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Floor Debate
May 02, 2013

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PRESIDENT HEIDEMANN PRESIDING

PRESIDENT HEIDEMANN: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the seventy-first day of the One Hundred Third Legislature, First Session. Our chaplain for today is Senator Wightman. Please rise.

SENATOR WIGHTMAN: (Prayer offered.)

PRESIDENT HEIDEMANN: Thank you, Senator Wightman. I call to order the seventy-first day of the One Hundred Third Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

PRESIDENT HEIDEMANN: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections this morning, Mr. President.

PRESIDENT HEIDEMANN: Thank you. Are there any messages, reports, or announcements?

CLERK: Mr. President, bills read on Final Reading last evening were presented to the Governor at 6:43 p.m. I also have a series of reports that have been received electronically and are available on the legislative Web site. That's all that I have, Mr. President. (Legislative Journal page 1233.)

PRESIDENT HEIDEMANN: Thank you, Mr. Clerk. We now proceed to the first item on the agenda. Mr. Clerk.

CLERK: LB306A, Mr. President, is a bill by Senator Nordquist. (Read title.) [LB306A]

PRESIDENT HEIDEMANN: Senator Nordquist to open on LB306A. [LB306A]

SENATOR NORDQUIST: Thank you, Mr. President and members. LB306A

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appropriates funding for the changes that were incorporated into LB306 on Select File, which included amending the judges' salary bill into LB306, so this would appropriate the money for the judges' salary increase. Thank you. [LB306A LB306]

PRESIDENT HEIDEMANN: Thank you, Senator Nordquist. Anyone wishing to speak on LB306A? Seeing none, Senator Nordquist to close. Senator Nordquist waives closing. The question is the advancement of LB306A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all of you voted who wish to vote? Record, Mr. Clerk. [LB306A]

CLERK: 26 ayes, 2 nays, Mr. President, on the advancement of LB306A. [LB306A]

PRESIDENT HEIDEMANN: The bill advances. Next item. [LB306A]

CLERK: Mr. President, the next item is LB545, a bill originally introduced by Senator Dubas. (Read title.) The Legislature has discussed the issue on April 22 and again on May 1. Committee amendments have been adopted. An amendment to the committee amendments was adopted, Mr. President. At this time I have a priority motion. [LB545]

PRESIDENT HEIDEMANN: Would Senator Dubas like to refresh us on LB545 first? [LB545]

SENATOR DUBAS: Thank you, Mr. Lieutenant Governor. Good morning, colleagues. LB545 as amended deals with the appeals process through the Public Service Commission. This bill was introduced by me after working with the Public Service Commission. It was the work of a slow, thoughtful, deliberative process, not a grueling, painful, extended process. It was a bill that was introduced because various committee members and senators in the past had requested that the Public Service Commission try to find some ways to, without jeopardizing due process, making sure that we are following procedures correctly, but, yeah, find ways to preserve judicial resources, make sure we are not redundant in some manners through the judicial process, and again, just a way to find ways to make sure that the process works well for all involved. Ultimately, it's the ratepayers who are paying for these appeals, and so what the bill does is create a two-step review process which begins at the Public Service Commission level, then it would go to the Court of Appeals, and then ultimately the Supreme Court, if need be. That is, in essence, the bill in a nutshell. Thank you. [LB545]

PRESIDENT HEIDEMANN: Thank you, Senator Dubas. Mr. Clerk. [LB545]

CLERK: Mr. President, a priority motion. Senator Chambers would move to recommit LB545 to the Transportation and Telecommunications Committee. [LB545]

PRESIDENT HEIDEMANN: Senator Chambers, you are recognized to open on your

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motion to recommit. [LB545]

SENATOR CHAMBERS: Thank you, Mr. President, and welcome back to the legislative cauldron. It has been bubbling lately, as you will see shortly. I want to make what might be like a disclaimer. I'm fighting this bill hard, but I'm fighting the bill. I am not fighting Senator Dubas. I have a lot of respect for Senator Dubas. I'm going to ruin her reputation now. I'm fond of Senator Dubas. And if there was anybody on a bill such as this that I would grant slack to, it would be Senator Dubas, but I cannot do that. This is a bad bill. In the current state of the bill...I'd like to ask a question of Senator Burke Harr. [LB545]

PRESIDENT HEIDEMANN: Senator Harr, will you yield? [LB545]

SENATOR HARR: Yes. [LB545]

SENATOR CHAMBERS: Senator Harr, was it your amendment that made the standard of review de novo on the record? [LB545]

SENATOR HARR: Well, it's currently de novo on the record in district court. And I requested that it be made...since we're eliminating district court, that that level be used in the Court of Appeals, yes. [LB545]

SENATOR CHAMBERS: Now how many judges, if it were before a district court, how many judges would be involved in hearing that? [LB545]

SENATOR HARR: There would be one judge. [LB545]

SENATOR CHAMBERS: One. Senator, how many judges are there on the State Court of Appeals? [LB545]

SENATOR HARR: On the State Court of Appeals there are, I believe, six, but they sit in panels of three. [LB545]

SENATOR CHAMBERS: So we would go from one judge handling it to three? [LB545]

SENATOR HARR: That is correct. [LB545]

SENATOR CHAMBERS: Does that mean that we're going to get a decision that's three times better, three times as competent? [LB545]

SENATOR HARR: I would think the judges would like to think it is, but I don't know if facts would bear that out. [LB545]

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SENATOR CHAMBERS: If judges receive a salary and they are paid for their time and we would be strictly dealing with the money expended, does it cost more to pay three people to do something than it would to cost one person to do it? [LB545]

SENATOR HARR: Three. And I believe, with the increase in salaries, Court of Appeals judges make more than district court judges as well. [LB545]

SENATOR CHAMBERS: Now where is the savings? If we've been told that money is so important here and we need to short-circuit the system, how does this move save money? [LB545]

SENATOR HARR: Their argument is, I believe, is the savings comes from the use or nonuse of a public service advocate on natural gas rate increases. [LB545]

SENATOR CHAMBERS: What is your opinion? [LB545]

SENATOR HARR: Well, I've never been told how much a public service advocate gets paid to appeal, what their...if they're hourly, salary, or how much they cost, so I don't know. [LB545]

SENATOR CHAMBERS: Thank you, Senator Harr. Members of the Legislature, there are additional questions of this kind that could be asked if we were going to really go into the details of this bill. But either people are going to support it or, from my position, I hope, they won't support it. There has not been an argument given which sways my mind. I can be persuaded if I am presented with enough facts to do that. We have argued quite a while on this bill. There are two more hours you're going to have to listen. So it doesn't really matter what we talk about because I don't think any minds, at this point, will be changed on this bill. But we might get some changes on others. I told you all I don't come up here for the prayer. First of all, if I did, although I always stand up, I would sit down on purpose to show that I'm not a part of that at all. I turn that machine on downstairs so I can keep track of when you're going to go into session so I won't be unduly delayed. When I heard that Senator Wightman was going to give the prayer, then both of my ears tuned in. If you play drums...I don't play drums well. But your feet play a rhythm on the bass drum. If you really can concentrate, you can use two bass drum pedals; and if you're coordinated, you can beat out a rhythm with just the bass drum. And then you have a stick in each hand, and you can play on the tom-tom, the snare. And there's a big cymbal that goes, crash, then a little top-hat cymbal that you work with your foot, and it just goes, "ch, ch, ch, ch, ch, ch, ch, ch, ch-ch-ch-ch." And you do all of that, one person doing all of that, so you have to be coordinated. Sometimes, when we're here, things have to be coordinated. I can listen to one thing with my left ear when Senator Schumacher is talking. I can listen with my right ear when his opposition is grumbling on the other side of the aisle. I can watch Senator Kintner with one eye, and I can watch Senator Bloomfield with the other eye. Then, as all this

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data is fed into my brain, it processes it and it usually says, reject it, not worth the time. But we're in a situation here where when Senator Wightman gave the prayer, I listened to every word that man said. I'll break it down into three things; he asked for guidance; he wanted a tamping down of the rancor that has manifested itself in the last few days; and he asked that we do what's good for the residents of this state. Now I have a sister. She's younger than I am. And she died and we were very close. She worked for the Union Pacific Railroad and she was a dispatcher. She worked out of a little town in Kansas, and there were white people who didn't think that black people should be there. My sister's complexion was considerably lighter than mine, so they may not have known for sure what her derivation was. But some of the employees gave her a problem. And I said, Alice (phonetic), why didn't you tell me about this? She said, Ernie, I handle the little stuff myself, when it comes to something that I can't handle that's when I'll call you, and thus far no problem I've had with that railroad required me to call you. And I say that to say this. Senator Wightman, if he's praying to a heavenly father, as I think he said he was, is asking for help from that quarter prematurely. We don't need guidance. We already know what we need to do. We need some backbone, we need some honesty, and we need to practice what you all preach. I don't preach this stuff. You all preach it. You all would be surprised at how many messages I got, after yesterday, saying that I'm a better Christian than the people here. I said, wait a minute, I'm not a Christian at all. The people in that Chamber have set the bar so low that the term Christian, applied to me, is an insult. But I know what I think you're trying to say. People judge you all by me, and you all come off second best, and you all pray. But, Senator Wightman, I don't think the guidance is needed. I think, personally, you were giving a message to the ten people who were in here. You all want the prayers, but you don't come here. I counted them. How did I count them? Because there is a full shot of the Chamber before the prayer goes forth,... [LB545]

PRESIDENT HEIDEMANN: One minute. [LB545]

SENATOR CHAMBERS: ...and I count the people to see how many are going to be here. You don't even want the prayer. You certainly don't believe it. And I'm going to turn on my light because I'm going to take a little different approach to trying to persuade you to recommit a bill to committee. And maybe what I really ought to say is, I'm trying to get you to recommit yourself to those things you claim to believe. Thank you, Mr. President. [LB545]

PRESIDENT HEIDEMANN: Thank you, Senator Chambers. Senator Schumacher, you are recognized. [LB545]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. I'm participating in this effort to stop this bill because, so far, there has been no reason articulated for its passage and because the general type of mechanism in place between regulated bodies and an elected Public Service Commission creates sufficient

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question as to why we do something that alters the rules to make that interaction different from the other regulatory interactions we see with, like, the DEQ. What's different? We do know that a ton, millions, hundreds of millions of dollars are somehow in play in the regulatory process with the Public Service Commission, so one's warning lights should go on, and anything to apply special rules to that environment should receive enhanced scrutiny. Our constitution says that the Public Service Commission is elected, but it is subject to what we assign them and our oversight. If we had heard that, look, we made a mistake in 2002, whatever it was, when we created the APA and assigned the Public Service Commission to its jurisdiction...that's the Administrative Procedures Act, which generally across the states is a uniform act that tries to review acts of agencies. If we'd heard, look it, there is an oddity with the Public Service Commission that there are appeals and appeals and appeals to the district court and then more appeals from the district court to the Appeals Court and more appeals from the Appeals Court to the Supreme Court and they, each one, cost us so much money, and if we eliminate the first tier of appeals at the district court we will save so many dollars because there are just so many of them, one would have to have one's ears perk up and say, wait a minute, let's look at what's causing these appeals and whether or not we will save anything by eliminating them at the district court level and leaving only two levels of appeals. We have yet to hear any quantification of savings. We've heard bold assertions. We've heard statements in the newspaper that say, it's just about saving money, folks. But wouldn't you say that if you're just trying to sell a package? We have no quantification. We're going to...from a system where one judge reviews the record and makes the decision and can call in a referee or a special master to help him make that decision and so he doesn't have to kill so much time on it, to a case where we start out with three judges, with no helpers, no referees, each having to sit down and review either what is a very cut-and-dry record or what, as we were initially told, was a very complicated set of stuff with lots of data and really takes a lot of brains and a lot of time. That's not savings... [LB545]

PRESIDENT HEIDEMANN: One minute. [LB545]

SENATOR SCHUMACHER: ...when you go to three. And then, when we first put the Court of Appeals in effect, it was to save the Supreme Court time, because they were way too overburdened, and create a filter at a middle level. Now, if you want to appeal from level one to level two, you're back in the Supreme Court where, instead of three judges reviewing something, there's seven judges reviewing it. Something is not right with this bill. It deserves to have further scrutiny, go back to committee, find out what is really driving this thing, because it isn't efficiency and it isn't need and it isn't saving money. Thank you. [LB545]

PRESIDENT HEIDEMANN: Thank you, Senator Schumacher. Senator Chambers, you are recognized. [LB545]

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SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I touched on the first division of Senator Wightman's prayer as I laid it out, which was guidance, and said that he's asking for that prematurely. The second one had to do with the rancor that has developed within the last few days, or that at least has manifested itself. There were 17 reasons for it. But after Senator Johnson withdrew his name from that infamous, so-called petition, there are 16 reasons. The provocation had been given. It became clearer on the floor yesterday. Those of you who watch football games will often hear it said, when the referee throws a flag for unnecessary roughness, that the referee sees the one who retaliates. The referee doesn't see the one who struck the first blow. Well, now that there is a surfacing of the rancor, there might be a tendency not to look at what generated it. We were discussing the fact that 17 people had pledged themselves to say that they would vote against cloture for all reasons and would not be persuaded to change their mind. It takes 33 votes to obtain cloture. They were chortling among themselves and, probably, with the Governor that they had now created a situation where there would not even be a vote on whether or not to expand Medicare coverage because the Speaker had said it would not be returned to the agenda. I don't think the Speaker is bound by that. I think the issue is so serious that that declaration of his should not be exploited by senators acting in bad faith, and they are acting in bad faith. I don't believe all 16 of them are on the floor this morning. I said yesterday that they should show themselves. I challenged them, and they haven't done it. Why don't they make the list and say, we proudly present this, we're the ones who said it, we meant it, and we're going to stick by it? But they lurk, hide, and skulk in the shadows like thieves, slyboots, and crooks, morally deficient, morally bankrupt, and afraid to speak out. And then at other times they talk about morality. They even will hold prayer meetings in the halls with little children. Well, come on out now. And you say that I'm the devil? Confront the devil right here. Put me in my place. I read to you yesterday about the God who answers by fire, and that biblical passage that I read gave guidance as to how you should mock those who say they have a God who answers. And when that God does not answer, as they say that God should, the "Bibble" said that that God is mocked. Where is he? Is he asleep? Is he on a journey? Is he busy? Where is he? But today that God doesn't have to burn up a sacrifice. That God just has to soften some of the hard hearts of those who say they believe in him, who pray to him. So that is where the rancor comes from, and those 16 can go a great way toward resolving it. [LB545]

PRESIDENT HEIDEMANN: One minute. [LB545]

SENATOR CHAMBERS: So once again the old man is sitting up there on his throne, saying, talk, Chambers, you're speaking for me today, I'll use anything and anybody for my instrumentality. So then the other one is to do what's good for the residents of this state. What could be better for the residents of this state, what could do more good for the residents of this state, than to make medical care available to those who currently cannot obtain it? Thank you, Mr. President. [LB545]

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PRESIDENT HEIDEMANN: Thank you, Senator Chambers. (Doctor of the day introduced.) Senator Chambers, you are recognized. [LB545]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I will say something on this motion and the bill. If I make you a promise, I keep it. I'm like the Medes and the Persians mentioned in the Old Testament of the "Bible." Something done according to the laws of the Medes and the Persians meant that it changes not. So I told you I was going to bring information about the little set-to I had with Sprint over putting a block on my telephone. And because I pushed it, you know how many citizens in this state, all across the state...let me read this editorial. It's from April 7, 1995, "Sprint answers call." Thanks to the pugnacious state Senator Ernie Chambers about 11,000 Nebraska telephone customers can get collect calls from people who use Sprint as their long-distance carrier. Last year, Chambers filed an official complaint with the Nebraska Public Service Commission after learning that Sprint had blocked collect calls to his office for no apparent reason. Sprint could not come up with a reason for the block. The Chambers fussing uncovered a small can of Sprint worms: thousands of other customers with similar, unaccountable blocks on their phones. Quote, from a letter sent to me by the commission, which is quoted in this editorial: Obviously your involvement benefited numerous people across this state, said a letter to Chambers from the commission. Sprint subsequently agreed to lift all of the blocks--more than 10,900 of them. Now a Nebraska ET can call home, even collect, no matter what long-distance companies are involved, unquote. And the Lincoln Journal had an editorial that ran April 15 of 1995, very brief, "Chambers sprints to the rescue." Senator Ernie Chambers of Omaha was not alone when Sprint placed a block on his Capitol phone so he could not accept collect calls. After Chambers objected, the State Public Service Commission asked how many other blocks Sprint had placed on the phones of unwitting customers for no reason. The answer: Nearly 11,000, yet another example of how Chambers helps the little guy, unquote. How many of you all get editorials about how you help the little guy? And I could show you these kind of statements until you get sick of seeing them. I help the people. My record speaks for itself. And you'll see on the front of that handout I gave you a quote from James 2:26. Carlson wouldn't have to take the reading. It says, faith without works is dead. I don't pray. I do what needs to be done, and we've all been given the wherewithal. You all don't need to utter a prayer. You're premature. Let us do what we can do first. How many of you had children who might come to you when they were small and want you to do something for them, but in trying to teach them you would let them know that this is what you have to do yourself? You can do it, and I'll help you but you've got to do it. Then here we are, grown people, members of the Legislature, passing laws. And in praying up there to ask God to do what we ought to be doing, God's not going to hear you. You think he's going to waste his time, waste his energy in each one of your heads and each one of your hearts? Because you all claim to have hearts. It's all that you need to inspire you to help those that you have an obligation to help. Your religion places that burden on you. [LB545]

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PRESIDENT HEIDEMANN: One minute. [LB545]

SENATOR CHAMBERS: You talk about the compassion of Christianity. You talk about the compassion of Christ. If I judge what you say about Christ by you, Christ not only didn't die for me, he didn't die for anybody. He took off running with his gowns flapping behind him, trying to head for cover as quickly as he could. That's if I judge what he was by you. You be the example. You show me what this Jesus is whom you say you believe in. Isn't that what he told you to do? You be the city, set on a hill, that cannot be hidden, and let your light so shine before men, that they may see your good works and glorify your father which is in Heaven--not glorify him because of what they read in the "Bible," not glorify him because of what they preach in church, but glorify him because of your good works. [LB545]

PRESIDENT HEIDEMANN: Time. [LB545]

SENATOR CHAMBERS: Thank you, Mr. President. [LB545]

PRESIDENT HEIDEMANN: Thank you, Senator Chambers. Senator Schumacher, you are recognized. [LB545]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. You know, we've heard about what seemed to me to be an unusual procedure in this case, that members of the Transportation Committee, over the last few years, became really concerned as to how they could help out the Public Service Commission avoid having appeals. And they went to the commission, as I understand it, and asked if there was anything that we could do to help out, and then this bill evolved. Next time she's on the mike Senator Dubas may clarify that, but I think that's what I heard her say. And so the Transportation Committee really felt there was an issue here because of excessive appeals or excessive cost of appeals. In 2008 there were two appeals from the Natural Gas Department, and that's just to the district court. Transportation had one, wireless E-911 one, and grain one. In 2009 natural gas had one, communications one, transportation two. In 2010 natural gas had two, transportation one, universal service one--and that wasn't me--and rules and regs, one. In 2011, zero. In 2012, natural gas had one, communications one, and transportation one. Prima facie, that does not appear to be the kind of thing that would say, whoa, we've got to go and deal with a problem of excessive appeals and ask the Public Service Commission what we can do to help. Out of 433 cases there were 18 total appeals in that time, and that was to the district court. And I've got the record being checked right now, but I believe the number tossed out yesterday was, of those 18, 4 went on for review by the Appeals Court and that was the end of them. That is what we've now spent six hours talking about, the need for us to intervene and create an aberration in an appeals mechanism which handles very few appeals. And these appeals, the great bulk, are to a single man or woman judge that can have a helper, if needed, and to transfer them to a three-judge

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panel, skilled in appeals but not in reviewing the facts, with probably each one of those people have got a law clerk. So we're tripling the number of law clerks involved and paperwork and duplicating processes, all in the name of--and this is the only reason we've heard--saving some money, and we haven't heard a quantification of how much money. And even if it saved the Public Service Commission some money, even if we wouldn't, in the latest hours of this debate, hear that, we would have to do a computation to see, by assigning three times the number of judges and forcing them to hear the cases, how much that would cost on our judicial budget; and if they are disagreed with at that first level, those four that made it through the sieve to the next level of appeal, how much it cost us to have the Supreme Court, seven judges instead of three, hear those. [LB545]

PRESIDENT HEIDEMANN: One minute. [LB545]

SENATOR SCHUMACHER: There is no reason for us to change the system here. I assume that every reason that there is has been already presented. And I challenge anyone to show me what it is in anything other than terminology of glittering generalities of, oh, it will save money, when clearly one has got to begin to wonder how, whose money, how much. It's not here. There is something more operating here than saving money that we don't know how much. I continue to probe and find out and, hopefully, get some more statistics here from the Court of Appeals as to what burden this is causing society, what we are fixing, what is broken. There's something not right here, folks. [LB545]

PRESIDENT HEIDEMANN: Time. [LB545]

SENATOR SCHUMACHER: Thank you. [LB545]

PRESIDENT HEIDEMANN: Thank you, Senator Schumacher. Senator Carlson, you are recognized. [LB545]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. Senator Chambers is an incredible person, a person of high intellect. If my IQ is 120, I would imagine his is 240 or higher. But sometimes he baffles me. Mr. President, I'd like to address Senator Chambers, if he would yield. [LB545]

PRESIDENT HEIDEMANN: Senator Chambers, will you yield? [LB545]

SENATOR CHAMBERS: Yes. [LB545]

SENATOR CARLSON: Senator Chambers, you have a value system. Where did it come from? [LB545]

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SENATOR CHAMBERS: There are many forces that contributed to it. But to sum it up, I could say my background, my experiences, my education, my associations with people, reading, paying attention, and learning as much as I could about as many things as I can, and as a result of that I am the person you see standing before you. [LB545]

SENATOR CARLSON: I think you probably agree with me on what I said about IQ. You shook your head, but I think you agree with me. Where did that intelligence come from? [LB545]

SENATOR CHAMBERS: Senator, when people assign a number to an IQ, to me it's just a number. Here's what I have said. However human beings came into existence, each was equipped with a brain, which I view as a toolbox. Everything needed to successfully navigate the time on this earth, from when you first become conscious of your surroundings to the time when you croak, is in that toolbox. So there is no need to posit the existence of any supernatural force which needs to be called on to change anything that affects your life. And beyond that, if there is a supernatural force, I don't believe it would interfere in the affairs of people on the earth anyway. And that may not answer your question as to where intelligence came from because I cannot even tell you how it operates. [LB545]

SENATOR CARLSON: Okay, thank you, Senator Chambers. I need a little bit of time remaining here. The brain is an incredible, incredible machine. Senator Chambers' brain did not come about by accident. It was created. But earlier today he read from the Good Book that faith without works is dead. It also says in there that without faith it's impossible to please God. It also says in there that a soft answer turns away wrath. And it also says that we are to speak the truth, and we are to speak the truth in love. Senator Chambers knows the truth, and someday the truth will make him free. Thank you, Mr. President. [LB545]

PRESIDENT HEIDEMANN: Thank you, Senator Carlson. Senator Wallman, you are recognized. [LB545]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. There is a lot of debate on this public service thing. And I think, years ago--maybe Senator Johnson would know it as well--they...the federal government, I think it was under President Reagan, decided to do away with the Staggers Act. And that was the public rates on railroads, and that pretty well did away with small railroads in small towns because, big elevators, you didn't have to disclose what they paid for their rates to ship grain. But getting back to why we're here on earth, we're here on earth to serve one another and not to amass riches but to help one another, to raise families, to procreate, and all these things that's told about in the Good Book. And the Good Book also says, faith--like Senator Carlson--faith without works is dead but, also, faith is a major gift from God. And it's one of the hardest things to keep when times are tough. And so we all go

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through very...we go through the valley of the shadow of death, whether it be with your loved one or whether it be for your own self. So this here, if we change this here, if it isn't broke, you know, if it isn't broke, should we try to fix it? We've been trying to fix a lot of things in here, and sometimes we don't do it. And sometimes our predecessors put some things in place that probably was all right, and we should look at that very, very carefully before we change policy like this. And thank you, Mr. President. [LB545]

PRESIDENT HEIDEMANN: Thank you, Senator Wallman. Senator Schumacher, you are recognized. This is your third time. [LB545]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. The Research Office has come up with a little bit of information--I hope I'm interpreting it right here--on the issue of how much savings there are. Remember, this is the way the system works now. Somebody is unhappy with what happened at the Public Service Commission. The information, the paperwork submitted to the commission, the testimony, typed up, packaged up, peeled over to the district court where one judge reviews the situation and makes a determination. He can have a helper if he wants, called a special master or a referee. Then, if he makes a decision and somebody is unhappy with it, they can appeal to the Court of Appeals, which was put in place by this body to lessen the work of the Supreme Court. Or, if it's a big enough deal, one of the parties can ask the Supreme Court, will you please let us skip the Court of Appeals and just review it directly? And the Supreme Court can say, yeah, we can skip the Court of Appeals, it's important enough for us just to dispose of right away. Now there appears to be two cases, one in 2012 and one that wasn't even reported, so it must have been really an easy one to decide. They didn't bother typing it up and reporting it to the...in what they call reported cases in '09. So two times the first court was dealt with by the Court of Appeals. In the other cases, which appear to be one in 2010 that was affirmed, the Supreme Court was...found the Public Service Commission correct. And in 2012...in 2011, when they found them incorrect and they had a split decision in 2010, it looks like, if the cases...there was only two in which there was more than...in which the Supreme Court did not step in and take action. So if we go direct to the Court of Appeals and employ three judges and we have the same appeal rate, we're not saving...I mean, the Supreme Court is intervening in most of these cases before they touch the Court of Appeals and disposing of the case. We're not saving an appeal here. We're not saving a step in the ladder because, in what appears to be the important cases, the Supreme Court seems to be stepping in and not even letting go to the Court of Appeals. What we are doing is substituting three judges at the Court of Appeals level for the cost of one judge at the district court level. And this just doesn't seem to make economic sense nor, probably, judicial sense. And it seems that the system is working. If there is urgency, if there is need to...a great state thing, the Supreme Court steps in and takes care of it and skips the Court of Appeals. And otherwise, the Court of Appeals, in the two cases with an asterisks here, which indicate the ones they handled, in those two cases, they were disposed of at the Court of Appeals level and the Supreme Court wasn't bothered

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with them. Will somebody please explain how this bill saves anybody any money, creates any judicial efficiency? Most all the 18 appeals were taken care of over five years in the district court. The Court of Appeals was involved...it looks to me we might... [LB545]

PRESIDENT HEIDEMANN: One minute. [LB545]

SENATOR SCHUMACHER: No, we won't save anything at all. There's no way that we save court actions, appeals levels, court time, judge time, attorney time when we go to this system. And if somebody can explain it, I'm certainly willing, in the next hour or so, to listen and say, here's how there's just a ton of savings, better judicial efficiency, better something. It doesn't appear to be the case. Thank you. [LB545]

PRESIDENT HEIDEMANN: Thank you, Senator Schumacher. Is anyone wishing to...else to debate the motion to recommit? Seeing none, Senator Chambers, to close on your motion. [LB545]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, back to this bill. Why in the world has the current system functioned adequately up until this session of the Legislature? Because the lobbyists couldn't get together enough pressure to get the committee to send the bill out on the floor. I don't hear members of the committee defending the bill. The Chairperson is bound by what the committee does. If they vote to send it out here, it's out here. But that doesn't mean that the Chairperson is the only one who defends it. Now I know Senator Dubas' name is on this bill. But I've been just waiting for the members of her committee, who sent it out here, to say something. They can't defend it. I'd venture to say not one of them has read this committee amendment that we're discussing. If they would read this committee amendment, if they would consider the facts surrounding the subject we're talking about that supposedly make this bill necessary, they would see that those facts move in the opposite direction. We don't need to make this drastic change. And it is a drastic change. You are ensuring an appeal to the Nebraska Supreme Court if the court that first hears an appeal from the Service Commission is the Court of Appeals. You are ensuring that the Supreme Court gets it. What the Supreme Court can do now, if it chooses, is to indicate that this particular case that has been appealed to the Court of Appeals and has been resolved by the Court of Appeals does not need to be heard again by the Nebraska Supreme Court. All the work that needs to be done has been done. This is one of those difficult issues to argue on the floor because a lot of people are not trained in the law and they're going to take the word of what lobbyists out there behind the glass tell them: This is a good bill; we've decided that this is the way to make things work better. Somebody said that the court did not speak against this bill. They don't speak against bills. But the court did not speak for it either, did they? I don't see where the Supreme Court spoke for it. I don't see where the Court of Appeals spoke for it. I don't see where the district court spoke for it. I don't see where any spokesperson

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for any of those levels of court spoke for this bill. This is a lobbyists' bill. Now you might vote cloture. There might be 33 of you to do that. But we're going to deal with it again on Select File. And if you vote cloture on this, you show really how rotten it is to say that cloture won't be voted for when it comes to the expansion of Medicaid. There are actions placed by this Legislature which can be called polygraph actions. I wish you'd look around the Chamber and see how few people are in here. They've run like roaches when you turn the light on. But when this discussion is over they'll do like roaches do when you turn the light off. They'll be back. And one of my colleagues handed something around that suggested that people... [LB545]

PRESIDENT HEIDEMANN: One minute. [LB545]

SENATOR CHAMBERS: ...who are interested in doing something about Medicaid are creating a roach hotel. Well, they introduced the term "roach" into the discussions, so I'm just following what one of my colleagues did. And we'll see if, in fact, the few people on this floor constitute the full complement of senators who are here today. They'll come scrambling when time comes to vote because maybe the lobbyists have told them to, that that's what they've got to do. But there is no basis for this bill to be enacted into law. There is nothing that those who support it have said which justifies it. And all those who support it now are gone. Maybe Senator Lautenbaugh is like that old God that was condemned in the Old Testament. Maybe he's journeying. Maybe he's busy. Maybe he's asleep and needs to be awakened. [LB545]

PRESIDENT HEIDEMANN: Time. [LB545]

SENATOR CHAMBERS: And I would ask for a call of the house and a roll call vote. [LB545]

PRESIDENT HEIDEMANN: There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB545]

CLERK: 26 ayes, 0 nays to place the house under call, Mr. President. [LB545]

PRESIDENT HEIDEMANN: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Hansen, Senator Lathrop, Ashford, Larson, Wallman, and Coash, please check in. Senator Hansen. All members are present or accounted for. The motion is on the motion to recommit. We are...have a request for a record vote. Mr. Clerk, please call the roll. [LB545]

CLERK: (Roll call vote taken, Legislative Journal Page 1234.) 5 ayes, 35 nays, Mr.

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President, on the motion to recommit. [LB545]

PRESIDENT HEIDEMANN: The motion to recommit fails. Mr. Clerk, next item. I raise the call. [LB545]

CLERK: Mr. President, Senator Chambers would move to amend with FA73. (Legislative Journal page 1234.) [LB545]

PRESIDENT HEIDEMANN: Senator Chambers, you are recognized to open on your amendment. [LB545]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, we may as well have a little instruction this morning. This is a unique amendment. What it does is go to what is the committee amendment, which is now the bill, and it says, on page 1, you strike the language in the first two lines. And the language you'd strike is...strike the original sections and insert the following new sections. Now what would be the impact of striking that language? Think about it. An amendment can be offered to do anything to anything in any bill and, since the time is just going to be spent this morning, it doesn't matter what brings us to the point where discussion can occur. But I'm using this methodology to give a lesson to some of my colleagues here who think that they may have found a way to shut me up. As long as we're in session and any issue is before us for debate, I will find a way to speak. And if I can't do it on a certain bill, I'll do it on all the other bills, and I will do it because I'm not affected by what might be called peer pressure. And if I go by the way Senator Carlson denominated my intelligence--he did it, not I--but if I go by that, I actually have no peers in this place. So how can there be peer pressure on me when nobody is my peer, based on what one of your peers stated? I listen to you all. Senator Carlson quoted from the book. He said, a soft answer turneth away wrath. That is not always true, and women who have been victimized by domestic abuse know full well that a soft answer sometimes only increases the fury and viciousness of the attack. But let's lay all that aside and look at Senator Carlson's words and the way he spoke them and the way he means them. He cannot find anywhere in the book where it says that you should always give a soft answer. He cannot show anywhere in the book where it says, you should not comport yourself in such a way that wrath will result on the part of those who are listening. Now you all know what a son of a "b" is supposed to be, don't you? Do you know what a son of a "v," as in victor, is? That's what Jesus called people: You sons of vipers. That's the way they said it in that day. Was that a soft answer? Might it have made the people wrathful? Then he didn't follow Senator Carlson's advice that he read from the book, did he? You have to read that book with some of your brains in operation. It even tells you, line upon line, line upon line, here a little, there a little, that's what you have to do, rightly dividing the word of truth. Call it the word of truth, but you have to rightly divide it. And the truth about this bill now is that it's ill considered, it should not have been advanced to the floor, and if you vote for it you are voting for a very radical change in the way business is conducted

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with reference to the operation of the Public Service Commission. If you look at any of that information in the packet that I handed to you, you will see that I was the driving force that kept the Public Service Commission on this case and I publicized it. Publicity often causes people who are hired or who are elected to do the job they ought to do because it is their job and they ought to do it. I even included a letter to the editor that some woman wrote and said that I ought to grow up and since Sprint apologized to me, I accept that and let it go. An apology to me is not sufficient when other people have been harmed. And I pointed out that if what Sprint did to me, they would do to an elected official, what might they be doing to ordinary citizens who wouldn't even be aware that Sprint had handled them in such a way, blocking their line so they can receive no long-distance calls? When I was communicating with the Public Service Commission and talking to the officials of Sprint, I asked them what they thought of a situation where a parent might have a child or some children away at college, an emergency befalls that child, and the child tries to call home and is told, this number is not authorized to receive long-distance calls, and the one whose phone it is has not been notified of that. There were 11,000 people, and I'm sure the majority of them were white, in this state who were helped because of me. Their lines might still be blocked to this day. There was a white farmer in Cairo who was shot dead by the State Patrol because the State Patrol had been put, at the behest of bankers, trying to collect on a debt. And after I got through, no longer will the State Patrol be available for the bankers to use to go tell a farmer, pay your bills or we'll kill you. They didn't say that because they're an operation of action. They killed him. I was the only official who said anything and persuaded the Patrol to change the way they dealt with distressed people, instead of flying aircraft over the person's house, surrounding the area, not allowing the family members to approach. That won't happen anymore. No white people did it. Not a white official did it. And those white people out there are the ones who said, that's why we want him out of the Legislature, he got our phones unblocked by Sprint. He came to the aid of a distressed farmer who was shot dead by the State Patrol on his own property because the banker said, he's got a debt to us that he won't pay. And I'm going to show you all an editorial which was written by a white paper in the rural area that said you all have a lot that you can learn from me. And that's why they wanted me out of the Legislature. But I came back, didn't I? And what I'm doing now is why the lobbyists didn't want me here. Even old "Emperor Radcliffe" didn't want me here. I know who the lobbyists were who supported Brenda Council. And why do you think they supported her? Even after they knew she had stolen money, that she had lied, filed false campaign statements, why did they still support her? I told her, Brenda, they don't love you, they hate me, and you know that's true. But they also had hooks in her and she couldn't get out of that race. And you all think I don't know what's going on. I don't care what you think or the people out there think. There's a job that I have to do and I'm going to do it, and this bill is one of them. None of the senators spoke up while all this was happening with Sprint. And since I've got time to spend I'm going to read an item that I wrote to the editor to explain it and show you the lies that Sprint told and how they started because their fraud division put a block on my line,... [LB545]

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PRESIDENT HEIDEMANN: One minute. [LB545]

SENATOR CHAMBERS: ...not on the line of any other senator, on mine. And I could show you case after case after case where I was singled out for inappropriate treatment. And then you all want to say I'm making this up, that it's all a matter of coincidence. Well, you may be crazy, but I'm not, and I'm going to continue for my hour that I have until you can vote for or against cloture. And depending on how you vote, which makes no difference to me, I'm going to discuss the same things the rest of the day and you cannot stop me. And maybe another bill will not advance today because, if we're going to play rough and you're going to join the 16 who said they're not going to allow a vote on Medicaid, then let me show you what one determined black man can do who will stand and let you see me. Where are the 16? [LB545]

SENATOR KRIST PRESIDING

SENATOR KRIST: Time, Senator. [LB545]

SENATOR CHAMBERS: Thank you, Mr. President. [LB545]

SENATOR KRIST: Thank you, Senator Chambers. (Visitors introduced.) Returning to debate, those that still want to talk: Avery, Chambers, and Karpisek. Senator Avery, you are recognized. [LB545]

SENATOR AVERY: Thank you, Mr. President. Good morning, colleagues. Yesterday I talked about a bill that I had introduced in 2007 that would bar the Public Service Commission from continuing its cozy relationship with the industry they represent by barring them from accepting campaign contributions from those industries. I was doing some research on this and discovered that actually I submitted two bills and, of course, those two bills did not receive what I will call a warm reception in the Government Committee. And that's no real criticism of the Government Committee. It's just a statement of fact. At those public hearings I said that I was trying to avoid the appearance of improper influence on the Public Service Commission by the industries they represent. Showing that with actual numbers of contributions from the industry, I showed that there was abundant evidence of heavy reliance by the Public Service Commission members on the industries they are supposed to be regulating for their campaign cash and, in fact, there was one particularly egregious example. And I'm not going to name names, but there was one example of a fund-raiser held on January 30, 2006, at Billy's, in which \$19,304 were collected. That money was reported to the Accountability and Disclosure Commission as a summary amount of money raised at that event. Not a single individual was identified as giving a reportable contribution, not one. Now ask yourself why. Well, they probably wrote checks for \$249. Now when you do that, that is a direct attempt to avoid the intent of the reporting laws we have on the

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statutes. Well, why would a Public Service Commissioner want to do that? I can give you one possible reason. Probably every penny raised was probably from the industry, and they didn't want that public. Well, why would that be? Would it be because they don't want you to think that they're in the back pockets of the industry? Is it because they don't want you to know that they are heavily influenced by the industries they're supposed to be regulating? Now why do I bring this up? I bring it up because I believe this bill, LB545, is an industry bill designed by them, for them, to serve their interests and not the public interest. That is a sad, sad commentary. And we are sitting...we are spending time today and yesterday, wasting time on a bill that does not deserve the kind of debate that we're giving it and avoiding the very kinds of issues that we ought to be talking about, which is what Senator Lathrop told us yesterday, and I am sad about that. I think we ought to be spending our time on matters that mean something. This is not one of them. I suspect that the majority of appeals that we're talking about in this bill come from the industry trying to get rate hikes. I suspect that they would like to streamline the process,... [LB545]

SENATOR KRIST: One minute. [LB545]

SENATOR AVERY: ...perhaps, to improve their chances of winning. We have heard from Senator Chambers and Senator Schumacher that this will not save money, although that's what we're being told is the reason for it. You eliminate a step in the appeal process, you might improve your chances of winning, and that's what this bill will do. And even if it doesn't do that, is saving money really what it's about? I doubt it. It's really about the industries' desire to streamline the process, I believe, to improve their prospects of winning, and that does not serve the interest of the public. We need to keep in mind that the public interest is what we ought to be working on here. Protect the public interest. Who is going to represent the public if we don't? [LB545]

SENATOR KRIST: Time, Senator. [LB545]

SENATOR AVERY: Certainly not the Public Service Commission. [LB545]

SENATOR KRIST: Thank you, Senator Avery. Senator Chambers, you are recognized. [LB545]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, there can be a lot of talk on the floor, a lot of talk by members of the Public Service Commission, but I have a record. I can document where, with one fell swoop, I helped about 11,000 Nebraskans. Now if people are working in the public interest, show me a record of theirs that equals mine. And this is just one area. I'm going to bring something--but Senator Lautenbaugh is not here today--which shows how I helped everybody who would take a bar examination in this state, even though I refused to take one because I was not going to join the bar association and there's no need to be

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subjecting myself to anything associated with them. People who took the exam could not...a copy of the exam would never be made public. Believe it or not, the student could not even see the paper if he or she failed, and there was no appeal. And I thought that was grossly unfair because this is a profession that deals with justice. So you know what I did? Not like Senator Lautenbaugh, go to court, I got a bill that I offered to the Legislature, and I'm going to tell you why the court came my way. I will read one sentence from page 6 of the handout I gave you about the Sprint matter. This is from an editorial that appeared in the Lincoln Star, July 15, 1994: Tenacious and unafraid, Chambers does not give up. And I brought this bill, and do you know what happened? The Supreme Court did something with me that they never did with anybody else and certainly no peewee from the Legislature. They met with me and they told me that if I would not push the bill through and make it a law, they would adopt a court rule, Senator Pirsch, and it's there right now, which embodied the language in my bill. I got the Supreme Court to change its rules, and that change is there to this day, to bring equity to students who had no place to turn. The court would not allow them to have an appeal, and everybody else swallowed spit and took low except me. I can tell you about a concrete record, but you don't believe it and it wouldn't make you any difference anyway. And I'm going to quote from Senator Carlson's favorite book. There was a line talking about what Jesus was talking about. And he said, there are those who won't believe though one came back from the dead. Now he supposedly came back from the dead and they didn't believe him, so he was telling the truth. You are not going to believe me and I'll tell you why: because it's convenient not to. It's convenient to try to pretend that I'm full of hot air like the rest of some of you. You bring this bill. You're not going to hear me. I can give you a concrete case of where I had to do the work that the Public Service Commission did not do, and I helped 11,000 people--identifiable, quantifiable instances helping people who didn't even know they needed help. I handed you something around to show where I helped two white, female athletes at the university. Tom Osborne knew what happened to them. Their scholarships were taken because they were injured. He didn't say anything. The chancellor of the university didn't say anything. The president of the university said nothing. None of these women organizations said anything. You know who said something? I did. [LB545]

SENATOR KRIST: One minute. [LB545]

SENATOR CHAMBERS: And I got the girls' scholarships reinstated. They, nor their family, talked to me before or after. After I had the blocks taken off all these 11,000 people, I heard nothing from any one of them. I didn't expect to. Not one person who had been victimized by the unfair administration of the bar exam ever said anything to me. See, I don't exist until people need help and there is no place else they'll turn. And you know what they tell me when they come to me? I've gone everywhere else and nobody will help me and I know that you help people. Sure, they know. You all on this floor know. Some of you will come to me when you can go nowhere else, and you know it and I know it. Make a liar out of me. Show that what I say is a record is false. You

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can't do it, and you choose not to hear what I'm trying to tell you to save your system. This system that I'm trying to preserve is a white people's system. [LB545]

SENATOR KRIST: Time, Senator. [LB545]

SENATOR CHAMBERS: It's of, by, and for. Thank you, Mr. President. [LB545]

SENATOR KRIST: Thank you, Senator Chambers. Senator Karpisek, you are recognized. [LB545]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. Senator Chambers has sparked some things with me today. And since we're going to be here talking awhile, I thought I'd help him out, although I disagree with him on the bill. Senator Chambers, I hope you're talking to everyone else when you say you don't believe you, because I do believe you, and I think most people here do believe you. But I do very certainly, and I know you don't want a thank you for what you do. You just want people to know. But I think...I wish I would have started a journal when I got here of things that I've done and helped people or tried to help people and end up with not a thank you but a slap across the face because I can't believe that that's how you went about it. Well, sorry. I guess I won't try to help you anymore, but then they come back and then they still want help and we work through it. Senator Chambers handed out I see a while back about John DeCamp and when he was going to run again for the Legislature. And actually he was going to run for the seat that I now occupy, even though he lived in Clatonia, which is not in my district. But he filed and he filed because he said he lived in Wilber, which is my hometown. And what he had in Wilber was a shack that he later admitted that he had stayed in a couple of nights. I called the Secretary of State and said he doesn't live here, and I didn't really care one way or another. I didn't know him. But I do know that he didn't live there. Secretary of State called the city office and got the meter readings and all those sort of things. It was obvious that no one lived there. So they called Senator DeCamp and said, I think you probably may want to rethink this. He withdrew, still doesn't really talk to me--says my name around a lot but doesn't really talk to me. One time his wife did make us shake hands and we both had our bottom lips out and kind of grumbled at each other and shook hands. But I see that Senator Chambers brings a lot of things that Senator DeCamp did. I think that they must have had a pretty lively relationship probably, maybe a little bit like Senator Chambers and I do. But then I thought what was kind of humorous, too, was Senator DeCamp ran in the district where he was supposed to the next time, Senator Wallman's district, and he got a whopping 10 percent. And I think Senator Wallman has some other stories about that, but I won't go into those. So of the things that we hear from Senator Chambers and about Senator DeCamp, I just thought that I'd bring that one up because I think he did a lot here and he says that he knew how to work with Senator Chambers, whether that's true or not, and it says that they came to blows. Senator Chambers says that isn't true. That would have made headlines. It

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would have. And Senator DeCamp probably wouldn't be around to talk about it in this article either. [LB545]

SENATOR KRIST: One minute. [LB545]

SENATOR KARPISEK: But those are the things that we all do here. We all try to represent our constituents and the state. I also had a county in my district who was being billed for telephone bills from different counties, all sorts of things, couldn't get anything done. So I picked up the phone, called PSC, and amazing, the next day or maybe that day, they got phone calls and they got e-mails saying, oh, yeah, let's get that fixed. So sometimes it does take a little bit of a nudge. Sometimes it takes more than a nudge. Senator Chambers has talked about the things that he wants to do. He wants a bill out of committee and if we don't vote for this way or that way what he's going to do. And I tried to say that a little bit the other day too. And he knew, probably before I did, that I wasn't going to take it the distance. But I still haven't given up on that yet either. [LB545]

SENATOR KRIST: Time, Senator. [LB545]

SENATOR KARPISEK: Thank you, Mr. President. [LB545]

SENATOR KRIST: Thank you, Senator Karpisek. (Visitors introduced.) The Chair recognizes Senator Schumacher. [LB545]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Maybe it's just that I'm naive, but this should be a forum for the discussion of facts and reason. Some simple questions have been asked and no response. Statement was made, we're going to save money. Question asked, how much money? Where at? No response. The question was asked, will not the Court of Appeals be impeded because they don't have a way to use any experts called referees because they're not trial courts, they're not triers of fact? No response. The question asked, isn't this going to take a whole lot more judicial time if we have work being done by one judge now having to be done by three judges? No response. As Senator Chambers pointed out, stark silence from most of the members of the committee; one having to wonder why an army of lobbyists for regulated agencies is arguing for what on the surface would appear less rights for the regulated industries. I took the information I got from Research and had it broke down just a little bit. And I come up with the conclusion that this system, as far as the judicial system is concerned, is 77 percent less efficient. We had 18 cases. That seems to be uncontroversial, 18 out of 433. Two of them were directed to the Court of Appeals and disposed of. Those two consumed two times three, or six, judicial caseloads. So we had 18 judicial caseloads to start out with. Each of these cases went to the district judge. Two of them went on and graduated to the Court of Appeals, where they were disposed of. Two times three is six. And four of them...it appears, actually, from the data there,

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instead of four that were appealed on up from the district level, there were actually six that were appealed on up. They went to the Supreme Court directly and were disposed of there, or 4 cases times 7, 28 judge cases. So under the existing system, since 2008, we had 52 judge cases. If we were going to eliminate the district court and assign the first step of appeal to the three-man panel on the Court of Appeals, we would have 6 times 3, or 54 judge cases. And then, at the same rate of appeal to the Supreme Court, we would generate another 42 judge cases because all 6 would have hit the 7 judges. We'd add 96 judge cases under the proposed system, 52 judge cases under the existing system. Maybe somebody can explain how that's a big savings. I'm anxious to hear. But I have a feeling we won't be hearing anything because it apparently is not necessary to answer questions, not necessary to have discourse on the reasoning. It's only necessary to make bold assertions and then go listen to the knocking on the glass or maybe over to, as Senator Avery said, maybe these little events at Billy's, where you can walk out with \$19,000 in checks for under \$250. Maybe that's at work here. [LB545]

SENATOR KRIST: One minute. [LB545]

SENATOR SCHUMACHER: But whatever is at work here needs to be looked at by the people of this state, needs to wonder why this measure is so, so very important to somebody that that somebody is willing to put in the legislative and the lobbying and the political contribution resources to make it happen. This has got to make us wonder. We're going to have a little more talking yet. Please, somebody who is a proponent, give us some facts rather than a glittering generality of savings and judicial efficiency which on its face does not appear to be true. Please explain how this works. Or are we just puppets on a string? Thank you. [LB545]

SENATOR KRIST: Thank you, Senator Schumacher. Senator Chambers, you are recognized. [LB545]

SENATOR CHAMBERS: Mr. President, members of the Legislature, if more of you had been around here when Senator DeCamp and I served at the same time, you'd know why I handed that comment out about him where he was saying all these laudatory things about me and treating me like a man and so forth. We didn't get along. We did battle. And we didn't almost come to blows and no State Troopers had to separate us. If there was something like that, it wouldn't have taken the State Troopers. I wouldn't have even been able to catch him. And that's not the way I operate anyway. But nevertheless, Senator Karpisek and I have an understanding. We banter back and forth and we will continue to do that, even though I'm very strongly against a bill that means a great deal to him. But he doesn't have to have doubts about where I stand or why. What I've been concerned about this morning with the moralistic statements and the moralizing is directed to the refusal of this body to consider expanding Medicaid coverage to the people of this state. But even on a bill such as this I can show from my record that I've done things in the interest of the public. I've helped numerous

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individuals. And I don't keep a journal. I don't have to have a journal. All I need is a pair of scissors and a pot of glue. But now, with all this equipment you've got, you all can get information on things that I've done that I don't even have. But I'm not going to be one of these people who say, well, I'm...you know, black people are supposed to be humble, so, shucks, 'tweren't nothing. 'Twere, too, something. 'Twere something that nobody else did. And Joe Louis, until Muhammad Ali, the greatest heavyweight champion in my mind, was told by his handlers, just like Jackie Robinson, you cannot ever look like you enjoy whipping a white man, you can never boast about being the best, you can never say anything to irritate white people, so you have to be kind of slow, as black people are, then you can get away with it. So you know what Joe Louis would say? We, as children, heard it, "just another lucky night," when he'd beat the stuffing out of the best that white people had. He lifted this country's spirits when he knocked out Max Schmeling, then he suffered discriminatory treatment at the hands of white cops, and everyone knew who he was, but they resented what he was. They just talked recently about exonerating Jack Johnson for having brought criminal action against him, because a white woman married him and they went someplace else, so when they went across state lines that was used against him. He didn't rape the woman. She chased him and caught him. And these things happen and they continue to happen. And yet, here I am, a black man straddling two worlds, your world. You think it's going to hurt me if you mess up your system of courts? I can take care of myself. That's why I hand you this material. I can take care of me, and I can take care of mine. But there are other people who cannot, and there's something in me that will not let me be comfortable when I know there are helpless people being mistreated by those who are strong. And they won't do it to me. If they know how to treat me, they know how to treat the weakest among you. But they won't treat you right, and you ought to be glad you have somebody like me on the floor of this Legislature who will say what I say and try to do what I do. But because you like somebody or the lobbyists have gotten to you, you're going to corrupt your system of courts. I'm not talking about something that I brought into being. [LB545]

SENATOR KRIST: One minute. [LB545]

SENATOR CHAMBERS: I'm talking about your court system. Why do I have to plead with you to uphold that which is yours? And why do you overturn it because of some lobbyist for entities who want to make your constituents pay higher rates for essentials? I'm trying to help your constituents, and I'm trying to help you to help them by giving you an excuse to vote the right way, which you are afraid to do. Listen. Let me give you the excuses that you need to carry out the promises you made. What can I do? Can I make you do anything? You say that even the gods you believe in won't make you do anything, you're given what's called free will. But try to persuade you every way possible... [LB545]

SENATOR KRIST: Time, Senator. [LB545]

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SENATOR CHAMBERS: ...to see the value. Thank you, Mr. President. [LB545]

SENATOR KRIST: Thank you, Senator Chambers. Senator Harr, you're recognized. [LB545]

SENATOR HARR: Thank you, Mr. President, members of the body. I want to first off, again, thank Senator Dubas for all her hard work on this bill and for listening to my concerns about why we're doing this. And I have had, since day one...well, not since day one. I admit, I wasn't fully attentive to this but since this bill was introduced on the floor, of what the policy reason for why we're doing this. And I listened to the lobby. I don't have a problem with the lobby personally. They think my jokes are funny, so I like them. But I do listen to them. But I also read the newspaper. And, you know, you can say one thing in the lobby, and they're paid to pass a bill. That's what they do, and they're darn good at it. Or they're paid to kill a bill and, again, that's their job. But let's go back to the people on the PSC. This is who we're doing this for. Let's not lie. We're doing this for the PSC. So let's go to the source and ask, why are we doing this? What is the policy reason for this? And they're going to give you a straight answer. And so, to his credit, Kevin O'Hanlon of the Journal Star did that. And he went to Frank Landis and he said, why are we doing this? And let me read you from the article. Commissioner Frank Landis said the bill is meant to reduce the overall cost of such appeals, quote, nothing more, nothing less. So we're not doing this to save the ratepayers. We're doing this to cut the cost of appeals. So then the question becomes, for whom are we cutting the cost? Well, there's no fiscal note, so it's not doing it for the state of Nebraska, not doing it for the taxpayers. So what are the other costs of appeal? Well, the only other cost of appeal is the public service advocate, which is provided for by the state, by the Public Service Commission. So I went to the Public Service Commission or, actually, asked Legislative Research to go ask, what is the savings, show me the savings or, as they say, show me the money, show me the money. You know what I got? I didn't get an answer. I got, here is what the public service advocate pays, and I got an invoice. Now that public service advocate is paid for by the billable hour. That's how lawyers are paid. They have that information. To their credit, they say they're going to get it to me between General and Select, if it goes that far. But if this is about the money, as Commissioner Landis says it is, don't you think they'd know how much money they're going to save? I know I would. To me that means this isn't about the money. Don't fool yourself. If it were about the money, you would know how much money you're going to save and you would be ready and say, here is how much money we're going to save. No, this is about power, ladies and gentlemen. That's what...I've come to the conclusion. I've been fighting and fighting and fighting and fighting myself, laying in bed, trying to figure out why are we doing this, what is the reason for this, because the reasons keep changing. It's for the money, it's for the taxpayers, it's for the ratepayers, and yet none of them hold water. This is about power. This is the policy behind why they want to do this. This is the only thing I can figure out. This is the only thing that makes

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sense. [LB545]

SENATOR KRIST: One minute. [LB545]

SENATOR HARR: Thank you. It is they don't...they want their ruling to be the final ruling. They do not want to be held accountable to a district court, to a court of appeals. That's why they're doing this. It's the only thing that makes sense. Look at the original bill. The burden of proof was less and less and less. We've now raised that burden of proof, and I appreciate that, but it still doesn't make sense. If this is about money you would know how much money you're saving, and we don't. And that's what sticks in my craw, and that's why I feel very uncomfortable with this bill. I don't think the PSC are bad people. I don't think anyone out there is a bad person. But I think we're trying to get...someone is trying to hoodwink us and trying to get something past us because it's not about the money. Thank you. [LB545]

SENATOR KRIST: Thank you, Senator Harr. (Visitors introduced.) Returning to debate, Senator Schumacher, you are recognized. [LB545]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. You know, if we recall last year, we did a tax cut. And I think that tax cut, in its final iteration, it was...cost about \$50-60 million bucks. And when you've worked out the formula on it, that meant about a dollar a week for somebody making an average...well, in Columbus, it would have been about \$50,000 a year. We thumped on our chest and said, look it, look at how much we are doing good. And you know what I think? I think there are probably fewer taxpayers in this state than there are cell phone accounts, telephone accounts, gas accounts, various accounts regulated by the Public Service Commission. And just imagine that because of this exercise of power with a more restricted avenue of appeal, all those more accounts had to kick in a mere 50 cents on average. Wow. Are we being fair to Nebraskans when we thump on our chest about a tax cut and give away...put them in a position to pay more out of their pockets because of a reduced level of appellate review? Why are we doing this? Why is it so all-fired important? Why have we had no discussion about, well, really, did somebody misanalyze this by looking at the mere cost of a public advocate at some budgetary level at the Public Service Commission and blowing off the fact that we were having three times as many judges look at that first round of appeal by using the Court of Appeals than we are as the district court? Gosh, maybe we should look at this again, are our numbers right? No. This has been a simple statement that we're going to do it--and I'm not sure who is making this statement--because we can and because it will help an undefined and unclear us. Who is that us? I'm pretty sure it's not the people of Nebraska, pretty sure it's not the people in this room. Who is it? Now I can get up and talk, Senator Chambers can talk, Senator Avery can talk, Senator Harr can talk, and ask the questions over and over, and we hear the sound of silence. Just sit here, persevere, and then go down the list, call cloture, move it through, and we will see who is the supervisor of the system,

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who really has the power. Is that right, people, is that right? What other bill...I don't think there's been another bill since I've been here, even with the Governor pushing behind it, that seems to have such blind allegiance to an undefined power. How many millions, hundreds of millions, are at stake here... [LB545]

SENATOR KRIST: One minute. [LB545]

SENATOR SCHUMACHER: ...that we all fall into line like little tin soldiers because the drum is beating? Now I'm not going to march to the tune of that drum. We have a responsibility to ask why and, if there is no answer, to definitely wonder why. Thank you. [LB545]

SENATOR KRIST: Thank you, Senator Schumacher. Senator Ashford, you are recognized. [LB545]

SENATOR ASHFORD: Thank you, Mr. President and members. I've listened to this debate now for two days and I do like getting to resolution of matters. And I, over the last 15 years, I've...we've had many important matters here that...and generally we find solutions for them, the issues that are raised by the bills that are before us. I want to find a resolution to the healthcare issues. I want to find a resolution now. I don't want to wait because there are people that are impacted by those issues. I've listened to this debate about the appeals from state agencies. And, you know, I served on a state agency board for a number...in fact, when I was serving on the Commission of Industrial Relations, it was actually called the Court of Industrial Relations, I think. I think maybe Senator Chambers might have been involved in changing the name at one point when I was here before, but whatever, whatever. When I was on the commission, the court at the time, we made as much as...much in the same way that decisions are made now by the commission. We made decisions about what the wages of public employees should be. And it's a complicated process, but it does affect people in a real way. It affects thousands of employees or can affect thousands of employees statewide. It affects their families. It affects their...what wages they make, what insurance benefits they receive, what their pension benefits may be. And I enjoyed my time on the CIR and I took it very, very seriously. And I felt that the...and I, quite frankly, as an attorney sitting on the Court of Industrial Relations at the time, I felt very much like a judge, that I was making judicial-type decisions, taking evidence, listening to lawyers argue on the law. And then, if there was a decision rendered and the case was not settled, the case was appealed to the district court--I believe it was the district court in Lancaster County; I'm fairly certain that was the appeal process--and then on to the...at that time we didn't have a Court of Appeals, but on to the Supreme Court. And I thought at the time that that was an appropriate process because in the district court, which sits as a...for lack of a better definition, I suppose you could argue, and I think it's been argued here, that it's the people's court. It's the court where individuals can participate in the process more directly than a court of appeals which...or a Supreme Court, which is somewhat thought

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of as a...up there as a temple of judicial discretion, where the district court is sort of the rough-and-tumble place where decisions are made after a hearing on the matter. I understand...and now the Commission of Industrial Relations decisions, I believe, are appealed directly to the Court of Appeals. I don't think that the district court...and we've discussed this a little yesterday. I don't think the district court is involved in those decisions anymore. I wish it were, quite frankly. I wish the district court were involved because we--in Omaha, at least--have had all sorts of labor disputes about, you know, which contract is the right contract and what mayoral candidate has the right opinion about the particular labor contract that was entered into, and it's become a political issue. [LB545]

SENATOR KRIST: One minute. [LB545]

SENATOR ASHFORD: In reality, it's really a judicial process and the district court, I think, could help the public better understand those issues. I, you know, agree that the district court ought to take these reg cases and for no other reason other than the district court really is the court that is closest to the people. And whether or not the district court brings in...and I know Senator Schumacher is arguing and he's probably correct that the district court can bring in its own consultants and experts to think about a case, and I think that could happen. But even more so, the district court is really viewed as the court where you can kind of just sort of waltz in and watch what's going on and be part of the process. I believe we have 53 district courts, district court judges, in the state, somewhere around there. I worry about... [LB545]

SENATOR KRIST: Senator Ashford, you're on your next five minutes. [LB545]

SENATOR ASHFORD: Thank you, Mr. President. I worry about generally taking the courts out of the process of deciding matters because it's more efficient not to do it that way. I know I'm working with Senator Karpisek on his bill involving fathers' rights, and there is a...the dilemma that I'm facing...and I look at that issue. And I think Senator Karpisek has brought up some good issues and some issues that we need, as a Legislature, to debate out here because times are changing and there is, I think, a much more of a real equality between men and women as we...in...perceived by our culture than there was 20 or 30 or 40 years ago. And what impact does that have on decisions involving child custody? And what role should the courts play and what role should the policymakers play in those issues? But I do, in the end, strongly believe and not simply because I'm a lawyer but because I am...have a great faith in our courts system--we need to tweak it, we need to tweak policy. The CIR, we spent...Senator Lathrop and myself and Senator Utter spent a good part of a year trying to think about the policy shifts or the policy changes that ought to be made to that law, the CIR law. But in the end, it really is the court system that decides the disputes. We make the policy, and the court system decides the disputes. The CIR and the...in labor cases decide the disputes at the most base level, gather the evidence, provide the record, hear the expert

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testimony, and send the case on. I'm very, very worried about...and I...concerned that we bypass the district court in any of these kinds of cases that involve people directly. I don't like the filibuster on Medicaid and, having said that, I respect all of those who feel that...that have made the decision that we ought not to debate Medicaid anymore this year. They're my friends. I respect them for that. I don't understand it. I don't think it's the right way to address issues. I think we ought to fight it out on the floor. I think we ought to debate the pluses and minuses of the Medicaid program, and we ought to come to a decision. I can't recall...I'm not going to get into Medicaid in any depth, but I don't...can't recall in my years here a time when we didn't just slug it out on the floor on a tough issue. Even if the vote goes against you, I think people want to hear what we have to say about these things; they want to hear what we have to say about it. And when we discuss the issues I'm concerned about...I'm very concerned about our juvenile justice system. I'm concerned that families be brought into the process, that we use the authority and the power of the state to reunite families and help save kids that are in trouble and at-risk youth that are getting deeper and deeper into the system. I believe we should...spending 8 hours or 10 hours or 16 hours on that issue, to me, is fine... [LB545]

SENATOR KRIST: One minute. [LB545]

SENATOR ASHFORD: ...because I think it's important that we have that discussion. There are...when we come down to this time in the session there may be 10 or 12 or 15 issues, certainly the budget is a big one...there are issues that we need to spend time resolving. This issue that Senator Dubas has brought us is much bigger than Senator Dubas' bill. This issue really goes to the substance of and the role of the court system in our society. And I agree with Senator Schumacher's points. I sent him a note the other day saying I thought he did a good job of explaining the importance of the judicial process--not just in criminal cases, not just in civil cases that are ordinary automobile cases or contract cases, but cases that affect lots and lots and lots of people. [LB545]

SENATOR KRIST: You're on your last five minutes. [LB545]

SENATOR ASHFORD: But lots of people. If it's a PSC...I think the PSC does a great job. I don't have any reason to think otherwise. But I think we have to be very, very cautious about how we intervene in the judicial process and the...and Senator Karpisek's issue involving fathers' rights. I think we need to think about whether or not the Legislature should be more involved in that issue. But at the same time I think we have to also understand fully the role of the courts. We give these people discretion to make tough decisions. We give them the authority to make those decisions, and then we have an appeal process in place. When you have a case in an agency...and as a judge on a state court, I understood that my role was to find facts; my role was to make a decision. But I also knew that my decision could, and on occasion was, appealed, and it was appealed to a district court. Now judges would say, I don't know anything about

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labor law necessarily, but I can read the law as a district judge and I can apply the law to the facts of that agency decision. I think it's okay to take the time in the court system and even clog the courts from time to time. I think it's okay to take the time to go through the process. I just...I wish we didn't have to come to a place where we had to...in the end, I would summarize it this way. I wish and I hope, with 20 days or 19 days left, please, that we've not gotten to a place where we are either not going to make a decision or don't...not even touch an issue because of some external force telling us we shouldn't. I just feel so strongly that issues like the power and the authority of the courts need to be debated and decided. How we deal with healthcare in our state and how we interface with the federal government and whether or not we access federal funds ought to be debated. And I have an obligation as Chairman of the Judiciary Committee to work with Senator Karpisek to see if we can do something on fathers' rights. I don't know if there's an answer this session to do that. I think we have an obligation to deal with juvenile justice. I think we have an obligation to deal with provider rates for day care providers. Those are the kinds of issues that affect people day to day. And the issues involved with the PSC and the issues involved with the CIR and other agencies, even though they may seem sterile and rather antiseptic and sort of over there in some state agency, they affect all of us. They affect all of us, and that's why the district court is there. It's there to bring those decisions to the people of the state, give them the opportunity to engage in those decisions at the district court level. That's why we have...I just...you know, I...maybe at the end of all of this I think to myself, we can't...to change things just because it seems like it's more efficient, hmm, and the trade-off is we have less public participation in the process worries me. [LB545]

SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: One minute, Senator. [LB545]

SENATOR ASHFORD: And that's why, in the end, not being able to sit here today and, as I was telling Senator Dubas earlier, not being able to debate healthcare issues in a real, robust way and come to a decision...we always do it. Why are we afraid to do it here? I think the debate on the power and authority of the courts is important. I think it ought to go on. It's just as important as other debates. But not going forward on discussing big issues because it seems like the expeditious thing to do is just not good precedent in my view, and I say this with all due respect to my colleagues who have deep-seated opinions on all of these issues. The process is what's important, and sometimes the old way is okay. Sometimes the old way of doing things and slugging it out and debating and reaching an opinion in our own hearts... [LB545]

SPEAKER ADAMS: Time, Senator. [LB545]

SENATOR ASHFORD: Thank you, Mr. President. [LB545]

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SPEAKER ADAMS: Mr. Clerk, you have a motion on the desk. [LB545]

CLERK: Mr. President, Senator Dubas would move to invoke cloture pursuant to Rule 7, Section 10. [LB545]

SPEAKER ADAMS: It is the ruling of the Chair that there has been full and fair debate afforded to LB545. Senator Dubas, for what purpose do you rise? [LB545]

SENATOR DUBAS: I would ask for a call of the house. [LB545]

SPEAKER ADAMS: There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB545]

CLERK: 27 ayes, 0 nays, Mr. President, to place the house under call. [LB545]

SPEAKER ADAMS: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Nordquist, Senator Lathrop, the house is under call. Senator Dubas, how do you wish to proceed? [LB545]

SENATOR DUBAS: I would ask for a roll call vote in reverse order, please. [LB545]

SPEAKER ADAMS: Mr. Clerk, a roll call vote in regular order, and the first vote is the motion...in reverse order, I'm sorry, and the first vote is to invoke cloture. [LB545]

CLERK: (Roll call vote taken, Legislative Journal page 1235.) 35 ayes, 7 nays, Mr. President, on the motion to invoke cloture. [LB545]

SPEAKER ADAMS: The motion to invoke cloture is adopted. Members, the next vote is the adoption of FA73 to LB545. All those in favor vote aye; all those opposed vote nay. Have all voted that care to? Record, Mr. Clerk. [LB545]

CLERK: 8 ayes, 23 nays, Mr. President, on the adoption of the amendment. [LB545]

SPEAKER ADAMS: The amendment is not adopted. We will now proceed to vote on the advancement of LB545. There has been a request for a roll call vote in regular order, Mr. Clerk. [LB545]

CLERK: (Roll call vote taken, Legislative Journal page 1235-1236.) 33 ayes, 8 nays, Mr. President, on the advancement of LB545. [LB545]

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SPEAKER ADAMS: LB545 does advance. I raise the call. Mr. Clerk, are there items for the record? [LB545]

CLERK: There are, Mr. President. Thank you. Enrollment and Review reports LB93, LB93A, LB483A, LB507, and LB507A as correctly engrossed. New resolution: Senator Crawford offers LR170. That will be...it's an interim study resolution. That will be referred to the Executive Board. Reference report referring a gubernatorial appointee to a standing committee for confirmation hearing. And your Committee on Education, chaired by Senator Sullivan, reports LB438 to General File with committee amendments attached. That's all that I have, Mr. President. Thank you. (Legislative Journal pages 1236-1239.) [LB93 LB93A LB483A LB507 LB507A LR170 LB438]

SPEAKER ADAMS: Thank you, Mr. Clerk. Mr. Clerk, we will now proceed to General File, LB298. [LB298]

CLERK: LB298 is a bill by Senator McCoy relating to Uniform Controlled Substances Act. (Read title.) The bill was introduced on January 17, referred to the Judiciary Committee, advanced to General File. There are committee amendments pending, Mr. President. (AM510, Legislative Journal page 805.) [LB298]

SPEAKER ADAMS: (Visitors introduced.) [LB298]

SENATOR CARLSON PRESIDING

SENATOR CARLSON: Senator McCoy, you're recognized to open on LB298. [LB298]

SENATOR McCOY: Thank you, Mr. President and members. LB298 amends the Uniform Controlled Substances Act to include third- and fourth-generation synthetic cannabinoids, or "syncans," which are used to make the drug commonly known as K2 or Spice, and substituted phenethylamines commonly known as Blue Mystic or Smiles and substituted tryptamines commonly known as Foxy. In 2011, the Legislature saw fit to pass LB19, 49-0, making Nebraska the first state in the nation to ban syncans by class instead of each individual chemical compound. Everyone, including myself as the introducer, hoped that LB19 would put an end to syncans in our state. We captured successfully the first and second generation classes; but the designer drugmakers, many of whom are overseas, have been hard at work to get around our laws. For those who were not in the body in 2011, syncans are a mixture of herbal or spice plant products that are sprayed with potent psychotropic drugs. They are marketed under a variety of names that change with each change of chemical compound. Side effects may include vomiting, dangerously high blood pressure and heart rates, and an increased level of anxiety or agitation that can lead to panic attacks and, as I will later share, possible suicide attempts. The drugs are sold as incense and marked "Not for human consumption." The phenethylamine class of chemicals includes some of the

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most popular products of clandestine drug labs around the world, including methamphetamine. Similar to what has happened with substituted cathinones, or bath salts, as Senator Schilz introduced and we passed a bill on last year, chemists are taking the base chemical structure of the drug and making substitutions to make a slightly different chemical with the purpose of getting around the law. These are what are called substituted phenethylamines. Like syncans, they can be purchased in bulk on-line as research chemicals, and are very easy to repackage for sale at local head shops as a legal high. Side effects may include seizures, kidney failure, and fatally high blood pressure. Another possible complication is referred to as uncoupling. This is when the user's muscles are unable to uncontract, they become rigid, and have a dangerously high temperature leading to a high risk of death if they are not treated aggressively. Substituted tryptamines are another of the new designer hallucinogens. Like the phenethylamines, chemists are taking the basic tryptamine structure, making changes, and creating a new form that gets around current drug laws. Symptoms include hallucinations, high blood pressure, rapid heart rate, and seizures; and in many cases, these are worse than LSD. On pages 7-10 in the green copy of the bill, you will see a few substances are stricken that are already banned in statute. These substances have been moved to pages 15-20 underneath the appropriate class of drug, along with additional examples. After the green copy of LB298 was introduced in January, it came to my office and my attention that on page 20, line 17, we are missing an "h" in what is a very complicated chemical name that is difficult to say. The committee amendment from the Judiciary Committee, AM510, addresses the misspelling, which is very important when you're dealing with these chemical compounds and chemical classes. As we discuss chemical names that I won't even try to pronounce, I want to make sure we remember the lives that have been affected by these dangerous drugs across our state. In 2011, the Judiciary Committee heard from 16-year-old Zach and his mom Amy. Zach thought he was trying marijuana for the first time, but it turned out to be a synthetic cannabinoid. Moving fast made Zach feel better and he ended up behind the wheel of a car, driving 70 miles an hour across the community of Sidney, through two school zones, narrowly missing a child, before his vehicle landed in the middle of a house. Thankfully, Zach suffered only minor injuries and no one else was harmed. My office recently checked in with Zach's family and learned he is doing well and, I'm happy to report, preparing to graduate from high school this spring. Unfortunately, not every story that involves these dangerous drugs has a happy ending. This year, Kali Smith testified in support of LB298. Seven months ago her son Tyler walked into the house one day before going to work, changed his clothes, went downstairs and shot himself, as his parents sat in the family room. They had suspected that he had been using drugs for weeks, but doctors and counselors couldn't figure out which drug through standard drug tests; because members, these drugs are almost entirely able to be undetectable through traditional drug tests. After Tyler took his life, the family found a wrapper of Zencense, a brand of syncan, in his pocket. Through their grief, the Smith family has shown incredible courage and strength. Less than two weeks after Tyler's death, they began the Tyler J. Smith Purple Project, sharing Tyler's story with anyone who will

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listen. They have opened their hearts to teens who have appeared on their doorstep asking for help to get off these drugs; and this past week, Tyler's story was presented for the first of, hopefully, many times to high school students. Some have asked if the Legislature will need to come back next year or in future years to ban these synthetic drugs again with follow-up pieces of legislation. And I would say, very simply: If that is what it takes to avoid another Tyler Smith situation, then we ought to do it. LB298 includes an emergency clause, and I would ask for your support with not only the bill but the underlying committee amendment that Senator Ashford will introduce in a minute, AM510. Thank you very much, members. [LB298]

SENATOR CARLSON: Thank you, Senator McCoy. As the Clerk mentioned, there are committee amendments. Senator Ashford, as Chair of the Judiciary Committee, you're recognized to open on the AM510. [LB298]

SENATOR ASHFORD: Thank you, Mr. President and members. And Senator McCoy has done a good job with this issue. He's brought this to us on, I think the...I mean, this is the third time, I can't recall. But each time he's done a good job of articulating the public policy reasons for the necessity of adding these additional drugs to the statutes. Senator Chambers has argued in the committee, well, that we may be at a place where we will never be able to get ahead of it, and that could very well be, that though with Senator McCoy's bill, a couple of years ago we did I think one of the...as Senator McCoy mentioned, one of the first states to utilize definitions that hopefully will not necessitate bringing a bill each year as we discover a new drug. You know, this issue cannot be looked at only in isolation as a particular drug that we're banning. These are drugs that are accessed by children. They're not accessed by adults, normally. They are synthetics. They are exceedingly dangerous. They're more dangerous than marijuana. They are more dangerous than other types of drugs that are out there. They...as Senator McCoy related, the incident of the young man that he's aware of, these young people totally lose all sense of where they are and what they're doing, causing great harm to themselves and others. The Judiciary Committee has spent a long time, many hours, many days talking about children and youth. And every time we seem to maybe move ahead a few steps, you know, the world kind of catches up with us and we're pushed back because of some crazy drug or some, you know, danger out there that young people succumb to; and lives are ruined. And I'm not sure that...and I'm sure that what we pass here or as we get into juvenile justice and some of these other things, that there is no silver bullet. There is no way to save every child. But I do know, and I think Senator McCoy has made this point well, that saving one child is worth the effort, even though we may not save every child. When I started, I have a friend, Jim Jensen, who is my predecessor in the Legislature, who was a builder, is a builder. And he got into the Legislature probably not having any real background in healthcare, and he became the Chair of the Health Committee and really did a wonderful job as Chair in dealing with mental health issues and kind of setting the platform for some of the things we're doing now, which are, in the Health Committee, which in my view are incredibly significant.

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You know, I look at what the Health Committee has achieved in the last couple of years. It is an amazing body of work and that is historic. It is historic. As we deal with child welfare and mental health, we are opening vistas that when I first came here years ago, we didn't even know existed. We didn't even know that these opportunities were there for young people. And then along comes something like this drug...I promised Senator Coash I'd give this a shot, but...and I sort of sounded it out phonetically: naphthylpyrovalerone, which we are...is the subject of...or is one of the terms in the bill. We are actually...the purpose of this Judiciary Committee amendment is simply to change a letter, however. We add the letter "h" after the first "p." And I'm terribly sorry we didn't have the "h" behind the first "p," and I apologize to Senator McCoy for...maybe it was Senator McCoy's fault, I don't know. It could have been Senator McCoy's fault. Could have been our fault. But that's the amendment. But as we think about this bill and think about the rest of this session, we just really have to focus on people in need. That's got to be what we come out of here with, because right now we're in the middle of this. And every...you know, we...every day is a new adventure and there are conflicts and everybody gets upset, and...or happy, depending upon how they do with their particular bill. But it really is at the end of the session when we look back at the session and say, did we really do something significant this time, this year? Can we look back at our body of work and say the state is better off for our work here? I know passing this bill will be a good step in assessing how we do as a Legislature over the next...as we leave here in June. And even though we will be happy to leave, in some sense, the most fun of all is to look back at the summary for the time we're here and to look at those things we actually did. Because sometimes when you're in the middle of a session, you don't really know what you've done or haven't done. I mean, you kind of do; but it's only when you look back at the entire body of work and you realize that it's us in here that are responsible for the good work that was done or the work that wasn't done. It's nobody else, nobody outside this glass has any responsibility for what is done in here. We are the ones that have that responsibility. And that doesn't mean we have to agree on everything. We won't. We don't and we won't. But just as a reminder that what we do and what that bill summary that you get a couple of weeks after the session will show us the work that we did. And then if the outcomes were not what some special interest or group outside doesn't think is sufficient, I'll guarantee you, they're going to blame those of us in here who didn't do what they wanted you to do, that's for sure. It's never going to be the fault or the responsibility of the lobby or the special interests, not that their issues are not important and valid; but if they don't get what they want, it's our fault. It's not their fault, it's our fault. And if we do something really great, if we do something really wonderful, if we really address the needs of our citizens in a way that is responsible, you know, we can claim some responsibility for that. But I'll guarantee you, those outside will claim most of the responsibility. So what we have is our sense inside ourselves that, gosh, you know, we did this ourselves, the 49 of us. And I'll tell you the other thing that's important and why I don't like filibusters and why I like coming to a conclusion on these bills, is because it is the process of all of us coming together on a solution. It is the process of all us coming together, even if you vote no. There's

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nothing wrong...if I want something really badly and someone votes no but they participated in the process, that's just as valuable as voting yes, in my view. It's the act of debating the big issues. It's the act of moving forward on the tough issues of our time that separates us and, I think, from every other legislature. It was the vision of George Norris in 1934. It's how we should be doing our business. Because even though we won't get the credit, we will get the...you know, the sort of kicks... [LB298]

SENATOR CARLSON: One minute. [LB298]

SENATOR ASHFORD: ...on the behind if we don't do something. It'll be someone else...it'll be our fault, not anybody else's. That brings us...it seems to me that kind of process should bring us closer together and that we should be able to trust each other, whether we're for or against something, to debate something and come to a resolution on the tough issues. I applaud Senator McCoy for all the work he's done on this drug issue. I hope this helps. I think it will. It'll make a difference and I urge the adoption of AM510. Thank you. [LB298]

SENATOR CARLSON: Thank you, Senator Ashford. Members, you've heard the opening on LB298 and the amendment, AM510. The floor is open for debate. There are senators wishing to speak. (Visitors introduced.) The floor is now open for debate. Those wishing to speak include Kolowski, Harms, Crawford, and Chambers. Senator Kolowski, you're recognized. [LB298]

SENATOR KOLOWSKI: Thank you, Mr. President. Good morning, Senators, and good morning, students; glad to see you here. I want to thank Senator Ashford for his comments concerning this bill and Senator McCoy for bringing this forward. I speak as a former high school principal, with my last 15 years at Millard West High School. I had a file on my desk that I'll tell you about very briefly, but it was related to the number of student funerals I attended over my 15 years as principal. Auto accidents, alcohol, drug situations, depression, and suicides were part of the reality of life of any high school administrator when you're dealing with large numbers of students and the issues that we face in our world today. Tomorrow morning I'll be going to visit with the Catholic Charities program in Omaha that I'm the administrator of record for, and that's the Journeys program, where 16 students are in a 24-hour, 7-days-a-week drug/alcohol program for the difficulties they're facing in their lives. I wish I could take every senator from this hall to meet and listen to these students. And in most cases you would not believe the students' stories, what's going on in their lives, and what they've faced and what they are facing at the current time. The need for problem solving, decisionmaking skills on the part of these students, how to fight peer pressure, to set and make personal goals in their lives are extremely important, and they have great difficulties trying to overcome those things that they had been facing. Those stories those kids would tell you are true. I meet with them every month, a number of hours. And I work with these students, hopefully, trying to get them to a place where they can be released

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back to their homes, back to their schools, and hopefully will lead a clean life as they move on from the program. We need this bill. We need this bill to pass. It's a reality that surrounds us in every community, in every town, in every school in this state, and we would be burying our heads in the sand if we would ignore that. I would like to yield the rest of my time back to Senator McCoy, please. [LB298]

SENATOR CARLSON: Thank you, Senator Kolowski. Senator McCoy, 2 minutes 20 seconds. [LB298]

SENATOR McCOY: Thank you, Mr. President, and thank you, Senator Kolowski. I really probably don't have too much more to add at this time, other than to say, as I've said a number of times before: I really would never want to take credit for a piece of legislation that really has a lot of different people's valuable input into. I particularly, you know, want to thank my staff and a number of other staffs, whether it be the Judiciary Committee, along with the law enforcement community, the school administrators that came and testified on this bill and have been involved in this process not only this year but two years ago, and all of the families that have been a part of this; also the Smith family that I mentioned earlier that are actually here today. Because with a bill like this, particularly in an area of chemistry and science that I don't in any way, shape, or form profess to be an expert in, you really have to rely on the education and the skill of some very hardworking individuals that can set forth to us what we need to do here to hopefully make a difference in families' lives and the students' lives in this area. And with that I would conclude at this point. Thank you, Mr. President. [LB298]

SENATOR CARLSON: Thank you, Senator McCoy. Senator Harms, you are recognized. [LB298]

SENATOR HARMS: Thank you, Mr. President and colleagues. I rise in support of AM510 and the underlying bill AM298. I have two daughters that are in the field of education that are teachers, so I have an opportunity to visit with both of them a lot about what happens in their schools; and it's always fun to get into these educational discussions with your daughters. But what really brings home to me the tragedy that's occurring in our school system is the amount of drugs and the amount of alcohol that these kids are involved in. And in both cases, for both daughters, there's been some real tragedies that have occurred in our community and deaths that have occurred because teenagers are not really understanding the seriousness that they've got themselves into with drugs. You know, where I come from, in Scotts Bluff County, as Senator Campbell testified on another bill, we have one of the highest rates of poverty. We also, several years ago, were ranked as number one in the number of teenagers with the use of alcohol and drugs. We were also ranked close to the top, and maybe still are, in the number of young teenage pregnancies. We have had, over the last few years, some very tragic deaths because of kids using drugs and alcohol, lost their lives, weren't willing to wear their seat belts; and all those things fit into this thing. So I'm

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always very happy and excited about when I see these things come forward, because in some way, as I look at the issues, colleagues, we no longer have that family circle. We no longer have the same kind of family structure that we had as a boy growing up, and I wish that we could find some way to bring that back; but that's probably never going to happen, probably not going to occur. And we have parents who both have to work, and the statistics and data that I have quoted on previous issues brings that out very clearly. But somehow we have to get better control about what's happening because as we watch this occur, these are our future leaders. These young teenagers, some as young as 10 years old, get hooked into these; are destroying their minds. These would be the people that we hope and had hoped that would lead our country and our community and our state, may not be able to do that. So I think this issue is serious and I hope we can continue to stay on top of these sort of things because it's important for us to make sure that we tell the story as it is. Every one of us in here as a teenager were on a journey. And unfortunately, in that journey, sometimes we have some places we stop and there are times in that journey, then the story ends. And for too many teenagers that are on this journey that we're trying to correct, their story is about to end. What a tragedy that is for us. I wonder if my friend Senator McCoy would yield just for a couple questions?
[LB298]

SENATOR CARLSON: Senator McCoy, would you yield? [LB298]

SENATOR McCOY: Yes, I would. [LB298]

SENATOR HARMS: Thank you, Senator McCoy, first, for introducing this bill. Senator McCoy, how do we determine... [LB298]

SENATOR CARLSON: One minute. [LB298]

SENATOR HARMS: Thank you, Mr. President. How do we determine and how do they test these people who use these synthetic drugs? You mentioned earlier in your opening comment, these are very hard to pick up. How do we do this and how do we find out whether, as a parent, for example, whether my child is taking a synthetic drug?
[LB298]

SENATOR McCOY: It's very difficult, Senator. There really only a few labs in the country that are able to test very well these drugs. And oftentimes, tragically, the only time that you're able to determine these drugs have been used is when there are very sad consequences, health-related. [LB298]

SENATOR HARMS: Where are those located, do you know off...I'm not trying to push you here, but where are those labs located? Do we have someone in Nebraska or do we send those out, or just...? [LB298]

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SENATOR McCOY: Well, our...we have some labs the law enforcement uses in our state who can test, but it's more on an exploratory test, not in a... [LB298]

SENATOR CARLSON: Time. Thank you, Senator McCoy and Senator Harms. Senator Crawford, you're recognized. [LB298]

SENATOR CRAWFORD: Thank you, Mr. President and colleagues. I, too, would like to thank Senator McCoy and the committee for bringing this bill to us; and I'd also like to thank all of the educators and law enforcement officials and others who have worked on this bill. I have some friends who are law enforcement agents in the district, and they tell me that they're glad to see that Nebraska is on the cutting edge in terms of making sure that we're trying to keep our law up-to-date with changes in these synthetic products. And so I'd like to thank again all those who have been involved in not only this bill but previous bills to make sure that our law enforcement have the tools that they need. I'm also rising in support of this bill because I received an e-mail from a constituent, and he wanted to make sure that I knew how important it was that we continue to crack down on these substances, because it's substances like this that had destroyed his son's life. And, you know, he said there are a lot of, you know, ways that people make risky decisions and make bad decisions that destroy their life, but anything that we can do to try to keep these substances off the shelves and away from juveniles is important in our work to continue to improve the health and safety of juveniles in our state. And so I appreciate that effort. As Senator McCoy noted and Senator Harms confirmed, these substances are very hard to detect in drug testing. So it makes it all the more difficult for us to deal with the juveniles who get ahold of these substances and try to help to intervene and get them off of them, because they're so hard to detect. So it makes it all the more critical that we are being proactive up-front to keep them off the shelves and out of the stores and have all the tools that law enforcement need to try to keep these substances away from the juveniles that we're working so hard to help in this session and in our state. Thank you. [LB298]

SENATOR CARLSON: Thank you, Senator Crawford. Senator Chambers, you're recognized. [LB298]

SENATOR CHAMBERS: Mr. President and members of the Legislature, once again our numbers are fewer. I did something that I don't believe Senator McCoy did, so I'd like to ask him a question. [LB298]

SENATOR CARLSON: Senator McCoy, would you yield? [LB298]

SENATOR McCOY: I would. [LB298]

SENATOR CHAMBERS: Senator McCoy, have you read every page of this bill?
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SENATOR McCOY: I've done my level best to read and pronounce every word, Senator Chambers, yes. [LB298]

SENATOR CHAMBERS: Not pronounce necessarily. But you've read every page? [LB298]

SENATOR McCOY: Yes, sir, I have. [LB298]

SENATOR CHAMBERS: Thank you. I have a question for you now. Would you turn to page 31? [LB298]

SENATOR McCOY: Are you speaking of the green copy, Senator? [LB298]

SENATOR CHAMBERS: The green copy. That's the one we're working for, isn't it, because the only...we don't have any amendment that strikes everything out of the green copy, (inaudible)? [LB298]

SENATOR McCOY: That would be correct. [LB298]

SENATOR CHAMBERS: Okay. [LB298]

SENATOR McCOY: Just for purposes of the record, I'm clarifying, Senator. Yes, page 31. [LB298]

SENATOR CHAMBERS: Just a minute, because I went looking somewhere else when you asked me that question. Now neither of us purports to be a scientist, is that correct? [LB298]

SENATOR McCOY: That would be correct, Senator, as I've already stated, yes. [LB298]

SENATOR CHAMBERS: In my reading on line 18, I see the word "chlorotestosterone," then in parenthesis what I presume is to be chlorotestosterone, except there is no "r"...there is no "o" between the "r" and the "t." Do you see that? [LB298]

SENATOR McCOY: I do, Senator. [LB298]

SENATOR CHAMBERS: In the original word, there is such an "o." Is this that we see next to it in parenthesis to be a different substance or is it the same substance? [LB298]

SENATOR McCOY: It's my understanding, Senator, that it's a derivative or a similar chemical compound to the original one. [LB298]

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SENATOR CHAMBERS: But I mean as far as the spelling. Because we amended it earlier because a substance was lacking an "h." Well, this second spelling of the word is lacking an "o." So if the spelling is important, then that which is in the parenthesis, even though it's preceded by the number 4, hyphen, is it made a derivative by spelling it differently? [LB298]

SENATOR McCOY: It is actually a different chemical compound, Senator. That's why you have the 4 with the hyphen in front of the second word. [LB298]

SENATOR CHAMBERS: So it just be chlortestosterone and not chlorotestosterone? [LB298]

SENATOR McCOY: Well, it has a different spelling because it is a different chemical compound, Senator. So it is different. That's why it's spelled differently. [LB298]

SENATOR CHAMBERS: But here's what I'm saying: That different spelling is intentional? [LB298]

SENATOR McCOY: That's correct, Senator. [LB298]

SENATOR CHAMBERS: Had you asked anybody about this? [LB298]

SENATOR McCOY: Not that specific one. There's other instances like that, that I have asked about elsewhere in the legislation. [LB298]

SENATOR CHAMBERS: But we don't really know whether that's true or whether there could be a misspelling which could have an impact on how this bill would be construed if somebody is going to be arrested and charged with trying to dispense a product that has one of these elements. So if you would, for my sake, in line 18, find out--not that you know the answer now--whether there is an intent to spell chlorotestosterone as chlortestosterone without the "o." [LB298]

SENATOR McCOY: I'd be happy to check on that, Senator. [LB298]

SENATOR CHAMBERS: Okay. And here's something that I think needs to be amended. There were things in this bill which I hadn't paid much attention to before, and I was told that a version of it was enacted at a time when I wasn't here... [LB298]

SENATOR CARLSON: One minute. [LB298]

SENATOR CHAMBERS: ...so I hadn't had a chance to look at it. But I still think with all of the concerns expressed, it should not be sloppily drafted. On page 11, in line 6...when you find it let me know. [LB298]

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SENATOR McCOY: Flipping there, one moment, Senator. [LB298]

SENATOR CHAMBERS: Take your time. [LB298]

SENATOR McCOY: Page 11, line 6. [LB298]

SENATOR CHAMBERS: Now I see the words "some form of scientific testing." We don't know how that is to be determined or whether the mere fact that somebody called a scientist would say this works. I would like...and I'm going to offer the amendment to strike "some form," and insert the words "a recognized method," because I think there's some overreaching in this bill. You're never going to get everything... [LB298]

SENATOR CARLSON: Time. Thank you,... [LB298]

SENATOR CHAMBERS: Thank you, Mr. President. [LB298]

SENATOR CARLSON: ...Senator Chambers and Senator McCoy. Senator Harms, you're recognized. [LB298]

SENATOR HARMS: Thank you, Mr. President, colleagues. Senator McCoy, would you yield, please? [LB298]

SENATOR CARLSON: Senator McCoy, would you yield? [LB298]

SENATOR McCOY: I would. [LB298]

SENATOR HARMS: Thank you. I just wanted to finish our friendly conversation about this particular bill. As we look at this bill, and I'm assuming this bill will pass without too much difficulty, who's going to take the responsibility then once this becomes the law to begin to sell the story and get the news out about synthetic drugs and things? You know I watch not a great deal of television, but I don't see much about that sort of thing. And I think this is an area that we really need to start to educate our parents about and our schools of the kinds of things to watch for. Do you have any ideas or thoughts, are we beginning to give that some thought as we start to roll into this whole issue and this becomes the law? [LB298]

SENATOR McCOY: Well, I appreciate that question, Senator Harms, and before I answer that, if you'd care, in a moment, I don't want to use your time, I have a couple answers to a few of the questions you earlier asked... [LB298]

SENATOR HARMS: Sure. [LB298]

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SENATOR McCOY: ...in an earlier time on the microphone. But as far as what are we doing for, I guess, a public awareness campaign, if you will, for lack of a better term on this, we hear from a great deal of...a great number of parents. I assume maybe other senators do too from the feedback that I get. We felt like two years ago and this year, the first step is to do what we can legislatively to ban these substances. As far as what needs to be done, whether it be in our schools or in our communities, I'm open to all ideas, Senator, on how best we can educate the public on the dangers of these substances. [LB298]

SENATOR HARMS: Yeah, it's a concern that I have and I don't know what the answer to it is. But I think the more that we talk about this, the clearer we make it to parents and to the school that these are the signs you need to be looking for, these are the kinds of things that are involved. I think there are a lot of people, Senator, who will not understand what a synthetic drug is. And you know, when I read the bill, to be very honest with you, I couldn't pronounce half of the words in there. I had difficulties with it. I'm glad that, you know, maybe Senator Chambers was able to pick up on some of the concerns he might have. I just am not a chemist or a scientist, so I struggled a little bit about that. And I guess where I'm at is I'm hoping that this bill...I know this bill will go forward and we'll approve it, but somehow we need to put on a campaign that begins to tell the story that this is something that's now beginning to appear. You know, one of the other things, Senator, that I'd have to share with you that ties into this usage of drugs, this summer both Senator Schilz and I had the opportunity to visit with some special investigators out of Omaha, other places, to begin to look at prescription drugs. What we're beginning to find now, that our teenagers are turning towards and buying prescription drugs because we don't have any central base to check that. And so I'm hoping as we begin to look at this and start to tell the story about synthetic drugs, that we will be able to bring forward some type of legislation that would create a central base for doctors and pharmacists to say, now wait a minute, sir, you just bought this over in Torrington, Wyoming, and in South Dakota; call law enforcement and make an arrest. Prescription drugs are starting to come across in western Nebraska, according to law enforcement, in huge sums. And whether than...what's happening is that when they used to go to the place where they used to drink beer and pour all the alcohol into big bowls, they now just go and throw all that stuff into a bowl and take some drugs and take them, not knowing what the impact is. That, to me, is a tragedy,... [LB298]

SENATOR CARLSON: One minute. [LB298]

SENATOR HARMS: Thank you,...a concern. But my concern on this then would be I hope we could get a campaign put together in some form or manner, Senator, to start to tell the story about really what is occurring and what we need to do to correct this. So thank you for introducing it. Thank you, Mr. President. [LB298]

SENATOR CARLSON: Thank you, Senator Harms and Senator McCoy. Those still

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wishing to speak include Schumacher and Chambers. Senator Schumacher, you're recognized. [LB298]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. This bill continues an approach and a theory that we started last year, and it's based on the idea that you take any thing that's a derivative, a mixture, a compound, a whatever of certain families of drugs or certain organic chemicals and you just say all outlawed no matter what quantity that they're in. And that way you're sure to catch the shark with the rest of the fish in the net. And maybe that's the way it's got to be done and maybe that saves lives. I don't know, but I have some...and had some last year too, some discomfort with an approach that does that. If you've ever studied organic chemistry and ever done penance in an organic chemistry lab when you're supposed to attach the benzene rings to the hydroxyl radicals, to this, that, and the other thing, you realize that chemistry is a process that does not just pour this in with that and you get this pure. You get all kinds of stuff. And all kinds of stuff exists throughout our environment. It may be very, very tiny quantities, but it's there. And when you say, okay, anything even related to this is wrong, is a crime, it's kind of like saying, well, we're going to make sure we get rid of tobacco and marijuana by declaring any green plant to be bad. We just won't bother prosecuting the ones that are tomatoes. Now I, just for the heck of it, grabbed the bill and looked at what we were making illegal today. And there's...and I cut and pasted this word into Google, tetrahydropyranylmethyl. We're making a whole family guilty today. And I punched up Google. On the very first page we have a U.S. patent issued for that same stuff, and it says: This invention relates to the novel substituted ceph-3-ems, some of which are of value as an intermediate in the synthesis of antimicrobially active cephalosporin analogues and others useful as antimicrobial agents in their own right. And it goes on and on and talks about language I can't pronounce. Long time since I knew the nomenclature and how to pronounce some of that stuff. But basically, when you do this we are transferring a lot of power to the prosecutor to say, okay, in this case I'm going to dig down with very expensive laboratories to find a tiny trace of this because I want to get this guy. And in other cases, not even looking for the stuff, I was told last year that hops used in some of these brewpubs may come from a breed of hops plant which is remotely related to the cannabis plant. So you almost have to wonder is if you took some of these specialty brews and really drilled down to them in some of these expensive laboratories whether or not you'd find a teeny-weeny bit of this particular bad stuff in it. So while I think the intent is good that we try to protect kids from bad stuff, this is an approach with a wide brush that probably is not altogether not without some fault. And I think the very fact that we are today banning something that a U.S. patent has been issued to which has usefulness as an antimicrobial agent in its own right, something to give us pause as to how much we've really thought down. My feeling is that a lot of this... [LB298]

SENATOR CARLSON: One minute. [LB298]

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SENATOR SCHUMACHER: ...a lot of this language comes from prosecutors or from emergency room personnel that said, gee, this guy got some bad stuff, and not...it may not have been thoroughly vetted in the scientific community as to whether or not there are useful things to this. And that's kind of what bothers me about this approach to chemistry, this approach to making things illegal, this approach to painting with broad brushes and cloaking ourselves in the safety of children, and really, in some respects, maybe degrading a little bit the integrity of the criminal law system and of chemistry. Thank you. [LB298]

SENATOR CARLSON: Thank you, Senator Schumacher. Senator Chambers, you're recognized. [LB298]

SENATOR CHAMBERS: Thank you, Mr. President, members of the Legislature. The reason I mentioned this notion on page 11 about the words "some form of scientific testing," we have all kind of specific scientific names of all these elements and I'm sure they could say "a recognized method of scientific testing," which would go to how you determine what an element or item consists of when you break it down into parts. I begin to see in this that you are banning so many things, you don't know whether they can be used in some other form, in some other combination that would be useful. Are you going to ban spray paints because they're misused? Are you going to ban Freon because some kids are starting to sniff Freon out of air conditioners? I think that's what you need to do. If you are going to talk about the chemical makeup or the atomic structure of one of these elements, then you're reaching a point that I think the criminal justice system cannot deal with. Nothing is a crime unless a law makes it so. You are making so many substances here a crime that nobody on this floor, no prosecutor knows, but if a child comes home and looks funny and you find something in the child's system, maybe in a McDonald's hamburger, maybe E. coli, and you go to the hospital and you look at it and then you go through all of this stuff and you say, aha, some of this is in it. Well, how much? Well, we found an atom. Well, the law says any amount, it's a crime. And nobody can...nobody even has a method of breaking these substances down to determine if they are there. So why don't you just say anything in the world that anybody at any time, any place, in any way can produce a substance that some person may be able to make some kind of use of it, whether by sniffing, eating, or intravenous administration, get a rise, that's illegal? This is...I know that people are sincere in what they're saying. I'm opposed to young people using drugs. But there is such a thing as overkill. We cannot even pronounce these words. We're taking the word of prosecutors, people who want to put somebody in jail, and I don't even trust them when they're using ordinary English to define ordinary conduct. But when I see language like this, "some form of scientific testing," that doesn't say anything. And we don't know whether the form itself is considered acceptable in the scientific community. Polygraph information is not acceptable as admissible evidence in a criminal prosecution because its validity has not been established. This kind of stuff, if somebody is accused and charged with a crime for having something with any quantity of any one of these things we could pick

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out on any page on any line, how can that person defend himself or herself? First of all, how is the prosecutor going to prove... [LB298]

SENATOR CARLSON: One minute. [LB298]

SENATOR CHAMBERS: ...that this substance is present in what they procure? If there are only a few laboratories in the country, they're going to spend the money in Nebraska to send something to one of these laboratories somewhere in the country and have it come back, and in the meantime somebody is charged with a crime for having this substance, that, to me, is not an orderly way to manage a criminal justice system. Thank you, Mr. President. [LB298]

SENATOR CARLSON: Thank you, Senator Chambers. Those still wishing to speak: Senators Murante and McCoy. Senator Murante, you're recognized. [LB298]

SENATOR MURANTE: Thank you, Mr. President, members. Senator Schumacher, when you were on the microphone, you actually triggered a conversation that I had had before I was sworn in but after I was elected. And I was speaking with an individual in the prison system about actually Senator McCoy's bill from a couple of years ago. That conversation, the base, the thrust of it was whether bills like that and bills like we have today, whether they actually...are they accomplishing what we're hoping that they accomplish. And I have a couple of questions for Senator McCoy, if he would yield. [LB298]

SENATOR CARLSON: Senator McCoy, would you yield? [LB298]

SENATOR McCOY: I would. [LB298]

SENATOR MURANTE: Senator McCoy, LB298, as I read it, the main purpose is to add a series of substances to the controlled substance list. Is that essentially correct? [LB298]

SENATOR McCOY: Yes, that is. [LB298]

SENATOR MURANTE: And what is the punishment for an individual for possessing some of these controlled substances? [LB298]

SENATOR McCOY: I'm going to refer back to make sure that I have it correct, Senator Murante, but there are different punishments for selling it and having it in possession, and I want to make sure those are correct. And so I'd be happy to take the time at a later moment on the microphone to make sure I have it correct for the record, if you'd like, Senator Murante. [LB298]

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SENATOR MURANTE: That's reasonable. Do you...are you aware if any of the punishments result in prison time? [LB298]

SENATOR McCOY: As far as the difference of prison time, no. You mean between LB19 two years ago and LB298? Is that...am I answering your or understanding your question correctly? [LB298]

SENATOR MURANTE: Well, with the passage of LB298, will there be more substances that will...will the substances that we are adding with LB298 result in people going to prison if they possess them or is it a fine? I'm trying to get some sort of scope of what the punishment is. [LB298]

SENATOR McCOY: Well, the punishment for having a quantifiable amount of the substance is a Class IV felony, so there's not a difference. That is the punishment for possession. We're adding to that list. And I'll be happy to take some time at a later time on the microphone, if you'd like, Senator Murante. But you're kind of tagging along behind a question that Senator Chambers asked earlier, and that is these chemical compounds and these chemical classes have zero useful purpose outside of being used as an illicit synthetic drug. We've had the University of Nebraska twice, with this bill and two years ago with LB19, study this for any possible research, manufacturing, agriculture, any possible use that these chemical compounds or classes could be used for, because we didn't want to, as Senator Chambers said, take something off the table that some radical new form of plastic or who knows what could be created out of it. And both times they came back and said these are...these serve no useful purpose at this time; if they ever do we'll be happy to let someone know. [LB298]

SENATOR MURANTE: Senator McCoy, I don't disagree with you that the substances that you're proposing here in this bill have no positive purpose that an individual could use. But my question or my concern, I suppose..."concern" is not the right word, my skepticism is more along the line of what we're actually accomplishing by passing the bill. By adding substances to the controlled substance list, do you have any evidence that that decreases the consumption... [LB298]

SENATOR CARLSON: One minute. [LB298]

SENATOR MURANTE: ...of those substances? [LB298]

SENATOR McCOY: We do, although I don't know that that would be in an empirical data, Senator Murante. I think it's more anecdotal from what we hear from the law enforcement community, I got to be honest, I'll say it on the record, from the threats that we have gotten over the last two years from those who have sold these products. So I guess I base that off the fact that this cut into their profits from the stores that sold these products. So we believe it's doing some good. We also know it's doing some good,

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again anecdotally that we hear from families and from school administrators across the state. [LB298]

SENATOR MURANTE: Our time is almost up here and I'm probably going to have some questions for you on our upcoming budget and how much money we're spending on prisons, and whether adding controlled substances to this list is something that we want to be doing in light of the fact that... [LB298]

SENATOR CARLSON: Time. [LB298]

SENATOR MURANTE: Thank you, Mr. President. [LB298]

SENATOR CARLSON: Thank you, Senator Murante and Senator McCoy. Senator McCoy, you're recognized. [LB298]

SENATOR McCOY: Thank you, Mr. President, members. And I wanted to hit my light so that I wasn't taking up any additional time of Senator Harms or Senator Chambers, although I'd be happy to yield at any point if they had further questions. But I wanted to answer, do my best to answer a couple questions that I think that may be even some concerns, although I don't want to characterize them as anything other than what I assume them to be was questions. First, Senator Chambers had asked on page 31, line 18, why there is a different spelling, and I checked for some clarification. And again, I'm not a chemist, but it is a different isomer of a steroid. So when you see a derivative of testosterone there, basically, the different word in line 18, page 31, is a different isomer, so is a different version of a steroid, different isomer. That is why the spelling is different. And as I said earlier, you'll see that a number of different places throughout the bill. Senator Chambers also asked about, and I incorrectly told him something off the microphone that I'm correcting now for the record, but he also asked a question about page 11, line 6, where it talks about, starting in line 5, "so long as it can be determined through some form of scientific testing or analysis that the substance contains properties that fit within one or more of the following categories." Then it lists out the chemical classes and enclosed chemical compounds that are part of it. I incorrectly told Senator Chambers off the microphone that the phrase, "through some form of scientific testing," had been in statute previous to LB19, which was in 2011, two years ago. We actually did add that into statute, which Senator Chambers correctly said he didn't recall that being in the statute books. That's correct. We did add that. I would stand ready, if he has a better way of phrasing that to make sure that we're using the best possible scientific testing. I don't see that as an issue. I think the goal here or the aim here is to make certain sure that we are addressing these chemical classes and chemical compounds to keep them out of the hands of Nebraskans. The idea here is not to trap anyone for prosecution. I would merely say that the labs that law enforcement, when they do testing here in our state or elsewhere in the country, those labs on a law enforcement side of things are testing the actual product that they have in

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their possession to see if it fits within these classes. We're aware of two labs. One is a lab called Redwood Toxicology in California, another one is another lab in Kentucky; are the only two that we are aware of that test blood or urine of someone to determine whether or not they had ingested these products. So there's two different forms of testing here. So when law enforcement or academics, in academia when they're testing these products, they're testing the actual product to see whether or not it fits within these classifications. The two labs on a toxicology side are testing actual blood or urine samples to see if these products have been ingested and are in those specimens. So I hope that answers those questions. If they don't, I'll do my best to answer them at some point in time. But again, I stand ready if Senator Chambers has a better way to rephrase this. I certainly don't believe that we always have a premium on good ideas or the best ideas, so if he has one that... [LB298]

SENATOR CARLSON: One minute. [LB298]

SENATOR McCOY: ...would fit better, I would be happy to entertain that. Thank you, Mr. President. [LB298]

SENATOR CARLSON: Thank you, Senator McCoy. Senator Schumacher, you're recognized. [LB298]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. I was not going to speak again on this, but I think a comment that Senator McCoy made underscores the weakness in this approach to regulating human behavior and also regulating our criminal justice laws. He said there are zero, zero, not a few, zero legitimate uses for this stuff. And you can do it, too, if you got your gadgets or your iPads or whatever, go to the committee statement--they're easier to cut and paste out of there--and pick up one of the words. The words that I randomly picked up was this tetrahydropyranilmethyl, and you plug it into Google. And you know what starts coming up? U.S. patents. And U.S. patents, one of the requirements for a U.S. patent is that it be useful, okay? Some guru in the Patent Office and some patent attorney was able to prove to the patent authorities that these things have useful purposes. They also have bad purposes. But U.S. Patent 3959267 was the one I read before. There's another one that jumped up on Google about some herbicide that had the stuff in it, maybe very low quantities, but we're talking about very low quantities. May have to have an expensive lab to detect it, but that's what we're talking about, expensive labs to detect it. So this approach, while, you know, may be keeping kids from smoking marijuana because we've outlawed all green plants, is not a real sound philosophical approach. And maybe all this underscores a little bit of a systemic problem that we have whether or not our committee system is raising the issues at hearings, probing the testifiers deep enough to make sure that what we do is wise. And there may be a way to sit down and sort through the evidence and be able to sort what and where and when a tetrahydropyranilmethyl is good and bad, and if there is such a way we should do it, or

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at least make our best efforts to do it, rather than kind of just do it because that's what happened to show up at a hearing and we really didn't drill into the people very deeply. There are, and I don't want to take up anybody's time anymore, but do the little experiment on Google. Cut and paste some of these words in there. And probably if you went through the 20-some pages of this bill that we passed a couple years ago, you get similar results. We're painting with a real broad brush and we're declaring all plants, all green plants, to be illegal, and then we are looking the other way on the tomatoes and the cucumbers and the potatoes and we're going after, when we feel they're bad enough, the marijuanas and the tobaccos and things like that. When I was county attorney, there's something that you all have in your homes, I'm pretty sure, that the kids had figured out if you sprayed into the inside of a brown paper bag and then sucked the air through the brown paper bag, you get a really good high. To my knowledge, we've not banned that substance. You probably use it frequently at times during the week. But I loaded a body into a body bag because a kid's lung was coated with that substance. [LB298]

SENATOR CARLSON: One minute. [LB298]

SENATOR SCHUMACHER: And he died. I guess we could have come here, we probably still could come here and declare it to be illegal to sniff that substance. But at a certain point you've got to try to balance everything. And this approach, while it might work in those limited number of cases where we want to spend the money on an out-of-state lab, I'm not sure it's good criminal law. Thank you. [LB298]

SENATOR CARLSON: Thank you, Senator Schumacher. Senator Chambers, you're recognized. This is your third time. [LB298]

SENATOR CHAMBERS: Thank you, Mr. President. This bill, as I said...and I'm not blaming Senator McCoy for bringing it or anybody for wanting it to be brought. But now that it's before us, I'm looking at some of the language in it and some of it is in existing law, because it's not underlined. But on page 26, this shows how tenuous the connection is between what they want to ban and a particular result that a person achieves. Beginning in line 5 on page 26, "Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system." First of all, "potential for abuse" doesn't mean that actual abuse occurs. It might mean that when you take this substance by itself, which is not a problem, and mix it with anything else in a compound or mixture or preparation, and there is what is considered a potential stimulant effect on the nervous system, it's not having that effect but it's potential, then it's banned. How do they know that all of the substances that we find in paint are not harmful when used somehow in connection with something else? If you took ethanol and mixed it with orange juice and drank it, if you had enough of it, it would probably kill you. But suppose somebody could sniff ethanol and get a high? Then is sniffing ethanol

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going to cause ethanol to be banned? Or mixing ethanol with something else and sniffing it may give you a high. Some people get what is the equivalent of a high from gasoline fumes, so gasoline and the substances in gasoline ought to be banned. I think this is the worst possible approach that could be taken. And unless they can identify something that is in a known product that is being distributed, sold, or whatever, that produces a deleterious effect, then nothing should be done. What about banning strychnine? Strychnine is worse than a high. It can kill you. Strychnine is not banned. Warfarin, as far as I know, is not banned. Aspirins are not banned. But if you take aspirins and you have a bleeding condition, it can be curtains for you. So this idea of saying that in someday someday it may do something, therefore, it's banned, but you say, aha, we didn't say "it." We said its esters, its ethers, its isomers, derivatives of its isomers, and the number of atoms on the atomic structure, therefore, it's banned. Who even knows about all of that? You could have something in your possession that based on this now bans it. [LB298]

SENATOR CARLSON: One minute. [LB298]

SENATOR CHAMBERS: You did not have it for any illicit purpose, but it becomes illicit only because it's listed in this bill. What I would like to have shown to us are these substances that right now are parts of known illegal substances, but I will not vote for the bill for some of the reasons that I've given. It's just too broad and we don't even know the implications of it. Thank you, Mr. President. [LB298]

SENATOR CARLSON: Thank you, Senator Chambers. There are no other senators wishing to speak. Senator Ashford is recognized to close on AM510. Senator Ashford waives closing. The question is, shall AM510 be adopted? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB298]

CLERK: 28 ayes, 0 nays, Mr. President, on the adoption of the committee amendments. [LB298]

SENATOR CARLSON: The committee amendments are adopted. Members, it's time on the agenda to move to what's scheduled for 12:30. Mr. Clerk, next item. [LB298]

CLERK: Mr. President, Select File. Senator Murante, I have LB296 and I do have Enrollment and Review amendments, Senator. (ER83, Legislative Journal page 1141.) [LB296]

SENATOR CARLSON: Senator Murante for a motion. [LB296]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB296]

SENATOR CARLSON: Members, you've heard the motion. All in favor say aye.

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Opposed, nay. Amendments are adopted. [LB296]

CLERK: I have nothing further on the bill, Senator. [LB296]

SENATOR CARLSON: Senator Murante for a motion. [LB296]

SENATOR MURANTE: Mr. President, I move to advance LB296 to E&R for engrossing. [LB296]

SENATOR CARLSON: Members, you've heard the motion. All in favor say aye. Opposed, nay. [LB296]

SENATOR CHAMBERS: (Microphone malfunction) My light has been on. [LB296]

SENATOR CARLSON: Excuse me, Senator Chambers, you're correct. You're recognized. [LB296]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I need to ask a question of the Speaker, and we're both at the mike. Mr. Speaker, it says, "Any bill with an amendment, other than an E&R amendment, will be passed over today." Does that mean if an amendment is offered or has been adopted? [LB296]

SPEAKER ADAMS: If one is offered at this point. [LB296]

SENATOR CHAMBERS: So right now I can stop all of these, can't I? [LB296]

SPEAKER ADAMS: Yes, you could. (Laughter) [LB296]

SENATOR CHAMBERS: Thank you, Mr. Speaker. Thank you. Members of the Legislature, I pay attention. I pay attention. Now do you want me to carry through on what I said I would do based on what you all did on that bad bill that Senator Dubas brought to us? You voted for cloture because you thought it was going to make other people vote for cloture on something else. I know what's going on in this system. Now are you going to think I'm a bad guy if I offer an amendment to every one of these bills? I have an agenda. You all have an agenda. You got your agenda. Well, now my agenda may come into play and you cannot stop me. I did not put the rule in place. The rule was put there by the Speaker. Now if I do what I can do under the rule, am I a bad person for obeying the rule? If somebody else on another proposal would do what I'm talking about I'm able to do here, then what? Only when I do it. I'd like to ask Senator Hadley a question. [LB296]

SENATOR CARLSON: Senator Hadley, would you yield? [LB296]

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SENATOR HADLEY: Yes. [LB296]

SENATOR CHAMBERS: Senator Hadley, this is your bill, isn't it? [LB296]

SENATOR HADLEY: Yes, sir. [LB296]

SENATOR CHAMBERS: Does it mean something to you? [LB296]

SENATOR HADLEY: Yes, sir. [LB296]

SENATOR CHAMBERS: Is there a bill of mine in your committee that you know means something to me? [LB296]

SENATOR HADLEY: Yes. [LB296]

SENATOR CHAMBERS: What does the word "revenge" mean to you, just in ordinary parlance? [LB296]

SENATOR HADLEY: It means taking out some punishment on somebody else. [LB296]

SENATOR CHAMBERS: Or to simplify, just getting even. [LB296]

SENATOR HADLEY: Getting even. [LB296]

SENATOR CHAMBERS: Do you think that getting even is an appropriate activity when the person seeking to get even feels justified? [LB296]

SENATOR HADLEY: It (inaudible)...I guess (inaudible) it's how much are they justified if they have a (inaudible). [LB296]

SENATOR CHAMBERS: If the person who's doing it feels justified, then it's justified to that person. Correct? [LB296]

SENATOR HADLEY: Yes. [LB296]

SENATOR CHAMBERS: Now if I feel justified in stopping this bill of yours, just being passed over today, would you think that was something I ought not to do? [LB296]

SENATOR HADLEY: Senator Chambers, that's your choice. [LB296]

SENATOR CHAMBERS: I'm asking for your opinion. [LB296]

SENATOR HADLEY: I would appreciate it if you didn't. [LB296]

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SENATOR CHAMBERS: Do you think I ought to do it? [LB296]

SENATOR HADLEY: I'm 5 minutes late... [LB296]

SENATOR CHAMBERS: I'm ask... [LB296]

SENATOR HADLEY: I'm 5 minutes late right now for my doctor's appointment so I'm rushing. [LB296]

SENATOR CHAMBERS: Oh, you're going to a doctor's appointment? [LB296]

SENATOR HADLEY: Yes. [LB296]

SENATOR CHAMBERS: I'm going to leave his bill alone. I don't believe in dealing with those who are already at a disadvantage. (Laughter) Thank you, Mr. President. I have nothing further to say on this bill. [LB296]

SENATOR CARLSON: Thank you, Senator Chambers. However, your light is on. Thank you. Senator Murante for a motion. [LB296]

SENATOR MURANTE: Mr. President, I move to advance LB296 to E&R for engrossing. [LB296]

SENATOR CARLSON: Members, you've heard the motion. All in favor say aye. Opposed, nay. The bill does advance. Mr. Clerk, next item. [LB296]

CLERK: Mr. President, LB476, I have no amendments to the bill. [LB476]

SENATOR CARLSON: Senator Murante for a motion. [LB476]

SENATOR MURANTE: Mr. President, I move to advance LB476 to E&R for engrossing. [LB476]

SENATOR CARLSON: Senator Chambers, your light is on. You're recognized. [LB476]

SENATOR CHAMBERS: Thank you. And I cannot ask the Chair any questions and it happens to be his bill. But what I want to teach you all, who think you can put me in my place, that I can find a way to talk on anything anytime I want to. That goes for all of you. I've watched the way you all vote, the ones called liberal, the ones called conservative. And the liberals begin to act like the conservatives when it's something they want. I'm probably the purest one here because you know what I am and I tell you what I am and I don't play games and pretend to be something I'm not. Yet I'm the one

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who comes under the greatest criticism for being what you all say we should be and what you religious people say we ought to be, which is honest and forthright and we should not fly a false flag. I told you all yesterday that Joseph Kennedy said to his sons, don't get mad, get even. And that there are things going on, on this floor, because the mistake is made that because President Barack Obama thinks he can talk to these "Repelicans" in Congress, he'll soft-pedal, give the soft answer, and they walk on him. So he says, well, they said let them come to dinner. So guess who came to dinner? The "Repelicans." What happened? They broke his bread, then they broke his head. You let people think they can walk on you and your name becomes rug. Everybody not only will walk on you, they'll wipe their shoes on you. The rules that you all support are the ones that give me the weaponry I need to do anything I want to do, and that's why I say pay attention to the words in which something is expressed. In the words used to condemn may be found the way to your salvation, so you can save yourself from that condemnation which these words seek to bring about. Now I'm not in a hurry to leave here today. I'll stay here as long as we need to, to discuss those things that I think are important. I am in control today. You've delivered today into my hands. When I tell you that you've done something that delivers the session into my hands, you better believe it. You may not see it. You know why? Senator Carlson said his IQ is 120. It's more than that. But he said mine is 200 and something. I'll accept that. You cannot think or envision or conceptualize what I'm able to do. Give me a little something to work with and I'll build from it and I will beat you. I will stay with you. I will fight you and I will defeat you and I will break your will before you'll break mine. And you can't get any food today. You are captive to me. Now you know the only way I could speak again? It doesn't say that if there's discussion of a bill it will be taken off the agenda. It says if an amendment is offered. I'm a nice guy. I'm not going to offer an amendment on Senator Carlson's bill because he's at a disadvantage. He cannot even defend himself. So his bill is safe. There was a time, and Senator Carlson can't even comment on this. [LB476]

SENATOR CARLSON: One minute. (Laughter) [LB476]

SENATOR CHAMBERS: But I've got 5 more coming up. There was a doorway. This happened in the long-ago days and it was written about in the New Testament. And there was going to be death brought by the death angel. And I won't go into all the grim details that are in the "Bible," but if you put a mark, the proper mark in the proper place above the door, that death angel passed over your house and there was no death in your house. And some people wrote a spiritual song about it, maybe not even knowing what they were singing about: When I see the blood, I will pass over you. So all somebody has to let me see is that he or she is at a disadvantage... [LB476]

SENATOR CARLSON: Time. [LB476]

SENATOR CHAMBERS: ...when coping with me. Thank you, Mr. President. [LB476]

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SENATOR CARLSON: Thank you, Senator Chambers. Senator Kintner, you're recognized. [LB476]

SENATOR KINTNER: Well, thank you, Mr. President. And Senator Chambers was talking about things that were important to him. I just wanted to take a second to talk about something that's important to me and important to many people in the state. Today is the National Day of Prayer, and in the 1980s the Congress unanimously, and Ronald Reagan signed, making this day the National Day of Prayer every year. We've actually been celebrating it for 62 years now. And I know that there are people all across this state praying for me, praying for this body, praying for each and every one of us that we'll do the right thing, and praying for Speaker Adams. And this is something that brings us together. It's not Republican, It's not Democrat. It's American. It's what this country was built upon and it's something that ought to unite us. And so I just want to acknowledge publicly, before this body, that this is a National Day of Prayer and it's an important day and I encourage everyone to take some time today and pray as the President and the Congress have designated this day for us to do so. Thank you very much, Mr. President. [LB476]

SENATOR CARLSON: Thank you, Senator Kintner. Senator Chambers, you're recognized. [LB476]

SENATOR CHAMBERS: Amen. Members of the Legislature, I listened to Senator Kintner. I think, look, this is a Christian nation, this is a religious country. Now why are those who believe the Bible going to set aside one day for prayer? Senator Carlson, when he was at his seat, and I refer to him as "Parson," quoted from the book that said ye should pray always. Always means continuously, without stop or interruption. If you believe in the "Bible" as Senator Kintner does, then you don't have a special day of prayer. Every day is prayer day. So when you set aside a day for prayer, you are taking a position contrary to what the "Bible" says. You should not be talking about having one day for this, just like there should not be one day for mother. Mother's Day should be every day. But look how you do in this country where you're going to pontificate about religion and compassion and all these other things, when the day arrives by the calendar when you're supposed to do it. It's perfunctory, it is meaningless, it is degrading, it is demeaning, and it is unworthy of a civilized society. I hear all this nonsense spoken, but anything brought up on this floor is suitable for discussion. And anything I say can be contested by anybody who chooses to. And I will not be offended. I will welcome it. But I'm going to work my will and carry out my agenda. Don't think that what puts you in fear puts me in fear, or what would deter you would deter me. There's nobody who owns me, and certainly no lobbyist or no special interest group. But if today is a day of prayer, who you going to pray to? Ghostbusters? Who you going to call? The one you called on all these times hasn't done you any good. And "Parson" can bear this out. The "Bible" says the fervent effectual prayer of a righteous man availeth much. That's from the "Bible." You all need to understand and pay as much attention to your

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manual as I do. But I know there's nothing to...you don't believe it. You don't even know what's in it. So is your prayer fervent? Obviously not. Is it effectual? Obviously not because it doesn't effectuate or bring anything to be. Or is it that you're not righteous? Now that's what I think is the key: the fervent effectual prayer of a righteous man. Are you righteous not just where I can see you or somebody else can watch you, when you go to those places where nobody knows you? (Singing) I can see her leaning back in her satin dress in a room where you do what you don't confess. Sundown, you better take care, if I find you've been creeping 'round my back stair. In her satin dress in a room... [LB476]

SENATOR CARLSON: One minute. [LB476]

SENATOR CHAMBERS: ...where you do what you don't confess. How many of you have visited such a room recently? I don't know. But isn't there one that does know? Why is anybody worried about whether I or anybody else sees what they do when the all-seeing eye sees everything? Why be a coward toward a human being and defiant toward God. Why are there things you don't want people to see you do but you let your Lord and Savior see you do it? Think about that. Let me liberate your minds today. I'm going to cut up some cloths and bring them down here and I'll sell a square of cloth, one-inch square, for a quarter to each of you, and it will be like an indulgence. It frees you to do anything you want to, and even the Lord will excuse you. [LB476]

SENATOR CARLSON: Time. [LB476]

SENATOR CHAMBERS: Thank you, Mr. President. [LB476]

SENATOR CARLSON: Thank you, Senator Chambers. You're recognized again. This is your third time. [LB476]

SENATOR CHAMBERS: And some people say, thankfully. I will tell you all this. I'm not going to put an amendment on anybody's bill. That is not the way I operate at this particular time. I will have a better time, based on what I want to accomplish, a better opportunity to do it. You know part of the reason I'm doing this? It's the noonhour. People are creatures of habit. When your belly gets accustomed to having something in it, just as people who are addicted will have certain periods of time that will pass and then they need a fix, you might feel a little twinge of hunger. But it says nothing to those people who don't have anything to eat now, they won't have anything to eat at 3:00, they won't have anything to eat at 5:00. And do the people in the Legislature care? Absolutely not. Why have a prayer day? Why have any of that? Why don't you let your life be a prayer? I'm reminding you, brothers and sisters, friends, enemies, and neutrals, we have it in our power to do things. We can bind up the brokenhearted. We may not know how to treat and heal a wound, but we have the wherewithal to make such treatment available to everybody. And if we don't do it, are we to be praised or

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condemned? I'm looking at my friend, Senator Scheer, over there. He felt the pangs of hunger so he went and got himself something to eat and drink right here, because he can. Senator Harms, now he needs no sweetening to his disposition, but he has a big old jar of candy on his desk, and he doesn't eat a lot of candy. But I notice that jar never has as much candy at the end of the day as it had when the day started, so somebody is eating Senator Harms's candy. (Laughter) So if you have any suggestion of hunger, you can stave it off. But you know what I think? And it's probably a burden that I shouldn't carry because I'm not religious like you all. I don't have the Holy Ghost or any of that, yet it bothers me if I have more than what I need and there's somebody within range of my help who has nothing. I cannot eat in the presence of somebody who I think is hungry, not by choice but because they can't eat. Now I can withstand hunger. A lot of times I forget to eat. It's nothing for me to give to somebody what I was getting ready to eat, not that I touch with my hands or that I've bitten off. It's in the package untouched. And if they had that lean and hungry look, I say, and it's a lie of a kind: I don't even need this, do you want it? And here's how you'll do me a favor if you take it. I grew up during the Depression and there was a statement drilled into our head, waste not want not. I really don't want this. If it's usable to you, then take it and it won't be wasted. Then they don't feel like they're receiving some kind of charity and my mind is put at ease. But, see, that's because I don't have any religion. I just do what I think is the right thing to do and I do as I would want to be done by. And I'm doing to you all today what I think you want to be done by,... [LB476]

SENATOR CARLSON: One minute. [LB476]

SENATOR CHAMBERS: ...by studying you, because you all are intelligent and you pray every morning, so you know the book says, as you would that men should do unto you, do ye even so to them likewise. So with you knowing that, I feel that the way you do is the way you want to be done by. And I'm going to fulfill the scriptures by doing to you as you have done, because that's the way you want to be done by. Thank you, Mr. President. [LB476]

SENATOR CARLSON: Thank you, Senator Chambers. Senator Wallman, you're recognized. [LB476]

SENATOR WALLMAN: Thank you, Mr. President. This is getting to be quite an interesting conversation. And I think Senator Chambers remembers Roy Rogers: With the Bible on the Table and the Flag Upon the Wall, oh, neighbor, that's the answer to it all. Is it the answer to it all? No. It's up to the individual. It's up to us to pray and then follow through. And sometimes the best prayer is God's unanswered prayer, because we don't always pray for the right things. And sometimes it's selfish prayer, but when we pray for other people, that truly makes a difference in our lives as well as theirs. And so I'm...we should pray every day absolutely. And there was a man who walked the earth many, many years ago, changed the calendar: before Christ died and after, I mean

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before Christ was born and after he died. So the calendar was changed, tremendous, tremendous thing whether you believe or not. And I know He says many times to the disciplines, you know, one of them betrayed him three times, and so it happens to all of us. And it's not easy living a religious life. Thank you, Mr. President. [LB476]

SENATOR CARLSON: Thank you, Senator Wallman. Seeing no other senators wishing to speak, I would ask Senator Murante to repeat the motion on LB476. [LB476]

SENATOR MURANTE: Mr. President, I move to advance LB476 to E&R for engrossing. [LB476]

SENATOR CARLSON: Members, you've heard the motion. All in favor say aye. Opposed, nay. The bill does advance. Mr. Clerk, next item. LB140 will be passed over because an amendment has been filed. Mr. Clerk, next item. [LB476]

CLERK: Mr. President, LB384. Senator, I do have Enrollment and Review amendments pending. (ER88, Legislative Journal page 1183.) [LB384]

SENATOR CARLSON: Senator Murante for a motion. [LB384]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB384]

SENATOR CARLSON: Members, you've heard the motion. All in favor say aye. Opposed, nay. Motion carried. [LB384]

CLERK: I have nothing further on LB384, Senator. [LB384]

SENATOR CARLSON: Senator Chambers, you're recognized. [LB384]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I like this bill. I supported it. Senator Nordquist showed great ability in getting it this far and I applaud him for that. But I cannot play favorites, not today. Members of the Legislature, let me tell you those or that category of persons which means a great deal to me--children. Yesterday I had two experiences. My office is down in a corner and across from it or near it are the rest rooms, and all these little children were gathered around because I guess that's where they were going to be herded into. So some of the adults with the children wanted to take pictures with me for some reason, and I accommodate. My fee is \$35. (Laughter) Actually, no. So then I went back in my office and I was working. I heard this little, like Edgar Allan Poe's The Raven, tap, tap, tapping at my chamber door. So I opened the door and there's all these little girls, and the other ones immediately, they're all good friends and they said, she knocked on the door. I said, well, does somebody want to come in? Well, nobody said anything, so I said, what are you all here for? They said, on a field trip. I said how did you come here without

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getting wet? Well, they came in a bus. And we were just talking and going back and forth like little kids do. So they wanted to high five and shake hands, and we went through that and I really enjoyed it; end of that story. A man came to me and the child with him could have been 9, 10, 11, or 12, and she was blind. And he said she wanted to meet me. And children have an effect on me that adults don't and never will, because they lost somewhere along the way what they had when they were children. And this little girl, I won't give her name but her father gave her name, and when I spoke her name, she just beamed. And when I talked to her, I looked at her the whole time. And she, unknown to me, and the only way I can know is that her father told me, had watched a weekly program that I did on cable, and she asked me, why are you not on that program anymore? I said, well, COX and the city decided to take it off the air. And she didn't look pleased. And we talked and her father said, she is your biggest fan. And she laughed and she said, yes, I am; yes, I am. And so I embraced the child and I told her, you could be my granddaughter. And then I put my hands on her shoulders and I brought my hands along her arms, and then I took her hands and we held hands, and she beamed. Now she could not see the impact that she had on me, but maybe she sensed it. There is something in children for which we all can learn if we are perceptive. Now Senator Wallman talks about somebody having walked the earth many years ago and a calendar. There are several calendars that have no reference to whoever you were talking about. However, when that person that I'm sure Senator Wallman was talking about is written about, there are things which, if true, I would agree with, and one of them: Suffer the little children to come unto me and forbid them not... [LB384]

SENATOR CARLSON: One minute. [LB384]

SENATOR CHAMBERS: ...for such is the kingdom of heaven. And unless you become as little children, you're not going there. And then I watch what we do here, not only on the sanctified Day of Prayer but other days when there are things we could do to help these little children. They got it turned around. He didn't say bring the little children to me and I'll make them suffer. When he used the term "suffer," it meant allow, permit them. Thank you, Mr. President. [LB384]

SENATOR CARLSON: Thank you, Senator Chambers. Senator Brasch, you're recognized. [LB384]

SENATOR BRASCH: Thank you, Mr. President. Thank you, colleagues. I did want to share a precursor to this story for Senator Chambers that he may not be aware of. Yesterday I am in my office, I'm working at my desk, and I hear a tap, tap, tap at my door. I said, come in. Nobody came in. Tap, tap, tap, I heard a doorknob and I thought it was Senator Hansen, my neighbor, on the door that connects our office perhaps just making a chuckle in my day, but tap, tap. So I got up. It wasn't Senator Hansen and there is somebody at the door. So I walk over to the open door, not the extra door to the hallway, and I look around the corner and there is a father and his blind daughter there

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tap, tap, tapping on my door. And so I walked over. Our door is wide open. Our name is above the office. People always welcome to come in without knocking, and they were looking for Senator Chambers. And so we did explain that there is no name above the door, the door is shut. But if you do knock on the door, he is a very kind senator, especially to children, and he's lucky he has a child with him. (Laughter) And therefore, David, my administrative assistant, we explained carefully to go down the hallway two doors down and I'm confident that you are more than welcome. And, yes, that child did beam. We were happy to explain that there is a good man behind that door. This man often shares a lot of parables with us, different stories and tales of days gone by, that institutional knowledge that many of us do not have. And we do appreciate that. And when we talk about the good deeds we do, we hope that they are good deeds that work for all people. You know, we also pray that we are not led into temptation. That is very, very important that we look thoroughly at all subject matter and all it will impact. And when I saw that blind young woman, that I thought about the company I had worked for before I became senator; worked with children with special needs. And I'd met other blind children and children with needs. And when we look at the dollars we spend, I think thoughtfully and carefully that there are children that cannot lift themselves out of bed every day, children that do need extra help, adults of the same, that knowing that the money that we have must be carefully distributed and to last a lifetime; that we don't turn our children or our grandchildren out with a credit card and take away their future by saying, you know, everything. So it is a difficult decision. We look for discernment. And we do appreciate all the good work that Senator Chambers and other senators have done before us, and we hope and we do continue to pray that we can also someday stand confidently and talk about what good we can do. But we do need discernment. And, Senator Chambers, when someone tap, taps at my door and asks for you, I always give them a kind word and encouragement to go speak with you. Thank you, Mr. President, and thank you, colleagues. [LB384]

SENATOR CARLSON: Thank you, Senator Brasch. Senator Chambers, you're recognized. [LB384]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, for three whole years we will be put in a position, at the expense of the U.S. government, to help children and others who cannot help themselves. Let me tell you all something that occurred. See, I have to find an excuse to do what you all call a good deed. But there was this elderly lady and I...she needed something and I gave it to her, and she wanted to carry on, but I said, look, I said, say that to your minister or people in church; I have nothing to do with that. I said, in fact, people refer to me as the devil. And she said, and you gave me what you gave me? I said, well, yes, ma'am. She said, then here's what I'll say to you, Brother Chambers. I said, what's that? She said, the devil brought it but God sent it. They find a way to get God involved in everything, but I think that's going beyond what is necessary. Just as ordinary human beings down here on this planet, nothing supernatural, nothing noble, can see that we ought to help people who cannot help

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themselves. And some there be who will help others even at a cost or expense to themselves. But we as an elected body are in a position to help others and it won't cost us a penny, not one penny. And there are people who need this help now. And will we withhold it? Will we withhold it, then stand on the floor and talk about a Day of Prayer? We can answer the prayers of people, and they shouldn't have to pray for it. This should not be a society where before somebody can get just ordinary kindness or consideration they have to give us a long tale of woe. They have to show us all of their injuries, their bloody hands, the lacerations on their back, demean and degrade themselves further in trying to prevail on us to do something to help them, to extend to them the help we would want if we needed it without having to degrade ourselves. This country has been so cruel in the way it looks at people who need help that people feel stigmatized to ask for help in the richest country in the world. There is a stigma attached to being in need of what Christians call Christian charity. But in order to receive it, you are degraded, you are humiliated and made to feel like you're doing something wrong. But if you happen to be a parent with hungry children, then you swallow pride and everything else because you owe it to those children. And how can they say this is a God-fearing country? It ought to be, not fearing God in the sense of respecting God but fear that God is going to destroy this country for not doing what He told them to do. You need never feel anxiety, never experience fear, never no depression if you do what your mind tells you, you ought to do. The greatest psychological strain is to move against what you know it is that you ought to do, not anybody else. [LB384]

SENATOR CARLSON: One minute. [LB384]

SENATOR CHAMBERS: Thank you, Mr. President. And this is my second time on this? [LB384]

SENATOR CARLSON: Yes, it is. [LB384]

SENATOR CHAMBERS: I'm going to put my light on one more time and relinquish the floor. Thank you. [LB384]

SENATOR CARLSON: Thank you, Senator Chambers. Senator Wallman, you're recognized. [LB384]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. This is an e-mail I just got a few minutes ago about healthcare issues and this, and why America has changed: Parents, teachers, news media, and especially, especially politicians used our history to plan for our future. Different circumstances could have changed the outcome of some decisions in history, but most times saying doing the same things again will get the same results is true. As Americans, we have truly been blessed the first 200 years of having leaders who did what was best for the vast majority of our futures. Now that we've become almost totally dependent on trusting our leaders, our

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leaders have changed to only doing what takes care of them and their families, friends, and cronies, and the vast majority of us are left out. Thank you, Mr. President. [LB384]

SENATOR CARLSON: Thank you, Senator Wallman. Senator Chambers, you're recognized. [LB384]

SENATOR CHAMBERS: Thank you, Mr. President. Edgar Allan Poe is one of my favorite writers, and to give him his play, since we've touched...two of us have touched on something from one of his poems, it was from The Raven, which I had learned when I was in high school. And part of it went: Once upon a midnight dreary, while I pondered weak and weary, over many quaint and curious volumes of forgotten lore, while I nodded, nearly napping, suddenly there came a tapping, as of someone gently rapping, rapping at my chamber door. In a way, he almost put my name into the poem. Well, what we do on this floor is to range far afield on many occasions, but on this day I have the opportunity to focus on the Medicaid issue. And it shouldn't be called the Medicaid issue. It should be called becoming our brother and our sister's keeper, just as we would want them to show something to us when it's clear that we need it. I still wish that those 16 people would make themselves known to me. Somebody could just slip paper under my door. But I wouldn't accept that because somebody might write out 16 names that don't belong on the list and give that to me. There's no way anybody could put me in a position of saying that I take a blood oath to deny people what they need when it's so easily provided and it doesn't even cost anything. And some people who have never said this before will say, yeah, but three miles...three years down the road. You know what I did with this blue book that was left on my desk, "State of Nebraska Biennial Budget," picture of Benjamin Franklin as part of a puzzle? I looked at all these agencies, and when you go down it tells sources of money, and, lo and behold, on many of them I see "federal." And beside the word "federal" is a dollar amount. In some cases they get more money from the federal government than they get from the state, and they are the ones who are going to say we ought to deny this money to these sick people. They don't know that they're going to get that federal money next year even. But they take it this year, don't they? And they'll take it every year that they can get it without saying a year may come when we can't. We're going to strike while the iron is hot, and it's there and it's needed, and we can use it so, federal government, give it to us. And the federal government doesn't say, well, I've got to find out this, that, and the other. Okay, we said do this, you did it, here's the money, and you run off with it. Total up how much federal money this state is getting and the agencies that are getting it doing things you want to see, some of you who don't want sick people to get the benefit of what Medicaid can offer. Such hypocrisy! How can you not see what I see? You don't have to have an IQ of 200 and something to see it. You can read, I believe. Read it and see how much federal money is coming here. All these so-called conservatives talking about I want to reduce the size of government, but they don't want to reduce the amount of federal money that's coming to this state now. [LB384]

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SENATOR CARLSON: One minute. [LB384]

SENATOR CHAMBERS: What about those gauges that have to do with studying the flow of water and the level of water? Some of them have to be shutdown now and they will affect rural areas, and rural people are upset because they're not going to be able to get the benefit of it. Well, they ought to be praising the people in Congress for the sequestration, because they're reducing the size of government and they are cutting spending. But when it cuts close in Nebraska to the rural areas, they're not so happy about that. I didn't hear anybody stand on the floor and take a point of personal privilege to applaud the federal government for once for reducing the size of government and reducing the size of spending by shutting down some of these gauges that do the work where this water is concerned. The people who do this kind of work are saying, you study the water flow, the rise, the fall over years, you gather all this information, how valuable it is to agriculture. But they ought to be happy, but they're not. [LB384]

SENATOR CARLSON: Time. [LB384]

SENATOR CHAMBERS: Thank you, Mr. President. [LB384]

SENATOR CARLSON: Thank you, Senator Chambers. There are no other senators wishing to speak. Senator Murante for a motion. [LB384]

SENATOR MURANTE: Mr. President, I move to advance LB384 to E&R for engrossing. [LB384]

SENATOR CARLSON: Members, you've heard the motion. All in favor say aye. Opposed, nay. Motion carried; the bill advances. Mr. Clerk. [LB384]

CLERK: Mr. President, the next bill is LB384A. Senator, I have no amendments to the bill. [LB384A]

SENATOR CARLSON: Senator Chambers, you're recognized. [LB384A]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'm going to continue. This is my time. And you know why it's not necessary that anybody here listens? There...I have a fan club in Japan. I didn't know it. I don't use these gadgets. But people get contacted and the reason I know they're telling the truth, because they say they can't locate me but there are things they want me to know. And the person with the gadget I say, how do you know it's from Japan; anybody could do that. Well, people who do these gadgets know how to tell where things are coming from. And they watch the Legislature and they wonder how somebody like me can survive in a place like America, saying what I say, because of the concept and idea they have about this country, especially as pertains to nonwhite people. So you all don't have to listen. The

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world is my stage. Maybe that guy that Senator Wallman says was walking around here, talking all these things that people didn't like so they hung him up on a tree, if he knew everything he knew they would come when there would be more versions of a book written about him than anybody else. And for him, that was satisfactory. We don't know what the total impact is of anything we do and say. The "Bible" says the dead know nothing. So what difference should it make to me what happens after I'm gone? No difference. But while I'm here, there are things that make me a difference, and there are things that trouble me. And I don't want my mind to be troubled so I have to do what that other part of me tells me I ought to do. When I become aware of something and I know that help is needed, I have the obligation to help. What I'm trying to do is instill in you the same feeling that I have so that you will see the need to help people too. But obviously, you don't have--let's call it a conscience--you don't have the conscience I have. You don't have whatever it is that motivates me, that motivates me. It's certainly not your religion. All of you all are Christians; that's not good enough. You all pray all the time; that's not good enough. What does it take? Somebody putting a gun to your head? I see more concern for guns around here than I see for the hungry, than I see for the sick. Who is going to minister to the sick? Not us, and we have the means to do it. How many people have you heard say, if I could I would? Well, here's the way we say it: If we would we could. We could do it. We could do it in the twinkling of an eye, so to speak. All we have to do is say, yes, we will accept this help for the people that we are supposed to be protectors of, and all of the etiology, all of the political posturing can stand aside so we can do this thing. At a funeral is where the truth ought to be told, but it's never told. Everybody lies. They look down in that box, say, oh, he was such a good man. Everybody knows they're lying, so they got their fingers crossed whenever they go to a funeral, and everybody knows it. It's become a joke even. But if you're going to do something for people, do it while they can benefit from it. So if the dead know nothing, then when they die it's over for them. But until we die we have responsibilities and obligations, and we know what they are. Nobody needs to tell us. [LB384A]

SENATOR CARLSON: One minute. [LB384A]

SENATOR CHAMBERS: And when I do what I'm doing now, I'm discharging my obligation by doing at the moment, the instant when I'm alive what is available for me to do that I think I ought to do. And what I think I ought to do is take this time. And how is it hurting you? It doesn't cost you anything. You're not even giving it to me. It's there for the taking and I'm taking it. Thank you, Mr. President. [LB384A]

SENATOR CARLSON: Thank you, Senator Chambers. And you're recognized again. [LB384A]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I was talking to a person who once was a teacher. There are good teachers, there are so-so teachers, and there are people who ought not bear that title at all. I was reading

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about a book that one of the Guthries, it might have been Woody, wrote that was discovered. And it was not a classic, but they quoted something he wrote in describing this man: he's a medium man. He's medium smart and medium ignorant. That was brilliant; a medium man, medium smart and medium ignorant. But this teacher was brilliant. This teacher had a class of students and told these students, I want you to think. So what I want you to do after explaining what a will and testament is, I want you to write your last will and testament, what you would want to leave in this world. And I can't tell a story without embellishing it, so I might not be getting it all correct exactly word for word but you'll get the idea. And the students were presented with the notion of whether they would say, if I've got a car I'll leave a car; if I have some money, I'll leave money; if I have this or that of a material thing, that's what I will leave. And then question is put, is that really the most important thing you would want to leave behind you? Is that really what you would want to be remembered for? If you left money, do you think the one you left the money to would even remember you once the money is spent? Are there things more important than what you can see and hold in your hand that you would want left here when you're gone? What do you want people to remember you for? Take the word legacy and then explain what that meant. Wouldn't that be a better thing to leave? How will children know if they're not taught? And when they are taught, they are receptive. And suddenly, for these children to whom leaving a lot of money might have meant something to, that doesn't even enter into the equation anymore. Children can be taught and they can be shown by an example. If there were a teacher like that who could make the same appeal to those of us on the floor of the Legislature and it impact our minds in the way those students were impacted in their mind by that teacher, I wouldn't have to say any of the things that I say all the time. But it's obvious I'm not a teacher of that caliber, so I have to stumble and fumble along and do the best that I can with what I have to work with. And the parson will forgive me for once again going into his book and there was a verse that said, Paul planted, Apollos watered, but God gave the increase. Somebody else has to take care of it after I've done my part. And you all have heard the parable of the sower who went out to sow and some of the seeds fell on good ground, some on thorny ground and so forth. All we can do if we have seeds to sow is sow them. I don't know who is going to pay attention. The ones who pay attention may not even know. When we teach our children things, all we can do is hope that something sticks in their head and they may never acknowledge it to us. But if they get in trouble, then maybe... [LB384A]

SENATOR CARLSON: One minute. [LB384A]

SENATOR CHAMBERS: ...they'll think back to something we told them and they may not even remember where they got it from, but they thought of something that dealt with this situation and this is what I was told would help me. And maybe it will come back and be of value to them. We don't know that. That's why we ought to always do the best we can. I'm doing the best I can right now. I got pretty poor material when I look around this room to work with, but I'm trying to do the best I can with what I've got. You all know

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that. Sometimes you look at me and you feel I'm pretty poor material. But you've got to work with me too and that's what we're going to do. Thank you, Mr. President. [LB384A]

SENATOR CARSON: Thank you, Senator Chambers. Senator Chambers, you're recognized. This is your third time. [LB384A]

SENATOR CHAMBERS: Thank you, Mr. President. I believe in making the best use of what is made available to me. And today I'm like the cricket; all I have is my voice. Would it make somebody want to crush me with their foot so I would be quiet; or might they think of the cricket in the way the cricket is portrayed to us? A little creature with a little violin playing cricket music. And if we had the ear to hear cricket music, we might hear the Ave Maria, we might hear Mona Lisa, we may hear Pagliacci based on what our ear picks up and how we interpret it. So if we would come to nature to see what we can derive from nature instead of wanting to put the cricket in a jar of formaldehyde; see a beautiful animal and want to convert it into a fur coat or a trophy on a wall or a rug on the floor, learn how to live with living things without having our first inclination be to kill it. Then maybe we could even treat each other better also. But we know that's the dream, make-believe world of children which never was, is not now, and never will be. But imagination is funny. It can make a cloudy day sunny; make a bee think of honey, and all these other things. And they can be more real in our imagination than out here in this world, because if it's real in our imagination, we can take it with us wherever we go and we can fashion it any way we please. So right now you know what I'm imagining? I'm imagining 48 other people in a room where they're moved by the angels of their higher nature. And they are deciding that in the state where they live to whatever extent the discomfort, the misery, the sadness, the hurt that the people in that state feel will be, if not totally eradicated, at least mitigated. And these people do what is necessary to bring that about. That's imagination. But when I come back to the real world, I think of 16 people, 16 people who pray, probably go to church, may have a spouse, may even have children, and will give thanks to God and say, thank God, my children can have medical care. Thank God there's a dental appointment, a doctor's appointment to which I can take them to make sure that preventative care is given so they don't even have to feel the discomfort of a sickness in the first place. And then see somebody else with a poor benighted child who needs everything that a child could need. And instead of saying, can I help that child? They will say, there but go for the grace of God go you. See that Johnny, see that little raggedly child over there? See that little baby crying because she is hungry? Well, the grace of God keeps you from being hungry. So there, where that hungry child is, but for the grace of God would be you. And what have you taught that child? You taught the child to be like you? There was a song, there was a little boy, worked with his father and the father couldn't spend time... [LB384A]

SENATOR CARLSON: One minute. [LB384A]

SENATOR CHAMBERS: ...but the little boy would always say, but I'm going to be like

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you, dad. So then when the little boy grew up and went away and his father wanted to spend time with him, this boy talked about his new job is a hassle, the kids got the flu, it's been sure nice talking to you, dad, been sure nice talking to you, and I'd like to get with you. And then he says, I hung up the phone, it occurred to me, my son was just like me, my boy was just like me. If your child were just like you, what kind of a world would it be? Thank you, Mr. President. [LB384A]

SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: Thank you, Senator Chambers. Senator Murante for a motion. [LB384A]

SENATOR MURANTE: Mr. President, I move to advance LB384A to E&R for engrossing. [LB384A]

SPEAKER ADAMS: You've all heard the motion. All in favor indicate aye. Opposed. Motion carried. Mr. Clerk, we'll move to Final Reading. Members, you should return to your seats in preparation for Final Reading. Mr. Clerk, the first bill is LB166 and the first vote is to dispense with the at-large reading. All those in favor vote aye, all those opposed vote nay. Record, Mr. Clerk. [LB384A LB166]

CLERK: 32 ayes, 2 nays, Mr. President, to dispense with the at-large reading. [LB166]

SPEAKER ADAMS: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB166]

CLERK: Mr. President, LB166 is a bill by Senator Schilz. (Read title.) [LB166]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB166 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB166]

CLERK: (Record vote read, Legislative Journal page 1241.) 42 ayes, 0 nays, 7 excused and not voting, Mr. President. [LB166]

SPEAKER ADAMS: LB166 passes with the emergency clause attached. (Visitors introduced.) We'll now proceed to LB154. [LB166 LB154]

CLERK: (Read LB154 on Final Reading.) [LB154]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB154 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB154]

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CLERK: (Record vote read, Legislative Journal pages 1241-1242.) 41 ayes, 0 nays, 8 excused and not voting, Mr. President. [LB154]

SPEAKER ADAMS: LB154 passes. We'll now move on to LB141. [LB154 LB141]

CLERK: (Read LB141 on Final Reading.) [LB141]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB141 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB141]

CLERK: (Record vote read, Legislative Journal page 1242.) 41 ayes, 0 nays, 8 excused and not voting, Mr. President. [LB141]

SPEAKER ADAMS: LB141 passes. We'll now proceed to LB107. [LB141 LB107]

CLERK: (Read LB107 on Final Reading.) [LB107]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB107 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB107]

CLERK: (Record vote read, Legislative Journal pages 1242-1243.) 41 ayes, 0 nays, 8 excused and not voting, Mr. President. [LB107]

SPEAKER ADAMS: LB107 passes. We'll now proceed to LB103. [LB107 LB103]

CLERK: (Read LB103 on Final Reading.) [LB103]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB103 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB103]

CLERK: (Record vote read, Legislative Journal pages 1243-1244.) 41 ayes, 0 nays, 8 excused and not voting, Mr. President. [LB103]

SPEAKER ADAMS: LB103 passes. We'll now proceed to LB59. [LB103 LB59]

CLERK: (Read LB59 on Final Reading.) [LB59]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB59 pass? All those in favor vote aye; all those opposed

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vote nay. Record, Mr. Clerk. [LB59]

CLERK: (Record vote read, Legislative Journal page 1244.) 41 ayes, 0 nays, 8 excused and not voting, Mr. President. [LB59]

SPEAKER ADAMS: LB59 passes. We'll now proceed to LB42. [LB59 LB42]

CLERK: (Read LB42 on Final Reading.) [LB42]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB42 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB42]

CLERK: (Record vote read, Legislative Journal page 1245.) 41 ayes, 0 nays, 8 excused and not voting, Mr. President. [LB42]

SPEAKER ADAMS: LB42 passes. We'll now proceed to LB646. [LB42 LB646]

CLERK: (Read LB646 on Final Reading.) [LB646]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB646 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB646]

CLERK: (Record vote read, Legislative Journal pages 1245-1246.) 40 ayes, 0 nays, 1 present and not voting, 8 excused and not voting. [LB646]

SPEAKER ADAMS: LB646 passes. Next bill, LB595. [LB646 LB595]

CLERK: (Read LB595 on Final Reading.) [LB595]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB595 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB595]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1246.) 41 ayes, 0 nays, 8 excused and not voting, Mr. President. [LB595]

SPEAKER ADAMS: LB595 passes with the emergency clause attached. We'll now proceed to LB595A. [LB595 LB595A]

ASSISTANT CLERK: (Read LB595A on Final Reading.) [LB595A]

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SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB595A pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB595A]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1247.) 39 ayes, 0 nays, 2 present and not voting, 8 excused and not voting, Mr. President. [LB595A]

SPEAKER ADAMS: LB595A passes with the emergency clause attached. We'll now proceed to LB589. [LB595A LB589]

ASSISTANT CLERK: (Read LB589 on Final Reading.) [LB589]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB589 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB589]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1247-1248.) 41 ayes, 0 nays, 8 excused and not voting. [LB589]

SPEAKER ADAMS: LB589 passes with the emergency clause attached. We'll now proceed to LB585. And, Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB589 LB585]

ASSISTANT CLERK: 34 ayes, 4 nays to dispense with the at-large reading, Mr. President. [LB585]

SPEAKER ADAMS: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB585]

ASSISTANT CLERK: (Read title of LB585.) [LB585]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB585 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB585]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1248-1249.) 41 ayes, 0 nays, 8 excused and not voting, Mr. President. [LB585]

SPEAKER ADAMS: LB585 passes. (Visitors introduced.) We'll now proceed to LB487. [LB585 LB487]

ASSISTANT CLERK: (Read LB487 on Final Reading.) [LB487]

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SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB487 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB487]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1249-1250.) 40 ayes, 0 nays, 1 present and not voting, 8 excused and not voting, Mr. President. [LB487]

SPEAKER ADAMS: LB487 passes. We'll now proceed to LB423 and, Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB487 LB423]

ASSISTANT CLERK: 32 ayes, 5 nays to dispense with the at-large reading, Mr. President. [LB423]

SPEAKER ADAMS: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB423]

ASSISTANT CLERK: (Read title of LB423.) [LB423]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB423 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB423]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1250-1251.) 41 ayes, 0 nays, 8 excused and not voting, Mr. President. [LB423]

SPEAKER ADAMS: LB423 passes. We'll now move to LB240. [LB423 LB240]

ASSISTANT CLERK: (Read LB240 on Final Reading.) [LB240]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB240 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB240]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1251.) 41 ayes, 0 nays, 8 excused and not voting, Mr. President. [LB240]

SPEAKER ADAMS: LB240 passes. We'll now proceed to LB205 and, Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB240 LB205]

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ASSISTANT CLERK: 33 ayes, 4 nays to dispense with the at-large reading, Mr. President. [LB205]

SPEAKER ADAMS: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB205]

ASSISTANT CLERK: (Read title of LB205.) [LB205]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB205 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB205]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1252.) 41 ayes, 0 nays, 8 excused and not voting. [LB205]

SPEAKER ADAMS: LB205 passes. We'll now move to LB69 and the first vote, Mr. Clerk, is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB205 LB69]

ASSISTANT CLERK: 34 ayes, 2 nays to dispense with the at-large reading, Mr. President. [LB69]

SPEAKER ADAMS: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB69]

ASSISTANT CLERK: (Read title of LB69.) [LB69]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB69 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB69]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1253.) 40 ayes, 0 nays, 1 present and not voting, 8 excused and not voting, Mr. President. [LB69]

SPEAKER ADAMS: LB69 passes. We'll now proceed to LB68, and, Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB69 LB68]

ASSISTANT CLERK: 34 ayes, 4 nays to dispense with the at-large reading, Mr. President. [LB68]

SPEAKER ADAMS: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB68]

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ASSISTANT CLERK: (Read title of LB68.) [LB68]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB68 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB68]

ASSISTANT CLERK: Record vote read, Legislative Journal page 1254.) 41 ayes, 0 nay, 8 excused and not voting, Mr. President. [LB68]

SPEAKER ADAMS: LB68 passes. We'll now proceed to LB44. [LB68 LB44]

ASSISTANT CLERK: (Read LB44 on Final Reading.) [LB44]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB44 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB44]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1254-1255.) 38 ayes, 1 nay, 2 present and not voting, 8 excused and not voting, Mr. President. [LB44]

SPEAKER ADAMS: LB44 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB166, LB154, LB141, LB107, LB103, LB59, LB42, LB646, LB595, LB595A, LB589, LB585, LB487, LB423, LB240, LB205, LB69, LB68 and LB44. Mr. Clerk. [LB44 LB166 LB154 LB141 LB107 LB103 LB59 LB42 LB646 LB595 LB595A LB589 LB585 LB487 LB423 LB240 LB205 LB69 LB68]

ASSISTANT CLERK: Mr. President, I do have some items for the record: amendment to be printed to LB298 from Senator Chambers; to LB140 from Senator McCoy; an explanation of vote from Senator Bolz (re LB169, LB172, LB192, LB208, LB222e, LB223, LB243, LB277, LB303, LB329, LB332, LB344, LB345, LB349, LB361, LB377, LB386, LB435, LB442, LB458, LB459, LB477, LB493, LB500, LB538, LB549, LB643, and LB647.) (Legislative Journal page 1255.) [LB298 LB140 LB169 LB172 LB192 LB208 LB222 LB223 LB243 LB277 LB303 LB329 LB332 LB344 LB345 LB349 LB361 LB377 LB386 LB435 LB442 LB458 LB459 LB477 LB493 LB500 LB538 LB549 LB643 LB647]

And I do have a priority motion, Senator McGill would move to adjourn until Tuesday, May 7, 2013, at 10:00 a.m.

SPEAKER ADAMS: You've all heard the motion to adjourn. All those in favor indicate by aye. Opposed. We are adjourned.