

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 03, 2014

[LB13 LB191 LB272 LB278 LB390 LB393 LB399 LB438 LB464 LB485 LB513 LB514
LB597 LB671 LB698 LB725 LB887 LB935 LB1097 LB1098 LB1102 LB1103 LR41CA]

PRESIDENT HEIDEMANN PRESIDING

PRESIDENT HEIDEMANN: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the eighteenth day of the One Hundred Third Legislature, Second Session. Our chaplain for today is Pastor Michael McDonald from the Cornerstone Community Church in Fairbury, Nebraska, which is in Senator Karpisek's district. Please rise.

PASTOR McDONALD: (Prayer offered.)

PRESIDENT HEIDEMANN: Thank you, Pastor McDonald. I call to order the eighteenth day of the One Hundred Third Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I have no corrections, Mr. President.

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

CLERK: There are, Mr. President. I have Speaker bill priority selections from: Senator Bloomfield, LB393; Senator Adams, LB438; Senator Campbell, LB887; Senator Christensen, LB390; Senator Chambers, LB671; Education Committee, LB725 and LB1103; General Affairs, LR41CA; Senator Smith, LB1097; and Senator Conrad, LB485. Mr. President, I also have a notice of hearing from the Transportation Committee. And a motion from Senator Crawford that LB1102 be withdrawn. That will be laid over at this time. And that's all that I have. (Legislative Journal pages 435-436.) [LB393 LB438 LB887 LB390 LB671 LB725 LB1103 LR41CA LB1097 LB485 LB1102]

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

CLERK: Mr. President, LB278 has been discussed. It is on Select File. The Enrollment and Review amendments were considered. Senator Chambers had an amendment that was adopted to the bill. I currently have pending an amendment from Senator Chambers, FA188. (Legislative Journal page 430.) [LB278]

Floor Debate
February 03, 2014

PRESIDENT HEIDEMANN: Thank you, Mr. Clerk. If Senator Pirsch would like to refresh us on LB278, he would have the opportunity at this time. [LB278]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I will just in general talk about the nature of the...of LB278 as it was proposed. There was three component parts and the first component part was the heart of the bill, and that was simply a semantic change, a word change. And that would change the word "letter" to the word "certificate". And so this bill was brought by the Secretary of State's Office. More commonly used in surrounding states, and in commercial terms is the word certificate. It has more definition, more meaning, although it in essence provides the same information that a "letter" that we utilize now does. So this would...the first prong would change the word "letter" to "certificate". And then there were a couple of other provisions of which we have debated on the floor here over the past week that...one of which the second prong would bring about a cap. Well, there is currently a cap in terms of how much the Secretary of State's Office could charge on an incredibly high order of records. And so what this bill would do is say, you know, though it's never actually that amount of records have never been requested, should it down the road some day with all these large out-of-state companies, you know, who are in the business of providing data, should they ever appear in Nebraska and want an incredible dump of data and number of records, it doesn't seem fair to the taxpayers that we would cap the charges. And so that second prong was a matter of debate. And then there was a third prong as well that we talked about, and that was an attempt to clarify in my mind just exactly the idea there was two separate databases for which the longstanding practice had been to charge separate fees for both of those databases. And we thought that this would be some clarifying language that would make it explicitly clear that there would be no doubts that that is exactly what the Legislature intends. And, again, that was a matter of legislative debate. Now with respect to I guess the heart of the bill in my opinion would be the...and what I believe the Secretary of State's Office is most concerned about is changing the term "letter" to "certificate". In light of the large number of bills that are lined up on the floor and that we have some incredibly important matters to get to this year, I think it is in everyone's best interest and, I, you know, after having the debate last week have spoken with individual state senators who have had concerns about those additional prongs, namely Senator Schumacher and Senator Chambers, and we have tentatively agreed in principle then that if we can enact the language of the first prong that I believe nobody has a problem with that changes the terminology from letter to the word certificate that that would be meaningful and that is something that we could achieve then in this session without a filibuster. And so to that end, I would and expect that, and I've agreed to that sort of a resolution to this debate, that we will have a floor amendment I believe Senator Chambers is going to be offering that will not...that will leave the language of the...the original language of my bill. With respect to the changing the term...I'm sorry, from "letter" to "certificate" and that we will just leave the existing language of the statute then alone at that point in time. And so I believe that it's my

Floor Debate
February 03, 2014

understanding that Senator Chambers is in the process of fashioning that amendment. And when he...when that has been submitted then, we can go forward with that. But that is the agreement in principle. And so that is my opening. Thank you. [LB278]

PRESIDENT HEIDEMANN: Thank you, Senator Pirsch. Next up we have...we do have a FA188, by Senator Chambers. If Senator Chambers would like to give us a little bit of a refresher on FA188, he would have the opportunity at this time. [LB278]

SENATOR CHAMBERS: Mr. President, I withdraw that amendment. [LB278]

PRESIDENT HEIDEMANN: That amendment is withdrawn. Mr. Clerk. [LB278]

CLERK: Mr. President, Senator Chambers would move to amend. I might indicate to the members the amendment is being put into the system. You should have it very shortly. (AM189, Legislative Journal page 436.) [LB278]

PRESIDENT HEIDEMANN: Senator Chambers to open on your floor amendment. [LB278]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, as Senator Pirsch pointed out we've had extensive debate on all of the issues that are subject to being amended on page 3 of the green copy. On page 2 of the green copy is a simple change which I have no problem with. The word "letter" would be stricken in line 22 and the word "certificate" would be inserted. That can be seen as a technical amendment, but it is very essential. That will remain untouched. What my amendment does is go to page 3 in lines 2. In other words, every place where language is stricken on page 3, it will be reinstated. Every place where new language appears, it will be stricken. To put that in a nutshell, the law that is affected on page 3 will not be altered from what it is now. The \$2,000 limit, the "and" and "or" will be stricken, and everything that had been the subject of debate will be resolved in this amendment. Rather than write out the language which is to be stricken, I merely indicated the line where that language is found. Rather than write out the language that will be reinstated, I simply listed the lines where that will be found. I would like to ask Senator Pirsch a question. [LB278]

PRESIDENT HEIDEMANN: Senator Pirsch, will you yield? [LB278]

SENATOR PIRSCH: I will. Yeah. [LB278]

SENATOR CHAMBERS: Senator Pirsch, does this amendment reflect what it was that we discussed, which was to do away with all of the changes that would occur on page 3 whether it was striking language and putting in new language or...well, yeah, the more I say probably the more complicated it becomes. [LB278]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 03, 2014

SENATOR PIRSCH: Yeah. So I think if at the end of the amendment the only change to existing statute is the word "letters" crossed out and "certificate" is written in essentially, then that is the agreement that we have in principle. [LB278]

SENATOR CHAMBERS: Thank you, Senator Pirsch. Members of the Legislature, I ask that you adopt this amendment and then this bill can be moved along. Thank you. [LB278]

PRESIDENT HEIDEMANN: Thank you, Senator Chambers. (Visitors introduced.) Is anyone wishing to speak on FA189? Seeing none, Senator Chambers, you are recognized to close on your amendment. Senator Chambers waives closing. The question is, shall the amendment to LB278 be adopted? All those in favor vote aye; all those opposed vote nay. Have all of you voted who wish to vote? Record, Mr. Clerk. [LB278]

CLERK: 26 ayes, 1 nay, Mr. President, on the adoption of Senator Chambers' amendment. [LB278]

PRESIDENT HEIDEMANN: The amendment is adopted. [LB278]

CLERK: I have nothing further on the bill at this time, Mr. President. [LB278]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB278]

SENATOR MURANTE: Mr. President, I move to advance LB278 to E&R for engrossing. [LB278]

PRESIDENT HEIDEMANN: You have heard the motion. All those in favor say aye. All opposed say nay. LB278 is advanced. Mr. Clerk. [LB278]

CLERK: Mr. President, LB13. Senator, I have E&R amendments, first of all. (ER121, Legislative Journal page 335.) [LB13]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB13]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB13]

PRESIDENT HEIDEMANN: You have heard the motion. All those in favor of adopting the E&R amendments say aye. All opposed say nay. They are adopted. [LB13]

CLERK: Mr. President, Senator Krist would move to bracket LB13 until April 10, 2014. [LB13]

Floor Debate
February 03, 2014

PRESIDENT HEIDEMANN: Senator Krist to open on your bracket motion. [LB13]

SENATOR KRIST: To be clear, Mr. President, good morning and good morning, Nebraska. To be very clear, I don't intend to spend any time on this. I promised the Speaker we would not spend any more time on this. But I do have to tell you the background and hopefully a caution and warning that I think should be extended to my colleagues. LB13 was brought to me three years ago. We worked through the process. We are at a point where we think it's good for the people of the state of Nebraska. It required at the end of the day no oversight or police authority by the Department of Health and Human Services. However, and Senator...those who were around when Senator Gloor and I went to the mat on sprinkler systems, you'll be aware, you are aware and those who are not, you can read the transcript. Building codes are very, very complex. They are carried out and adhered to in different ways across the state by our builders. And the issue is right here, right now, even after three years of working on it. The builders are represented by three different lobby groups, all high powered, I might add. And we cannot reach a consensus on issues in the bill. I gave the three lobbyists an opportunity. I drew a line in the sand last Thursday and said if you can't get this done, then I will bracket this bill and we will move on. Because, colleagues, this is too important a session with too many other important issues to spend time on something that a particular function within our society cannot agree on, and I'm not going to force it down their throat. When you have three different lobbyists projecting three different ideas for the same group of people, it's not my job to be a referee and umpire or to make the calls. For that reason, I would ask that we move forward with this session to more important things, that LB13 be bracketed until the 59th day. And, Mr. Clerk, I would ask this on unanimous consent. [LB13]

PRESIDENT HEIDEMANN: Members, there has been a request for unanimous consent. Is there any objections to unanimous consent to bracket this bill? Seeing none, it is bracketed. Mr. Clerk. [LB13]

CLERK: Mr. President, the next bill, LB399 on Select File. There are Enrollment and Review amendments, Mr. President. (ER123, Legislative Journal page 336.) [LB399]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB399]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB399]

PRESIDENT HEIDEMANN: You've heard the motion to adopt the E&R amendments. All those in favor say aye. All opposed say nay. They are adopted. [LB399]

CLERK: Mr. President, the first amendment to the bill, Senator Chambers. Senator Chambers would move to bracket the bill until April 17, 2014. [LB399]

Floor Debate
February 03, 2014

PRESIDENT HEIDEMANN: Senator Chambers, you are recognized to open on your motion to bracket. [LB399]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, it should be clear that I'm opposed to this bill in any form. Any motion can be debated, including the one to adopt the E&R amendments. But there is a way for us to get more directly to the heart of the issues in this bill. It is a bad bill. It was made worse by an amendment that Senator Schumacher first offered, then withdrew. That amendment was then picked up by Senator Lautenbaugh and it was added to LB399 and in effect became the bill. When we were debating this the other day, Senator Lautenbaugh made some representations which led me to put out a memo which says, "deception perpetrated by Senator Lautenbaugh regarding LB399." And I included with that a copy of the transcript covering the debate between me and Senator Lautenbaugh. He had indicated that the County Attorneys Association was all right with this bill. Now we have a letter which indicated that they were not all right with it. As we go on, I may read from that memo because I meant every word of it--every single word of it. During that debate, I gave Senator Lautenbaugh the opportunity to clarify. He was talking about information he got from staff. He was talking about what other people had said in terms of talking to Douglas County Attorney Don Kleine which was totally untrue--untrue. And I asked him, did he of his own personal knowledge know these things to be true. He obfuscated. He did not want to answer. So I even made the remark that any lawyer who is competent knows what it means when the question is put, do you of our own personal knowledge know this to be true? He said, I think I've answered the question. You can get the transcript yourself if you think that I'm misleading you. I'm not going to mislead you on anything. We were misled and now we have a letter that Senator Lautenbaugh handed around which I suppose he thinks clears the way and clears up any problem with this bill. There are problems connected with this very letter--with this very letter. I talked to Don Kleine yesterday, and I want to give Senator Lautenbaugh a chance to go on record in any way that he wants to before I disclose my conversation with Mr. Kleine. But there were issues that I raised, which at the time Mr. Kleine and I talked about them, he agreed with reference to liability on the county attorney who is given duties under this bill to set up rules and regulations and then authorize the use of these flashing and rotating amber lights. A suggestion was made in this letter that an amendment be adopted which would alleviate the concern of the County Attorneys Association. The county attorneys did not have a meeting. I called the lady who signed this letter, a Jackie McCullough, M-c-C-u-l-l-o-u-g-h, executive director. I asked her, was there a meeting, knowing there had not been any. I asked, did she poll the county attorneys. If they didn't have a meeting, how was this done? She said, well, by telephone. I said, how many did you talk to? She was reluctant to say. I said, well, I don't think that what you have put in this letter is reflective of what the county attorneys, or at least the ones I've talked to, agree with. So who was involved in this? Because she was reluctant to answer the questions, I told her since she's an employee I would not pursue it with her

Floor Debate
February 03, 2014

but ask her for the name of the chairperson of the board of directors of the association. She said that person had nothing to do with the conversation of the letter. I asked for her name anyway. And the name that I was given was a Liz Waterman and I was given her phone number. So when I called, the lady who answered the phone said Ms. Waterman is on the telephone. Skeptical person I am, I thought maybe the executive director had hurried up to put in a call to let her know that I was upset with the letter and was going to call her. So I said to the lady I was talking to, I will give you my phone number and she can call me when she finishes her call. That's the way it ended. No call came for about 15 minutes, so I called again. And this time the lady made no reference to a prior phone call. She said Ms. Waterman is taking depositions. And I felt like that was not a truthful representation of what, in fact, was going on, and it caused me to have great concerns about this letter. And I'm going to hear Senator Lautenbaugh explain to us what the purpose of this letter is and what it does that adds to the discussion, what it clarifies. Even a first-year law student knows that if liability is on the county attorney, simply putting in the words his or her designee does not remove that liability. The one who is responsible is the one who has the liability. All a designee is, is somebody who is like a conduit. And we'll have the opportunity to go into these legal issues in much greater detail and we'll see how good a lawyer Senator Lautenbaugh is. He doesn't know or doesn't want to say what it means when a person is asked, do you of your own personal knowledge know something to be the case. I don't know if he doesn't understand what, quote, of your own personal knowledge, unquote, means or any other part of the question. But this is a serious matter. I feel the Legislature has been misused, misled, and I'm going to deal with it. And today Senator Lautenbaugh has a chance to deal with it. And if he thinks anything I've put in my memo was untrue or incorrect, he ought to raise that issue now. Silence gives consent. And if necessary, I will read the memo into the record. And some of you have been sold a bill of goods, in my opinion. But, again, I will share with you my conversation that I had with the county attorney, but I'll tell you this much. He did talk directly to Senator Lautenbaugh, he told me, when he was down here the other day. Senator Lautenbaugh can tell you, if he wants to, what the nature of that conversation was, and I certainly shall tell you what the nature of my conversation with the county attorney was. And it's good that we have a transcript because I had sent to Mr. Kleine a copy of the transcript of that earlier discussion between me and Senator Lautenbaugh. And I will send him the representations that both Senator Lautenbaugh will make of what Don Kleine, the Douglas County attorney, told him. [LB399]

PRESIDENT HEIDEMANN: One minute. [LB399]

SENATOR CHAMBERS: And I will tell you what Don Kleine and I discussed. This bill is bad policy. It ought to be killed. This bracket motion gives an opportunity to get it off the docket, and that's what I think should happen. Thank you, Mr. President. [LB399]

PRESIDENT HEIDEMANN: Thank you, Senator Chambers. Those wishing to speak on

Floor Debate
February 03, 2014

floor amendment...the motion to bracket, excuse me, we have Senator Lathrop, Lautenbaugh, Murante, and Chambers. Senator Lathrop, you are recognized. [LB399]

SENATOR LATHROP: Thank you, Mr. President and colleagues. Good morning. I do not intend to insert myself into the discussion about whether the county attorneys were contacted or not. That's not the purpose in standing. I do support the bracket motion. And it, again, is not a reflection on nor am I trying to involve myself in the side discussion about the county attorneys involvement. I just oppose the bill. And before I share my thoughts on the bill or the merits of the bill, let me begin by saying that maybe lost in all of this is what the people that do that are in the neighborhood watch programs. And I do not want my opposition to be interpreted as a reflection on what I think those folks do. The idea that someone would volunteer to be involved in a neighborhood watch program, to drive around the neighborhood, to drive around in some rural areas, involves going out to remote acreages or even farmsteads to make sure that no one is breaking in or casing the place, those things that the neighborhood watch programs do and the people who volunteer for them, that's a commendable contribution to our community. And this isn't really about that. When I think about the idea or when I consider the merits of this bill, the idea that we would put a flashing light on a vehicle, I have to tell you I thought, is this a reward for people who are doing the things I just described? Is it a reward? It shouldn't be. A reward for being a neighborhood watch person comes in the satisfaction that you volunteered and contributed something to your community. So this shouldn't be a reward to people. And then I thought, is this a safety issue, because sometimes I've noticed now that we've taken this bill up, on the interstate I'll see tow trucks with a flashing light. I'll see vehicles that are carrying a wide load with a flashing light. Those are safety issues. They have a flashing amber light because it's a safety issue. But I haven't heard the case made that these people need a flashing amber light for their own safety. They can put their flashers on, their four-ways on as they go through a neighborhood. So the only explanation for giving amber lights to these neighborhood watch people is to give them the appearance that they are somehow associated with law enforcement. And then the question is whether they need it and secondly, whether it's a good idea. There's a lot of ways they could denominate themselves or stand out as neighborhood watch people. They could put magnets on their car that say neighborhood watch program. They could probably put one of those signs on the roof that looks like a Jimmy John's or a pizza delivery place, right? The law doesn't stop them from doing that right now. They could put a sign up that says neighborhood watch, and then people would know that their purpose in coming through the neighborhood is to watch, perhaps to be the eyes and ears of law enforcement in their absence. But when we give them a flashing light, when we give them a flashing light, I am concerned about whether that sends the wrong message... [LB399]

PRESIDENT HEIDEMANN: One minute. [LB399]

SENATOR LATHROP: ...because the message should not be that these people are

Floor Debate
February 03, 2014

somehow quasi law enforcement. The bill as we amended it on General File would have the county attorney trying to make a decision about who is and who is not suited for this kind of a amber light or this designation. But think about that. What standard would the county attorney use? What standard would the county attorney use? Should it just be a criminal background check? But how do we test whether they have the judgment? How do we know that they won't jump out of the car and ask somebody, what are you doing in the neighborhood, and get into the sort of the Trayvon Martin circumstance? And here's another question for you. What if you have that Trayvon Martin circumstance where one of these people who thinks that they're now part of the law enforcement community stabs somebody? [LB399]

PRESIDENT HEIDEMANN: Time. [LB399]

SENATOR LATHROP: Thank you. [LB399]

PRESIDENT HEIDEMANN: Thank you, Senator Lathrop. Senator Lautenbaugh, you are recognized. [LB399]

SENATOR LAUTENBAUGH: Thank you, Mr. President, members of the body. I think it's important to provide a little bit of history as to how we got where we are here. This was a bill that was brought to me by a member of a neighborhood watch association in south Omaha. I'm sorry, I don't know exactly where this particular one is, come to think of it. And the history was that there was a neighborhood watch association that had amber lights on top of its vehicles and someone pointed out, well, that's not authorized under the law. You need authority for that. There was no history of problems with this neighborhood watch. There was no allegation of delusions of grandeur by the members of this neighborhood watch because they had amber lights. There was no evidence that they felt emboldened to do things that other neighborhood watches weren't doing because they had amber lights. The simple truth was they had amber lights on top of their vehicles. And someone said, oh, I think you need a statutory authorization for that. And so I brought this simple bill. It was denounced last year as leading to vigilantism and whatnot in the press, but I said I would stick with it just the same and I have. And it came out of the Transportation Committee unanimously, if memory serves. Initially, it provided that police, sheriffs, or other law enforcement would approve the issuance of these. I agreed to an amendment because there was discomfort with law enforcement approving that said the county attorneys would do this because there seemed to be more trust. I worked the floor, got people to agree. Okay, county attorneys. Yeah, that sounds good. Let's go with county attorneys. We solicited to the County Attorneys Association's input on the fly in first round debate because it came up as a floor amendment. So fine. We had general agreement to proceed with that, and sometime after lunch the first day, with no knowledge beforehand of mine, that floor amendment was pulled, with no notice to me whatsoever. But I had made agreements with people that that was the go forward amendment, so I recreated that amendment. And that's the

Floor Debate
February 03, 2014

amendment we went forward with. Now this bill is not my priority bill, but I was approached by Senator Mello in December saying, hey, it's great that you have that, it's great that you're going forward with that because I've been approached by neighborhood associations in east Omaha saying we need something like this. This is important and we were going to introduce it but we saw you already had. And I said, well, then you better work on it because there's opposition to this. And it's been decried as vigilantism to put yellow lights on top of neighborhood watch cars, incredibly. And so Senator Mello was going to work on this and has, I believe, to his credit. But somehow during the first round debate the wheels just kind of came off this thing and we went off into a digression over where the County Attorneys Association is on this. And careful viewers of the Legislature and certainly my colleagues will recall that at one point I read a note on the microphone that said Don Kleine was fine with this amendment. Most of you don't really care who Don Kleine is because he's not your county attorney, but he is mine. I talked to Don Kleine that night of the session because an issue had arisen, whether or not that was true and he told me he was okay. That was the word. Don Kleine is okay. Those are the words on the note. Those are the words I read. Those are the words I said to him that night face to face. [LB399]

PRESIDENT HEIDEMANN: One minute. [LB399]

SENATOR LAUTENBAUGH: Somehow this has risen to the level of some sort of a deception on the Legislature. And we've been told that silence is assent. If I wouldn't stand up and address this, that silence is assent. Well, no, sometimes silence is just refusing to participate in rank nonsense. And that's what we're talking about here, folks. Because I do know one thing. Why this wasn't a priority to me, I did go to a Stop the Violence rally after that five-year-old got shot and killed and was told by people, we appreciate your amber lights bill. They do this in Detroit. We want something like this. Why is there so much opposition to this? And that was a tough question to answer because while it isn't happening in my neighborhood, it's happening in some. And if these neighborhood watch associations think this is a good way to provide protection for their own neighborhoods, I have a hard time standing in their way and telling them no. [LB399]

PRESIDENT HEIDEMANN: Time. [LB399]

SENATOR LAUTENBAUGH: Thank you, Mr. President. [LB399]

PRESIDENT HEIDEMANN: Thank you, Senator Lautenbaugh. Senator Murante, you are recognized. [LB399]

SENATOR MURANTE: Thank you, Mr. President, members. Good morning. I will yield the remainder of my time to Senator Lautenbaugh. [LB399]

Floor Debate
February 03, 2014

PRESIDENT HEIDEMANN: Senator Lautenbaugh, 4 minutes and 53 seconds. [LB399]

SENATOR LAUTENBAUGH: Thank you, Mr. President, and thank you, Senator Murante. And so, yes, you're going to hear a lot today, parsing the words of what seems like a fairly clear letter now from the County Attorneys Association trying to address where they are on this. And they are neutral because let's be clear, they didn't sign up for this. They didn't come to the hearing and say we want to do this. They weren't contemplated by the original bill. They were brought into it by a floor amendment. And it seems remarkably unlikely to me that they were jumping up and down for joy going, good, another duty for us, something else to do. This is not part of their legislative package that they're fighting to advance, but I think it's clear from the letter they're also not opposed to it. And, yes, I have a...this has gotten to such goofy extremes that when Mr. Kleine and the woman from the County Attorneys Association were in my office last week, I took their picture so I could prove that I had spoken to them. This is infantile is what this is, and we laughed about it, as we should. There was a concern raised that if we're approving these people, do we have liability. That did not seem to be shared by the association or other individual county attorneys, and I believe the letter says that the amendment talking about a designee in their mind addresses the concern. You can argue about whether or not that's right or wrong. I don't even see the underlying liability concern. But I guess we have to take the association at their word. And we are going to instead have a discussion, it appears, over whether or not we can trust the association, whether or not the association can take a position, what the proper procedure is for the association to take a position, whether or not the head of the association was really in a deposition Friday afternoon or if she just didn't want to be drug down this ridiculous rat hole with the rest of us which apparently is where we're going. And I have no doubt that this will proceed with a remarkable level of civility and restraint as we go forward, because I saw one of our members get chastised last week for failing to answer a question. And another member was just outraged because that's just contrary to our traditions and we proceed with civility above all. So I'm sure she will be monitoring the proceedings today, too, and if we go off the rail civilitywise, I'm sure someone will get a good talking to. I'll not hold my breath. What I anticipate instead is that this will be personal, this will be nasty, this will be pointless, and it'll be long. And in the end, you won't know any more than you do right now that there are people shooting people and a neighborhood watch association member came to me and said, hey, this increases our visibility, this gives us some security in our neighborhoods, could you throw in a bill. And I had people at a Stop the Violence rally say: hey, this is a good idea, we're glad you're doing it. Why are you having to fight so hard? And aside from a lot of personal invective and a bunch of nonsense about what Don Kleine said, didn't say, who did he say it to, when did he say it, what does he really think, can we believe the letter, should we not believe the letter, where is he today, how do we know if it really exists... [LB399]

PRESIDENT HEIDEMANN: One minute. [LB399]

Floor Debate
February 03, 2014

SENATOR LAUTENBAUGH: ...etcetera, etcetera, etcetera, ad nauseam, you're not going to hear anything that changes the underlying facts. This is a simple concept allowing people to help themselves in their own neighborhoods. The things we say we want people to be able to do when we pay lip service to security and caring about crime and constituents and whatnot, but let's see where we are a few hours from now. Thank you, Mr. President. [LB399]

PRESIDENT HEIDEMANN: Thank you, Senator Lautenbaugh. Senator Chambers, you are recognized. [LB399]

SENATOR CHAMBERS: Mr. President, members of the Legislature, how did Don Kleine's name get involved? Senator Lautenbaugh read a note. He brought Don Kleine into it. And that's when I called Don Kleine because I did not believe that he said what Senator Lautenbaugh on this floor said that he believed Don Kleine said. I did ask Senator Lautenbaugh, did he of his personal knowledge know this to be true. All he would have had to do was say no. Get the transcript. I sent it around to you. He can characterize this discussion any way he wants to. He plays fast and loose in court and everywhere else, and he can do that. But I'm going to ask him a question if he'll yield, a question or two if he will yield. [LB399]

PRESIDENT HEIDEMANN: Senator Lautenbaugh, will you yield? [LB399]

SENATOR LAUTENBAUGH: Yes, I will. [LB399]

SENATOR CHAMBERS: Senator Lautenbaugh, one day last week Mr. Kleine was here. I don't remember whether it was Wednesday or Thursday, but did he come to your office to talk to you one day last week? [LB399]

SENATOR LAUTENBAUGH: Yes. [LB399]

SENATOR CHAMBERS: And you said during that conversation he told you he's all right with this bill. Is that correct? Is that what he told you? Is that what you're telling us he told you? [LB399]

SENATOR LAUTENBAUGH: No. I'm saying he said that the Friday night of...we voted for cloture. [LB399]

SENATOR CHAMBERS: Well, we're talking about now, recent. Did he say anything about his opinion on the bill? [LB399]

SENATOR LAUTENBAUGH: Yes. [LB399]

SENATOR CHAMBERS: What did he say? [LB399]

Floor Debate
February 03, 2014

SENATOR LAUTENBAUGH: Well, Senator, I want to be clear, you asked me if what I...if he said that on last week. I'm saying my prior statements are what he said the night the end of floor debate when you were outside my office after adjournment demanding to see me and accusing me of deceiving the body. He reaffirmed what was in the note that I read that day to me personally that day. Last week when I spoke to him he said the amendment addresses his concern. [LB399]

SENATOR CHAMBERS: And he said that he didn't...did he say that he saw no problems with liability, if you recall? [LB399]

SENATOR LAUTENBAUGH: As he first explained the liability to me, he indicated that one of his civil attorneys had raised the issue. He did not present it to me as an issue that he even shared, but he said he...as I recall that the amendment addressed his concern. [LB399]

SENATOR CHAMBERS: Thank you. I only wanted to ask Senator Lautenbaugh to get on the record what he says Mr. Kleine said. I'm going to tell you what Don Kleine and I talked about yesterday, and it'll be in the transcript and we can obtain a copy, anybody who wants to, and send it to him. The conversation was wide ranging, but I will deal with the parts that are pertinent to this discussion. He said he still has problems and concerns with this bill. He said, and I wrote it down and asked him was it all right for me to quote him, this entire process was not vetted in a correct way. That's what he told me yesterday. And I asked him had he heard the letter or seen it. He said no. So I read him this letter. And if there are people on this floor who will give me time in the way that Senator Lautenbaugh's friends give him time, I will be able to get these matters into the record. I am going to read this letter. Senator Lautenbaugh. It's dated January 30, 2014. Senator Lautenbaugh, the County Attorneys Association has taken a neutral position on LB399. Although we feel the bill in its original form was the appropriate assignment... [LB399]

SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: One minute. [LB399]

SENATOR CHAMBERS: ...of the duties specified in the bill, we can and will administer the duties assigned by the Legislature. We did not testify on this bill in the committee hearing as we were not associated with the bill until the floor debate began this session and an amendment was offered that identified our members as the administrators. We have requested an amendment to the current bill to include language that would provide the county attorney the leeway to have his or her designee register and authorize the volunteer members. The bill with the proposed amendment alleviates our concerns. Our organization appreciates neighborhood associations and their efforts to prevent crime in

Floor Debate
February 03, 2014

their neighborhoods as well as your efforts on their behalf. Please contact me if you have...if questions remain. Yours truly, Jackie McCullough, executive secretary. And my time is probably up. Thank you, Mr. President. [LB399]

SPEAKER ADAMS: It is, Senator. Senator Lathrop, you're recognized. [LB399]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I got cut off so I thought I'd stand and use another opportunity to continue with my thoughts. First, I would say, again, I appreciate the work that the neighborhood watch folks do. Let me say it again. I appreciate what the neighborhood watch people do. And my opposition is not to suggest that I think amber lights will turn each one of these people into vigilantes. Okay. I didn't say that nor do I believe it. I have concerns, however, which I think I'm free to express. Let me talk about three of them. If the county attorneys are to okay these people, it would appear from the amendment to the bill as it passed on General File that it would be each individual would then be approved. So if you have a neighborhood watch group of 15 people, each one of them would have to go through an approval process. The thing that's not clear from the bill though and which is of concern to me is the absence of any standard. So if you're the county attorney in whatever county you came from or you represent, think about this one. Somebody wants to be a neighborhood watch person and they show up at the county attorney's office and say I want you to give me whatever approval the statute requires for me to have an amber light. Look at the bill and ask yourself what's the county attorney supposed to do. Should he just approve his friends? Should there be a background check? What if the person has been convicted of a felony? Should that exclude them or not exclude them? What if the person has been convicted of burglary? What if the person has been convicted of a burglary? This bill does not require that person be not approved. What if they have three or four violations of the concealed carry statute? I think if we are going to turn this over to the county attorney, the bill needs a standard because if the standard is no standard, then it becomes a buddy system. I know that guy. He goes to church with my brother. He should be okay. Should there be a background check? What should a background check reveal that would disqualify you? That stuff needs to be in here if the county attorney is supposed to be the gatekeeper. What should be the jurisdiction of somebody that gets approval? We've assumed that the guy who's going to ask for the amber light is going to stay in his own neighborhood. But there's nothing in the bill that requires that. So what if a guy, for example, from my part of, I'll say west Omaha, gets himself approved by the county attorney to have an amber light. And he sits down with the county attorney and he says I'm from the Linden Estates neighborhood and I want an amber light to kind of drive around my neighborhood and watch and make sure. We've had a rash of burglaries and some car thefts and I'd like to go around the neighborhood at night. And we give him the amber light. What's stopping him from taking his amber light and his car and driving and patrolling in a different neighborhood that he's not familiar with, one where he may not necessarily be welcomed or the neighbors may not particularly appreciate it. Those are the questions that have not been

Floor Debate
February 03, 2014

answered by the way the bill has been drafted. And now I want to talk about the last point, and that is liability. [LB399]

PRESIDENT HEIDEMANN PRESIDING

PRESIDENT HEIDEMANN: Time. Excuse me, one minute. [LB399]

SENATOR LATHROP: I want to talk about liability for a minute. What if the county attorney looks at the statute and says, well, there's no standard, I'm going to approve you. And the guy turns out to be a burglar. Let's say he's got a burglar conviction or receiving stolen property, something that would suggest that he's going to drive around the neighborhood with the light and now case the neighborhood instead of protecting it. What's the liability of the county for the county attorney who, with no standard, approved a guy who turned out to be a burglar? Now I suspect Senator Lautenbaugh will stand up and say these are silly, silly considerations. They're not because this is the "what if this happened body", and I think we need to have answers to the what if before we move this bill along. I'm going to support the bracket motion. Thank you, Mr. President. [LB399]

PRESIDENT HEIDEMANN: Thank you, Senator Lathrop. Senator Cook, you are recognized. [LB399]

SENATOR COOK: Thank you, Mr. President, and good morning, colleagues. I rise in support of the bracket motion this morning and would like to add my voice and my advocacy for the neighbors that I saw at the same peace rally that Senator Lautenbaugh recently made reference. I had a conversation with a gentleman who is a member of a neighborhood watch association and a lifelong north Omaha on the near north side of Omaha, a north Omahan, and he thanked me for my advocacy in opposition to this motion for many of the reasons that have been raised by Senator Chambers and by Senator Lathrop and some reasons that I brought up in the first round of debate. The peace rally that was made reference to and that I attended was very well attended. I think it reflected lots of different attitudes and frustrations not only on the part of elected and formalized leaders from the area and in the area or for the city, but it also reflected something that I really appreciated, the opinions and the thoughts of some of the young people who have participated in gang violence and in property crime within the neighborhood. I'd also like to give voice to an observation, an additional observation that I've made within the last few years about my neighborhood. There seems to be a decided increase in the interest in what is going on in north Omaha. And I find it very, very interesting. It's kind of almost become a cause celebre in my observation. It's the hot new thing to be able to say that you weren't afraid to drive to north Omaha and that you were involved in X, Y, Z super-well-funded nonprofit organization. And I will have to admit that that's...I hold a little bit of a resentment toward that, because as anyone who has been a resident and an advocate of the area for a long time, it's brand new. These

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 03, 2014

issues have been murmuring for decades. So when I hear people jumping up and saying, yes, I'm all about safety and great education and police protection for the children in north Omaha, I take it with a grain of salt because it's kind of, as I said, patronizing, it's Johnny-come-lately, but so typical for what we see in Nebraska. Perhaps that's another interpretation of the Nebraska way. I would also like to say that at that same peace rally the formal leader of law enforcement, our chief, police chief, got up to speak. And he offered assurances that people would be brought to justice in relationship not only to the killing of Payton Benson but other killings that have gone on in the neighborhood and in that part of Omaha. He encouraged the group to contact law enforcement, not their neighborhood association, with or without an amber light or a sticker on the side or an orange vest or whatever they have, but to contact law enforcement. And that's what we need to do. With that, I would yield the balance of any time I have left to Senator Chambers. Thank you, Mr. President. [LB399]

PRESIDENT HEIDEMANN: Senator Chambers, 1 minute and 17 seconds. [LB399]

SENATOR CHAMBERS: Thank you, Senator Cook. Members of the Legislature, I'm glad Senator Cook pointed that out. I've lived in my community for 76 years. When I was in high school, I was raising issues of the kind that suddenly people outside the community have acted like they're interested in. [LB399]

PRESIDENT HEIDEMANN: One minute. [LB399]

SENATOR CHAMBERS: On this floor, I have talked about the proliferation of guns in my community, that the fact that law enforcement will not try to find the source and eradicate it. Senator Lautenbaugh has never tailgated on that. He went to what was like a carnival and that's the way a lot of us in the community viewed it, and I don't go to those things. You see people at these affairs, and that's what they are, that are going to be covered by the media. It's popular. A beautiful little girl was killed. She was a relative of a city council member, so suddenly you have somebody who doesn't live in the community who's in the Legislature coming down, then expressing and summarizing what the attitude seems to be to support his bill. That's exploitation. That's what it is and that's why that kind of presence of those kind of people are resented in our community. We know the people who prior to... [LB399]

PRESIDENT HEIDEMANN: Time. [LB399]

SENATOR CHAMBERS: Thank you, Mr. President. [LB399]

PRESIDENT HEIDEMANN: Thank you, Senator Chambers and Senator Cook. Senator Murante, you are recognized. [LB399]

SENATOR MURANTE: Thank you, Mr. President. I'll yield my time to Senator

Floor Debate
February 03, 2014

Lautenbaugh. [LB399]

PRESIDENT HEIDEMANN: Senator Lautenbaugh, 4 minutes and 56 seconds. [LB399]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. And let me be clear at the outset. I will not apologize for attending that rally. I will not apologize for relaying the comments that were made to me at the rally. And if you find those statements offensive, I would suggest that maybe the questions touch close to home, not the fact that I'm the one who's relaying them. Senator Chambers, will you yield? [LB399]

SENATOR CHAMBERS: Yes. [LB399]

PRESIDENT HEIDEMANN: Senator Chambers, will you yield? [LB399]

SENATOR CHAMBERS: Yes. [LB399]

SENATOR LAUTENBAUGH: Senator Chambers, I believe you stated earlier that I'm the one who brought Don Kleine into this in the first place. Is that correct? [LB399]

SENATOR CHAMBERS: Through the note that led to this kind of a discussion. The note had said certain things about Don Kleine having said he's okay with the bill and whatever else had been said on that note. In fact, I called your attention to the fact that you had a note. What was on that note was what I spoke to afterward and said I doubt that that is true and I'll contact Mr. Kleine. [LB399]

SENATOR LAUTENBAUGH: Okay. Senator, you recall that part of the exchange correctly, and thank you for your response. But right before that you asked me the question, did he talk to the Douglas County attorney. I'm reading the transcript you've provided. Did he talk to the Douglas County attorney? My response: again, I don't know the answer to that. Then you responded: You have a note. Then I responded: The note I was handed says Don Kleine is okay with this. So since the name of the Douglas County attorney is Don Kleine, I would submit that you yourself are the one who inquired about the Douglas County attorney when you asked me, did he consult the Douglas County attorney. So when you told everyone here this morning that I'm the one who brought Don Kleine into this, were you being deceptive or were you just forgetting that you were the one who mentioned the Douglas County attorney repeatedly before they gave me the note from Mr. Kleine. And is it all possible that the fact that you kept mentioning the Douglas County attorney is the reason they hurriedly gave me a note from Don Kleine or purporting to tell me what Mr. Kleine felt at that point. And, folks, this is kind of important because at some point Senator Chambers may actually get to the alleged deception that I perpetrated here, whatever that is. And I think it's pretty clear from the record, and you may recall I sent you guys a You Tube video because I knew

Floor Debate
February 03, 2014

this was coming when Senator Chambers was at my door demanding to see me that Friday afternoon. There's no deception here. I was handed a note. I read the note. Senator Chambers in his memo even adds words to the transcript, the bill. I was quoting a note. The note I was handed says, yes, Don Kleine is okay with this. In his memo, Senator Chambers adds the bill. I was simply quoting a note. That's all I know. We then go into an exchange. Well, did you talk to Don Kleine? Did you personally talk to Don Kleine? And at some point I said I think I've answered the question, because it was apparent where the note came from because we were all standing here at the same room and Mr. Chambers, Senator Chambers and I were speaking to each other at the microphones. So it was reasonably clear that I had not gone and spoken to Mr. Kleine in the millisecond between when that question was asked and I answered it. I explained it was handed to me by a staff member, written on a tablet from Senator Schilz... [LB399]

PRESIDENT HEIDEMANN: One minute. [LB399]

SENATOR LAUTENBAUGH: ...relayed to him by Mr. Edwards from the County Attorneys Association, and I said apparently incorrectly that Mr. Edwards had spoken to Mr. Kleine. Maybe that's the deception because apparently it was Jackie McCullough from the association who had spoken to Mr. Kleine earlier in the day. So at some point I would urge us...I won't urge us because it's a complete waste of time, but at some point if we're going to go down this road, Senator Chambers is going to have to unpack his two-page memo and tell me exactly where the deception is and tell us if he was trying to deceive us this morning when he's saying I'm the one who even brought up Don Kleine after he questioned me about the Douglas County attorney who is the same person, by the way, as Don Kleine. And anybody who's still bothering to watch us this morning who hasn't already turned the channel and said, okay, it's another day of this, will probably go ahead and turn the channel now because it's 11:11 and we're going to adjourn for lunch at noon and we are going to keep talking about this nonsense. [LB399]

PRESIDENT HEIDEMANN: Time. [LB399]

SENATOR LAUTENBAUGH: Thank you, Mr. President. [LB399]

PRESIDENT HEIDEMANN: Thank you, Senator Murante and Senator Lautenbaugh. (Visitors introduced.) Senator Chambers, you are recognized. [LB399]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I won't read the entire transcript because I'm the one who submitted it to you. Senator Lautenbaugh was talking about how the County Attorneys Association was all right with this bill. He had named specific county attorneys and the counties from which they hailed, and I asked Senator Lautenbaugh, did your informant talk to the Douglas County attorney, the largest county in the state? Senator Lautenbaugh had named off county attorneys and their counties. Senator Lautenbaugh, with reference to whom his

Floor Debate
February 03, 2014

informant talked to: I don't know. Chambers: You don't know? Well, you named off county attorneys that he talked to. Lautenbaugh: Those are the ones I know he talked to. Chambers: Did you ask him which ones he talked to? Lautenbaugh: I didn't know. No, I did not. Chambers: He just...why did he talk to you on this in the first place? Lautenbaugh: Because I asked him if they had a problem with it and he said inaudible. And he's talking about somebody who had given him this information about the County Attorneys Association. Chambers: I'm not talking about yesterday. I meant after the exchange yesterday you had to have talked to him again. Correct? Lautenbaugh: No. Actually the information was just relayed to me who he had spoken to. Chambers: And so somebody out in the Rotunda just told you this? Lautenbaugh: Someone relayed it to me from the Rotunda, yes. Chambers: And that person in relaying it mentioned the names of some counties where the county attorney agrees with this? Lautenbaugh: Where the county attorneys were consulted and were fine with it. Chambers: Did he talk to the Douglas County attorney? Lautenbaugh: Again, I don't know the answer to that. Chambers: You have a note. Lautenbaugh: The note I was handed says, yes, Don Kleine is okay with this. That's how that discussion about naming county attorneys came up. You have the transcript. I don't need to read it all. But this is how Senator Lautenbaugh obfuscate, plays loose to evade the issue. The real issue is as Senator Lathrop laid it out and as I did and Senator Cook did when the bill first came up. Senator Lautenbaugh is the one who talked about the county attorneys being okay with it and mentioned the names of county attorneys in their counties. That got us into this discussion. I had said further on in that discussion, I doubted that Mr. Kleine said he was okay with it and I would contact Mr. Kleine. And that's what I did. That's how we came here. And if you read the transcript you'll see it. But we are going to be on this. And in the Trayvon Martin case, that Zimmerman fellow was a part of a neighborhood watch and he had had no problems before. Then he saw a black kid that he said didn't belong in the community, so he followed him and he stopped him. The police even told him when he called them, don't follow him, don't make contact, and he did it anyway. And you know who was found liable? The neighborhood watch association. They entered a settlement. These are serious issues. And to say as though it somehow gives you credentials and credibility, I went to a rally in a neighborhood where a little girl had been shot. There have been people shot before in my community. [LB399]

PRESIDENT HEIDEMANN: One minute. [LB399]

SENATOR CHAMBERS: There have been peace vigils, prayer vigils. Senator Lautenbaugh never stood up and said he was at those. But this one is in the media. And he can translate it, he can interpret it any way he wants to. But let him go in the community to those same people and let them know he used his presence there to try to get a bill like this passed and said that his feeling is that the neighborhood people wanted this to fight crime in their community. That's what's preposterous and he won't get away with it as long as I'm here. And I don't know why he didn't come out of his office if I was there trying to come to see him. Was he hiding? Was he afraid? If people

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 03, 2014

come to my door and I'm in the office, I answer the door. He had the presence of mind he said to film it or however he got it. So that's pretty straightforward. [LB399]

PRESIDENT HEIDEMANN: Time. [LB399]

SENATOR CHAMBERS: Thank you, Mr. President. [LB399]

PRESIDENT HEIDEMANN: Thank you, Senator Chambers, and that was your third time. You will have an opportunity to close yet. Senator Lautenbaugh, you are up next and recognized. [LB399]

SENATOR LAUTENBAUGH: Thank you, Mr. President. I wonder if Senator Chambers would yield to a question. [LB399]

PRESIDENT HEIDEMANN: Senator Chambers, will you yield? [LB399]

SENATOR CHAMBERS: Yes. [LB399]

SENATOR LAUTENBAUGH: Thank you, Senator Chambers. So just to be clear since you just had the opportunity to read that transcript one more time and you said I'd be given a chance to explain the deception, what was my deception the other day again? [LB399]

SENATOR CHAMBERS: Where you refused to indicate whether or not you of your personal knowledge knew that Don Kleine had made these representations. And I continue to pursue you on that and you would not answer it. And that's the point at which you said I believe I've answered the question. If you read it, you will never show where you said you knew that Don Kleine made these statements. All you had to do was say I didn't know it of my personal knowledge. And that would have ended my questioning. But we were in the midst of a back and forth and I wanted to pin things down for the record as specifically and precisely as I could. [LB399]

SENATOR LAUTENBAUGH: Senator, maybe someone will donate you time, but what exactly is deceptive in that comment again? That I wouldn't answer a question as to whether or not I had spoken to Don Kleine? [LB399]

SENATOR CHAMBERS: You allowed a misperception and a misrepresentation of the facts to go forward, and it was one that you introduced into the discussion by reading a note and talking to your staff. And you had said there's no reason you would have to doubt what they told you. [LB399]

SENATOR LAUTENBAUGH: Okay. And how was I to know that was allegedly wrong? Even assuming it was wrong, how was I to know that? [LB399]

Floor Debate
February 03, 2014

SENATOR CHAMBERS: Did you know of your own personal knowledge that it was true? [LB399]

SENATOR LAUTENBAUGH: I don't know that it's false now. How was that deceptive at the time, sir? [LB399]

SENATOR CHAMBERS: This is the question that I asked you and you won't answer it now as you didn't answer it then. You wanted a perception to be out there that Don Kleine had, in fact, said he's okay with the bill. When I asked you as I'm asking you now, did you of your own personal knowledge know it. That could have easily been answered either you did or you didn't. And when you've refused to answer it, I continue to pursue that line of questioning, and that's when you said I believe I've answered the question, and you never did answer it directly. [LB399]

SENATOR LAUTENBAUGH: So, Senator Chambers, are you saying you know I knew something at the time that I did not say? [LB399]

SENATOR CHAMBERS: I am saying that it was within your knowledge as to what you knew. I asked you what you knew and you would not answer. And I said you know what it means when the question is put, do you of your personal knowledge know something. I had said, and it might be paraphrasing, any competent lawyer knows what that means, any person who is not a lawyer knows what that means. If you had the knowledge and you chose not to share it, that's up to you. But I was trying to get it into the record because of what had been said before that. [LB399]

SENATOR LAUTENBAUGH: Senator Chambers, do you even know the definition of the word deception? [LB399]

SENATOR CHAMBERS: Sure. [LB399]

SENATOR LAUTENBAUGH: Could you favor us with that, because it sounds like you have a more expansive understanding than I do. [LB399]

SENATOR CHAMBERS: It means to deceive, to mislead. [LB399]

SENATOR LAUTENBAUGH: So, again, what was the deception in this case? [LB399]

SENATOR CHAMBERS: The fact that certain...I'm not going to keep answering that. I'll say it again though so that maybe you'll get it. A perception had been created through what you presented and drew into the conversation that Mr. Kleine had made certain representations. I said I doubt that. Do you of your personal knowledge know this to be true? And you refused to answer but you had created and given the impression by what

Floor Debate
February 03, 2014

you said that Mr. Kleine said he was all right with the bill. And by maintaining that misperception, you engaged in deceiving the Legislature. That's what I base it on. [LB399]

PRESIDENT HEIDEMANN: One minute. [LB399]

SENATOR CHAMBERS: If you disagree, disagree. That's what it was based on. Read the transcript and people can draw their conclusion. That's why I said it and I stick by it. You could have kept that misperception, that misimpression from occurring by simply saying you didn't know whether he said it or not. [LB399]

SENATOR LAUTENBAUGH: Thank you, Senator Chambers. [LB399]

SENATOR CHAMBERS: You're welcome. [LB399]

SENATOR LAUTENBAUGH: Members of the body, actually I hope somebody was still paying attention to that because what you just heard was complete and utter nonsense. And that led one of my colleagues to put out a two-page memo accusing me of deception. And what you just heard could not colorably be described as deception under any real world definition of the word as we understand it. It was someone at long last refusing to answer questions of Senator Chambers about a note that he knows I read to him, in front of him, that I was handed in front of him. And there you go. [LB399]

PRESIDENT HEIDEMANN: Time. Thank you, Senator Lautenbaugh. Senator Murante, you are recognized, and this is your third time. [LB399]

SENATOR MURANTE: I'll yield my time to Senator Lautenbaugh. [LB399]

PRESIDENT HEIDEMANN: Senator Lautenbaugh, you have 4 minutes and 56 seconds. [LB399]

SENATOR LAUTENBAUGH: Thank you, Mr. President, and thank you again, Senator Murante. So here we go again. Maybe we're seeing again a lesson in the civility that some of us seem to value in little fits and starts in this place from time to time. Senator Chambers' memo about me was particularly vile and I chose not to address it that day. We heard this morning that I was going to be given a chance to address it and so I've given him a chance to explain it. And I think what you just heard is that Senator Chambers himself cannot explain what the deception is. I read a note. I read the words on the note and he asked me if I had personal knowledge. Now I'd already told him I didn't know if the other gentleman had spoken to Don Kleine and he knows I didn't disappear and speak to Don Kleine because we spent all that time on the mike. So after a while in frustration I said I think I've answered the question. And by the way, it's only deceptive if what was on the note was false. And as I've told you all, I came face to face

Floor Debate
February 03, 2014

with the man in question that night and said I'm getting flak for saying you're okay with this bill as amended. And he said, I am okay. I hope there's a tweak, he told me, which we have on a floor amendment, by the way, that I've introduced. But I'm okay. Again, not doing cartwheels because this is some new duty that they're happy to have but okay. And that's the end of it. And for that I've been called deceptive by someone who now can't coherently explain how I was deceptive to all of you. So maybe that can be the end of this whole issue of deception. Don't bet on it, folks. Don't bet on it. And what else did you hear? That I mentioned this rally to exploit it. No. I mentioned this rally to underline the fact that I was asked about this bill at an antiviolence rally. And that's one of the real thrills of serving in this Legislature and actually trying to do anything at all to be helpful about crime because crime seems to be localized in a part of the community that is not my district. But if you don't do anything, you don't care. And if you do try to do something, well, you're just a Johnny-come-lately and a poser and you don't care. Boy, it's remarkable that so little progress gets made in that part of town, isn't it? Because if you try, then where have you been all my life? And if you don't try, well, of course you don't care. We don't expect you to try. Well, you know what? Regardless of what some on this floor will say about you're insincere, you're a Johnny-come-lately, I will pursue this bill because I've had real people in the community tell me they want it. I will pursue education reform because I've had real people tell me they hate their neighborhood schools because they're incompetent schools. Not in my neighborhood, but in their neighborhood. And I will fight for that. And if you want to stand here on the floor and say, well, why didn't you care about north Omaha ten years ago, well, you don't know what I did ten years ago. If you want to say why didn't you care about south Omaha ten years ago, you don't know where I was ten years ago. So maybe rather than casting aspersions you can just deal with the merits of what's being proposed now, which would be refreshing but also isn't going to happen. [LB399]

PRESIDENT HEIDEMANN: One minute. [LB399]

SENATOR LAUTENBAUGH: But this bill actually serves a purpose. Leaving aside the personal attacks, leaving aside the questioning the motives, and by the way, Senator Chambers, the reason I didn't come out of my office when you were beating on my door is because we had adjourned at noon. I was in Gretna and I got a text saying Senator Chambers is beating on your door wondering why you won't come out and yelling at the rest of us. So if you really want to go to the details, no, I didn't say I filmed that. I said I was told you were there or I would have come out if I had been there. But we were adjourned and I was gone. So, again, I guess we talk about anything we want in a filibuster so I shouldn't complain that we've talked about this nonsense because this is a filibuster of this bill of all things. But I hope I've addressed the deception finally, the alleged deception, if you will. And if anybody wants to actually talk about the bill... [LB399]

PRESIDENT HEIDEMANN: Time. [LB399]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 03, 2014

SENATOR LAUTENBAUGH: Thank you, Mr. President. [LB399]

PRESIDENT HEIDEMANN: Thank you, Senator Murante and Senator Lautenbaugh. Senator Conrad, you are recognized. [LB399]

SENATOR CONRAD: Thank you, Mr. President. I'd yield my time to Senator Chambers if he so desires. [LB399]

PRESIDENT HEIDEMANN: Senator Chambers, if you wish, 4 minutes and 56 seconds. [LB399]

SENATOR CHAMBERS: Thank you, Senator Conrad. I'd like to ask Senator Lautenbaugh a question since we're talking about truth. [LB399]

PRESIDENT HEIDEMANN: Senator Lautenbaugh, will you yield? [LB399]

SENATOR LAUTENBAUGH: Yes. [LB399]

SENATOR CHAMBERS: Senator Lautenbaugh, who told you I was beating on your door? That's your word. Who told you I was beating on your door and hollering at them? [LB399]

SENATOR LAUTENBAUGH: I'm not going to do that. [LB399]

SENATOR CHAMBERS: That was a lie. Whoever said it is a liar and I wish he'd say it to me out there. That is an out-and-out lie. I don't beat on anybody's door. I did not do that. And maybe it's the same source your getting some of this other stuff from. Then he's not going to say who said it. Maybe nobody said it. That's how he plays fast and loose. He says, I don't want to say it. He brought it up. And I'm telling you, I did not beat on his door. The reason I put out the memo is so that you can read it. If you want a copy of the memo with the explanation and the rationale, you can get one from me. I'd like to ask Senator Lautenbaugh a question or two. [LB399]

PRESIDENT HEIDEMANN: Senator Lautenbaugh, will you yield? [LB399]

SENATOR LAUTENBAUGH: Yes. [LB399]

SENATOR CHAMBERS: Senator Lautenbaugh--and if your answer is "no," that's all you have to say--have you heard me, and I'm going to use the word, rail on this floor about the way law enforcement, and I've named various agencies, will not do anything about tracking down the source of the guns and eradicating those guns? I went on to add how they're concerned about liquor in white neighborhoods and the adults who are supplying

Floor Debate
February 03, 2014

the children, amphetamines in white neighborhoods and want to get to the source, but the guns in my community, the source is not addressed by law enforcement. Have you heard me make comments to that effect on this floor? [LB399]

SENATOR LAUTENBAUGH: Yes. [LB399]

SENATOR CHAMBERS: Do you believe that I was lying when I said that there is an easy availability and accessibility of guns by young people in my community? Do you think that statement was untrue? [LB399]

SENATOR LAUTENBAUGH: No. [LB399]

SENATOR CHAMBERS: Have you ever offered to throw your weight behind an effort to get law enforcement to do something about the source of guns in my community? I'm asking you because I don't know that you have done it. If you have, then I'll applaud you; if you haven't, I would like you to just answer. Or if you'd rather not, then that's all right. [LB399]

SENATOR LAUTENBAUGH: Well, I'm thinking back over various bills I've introduced that dealt with... [LB399]

SENATOR CHAMBERS: I'm not talking about bills. I said, talking to law enforcement, because if you want to talk about bills, when you were being chastised for bringing a bill to reduce the size of the Omaha Public School District Board, I defended you. I defended you against comments made by people who ordinarily I would be in league with. I talked about your right to do it. You didn't have to live in the community. If you saw a need and how I got involved in other things, you probably don't remember me defending--I don't mean just agree--defending you. You don't remember that, do you? [LB399]

SENATOR LAUTENBAUGH: I remember you attacking me the year prior and defending me last year, yes. [LB399]

SENATOR CHAMBERS: So you remember the defending you? [LB399]

SENATOR LAUTENBAUGH: I remember both parts of it, yes. [LB399]

SENATOR CHAMBERS: Was I in the Legislature the year before that? [LB399]

SENATOR LAUTENBAUGH: No. [LB399]

SENATOR CHAMBERS: And what was I attacking you about? [LB399]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 03, 2014

SENATOR LAUTENBAUGH: You came to the committee and I believe you said the bill was stupid, the size of the district didn't matter, and I think at one point accused me of being stupid as well. [LB399]

SENATOR CHAMBERS: And you were trying to pay the school members...school board members, if I remember. Was that correct? [LB399]

SENATOR LAUTENBAUGH: That was part of the bill, certainly. [LB399]

PRESIDENT HEIDEMANN: One minute. [LB399]

SENATOR CHAMBERS: And you wanted to impose term limits, if I remember, is that correct? [LB399]

SENATOR LAUTENBAUGH: Yes. [LB399]

SENATOR CHAMBERS: Thank you. Members, my memory is not bad. All of those things were jettisoned from the bill. I talked to a man who is now chairperson of the OPS Board. I'm bringing these things in to show you the kind of person I'm dealing with here. He knows that I will defend and agree with him on whatever he does that I agree with, so to suggest that I just go after everything he does is false. And while he's at it he ought to tell me who said I was beating on his door but he won't. I'm not going to do anything to them, Senator Lautenbaugh. Good gracious. I'm 76 years old. Anyway, back to this that we're talking about. Senator Lautenbaugh took his body to a rally where there would be a lot of publicity. He has never talked to law enforcement about this gun issue. [LB399]

PRESIDENT HEIDEMANN: Time. [LB399]

SENATOR CHAMBERS: Thank you, Mr. President. [LB399]

PRESIDENT HEIDEMANN: Thank you, Senator Chambers and Senator Conrad. Senator Schilz, you are recognized. [LB399]

SENATOR SCHILZ: Thank you, Mr. President. I'd yield my time to Senator Lautenbaugh. [LB399]

PRESIDENT HEIDEMANN: Senator Lautenbaugh, you have a 4 minutes and 54 seconds. [LB399]

SENATOR LAUTENBAUGH: Thank you, Mr. President, members of the body. And I do want to be clear. And, Senator Chambers, I'm sorry if it upsets you, but, no, I am not going to say who sent me that text. And you say, I'm not going to do anything to them.

Floor Debate
February 03, 2014

Well, the record doesn't give me a lot of confidence. I mean, I'm willing to stand here and take whatever you're willing to throw at me, whether it's a memo four or five days after the fact calling me deceptive or saying whatever you want to say or calling me names or doing whatever it is. But I'm not going to involve somebody else in this just because they told me what was going on in the hall. And if they were wrong, they were wrong; and if I'm wrong in what they...well, no, I know exactly what they said, but that doesn't matter. I'm not going to name names in that regard. And I don't think I answered your question as to whether or not I've ever talked to law enforcement about gun violence. Actually, I know I have, but the problem with the issue as you frame it is I don't know that what we see as the solution is the same thing and what one policy would do that you might advocate would be the same policy I would advocate to get to the same result. So, no, that's a difficult answer. And it is clear, it is true, I should say, you were helpful on the OPS bill last year that shrunk the size of the school board. But I believe you also were opposed and you surely did oppose the term limits and the pay. But I think you also opposed the fact the year before saying that changing the size wouldn't do anything either. So, I mean, people change their positions and that's great. But you asked me if I remembered. Yes, I remember both sides of it. I remember we actually got in a kind of yelling match in the hallway a day later after a bill. And "yelling" is overstating it. We both had angry voices but not too loud, I guess. But the point is, this should not be the kind of bill that brings this heat, this much heat, certainly. This is a leftover bill from last session that, again, was no one's priority and was brought to me to assist these neighborhood associations. I don't think anyone here is making the case that George Zimmerman, regardless of how you feel about that case, behaved as he did because there were amber lights on his car. I don't even know if that's true that there were amber lights on his car. And I'm not going...I don't see Senator Lathrop. The comments that somehow the county attorneys might authorize people to roam at large with these yellow lights and somehow these yellow lights might embolden people to go do things...I watched a ridiculous movie yesterday out of...you know, while I was doing something else, waiting for the ridiculous Super Bowl to start, Death Wish II. You can tell it's quality because it had a number in the title. And that guy did a bunch of horrible things all over town without amber lights on his car even. Somehow he was moved to be violent and, well, he was a vigilante and he managed to pull it off without amber lights. But it was a different time. God knows what he would have done with amber lights on his car. He could have just, you know...I guess there were several sequels. Maybe he had amber lights in the sequels. I don't know. But my point is, is that people watching us--and people do watch, to my surprise, and some continue to, to my surprise--are baffled that we are tying ourselves up in knots over this because, again, I don't see where this is going to authorize people to run amok. [LB399]

PRESIDENT HEIDEMANN: One minute. [LB399]

SENATOR LAUTENBAUGH: People don't see tow trucks on the road and aren't baffled by what they're about. People don't see rental security vehicles with amber lights on

Floor Debate
February 03, 2014

them and think, oh, my God, what are they up to? People aren't going to see these Neighborhood Watch vehicles and think anything other than, oh, jeez, somebody is watching the neighborhood. That's really the long and the short of it. I mean, it's a simple concept that came out of the committee 8-0. This was, I think, contemplated at one point to be part of the Christmas tree bill from the committee or maybe consent calendar even. I mean, this...except for an interview that appeared that suggested that it was going to meet into some headwinds on the floor and it surely has. And maybe some are saying, well, why don't you just pull this, why are you fighting over this? Because of the people who have come to me and said, this can help, in our estimation. And I look at it and say, I don't see a harm here but I see the potential... [LB399]

PRESIDENT HEIDEMANN: Time. [LB399]

SENATOR LAUTENBAUGH: Thank you, Mr. President. [LB399]

PRESIDENT HEIDEMANN: Thank you, Senator Lautenbaugh. Senator Schumacher, you are recognized. [LB399]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. Flashing yellow or amber lights means something in our society. It means caution, danger, something unusual for the public to come to attention to. Looking through the statute before us, what are examples now where they are authorized? Rural mail carriers, very simple, they're stopped along the roadway putting mail in and out, it's a dangerous situation; military on emergency missions, a dangerous situation; a towing service or an emergency service on the highways, a dangerous situation; escorts of these overloaded vehicles or the large bales of hay, again, a dangerous situation, watch out; railroad vehicles loading and unloading, a dangerous situation; emergency management/storm chasers, again, emergency, caution, watch out. They do not mean safety is here. The other day I was driving down the interstate and I noticed a vehicle with lights on top at one of the rest stops. I immediately thought, it's a police vehicle, because, if you notice, these yellow lights look no different when they're not flashing than the lights on top of a cruiser. You can't tell. It's not like Andy Griffith when you had a red light and a blue light on top of it and they were a nice little dome and they were flashing. These things are low-profile and you can't tell. So if you're going along the interstate and particularly a...what might be a questionable neighborhood and you come into a situation where you've got to pull off the road to use the rest stop, you may mistakenly say, I'll pull off there because there is a policeman sitting there, not knowing that it's just the local night watchman from maybe even another county that happened to pull over there too. These things are not intended as some kind of a badge but they will be interpreted as some kind of a badge. If there is a safety issue involving a watchman who wants to get out and walk around and look, see what's going on, he can put his emergency flashers on. Or Senator Lathrop's suggestion isn't all bad--you put an emergency watch cap on top of the car like the Pizza Hut has may be better than

Floor Debate
February 03, 2014

disturbing the neighborhood with flashing yellow lights driving through at 3:00 a.m. in somebody's neighborhood. I introduced the idea of the county attorneys being involved but this is all unneeded hassle for little or no public good in return. And we've now just got something where well-meaning folks who are on these night watchman things have been drug into a situation which I am sure most of them would prefer not to be into because they do, do a good job in the roles that they have. But we do not need to create a signal of caution in those circumstances. That's not...that's what yellow lights are for. They're not for a signal of safety. And if I have any time left, I'd yield it to Senator Chambers. [LB399]

PRESIDENT HEIDEMANN: Senator Chambers, 1 minute and 24 seconds. [LB399]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Schumacher. Members of the Legislature, I didn't say that this Zimmerman had yellow lights on his car. I said he was a member of a neighborhood watch and up until this killing there were no problems he'd had. He saw somebody that he didn't think belonged in that neighborhood. [LB399]

PRESIDENT HEIDEMANN: One minute. [LB399]

SENATOR CHAMBERS: So he took it upon himself to follow. He's not the only one who would do something like that. It has happened. It can happen. Why would Senator Cook speak against it? Why would I speak against it? We live in communities. But outsiders are going to do as they do when they're missionaries and say, this is the best thing in your community, this is what will work, and I'm going to tell you that this is what you will do. These neighborhood groups are doing what they do now. They're eyes and ears for the police. They can continue to do that. Senator Lautenbaugh said, he named some vehicles, if you saw a tow truck you're not going to automatically think, what's he doing here, words to that effect. The tow truck is not going to be up and down the streets of a neighborhood. If that happened, there are people who would probably call the police and say, there's this truck with these lights going back and forth, driving slowly in the neighborhood,... [LB399]

PRESIDENT HEIDEMANN: Time. [LB399]

SENATOR CHAMBERS: ...and we want you to do something about it. Thank you, Mr. President. [LB399]

PRESIDENT HEIDEMANN: Thank you, Senator Chambers and Senator Schumacher. Senator Conrad, you are recognized. [LB399]

SENATOR CONRAD: Thank you, Mr. President. Good morning, colleagues. I did just want to point out as an issue of clarification that just because a bill had little or no

Floor Debate
February 03, 2014

controversy at the committee level, that doesn't assure it smooth sailing on the floor. Of course, that's a preferred course and usually a good indicator of how floor debate will go, but there is really nothing unique about this legislation in terms of how that process is playing out. The reason we have a committee structure and three rounds of floor debate are for this very reason. When issues aren't identified or didn't come up as part of the committee level record or certain perspectives aren't part of that decision making, we have three rounds of debate so that more diverse opinions, perspectives, and voices can fully vet, address, and debate any pending legislation. So there's really nothing unique in terms of that for this legislation. I do think though there are serious policy questions regarding LB399 when it comes to impersonation and when it comes to confusion, and it does become a matter of degree and where we choose to draw the line. And it is up to us as policymakers to draw the line. Do we allow a neighborhood watch to wear law enforcement uniforms? Do we allow them to carry badges? Do we allow them to utilize flashing lights or other tools that are important for the law enforcement community to ensure public safety? And the question before us is in relation to the flashing lights as put forward in LB399. I think that we should answer that as a no, that this crosses that line, this tips the balance too far and does provide confusion for the general public at large. That position does nothing to diminish the good work of community-minded citizens who are interested in improving public safety in their neighborhood and they have a variety of other alternatives to work cooperatively with law enforcement to achieve those objectives. With that I'm happy to yield the balance of my time to Senator Chambers if he so desires. [LB399]

PRESIDENT HEIDEMANN: If you wish, 2 minutes and 52 seconds, Senator Chambers. [LB399]

SENATOR CHAMBERS: Thank you. Thank you, Mr. President. Thank you, Senator Conrad. Members of the Legislature, when this bill first came to my attention, it was by way of an interview. I cannot tell you that I remember, word for word, what I said in that interview. But I believe I had indicated it could even become a target. Now let's say that a county attorney is foolish enough to authorize people to have these lights, and let's say he's foolish enough to say that they will have them in my community, and these people are driving around with the flashing lights. Police will stop people in my community when they're not doing anything. So if a cop would stop somebody with a flashing light and the person would say, I'm authorized by the county attorney to do this, the cop would say, prove it. Are the county attorneys going to issue identification? What about these real, down-here-on-the-ground issues that occur in my community that Senator Lautenbaugh doesn't know anything about? That's why he can say the kind of things that he says. And I don't know why--going back to this thing--he brought up me pounding on his door. If somebody is in his office, just open the door and say he's not here. That's the foolishness. And I told you in the beginning, Senator Lautenbaugh plays like this in court. He clouds issues, he tries to sound authoritative, and he does not stick to the point, and the point is that representations were made about a county attorney

Floor Debate
February 03, 2014

which were not accurate. And I'm going to go back to that county attorney again.
[LB399]

PRESIDENT HEIDEMANN: One minute. [LB399]

SENATOR CHAMBERS: But the real issue here is that these kind of lights should not be on top of people's cars who just want to cruise the neighborhood. If they are approved, what would stop any person who is not a member of that operation from putting the lights on a car and be able to cruise up and down the neighborhood, maybe attack somebody? I could tell you about a case, it was in the paper, where a cop picked up a black woman and told her if she didn't give him oral sex he'd take her down and charge her with being a prostitute. So she did it, but she collected his semen on her plastic card and turned it in to the county attorney and they prosecuted him. So if cops will do this, what about the ones who are not even making a pretense of being law enforcement? Things happen differently in my community. How many cities are there in Douglas County? How many of these organizations and groups? [LB399]

PRESIDENT HEIDEMANN: Time. [LB399]

SENATOR CHAMBERS: Thank you, Mr. President. [LB399]

PRESIDENT HEIDEMANN: Thank you, Senator Chambers and Senator Conrad. Senator Karpisek, you are recognized. [LB399]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I probably shouldn't do this, get myself in trouble, but I'm the notorious person who sent Senator Lautenbaugh that text. He is telling the truth. I sent him a text. I hate to get off subject, but I can't sit here and have him not rat me out. I appreciate that. Senator Chambers, you were very upset that day that you felt that Senator Lautenbaugh lied. We had a hearing in Exec Board, maybe Referencing. When you left, you told us all how upset you were. We left. You went into Senator Coash's office and let him know. As I went down the steps, you flew by me and said, you don't listen to me either. I said, I do too. Senator Chambers said, no, you don't. I said, yes, I do. You knocked on...you said, I'm going to go confront him, face to face, right now. You knocked on his door. I don't know, maybe I said "beating on your door." You did. You knocked. Then you and I kind of chuckled at each other. And I did tell you, if Senator Lautenbaugh did not tell the truth, I'm very upset too. And I am upset if he didn't tell the truth. But I do know that it is true that I sent him a text. I wanted to know where Senator Lautenbaugh was because, I thought, let's get to the bottom of this thing right now instead of letting it fester. So I just want to say that I'm guilty. If I said the wrong thing, I apologize. But you did knock on Senator Lautenbaugh's door and I really was wishing he was there because I was waiting to see what would happen. (Laugh) I was just going to try to get out of the way so I wouldn't get hurt. It was a tough time. Senator Chambers felt like he was misled. I

Floor Debate
February 03, 2014

don't...maybe he was. I don't think it was on purpose. It's how I see it. I just thought I'd get that out there because it's the right thing to do. And I would yield the remainder of my time to Senator Lautenbaugh. [LB399]

PRESIDENT HEIDEMANN: Senator Lautenbaugh, 2 minutes and 37 seconds. [LB399]

SENATOR LAUTENBAUGH: Thank you, Mr. President. Thank you, Senator Karpisek. I'm not going to go into the verbiage of the text. It speaks for itself, I guess, and thank you for clarifying that. Again, we're talking about a deception here which cannot seem to be identified within any rational meaning of the word. And I think we're past that, I hope, but I do appreciate Senator Karpisek clearing up that there really was someone who really did tell me it happened. And we moved on and I was not present there that day. But it did cause me to go speak to Mr. Kleine that night and say, hey, I'm getting grief for saying you're okay with this amended bill. And his response was, I am okay. So we seem to have moved on from the discussion of that and I'm more than happy to do so. But again, the underlying bill serves a purpose. And I'm getting now e-mails from people and now the e-mailers are also not talking about the underlying bill, per se, but saying, why is it that you have to defend your personal dignity on every bill? And they're not just talking about me, the writer made clear, and that is probably a dangerous road to go down. And I don't think we're supposed to necessarily be attacking each other and our underlying motives on everything we do or anything we do, barring some unusual reason for pointing that out. [LB399]

PRESIDENT HEIDEMANN: One minute. [LB399]

SENATOR LAUTENBAUGH: Now I don't think that anything in this bill requires anyone to use an amber light, and that, I think, was almost suggested the first round of debates is these people will be put at risk if they put these lights on and it would be dangerous in some neighborhoods, some thought, to do it and they don't want them. Well, then they don't have to have them. I mean, nobody is requiring anyone to use these. This is just a tool that some can use. Sometimes they help the police with traffic control was the testimony at the hearing, and that would be another occasion where they'd use these. So, yes, it would be for danger and for warning more than storm spotters. I mean, yes, this does serve a purpose. There is a reason the Transportation Committee saw fit to add this to the list, saw fit to advance the underlying bill. This is not some absurdity that somehow snuck out onto the floor. This is done with good reason and I hope we can proceed with a calm, measured discussion of it and hopefully advance it because it is... [LB399]

PRESIDENT HEIDEMANN: Time. [LB399]

SENATOR LAUTENBAUGH: Thank you, Mr. President. [LB399]

Floor Debate
February 03, 2014

PRESIDENT HEIDEMANN: Thank you, Senator Lautenbaugh and Senator Karpisek. Senator Cook, you are recognized. [LB399]

SENATOR COOK: Thank you, Mr. President. I would yield my time to Senator Chambers. [LB399]

PRESIDENT HEIDEMANN: Senator Chambers, 4 minutes and 55 seconds. [LB399]

SENATOR CHAMBERS: Thank you, Senator Cook. Members of the Legislature, if Senator Karpisek said I was beating on that door, he misrepresented what I did. I don't beat on people's door. There is hyperbole used around here and I don't care what anybody texts about what we do on this floor. I'm going to do what I think I should do. And when you have a person running for Governor thinking that just because he's running for Governor he's exempt from answering questions on issues before us, he's made a mistake. You all may do that. And Senator Lautenbaugh doesn't bite his tongue. I heard him in a set-to with Senator Lathrop where some comments were passed. So if you're that thin skinned, that's tough. And if people don't like it, that is tough. But I'll tell you what I don't like: people not willing to address very serious issues but pretending that they have so much interest. A person wouldn't have to come to me twice and say, we've got a problem with the State Patrol having known that there is a gun dealer and won't do anything about it. I would talk to the colonel. I have interceded for white people with the State Patrol. If you think I haven't, ask them. When a white farmer got killed out in Cairo, I was the only official who did anything about it. The State Patrol was wrong and they've changed their policies on dealing with people where there was a standoff, changed who would contact that person, not because the white senators said or did anything. And 60 Minutes or one of those programs that Geraldo Rivera was on came to Nebraska to consider it because it was the first time they saw where a black man interceded where white officials wouldn't, and considering the reputation that went before me with him, he was shocked that a person like me would do it. Then when he talked to me, he was shocked that I could have the kind of reputation that these people have given me. If you saw the number of letters that I have from white people, the calls I get from white people, the agencies I contact on behalf of white people, then you'd say, this kind of stuff that Senator Lautenbaugh and others are talking about is what's preposterous. But I will deal with any and all of these issues, then come back to the main one. I am not going to shirk my responsibility when it comes to a matter that pertains to the public safety and the public welfare and the confusion of lines of authority. That's what we're talking about. When we had that bill from the Secretary of State, if there hadn't been extensive discussion on it, parts of the law would have been changed that didn't need to be changed. They shouldn't have been in the law in the first place, but it took all of that discussion to make those who supported the bill realize that what they really wanted had not even been discussed. All these side issues were taking the time. They endangered the bill. You can let all of them go and the bill is not harmed. But it took all of that discussion. Even though "Professor" Schumacher got involved and

Floor Debate
February 03, 2014

helped clarify some things for me that I didn't understand, I carried the ball and was willing to do it. You all are the ones whose will is broken. You let Senator Lautenbaugh pontificate and you back off. I won't. The issue remains the same. These kind of lights should not be on these cars. And he's right about there being additional discussion because I'm going to go into some of the specifics of items that Mr. Kleine and I discussed... [LB399]

PRESIDENT HEIDEMANN: One minute. [LB399]

SENATOR CHAMBERS: ...that related to how you're going to make decisions on these groups. He did mention that nobody knows the number of communities or groups that would be involved. How is the county attorney or a designee going to handle that? And he agreed that where the liability could exist, putting the term "or designee" does not change anything. When you delegate authority, the delegator is the one who retains liability. If Senator Lautenbaugh ran a law firm, he is to regulate and supervise the attorneys under him and, if he doesn't, he bears responsibility and that's in the Code of Professional Responsibility that guides lawyers. He knows that or should know it, so putting a delegee in here just because the county attorney said it's all right doesn't make it all right. [LB399]

PRESIDENT HEIDEMANN: Time. [LB399]

SENATOR CHAMBERS: It doesn't change anything. Thank you, Mr. President. [LB399]

PRESIDENT HEIDEMANN: Thank you, Senator Chambers. Mr. Clerk. [LB399]

CLERK: Mr. President, some items. Priority bill designations: Senator Johnson has selected LB191; Senator Carlson, LB1098; Senator Gloor, LB935; Senator Ashford, LB464, as their personal priority bills. Hearing notices from the Appropriations Committee and the General Affairs Committee signed by their respective Chairpersons. Enrollment and Review reports LB272, LB513, LB514, and LB597 as correctly engrossed. Senators Bloomfield, Wallman, Davis, Hansen, Wightman, Watermeier would like to add their name to LB698 as cointroducer. (Legislative Journal pages 437-38.) [LB191 LB1098 LB935 LB464 LB272 LB513 LB514 LB597 LB698]

And, Mr. President, I do have a priority motion. Senator Adams would move to adjourn the body until Tuesday morning, February 4, at 9:00 a.m.

PRESIDENT HEIDEMANN: Members, you have heard the motion to adjourn. All those in favor say aye. All opposed say nay. We are adjourned.