR ERDMAN: You have the ability, I'm convinced. Senator Stuthman, at this

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point you can ask the bill to be laid over; I could offer a motion to IPP it, in which it would be laid over; or we can pass over the bill. But I would ask what your preference is. I think the body has an interest in maintaining this bill as an opportunity should we need it. Is it your intent to pass over the bill or how would you like to proceed? And let me...before you answer, it's more advantageous for you to lay the bill over at this stage than assuming that the Legislature would advance the bill to Final Reading and go through that dance that we did on LB395 if we were going to amend this at a later date; and LB395 is the smoking ban, in case you don't recall. Do you want to lay the bill over? Do you want me to file a motion to IPP it so you can lay it over? Do you want to ask the Speaker to pass over it? What are your thoughts? [LB280A LB395]

SENATOR STUTHMAN: I would ask to pass over it. [LB280A]

SENATOR ERDMAN: Fair enough. [LB280A]

PRESIDENT SHEEHY: Senator Stuthman, would you please come forward? Senator Flood, for what do you rise? [LB280A]

SPEAKER FLOOD: Thank you, Mr. President and members. I appreciate Senator Erdman's creative thinking this morning. I think we need to step back for a second. Senator Stuthman's LB280, the underlying bill of which he wants to pass this session, cannot be read on Final Reading unless the A bill accompanies the same. So in the interest...and I'm also referring in our rules to Rule 5, Section 7(g), with regard to the requirement that the A bill follow the underlying bill. I think the best course of action in this situation is to pass LB280A on to Final Reading and then certainly on Final Reading the body has the choice whether or not it wants to pass LB280A or vote against it and reject it. I think the most appropriate thing to do in this situation is to vote against LB280A on Final Reading to allow the underlying bill to proceed to Final. Thank you, Mr. President. [LB280A LB280]

PRESIDENT SHEEHY: Thank you, Speaker Flood. Senator Erdman. [LB280A]

SENATOR ERDMAN: Mr. President, would Senator Flood yield to a question? [LB280A]

PRESIDENT SHEEHY: Senator Flood, would you yield? [LB280A]

SPEAKER FLOOD: Yes. [LB280A]

SENATOR ERDMAN: Senator Flood, can you read me the rule again, Rule 5, Section 7? Does it state that the bill on Final Reading has to...? The A bill does not have to pass. It just has the stipulation that the bill on Final Reading has to be accompanied by the A bill, correct? [LB280A]

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SPEAKER FLOOD: Right. It says to be exact, "The authorization bill shall first be considered and if it should be passed on Final Reading then the "A" bill shall be read and voted on for final passage," and that is Rule 5, Section 7(g). [LB280A]

SENATOR ERDMAN: So we could advance LB280 and LB280A to Final Reading, and in the event that there was legislation that was appropriate to be amended into LB280A, there could be a motion to return LB280A for that amendment before LB280 was voted on to become law, and it would still allow us the vehicle without voting against the bill on Final Reading, correct? [LB280A LB280]

SPEAKER FLOOD: That would be true, Senator. [LB280A]

SENATOR ERDMAN: So if we vote to advance LB280A to E&R Engrossing to Final, you could hold the bill in the event that it would be necessary to use the A bill as a vehicle. That would still be available to us, correct? [LB280A]

SPEAKER FLOOD: That is true. [LB280A]

SENATOR ERDMAN: I am going to be voting to advance LB280A to E&R to Final. Thank you, Mr. President. [LB280A]

PRESIDENT SHEEHY: Thank you, Senator Erdman. Additional discussion on the advancement of LB280A? Seeing none, Senator McGill. [LB280A]

SENATOR MCGILL: Mr. President, I move LB280A to E&R for engrossing. [LB280A]

PRESIDENT SHEEHY: You have heard the motion on the advancement. All those in favor say aye. Opposed, nay. LB280A does advance. We'll proceed to LB500. [LB280A LB500]

CLERK: Senator McGill, I have Enrollment and Review amendments. (ER8156, Legislative Journal page 566.) [LB500]

PRESIDENT SHEEHY: Senator McGill. [LB500]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB500]

PRESIDENT SHEEHY: You have heard the motion on the adoption of the E&R amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB500]

CLERK: I have nothing further on the bill, Senator. [LB500]

PRESIDENT SHEEHY: Senator McGill. [LB500]

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SENATOR MCGILL: Mr. President, I move LB500 to E&R for engrossing. [LB500]

PRESIDENT SHEEHY: You have all heard the motion. All those in favor say aye. Opposed, nay. LB500 does advance. We will proceed to LB623. [LB500 LB623]

CLERK: LB623, Senator. I have no amendments to the bill. [LB623]

PRESIDENT SHEEHY: Senator McGill. [LB623]

SENATOR MCGILL: Mr. President, I move LB623 to E&R for engrossing. [LB623]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB623 does advance. We will proceed to LB609. [LB623 LB609]

CLERK: LB609. I do have Enrollment and Review amendments, first of all, Senator. (ER8159, Legislative Journal page 567.) [LB609]

PRESIDENT SHEEHY: Senator McGill. [LB609]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB609]

PRESIDENT SHEEHY: You have heard the motion on the adoption of the E&R amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB609]

CLERK: Senator Carlson would move to amend with AM1960. (Legislative Journal pages 631-632.) [LB609]

PRESIDENT SHEEHY: Senator Carlson, you are recognized to open on your amendment, AM1960. [LB609]

SENATOR CARLSON: Mr. President and members of the Legislature, LB609, my rural economic development bill, had a good discussion on General File. As a review, LB609 is intended to assist rural communities in attracting new residents from outside of the state of Nebraska who can bring their own jobs or who don't require jobs. This bill is intended to provide assistance in marketing for communities to attract populations from outside the state. As I have quoted, there is a whole population of people wanting to move to rural Nebraska; they just don't know it yet. Part of the discussion during General File brought up the fact that there are other programs within the Department of Economic Development which are funded and might include some specifics of LB609. AM1960 to LB609 strikes the original bill and adds a section to the Building Entrepreneurial Communities Act, BECA, within the Department of Economic Development. You'll find the new section on your Chamber viewer. The new Section 8

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that I am proposing will allow rural communities to apply for grants with a matching component to provide marketing assistance to communities to attract new residents from outside of the state of Nebraska. This assistance may include but not be limited to the creation of Web sites, the improvement or expansion of existing Web sites, creation and distribution of printed or electronic marketing materials and other programs which promote the community to new residents. The existing Community Development Act is also a funded program, and therefore by adopting this amendment, the bill following LB609, the A bill, will not be necessary. I appreciate the opportunity to introduce AM1960 and would ask for your support. Thank you. [LB609]

PRESIDENT SHEEHY: Thank you, Senator Carlson. You have heard the opening to AM1960. Are there members wishing to speak? Seeing none, Senator Carlson, you are recognized to close. Senator Carlson waives closing. The question before the body is on the adoption of AM1960 to LB609. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB609]

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of Senator Carlson's amendment. [LB609]

PRESIDENT SHEEHY: AM1960 is adopted. [LB609]

CLERK: I have nothing further on the bill, Mr. President. [LB609]

PRESIDENT SHEEHY: Senator McGill. [LB609]

SENATOR MCGILL: Mr. President, I move LB609 to E&R for engrossing. [LB609]

PRESIDENT SHEEHY: Senator Chambers. [LB609]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I would like to ask Senator Carlson a question. [LB609]

PRESIDENT SHEEHY: Senator Carlson, would you yield? [LB609]

SENATOR CARLSON: Yes, I will. [LB609]

SENATOR CHAMBERS: Senator Carlson, I was occupied when you were explaining the bill, but on the gadget it looks like...tell me exactly what form the bill is in now. What does it consist of? [LB609]

SENATOR CARLSON: The bill really becomes a part of the Building Entrepreneurial Communities Act, which is an existing program under the Department of Economic Development, and yet the amendment adds a new section, Section 8, and that section...

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[LB609]

SENATOR CHAMBERS: Okay, and that's the only thing now that the bill does. [LB609]

SENATOR CARLSON: Yes, it is. [LB609]

SENATOR CHAMBERS: It adds that new Section 8. [LB609]

SENATOR CARLSON: Yes, it is. [LB609]

SENATOR CHAMBERS: Okay. Thank you. Thank you, Mr. President. [LB609]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator McGill. [LB609]

SENATOR MCGILL: Mr. President, I move LB609 to E&R for engrossing. [LB609]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB609 advances. We'll proceed to LB609A. [LB609 LB609A]

CLERK: LB609A, Senator. I do have Enrollment and Review amendments. (ER8160, Legislative Journal page 567.) [LB609A]

PRESIDENT SHEEHY: Senator McGill. [LB609A]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB609A]

PRESIDENT SHEEHY: You have heard the motion on the adoption of the E&R amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB609A]

CLERK: Mr. President, Senator Carlson would move to...do you want to take this motion up, Senator, or not? Senator Carlson would move to indefinitely postpone, Mr. President. [LB609A]

PRESIDENT SHEEHY: Senator Carlson, you are recognized to open on your motion to indefinitely postpone. [LB609A]

SENATOR CARLSON: Mr. President and members of the Legislature, in listening to the discussion on Senator Stuthman's bill, I would withdraw that amendment. [LB609A]

PRESIDENT SHEEHY: The motion to indefinitely postpone is withdrawn. [LB609A]

CLERK: I have nothing further on the bill, Mr. President. [LB609A]

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PRESIDENT SHEEHY: Senator McGill. [LB609A]

SENATOR MCGILL: Mr. President, I move LB609A to E&R for engrossing. [LB609A]

PRESIDENT SHEEHY: You have all heard the motion. All those in favor say aye. Opposed, nay. LB609A does advance. We'll proceed to LB668. [LB609A LB668]

CLERK: LB668, Senator. I have no amendments to the bill. [LB668]

PRESIDENT SHEEHY: Senator McGill. [LB668]

SENATOR MCGILL: Mr. President, I move LB668 to E&R for engrossing. [LB668]

PRESIDENT SHEEHY: You have all heard the motion. All those in favor say aye. Opposed, nay. LB668 does advance. We'll proceed to LB715. [LB668 LB715]

CLERK: Senator McGill, LB715. I have no amendments to the bill, Senator; sorry. [LB715]

PRESIDENT SHEEHY: Senator McGill. [LB715]

SENATOR MCGILL: Mr. President, I move LB715 to E&R for engrossing. [LB715]

PRESIDENT SHEEHY: You have all heard the motion. All those in favor say aye. Opposed, nay. LB715 does advance. We'll proceed now to LB279. [LB715 LB279]

CLERK: LB279, Senator. I have no amendments to the bill. [LB279]

PRESIDENT SHEEHY: Senator McGill. [LB279]

SENATOR MCGILL: Mr. President, I move LB279 to E&R for engrossing. [LB279]

PRESIDENT SHEEHY: You have all heard the motion. All those in favor say aye. Opposed, nay. LB279 advances. We'll proceed to LB896. [LB279 LB896]

CLERK: LB896, Senator. I have no amendments to the bill. [LB896]

PRESIDENT SHEEHY: Senator McGill. [LB896]

SENATOR MCGILL: Mr. President, I move LB896 to E&R for engrossing. [LB896]

PRESIDENT SHEEHY: You have heard...Senator Chambers. [LB896]

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SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I know Senator Janssen is not here, but there might be a member of the...this would come from the Revenue Committee? I would ask a...if somebody from the Revenue Committee would stand up, because I don't know who the members are? Senator White. [LB896]

PRESIDENT SHEEHY: Senator White, would you yield? [LB896]

SENATOR WHITE: Yes. [LB896]

SENATOR CHAMBERS: Senator White, this morning we've gone into a lot of things, so now I'm having to be clarified on various matters. The one-liner says, update references to the Internal Revenue Code. Do any of those references contain vulgarities, obscenities, or the like? [LB896]

SENATOR WHITE: You know, I don't think so, Senator, but I can't say for sure. [LB896]

SENATOR CHAMBERS: Well, I'm going to believe that since Senator Janssen's name is on it, it probably doesn't, so I will support the bill. Thank you, Senator White. [LB896]

SENATOR WHITE: Any time, Senator Chambers. [LB896]

SENATOR CHAMBERS: That's all I would have, Mr. President. [LB896]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator McGill. [LB896]

SENATOR MCGILL: Mr. President, I move LB896 to E&R for engrossing. [LB896]

PRESIDENT SHEEHY: You have the heard the motion. All those in favor say aye. Opposed, nay. LB896 advances. We'll proceed to LB898. [LB896 LB898]

CLERK: LB898. I have no amendments at this time. [LB898]

PRESIDENT SHEEHY: Senator McGill. [LB898]

SENATOR MCGILL: Mr. President, I move LB898 to E&R for engrossing. [LB898]

PRESIDENT SHEEHY: Oh, Senator Raikes. [LB898]

SENATOR RAIKES: Thank you, Mr. President and members. This bill also came through the Revenue Committee, and I don't have any intention to try to delay it, but I thought it might be a good time to raise a point of information to you. Perhaps someone asks you at some point, if you end up voting for this bill, what exactly is this bill about,

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what does it do? And part of this is, I guess, admitting my own neglect as a member of the Revenue Committee. I did not realize that we have a policy in this state whereby we guarantee a minimum price for cigarettes, and thereby guarantee that cigarette wholesalers and retailers receive a profit. I'm not necessarily telling you that it's a bad policy, but it did catch me by surprise. The justification, I think, is among other things possibly, the justification is that you don't want retailers using cigarettes as a loss leader, so that you have low-priced cigarettes and that you attract people into the store, however that might work. Another justification is that this, by guaranteeing a minimum profit, you keep smaller business players in the game. We don't do this, for example, on general retailing, so that we keep the mom and pop going and fend off Wal-Mart or somebody like that. But in the case of cigarette wholesale and retail, we do that. Now I did in the hearing ask one of the testifiers who supported the bill, why is such a policy justified from his standpoint? And his argument was, well, gosh, we collect a lot of taxes for the state on cigarettes, so that we should be guaranteed a profit to stay in business. And he also related to me that in other states where they don't have a minimum price and a guaranteed profit for cigarettes, it has been the experience that bigger wholesalers, bigger operations, tend to move in and wipe out or put the smaller operations out of business. So I don't really have...what the bill does is it actually does some updates to that system. It makes some corrections for more current business practices and the like, but I would again just conclude by saying, we do, in fact, have a minimum price for cigarettes in the state, and thereby guarantee a profit, profit margin, for cigarette wholesalers and retailers, and that's what this bill is about. Thank you. [LB898]

PRESIDENT SHEEHY: Thank you, Senator Raikes. Senator Chambers. [LB898]

SENATOR CHAMBERS: Mr. President, members of the Legislature, this is one of those bills that had gotten by me, and I was discussing something with the Speaker and missed part of what Senator Raikes said. Senator Raikes, you said the way this bill is drafted, it will guarantee or mandate a certain minimum price on cigarettes. [LB898]

PRESIDENT SHEEHY: Senator Raikes, would you yield? [LB898]

SENATOR RAIKES: Yes, I...yes. [LB898]

SENATOR CHAMBERS: And the purpose is to let little sellers of cigarettes stay in business. [LB898]

SENATOR RAIKES: Well, certainly you could argue that if that wasn't the purpose, it's one of the results. [LB898]

SENATOR CHAMBERS: What is the purpose, if that's not it? [LB898]

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SENATOR RAIKES: Well, the other thing I think that you could argue or has been argued, that you don't want retailers to use cigarettes as a loss leader, therefore price them very low, encourage people to buy cigarettes. [LB898]

SENATOR CHAMBERS: So what is the minimum price that would be on cigarettes? [LB898]

SENATOR RAIKES: It's based on the manufacturer's price, and there's a certain markup, a statutory markup, and I think with the change now it's 4.75 percent. And among the changes here, are that you take out discounts because discounts, manufacturer discounts aren't used any more, and you also make the minimum price effective at the time that the manufacturer establishes their price. [LB898]

SENATOR CHAMBERS: Could we add an additional percentage point and let that come to the state as a tax? [LB898]

SENATOR RAIKES: That's...I can't really give you a good answer to that, Senator. We, of course, do tax cigarettes via another mechanism. I think this...what you're proposing would be a tax that we don't now impose. [LB898]

SENATOR CHAMBERS: I know, but could that be done? That's the question I'm asking. In the context of this bill, could that be done, and a percentage point go to the state? I think you said the manufacturer raises...some amount is raised by four and half percentage points? [LB898]

SENATOR RAIKES: Four and three-fourths, I think is the... [LB898]

SENATOR CHAMBERS: Four and three-fourths. Could we make it five and three-fourths, with one of those percentage points' amounts coming to the state? [LB898]

SENATOR RAIKES: Well, unless you imposed a...or you included a provision that it has to go to the state, what would happen is that you would include the profitability...or increase the profitability of a wholesaler or a retailer by an additional 1 percent. [LB898]

SENATOR CHAMBERS: Mr. President, the Speaker made a comment to me, so I am going to terminate my speaking at this time so that he can do what he is going to do. Thank you. [LB898]

PRESIDENT SHEEHY: Thank you, Senator Chambers. The Speaker is passing over LB898. We will now proceed to LB790. [LB898 LB790]

CLERK: Senator McGill, LB790. I have no amendments to the bill. [LB790]

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PRESIDENT SHEEHY: Senator McGill. [LB790]

SENATOR MCGILL: Mr. President, I move LB790 to E&R for engrossing. [LB790]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB790 passes. We will now proceed to LB791. [LB790 LB791]

CLERK: LB791. I have no amendments to the bill, Senator. [LB791]

PRESIDENT SHEEHY: Senator McGill. [LB791]

SENATOR MCGILL: Mr. President, I move LB791 to E&R for engrossing. [LB791]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB791 advances. We will now proceed to LB925. [LB791 LB925]

CLERK: LB925. I have Enrollment and Review amendments, Senator. (ER8161, Legislative Journal page 578.) [LB925]

PRESIDENT SHEEHY: Senator McGill. [LB925]

SENATOR MCGILL: Mr. President, I move LB925 to E&R for engrossing...or, I'm sorry, I move the E&R amendments. [LB925]

PRESIDENT SHEEHY: You have heard the motion on the adoption of the E&R amendments. All those in favor say aye. Opposed, nay. Amendments are adopted. [LB925]

CLERK: I have nothing further on LB925. [LB925]

PRESIDENT SHEEHY: Senator McGill. [LB925]

SENATOR MCGILL: Mr. President, now I move LB925 to E&R for engrossing. [LB925]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB925 advances. We will now proceed to LB915. [LB925 LB915]

CLERK: LB915, Senator. I have Enrollment and Review amendments. (ER8163, Legislative Journal page 584.) [LB915]

PRESIDENT SHEEHY: Senator McGill. [LB915]

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SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB915]

PRESIDENT SHEEHY: You have heard the motion on the adoption of the E&R amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB915]

CLERK: I have nothing further on the bill, Senator. [LB915]

PRESIDENT SHEEHY: Senator McGill. [LB915]

SENATOR MCGILL: Mr. President, I move LB915 to E&R for engrossing. [LB915]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB915 advances. We'll proceed to LB750. [LB915 LB750]

CLERK: LB750. I have no amendments to the bill, Senator. [LB750]

PRESIDENT SHEEHY: Senator McGill. [LB750]

SENATOR MCGILL: Mr. President, I move LB750 to E&R for engrossing. [LB750]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB750 advances. We will now proceed to LB752. [LB750 LB752]

CLERK: LB752 does have Enrollment and Review amendments. (ER8162, Legislative Journal page 584.) [LB752]

PRESIDENT SHEEHY: Senator McGill. [LB752]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB752]

PRESIDENT SHEEHY: You have heard the motion on the adoption of the amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB752]

CLERK: I have nothing further on the bill, Senator. [LB752]

PRESIDENT SHEEHY: Senator McGill. [LB752]

SENATOR MCGILL: Mr. President, I move LB752 to E&R for engrossing. [LB752]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB752 does advance. We'll proceed to LB856. [LB752 LB856]

CLERK: I have no amendments to LB856, Senator. [LB856]

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PRESIDENT SHEEHY: Senator McGill. [LB856]

SENATOR MCGILL: Mr. President, I move LB856 to E&R for engrossing. [LB856]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB856 advances. We will now proceed to LB857. [LB856 LB857]

CLERK: I have no amendments to LB857, Senator. [LB857]

PRESIDENT SHEEHY: Senator McGill. [LB857]

SENATOR MCGILL: Mr. President, I move LB857 to E&R for engrossing. [LB857]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB857 advances. We will now proceed to LB744. [LB857 LB744]

CLERK: LB744. I have no amendments to the bill, Senator. [LB744]

PRESIDENT SHEEHY: Senator McGill. [LB744]

SENATOR MCGILL: Mr. President, I move LB744 to E&R for engrossing. [LB744]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB744 advances. We will proceed to LB747. [LB744 LB747]

CLERK: LB747. I have no amendments to the bill, Senator. [LB747]

PRESIDENT SHEEHY: Senator McGill. [LB747]

SENATOR MCGILL: Mr. President, I move LB747 to E&R for engrossing. [LB747]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB747 advances. Mr. Clerk, do you have items for the record? [LB747]

CLERK: I do, Mr. President. Your Committee on Natural Resources reports LB880 to General File with committee amendments, that report signed by Senator Loudon, as Chair. Senator Stuthman, an amendment to LB766 to be printed. Name adds: Senator Engel to add his name to LB786 and Senator Kruse to LB786. And announcement: Judiciary Committee will have an Executive Session at recess...or adjournment, I should say, in Room 2022; Judiciary upon adjournment in Room 2022. (Legislative Journal pages 633-635.) [LB880 LB766 LB786]

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And a priority motion, Mr. President. Senator Flood would move to adjourn until Thursday, February 21, at 9:00 a.m.

PRESIDENT SHEEHY: You've heard the motion to adjourn until Thursday, February 21, 2008, at 9:00 a.m. All those in favor say aye. Opposed, nay. We are adjourned.