

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

Floor Debate
February 27, 2014

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LB838 LB844 LB901A LB901 LB902 LB1016 LR453 LR454 LR455 LR456 LR457
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SENATOR GLOOR PRESIDING:

SENATOR GLOOR: Good morning, ladies and gentlemen, and welcome to the George W. Norris Legislative Chamber for the thirty-fourth day of the One Hundred Third Legislature, Second Session. I am pleased to welcome back today Father Paul Rutten, retired in Lincoln, Nebraska, and resides in Senator Bolz's district. Please rise.

PASTOR RUTTEN: (Prayer offered.)

SENATOR GLOOR: Thank you, Father. I call to order the thirty-fourth 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 GLOOR: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections.

SENATOR GLOOR: Are there any messages, reports, or announcements?

CLERK: Mr. President, new resolutions: LR453, Senator Carlson; LR454, Senator Wallman; LR455, Senator Johnson. Those will all be laid over. A communication from the Governor to the Clerk. (Read re LB838.) That's all that I have, Mr. President. (Legislative Journal pages 673-675.) [LR453 LR454 LR455 LB838]

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

CLERK: Mr. President, LB901A, by Senator McGill. (Read title.) [LB901A]

SENATOR GLOOR: Senator McGill, you are recognized to open on your bill. [LB901A]

SENATOR MCGILL: Thank you, Mr. President and members of the body. This, of course, is the A bill that goes along with the behavioral health, mental health internships that we discussed earlier this week. In the first year it's \$274,000 for the five interns. The following year it goes up to six interns; that's \$317,750. That cost, the per diem and benefits for...or that cost is the per diem and benefits for those students during their internship. It helps fund a position within BHECN to oversee them and a few other

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things like travel expenses. So that makes up the fiscal note. I ask for your support.
[LB901A]

SENATOR GLOOR: Thank you, Senator McGill. Members, you've heard the opening on LB901A. Are there senators wishing to be recognized? Seeing none, Senator McGill waives closing. The question before us is the advancement of LB901A to E&R Initial. Those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB901A]

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB901A. [LB901A]

SENATOR GLOOR: The bill is advanced. Continuing with General File, committee priority bills. [LB901A]

CLERK: Mr. President, LB1016, by Senator Krist. (Read title.) The bill was presented yesterday by Senator Krist. Senator Wightman, as Chair of the Executive Board, offered the committee amendments. Those amendments are pending. Senator Nordquist had offered an amendment to the committee amendments that was adopted. At this time, Mr. President, I have additional amendments to the committee amendments. (AM1884, Legislative Journal page 512.) [LB1016]

SENATOR GLOOR: Senator Krist, would you like to give the body a brief review of your bill. [LB1016]

SENATOR KRIST: Thank you, Mr. President. Good morning, Nebraska, and good morning, colleagues. We are in the process of either buying or setting ourselves up to charter an aircraft for use by the executive branch, the legislative branch, and all state agencies as needed to reach out and touch the constituents around the state. I said yesterday that I believe, in my professional opinion, buying the airplane is the economically smart and best thing to do. With that, the amendments that are coming up by Senator Nordquist which are in response to Senator Chambers' request yesterday, will fill that bill; and an amendment that will be coming up from me will simply state that we are going to authorize the purchase of said aircraft. And then I'll use this opportunity to do just one thing. There was a question asked yesterday about insurance, and I'm passing out a response from Mike Lovelace from the Fiscal Office, and it shows that we have insurance in place. And I'll answer questions if there are any questions on that particular handout at a later date. Thank you, Mr. President. [LB1016]

SENATOR GLOOR: Thank you, Senator Krist. As the Clerk stated, there were committee amendments. Senator Wightman, would you like to give the body a brief overview of the Executive Committee amendments. [LB1016]

SENATOR WIGHTMAN: Thank you, Mr. President and members of the body. The

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committee amendment would strike the original sections and provides that we would authorize the Department of Aeronautics to acquire an aircraft for the use of state government, to sell the state's 1982 Piper Cheyenne, and would also strike the language in the original bill requiring the Nebraska Emergency Management Agency to operate, maintain, and hangar the state aircraft. The amendment clarifies that if the aircraft is leased, lease payments would be included in the calculation of the hourly rate for use, which is to be established by the Department of Economics. It amends language in Section 3 giving the department the authority to charter the aircraft. Thank you, Mr. President. [LB1016]

SENATOR GLOOR: Thank you, Senator Wightman. Mr. Clerk for an amendment. [LB1016]

CLERK: Mr. President, Senator Nordquist would move to amend committee amendments with AM2115. (Legislative Journal page 675.) [LB1016]

SENATOR GLOOR: Senator Nordquist, you are recognized to open on your amendment to the committee amendment. [LB1016]

SENATOR NORDQUIST: Thank you, Mr. President and members. This adds language to the amendment that we adopted yesterday on the first...the amendment yesterday said that the plane use could be only for the sole purpose of state business and that it would require a report to be electronically filed with the Clerk. Senator Chambers asked that the language...that the duration of the trip be added, and that's what this amendment does, so to the report that the Legislature will receive it will add the requirement that the overall duration of the trip be included in that report. Thank you. [LB1016]

SENATOR GLOOR: Thank you, Senator Nordquist. Members, you've heard the opening on the amendment to the committee amendments. Are there senators who would like to be recognized? Seeing none, Senator Nordquist, you are recognized to close. Senator Nordquist waives closing. Members, the question is, shall the amendment to the committee amendment to LB1016 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB1016]

CLERK: 28 ayes, 0 nays on adoption of the amendment to the committee amendments. [LB1016]

SENATOR GLOOR: The amendment is adopted. [LB1016]

CLERK: Mr. President, Senator Krist would move to amend committee amendments with AM2103. (Legislative Journal pages 675-676.) [LB1016]

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SENATOR GLOOR: Senator Krist, you are recognized to open on your amendment to the committee amendments. [LB1016]

SENATOR KRIST: Thank you, Mr. President. Good morning again, colleagues and Nebraska. This is the amendment that changes the three options from buy, lease, or charter, to buying an airplane. And I understand that there still may be some concerns so I will talk to it briefly and then stand for any questions. If you look at the aircraft leasing costs and additional data, you'll see that the companies that were queried in terms of how they could support our efforts at \$232,500 a year, \$217,000 a year, and \$236,000 a year, plus the waiting times, the reposition costs, the crew, etcetera, which are at this point unknown costs, compared to...I would refer you to the handout that came from the department which gives their budget, and they're looking at an hourly cost of \$947 in the first year and \$1,089 in the second, falls far below any of those actual utilization costs or operational costs for chartering an aircraft. So, number one, it makes sense financially to pay on ongoing operating costs for our own airplane. The other thing I would refer you to is the residual costs that came out of our study. At the end of 20 years...and let me reemphasize that: 20 years is the recommended time to own such a piece of equipment, after which time any corporate structure or any good businessman is not going to suffer the increased costs in maintenance and performance; they're going to trade it in. We would have a residual cost or after depreciation of close to \$2 million, which could be reinvested. So the smart way to do business, which I'm sure Director Mitchell is amply able to handle, is to make sure that we're not throwing good money after bad. The last thing I would say is I was asked yesterday about maintenance costs on the airplane. At an average consumption rate of, let's use 200 hours per year, and 3,600 hours before major maintenance on any engines, we would not touch major maintenance on engine in a 20-year period. Let me say that again: 3,600 hours of time on the engines before major maintenance on the engines; and at 200 hours a year consumption, you can do the math, we won't get to that point. And I don't mean to be flippant, but it's pretty self-explanatory. The other thing I would say is that every estimate that we were given is first come, first serve. I don't know that the state of Nebraska wants to be on a first come, first serve basis when it needs to respond in a way that is urgently required. So for all those reasons and some of the legislative intent that I think was spoken yesterday on the mikes, the amendment simply says we are going to purchase an airplane. Thank you, Mr. President. [LB1016]

SENATOR GLOOR: Thank you, Senator Krist. Members, you've heard the opening on the amendment to the committee amendments to LB1016. We now move to floor discussion. Senator Wallman, you're recognized. [LB1016]

SENATOR WALLMAN: Good morning, Mr. President. Would Senator Krist yield to a question? [LB1016]

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SENATOR GLOOR: Would you yield, Senator? [LB1016]

SENATOR KRIST: Yes, I will. [LB1016]

SENATOR WALLMAN: Thank you, Senator. Do we have access to National Guard airplanes as a state? [LB1016]

SENATOR KRIST: If the National Guard were mobilized in a state of emergency, the Governor and other agency heads have used National Guard aircraft helicopters for repositioning. But on a normal basis, those airplanes are controlled by the federal government in conjunction with some of our Guard missions. So it is not possible for you or I to walk over to the Guard and say, I would like to use your airplane today for normal traffic or even for normal business. And if it was, we would have to reimburse the Guard for an hourly rate. And I believe, Senator, and I don't want to be put on the record for this, but I know a Black Hawk helicopter far exceeds \$1,000 an hour for flying, as does most of our other equipment. [LB1016]

SENATOR WALLMAN: Thank you, Senator. As you know, I think owning an airplane is expensive and leasing is too. But the first come, first serve, if it was an emergency, I think you would still have the military capabilities to use as the Governor; not as a state senator, but as a Governor. And so I think...I'm going to listen to this debate very carefully. Thank you, Mr. President. [LB1016]

SENATOR GLOOR: Thank you, Senator Wallman and Senator Krist. (Visitor introduced.) Continuing with debate, the Chair recognizes Senator Chambers. [LB1016]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I'm still not convinced on this airplane. First of all, I'd like to ask Senator Krist some questions for my own information if he would yield. [LB1016]

SENATOR GLOOR: Senator Krist, would you yield? [LB1016]

SENATOR KRIST: Yes. [LB1016]

SENATOR CHAMBERS: Senator Krist, some of this is for the record in terms of answer and question and response so that it will be there in the record. How many passengers will this plane carry? [LB1016]

SENATOR KRIST: It's built at five passengers, two crew members, and there is a portable rest room, or a potty as it's called, which a sixth person may sit on if it's configured that way. [LB1016]

SENATOR CHAMBERS: All right. Now what would a smaller sized plane be, one step

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down from this one? How many passengers could it carry? [LB1016]

SENATOR KRIST: In terms of stepping down, Senator, there are aircraft available that have a smaller seating capacity, like a Navajo and others. When you step down you may not have the same capability in terms of performance or safety factors. But there are smaller aircraft and we own two of those right now: a Cheyenne that's 30 years old that you've heard talked about in the press that needs to be replaced, which I would agree with; and then a Navajo which really right now is configured with a camera, but that's a four-place airplane. [LB1016]

SENATOR CHAMBERS: Has use been made of this Cheyenne plane by the Governor, any Governor? [LB1016]

SENATOR KRIST: Yes, sir. That's what he is currently using. [LB1016]

SENATOR CHAMBERS: And it is adequate for his purposes at this time. Is that true or false? And here's what I'm getting to: If it's too small, what does he do in that event? If he wants to carry more people than this plane, this Cheyenne, will carry, what does he do in the event of such an occurrence (inaudible)? [LB1016]

SENATOR KRIST: He either pares down on the number of people he's taking with him or make multiple trips. [LB1016]

SENATOR CHAMBERS: Or could...would there be a commercial flight that could be taken, or would that not be feasible based on the destination? [LB1016]

SENATOR KRIST: Senator, I don't want to quote the exact number or dollar figure, but to get to Scottsbluff from Lincoln, Nebraska, one has to fly to Denver and back... [LB1016]

SENATOR CHAMBERS: Okay. [LB1016]

SENATOR KRIST: ...and the same is true for most of our other locations around the state. [LB1016]

SENATOR CHAMBERS: Now this airplane that is being discussed, I want to talk about some general things and see if you know the answer. How many airports are there in Nebraska, if you know, roughly? [LB1016]

SENATOR KRIST: I would say there's over 1,200 airports, airfields, in Nebraska, and I think that's a pretty close estimate. [LB1016]

SENATOR CHAMBERS: Now if this plane were to be purchased, how many of those

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could accommodate a plane this size? [LB1016]

SENATOR KRIST: Three-quarters of that number at a minimum. You would not want to take the airplane into a grass strip or a dirt strip. But this airplane only needs 3,000 feet of runway, and that would...about three-quarters of our runways in Nebraska would accommodate this airplane. [LB1016]

SENATOR CHAMBERS: If the weather were such that fog would be present, could all of these airports, as currently configured, accommodate this plane needing to land? [LB1016]

SENATOR KRIST: Any airport that has an instrument approach capability...and I have a chart in my office that we used for last year's bill that would be appropriate at this point, but I don't have it with me. So now we've pared down to approximately a third of our airports having navigational assistance for nav landing equipment. [LB1016]

SENATOR CHAMBERS: And that would be the same if there were snow, rain, or a crosswind? [LB1016]

SENATOR KRIST: Low visibility or low ceiling, yes, sir. [LB1016]

SENATOR CHAMBERS: Okay. There would be over 100 airfields, at least, though. [LB1016]

SENATOR KRIST: Absolutely. There's also instrumentation on this airplane that allows it to fly without a ground nav system; it's called a GPS system. So as more airports come on-line with those kinds of systems, more airports would be accessible. [LB1016]

SENATOR CHAMBERS: Do all of these...let's just talk about a hundred, and if there are fewer then you can let me know. Would all of them have adequate hangar space for this plane should it have to be put in a hangar? [LB1016]

SENATOR KRIST: I would say better than 80 percent of these airports that are navigation capable, yes, about two-thirds of them I would estimate, easily. [LB1016]

SENATOR CHAMBERS: And ground transportation, how would that be handled? Because I doubt that the plane would... [LB1016]

SENATOR GLOOR: Time, Senator. [LB1016]

SENATOR CHAMBERS: ...taxi from the airport to wherever the passengers want to go once... [LB1016]

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SENATOR GLOOR: Time, Senator. [LB1016]

SENATOR CHAMBERS: ...they get on the ground? Thank... [LB1016]

SENATOR GLOOR: Senator Davis, you are recognized. [LB1016]

SENATOR DAVIS: Thank you, Mr. President. Would Senator Krist yield to a few questions? [LB1016]

SENATOR GLOOR: Senator, would you yield? [LB1016]

SENATOR KRIST: Yes. [LB1016]

SENATOR DAVIS: Senator Krist, I look at this as kind of a business decision in more ways than one. But can you give me an idea of what that plane is going to be worth, what the depreciation will be over the next 20 years, if we're going to own it that long? [LB1016]

SENATOR KRIST: In one of your handouts it shows the depreciated value at the end of 20 years, and it is also in the study that was done by Conklin and de Decker. And if you'll just give me a couple of minutes, I'll give you that number as soon as I dig it up. Let's not take your time doing that, but I know that that number is a \$1.5 million to a \$2 million range. [LB1016]

SENATOR DAVIS: And then you've got the sheet that you handed out, and I wasn't here yesterday for the testimony so I apologize, but a sheet that breaks out the Fiscal Office's estimate, year one, year two. And that's...I think at the bottom on that, it talks about the \$974 versus \$1,089 for the second year. Are you...do you know where that sheet is, Senator Krist? [LB1016]

SENATOR KRIST: Yes, sir. That's correct. [LB1016]

SENATOR DAVIS: What is not included in these estimates? I mean, it looks like...are the pilots included here, the wages? [LB1016]

SENATOR KRIST: The pilots are already on staff with the Department of Aeronautics and they do dual duty in terms of their position and flying the airplane. [LB1016]

SENATOR DAVIS: So, Senator Krist, if we were to charter a plane, would we need those pilots? [LB1016]

SENATOR KRIST: If we would charter a plane, we would not need them to do their secondary duties, but I don't believe, in talking with the director, that that would

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eliminate their positions off of the state payroll. [LB1016]

SENATOR DAVIS: And why would we still need them if we're not going to have them doing anything? [LB1016]

SENATOR KRIST: Associated duties with the Department of Aeronautics. [LB1016]

SENATOR DAVIS: Such as? Can you elaborate on that? [LB1016]

SENATOR KRIST: Someone has to make sure that all those airports are being run effectively all over the state. Someone has to make sure that the NOTAM and databases are available for all the instrument approaches. When the feds come in and ask questions...when the FFA comes in and asks questions about airports, someone has to be there to answer them. There's the management and the money of the flow of money from the federal government and from the state to those airports. There's also the maintenance of air contracts that are available in this state, from air carriers and the coordination with the airport authorities, and that will give you just a small sample of what the Department of Aeronautics does. [LB1016]

SENATOR DAVIS: But these people wouldn't have to be licensed pilots, would they? [LB1016]

SENATOR KRIST: They would not have to be. Correct. [LB1016]

SENATOR DAVIS: So I'm just thinking that maybe there's a savings that could be made there that ought to be weighed into this debate that we're going to have. I just don't know how to figure that in or where to find it without the salaries; and it's something I guess I would like to see if that would be at all possible. [LB1016]

SENATOR KRIST: And in between now and Select, Senator Davis, I can ask the director to come with those numbers if you wish. [LB1016]

SENATOR DAVIS: And then you have the "Aircraft Leasing Costs and Additional Data," and that's another handout that I think we got yesterday. It talks about the King Air, the SkyWerx, the SilverHawk, and the Ultra. [LB1016]

SENATOR KRIST: Yes, sir. [LB1016]

SENATOR DAVIS: And so that \$232,000 on that King Air, that's based on 150 hours, or is this just a straight lease? [LB1016]

SENATOR KRIST: That's a straight charter per hour rate of 150 hours against that airplane. [LB1016]

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SENATOR DAVIS: Um-hum. [LB1016]

SENATOR KRIST: And then if you follow that column down, you'll see the additional costs. Those include pilots, overnights, etcetera. [LB1016]

SENATOR DAVIS: The additional costs are on top of the \$232,500. [LB1016]

SENATOR KRIST: That's correct. [LB1016]

SENATOR DAVIS: Okay. I think for the time being that's probably what I need to know. I'm going to look this over, and if you were able to get that information for me, Senator Krist, I'd appreciate it. I think the body would too. [LB1016]

SENATOR KRIST: Absolutely. I'll ask the director for those numbers. [LB1016]

SENATOR DAVIS: Thank you, Senator Krist. [LB1016]

SENATOR KRIST: Oh, by the way, Senator, just one more. It's on the chart actually that's extracted from the study, but the estimated residual value on the...if we purchased a King Air C90 brand new, at the end of 20 years we'd be \$1.397 million. [LB1016]

SENATOR DAVIS: And so with the plane costing a little over \$3 million, is the depreciation at all figured into your cost-benefit analysis? [LB1016]

SENATOR KRIST: The cost-benefit analysis, because we don't amortize or depreciate from the state's standpoint, is based upon the estimated value of the airplane at the end of 20 years, which would be the end of what we would consider to be an economic usable life. That money then would be, along with the funds that would be set up in our...offset or maintenance costs, would be applied to the purchase of a new airplane should future Legislatures want to do that. [LB1016]

SENATOR GLOOR: Time, Senators. [LB1016]

SENATOR DAVIS: Thank you. [LB1016]

SENATOR GLOOR: Thank you, Senator Davis and Senator Krist. Senator Chambers, you're recognized. [LB1016]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I don't want to be argumentative this morning, but I would like to ask Senator Krist a few more questions. [LB1016]

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SENATOR GLOOR: Senator Krist, would you yield? [LB1016]

SENATOR KRIST: Yes. [LB1016]

SENATOR CHAMBERS: Senator Krist, there was...I'll be frank, I had...Senator..."Professor" Schumacher has a little gadget that he plays with, but it allows searches to be made of various things. And I wanted to get an idea of how many airports there are in Nebraska. Not to be argumentative but there's a listing by some agency that does this kind of thing, I don't know if the aviation agency or whatever. But the number is considerably less than 2,400, and some of them are in little bitty towns, like Oshkosh, perhaps. So I wouldn't even consider them places that the Governor would go. And the number of airports that might be large enough to accommodate this plane, it might be a dozen or so; but there would be enough in the main areas where a Governor would be likely to go for political reasons, like, we've been saying Scottsbluff, but Columbus or Grand Island or some of those metropolises. But the question I would ask is this: In these...where these airports are located, do they have a way to keep deer from coming onto the runway or landing strip or however they would characterize the place that the plane would land? [LB1016]

SENATOR KRIST: Since 9/11, security on all airports that are accessible for public transportation has been increased incredibly. Most of those had fences around the airports. Even though they were uncontrolled, there was an attempt to keep wildlife off of the runway. [LB1016]

SENATOR CHAMBERS: Okay. [LB1016]

SENATOR KRIST: I don't know what the incident rate is, but I would say, from flying myself, that there are very few. In fact, the only animal that I've seen on an airport in the last few years has been a cow when a fence broke down. [LB1016]

SENATOR CHAMBERS: Okay. And I guess...so before somebody says it, "holy cow." [LB1016]

SENATOR KRIST: Holy cow. [LB1016]

SENATOR CHAMBERS: But at any rate, I'm not going to go into the uses that might be made of the plane right now, because I'm trying to get this basic information. Then I will make my comments about why I'm not sure this plane is even needed. But in your opinion as somebody who has flown airplanes, who is a pilot, who has researched these matters, you are satisfied that this plane would serve all of the needs that an official or entity that would be authorized to use this plane, this plane will serve adequately all of those needs. In your opinion, is that true? [LB1016]

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SENATOR KRIST: In my professional aviation opinion, that is absolutely true, and I think it's the safest way. Should we want to use air travel, we need to talk about safety and security, and it also fits that mode as well. [LB1016]

SENATOR CHAMBERS: Now a question that's somewhat different from the kind I've asked up to now. What is the greatest distance that this plane could fly? Could it fly from here to New York? [LB1016]

SENATOR KRIST: No, sir. The range for...and we look at in aviation a couple different ways, so to be very brief, if it's fully loaded with fuel and fully loaded with people, it has approximately a 600-mile range. So Denver, Minneapolis, Chicago, and into the Dallas/Fort Worth area would represent a circle coverage on the Midwest. [LB1016]

SENATOR GLOOR: One minute. [LB1016]

SENATOR CHAMBERS: All right. Thank you, Senator Krist. And since I only have one minute I won't go into anything else right now. I will turn my light on, but thank you, Mr. President. [LB1016]

SENATOR GLOOR: Thank you, Senator Chambers and Senator Krist. Senator Bloomfield, you are recognized. [LB1016]

SENATOR BLOOMFIELD: Thank you, Mr. President, and good morning, colleagues. I'd like to ask Senator Chambers a question, please. [LB1016]

SENATOR GLOOR: Senator Chambers, would you yield? [LB1016]

SENATOR CHAMBERS: Yes, I will. [LB1016]

SENATOR BLOOMFIELD: Thank you, Senator Chambers. You were just talking about some of our small airports that the Governor would probably never need to go into. Would Wayne, Nebraska, be considered one of those? [LB1016]

SENATOR CHAMBERS: I'm not sure. [LB1016]

SENATOR BLOOMFIELD: Okay, thank you. Because the Governor flew up to Wayne after the tornado struck, and this plane could quite easily land at Wayne. It wouldn't have been appropriate at that time because there was debris on the field, but he has made several trips to Wayne for dedications. In fact, he dedicated a new building at the airport about a month before it blew away. But these small airports are capable, and one of the reasons we need the plane is it does give the Governor a chance to get to these small communities. He doesn't just go to Scottsbluff and what we call larger cities. But our small towns need to see the Governor once in a while too. And I'm very

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supportive of this airplane for state use and I'm also very supportive of the idea that it not be used for political events, but for communicating with the public in all of our towns. Thank you, Mr. President. [LB1016]

SENATOR GLOOR: Thank you, Senator Bloomfield and Senator Chambers. And Senator Chambers, you're next in the queue. This is your third time, Senator. [LB1016]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I don't want anything that I said to indicate that I look down my nose at small towns in Nebraska, because wherever people live there's as much value there as there would be in Omaha or Lincoln or some of these other cities that I named. But not being an authority or an expert on aviation matters, I had to ask the kind of questions that I did and make them as specific as possible. I'm not going to support this bill. I'm not going to support the amendment. I know that this bill will take off like a jet plane, so to speak; but there are a lot of political uses that can be made of various state--I want to think of a word that will cover more than just an airplane or even a vehicle--state property. The governorship is a highly political and politicized office. This plane can be used for campaign purposes. These types of planes, other modes of transportation, even the people who are state employees such as state troopers who might drive a Governor, will be used for campaign purposes. All you have to do to lift it out of the campaign realm, strictly speaking, is to go shake some people's hands who are not involved in a campaign or go look at a building or a cornfield or anything else, and I'm using these examples because they've been used and it prevented an activity from being considered for strictly political purposes. There was, quote, a legitimate state interest, unquote, in the flight or vehicle being utilized. I am not as trusting as my colleagues or I'm not as naive. I'm not as willing to look the other way on matters of this kind. I don't know how much interest any particular Governor might have in leaving the environs of, well, I'll say the eastern half of the state. But I'm not trustful of any of them: those who have been Governor, those...the one who is Governor now, the ones who may become Governor in the future. I know that this is the kind of issue that a Legislature, like clockwork, can be counted on to vote in favor of. But the fact that numerous people will move in a certain direction will not sway me at all. However, if I become convinced that a certain direction is the correct one to take, I will take it if I'm the only one. I don't have any grievances against this particular Governor that would relate to my vote on this airplane. It could be "Parson" Carlson who was the Governor and I wouldn't be in favor of voting for this plane if it were he. If Senator Beau "Silent" McCoy were the Governor, I'd be opposed to it. Senator Janssen has bailed out. So the occupant of the office has nothing to do with my vote. I have yet to hear anybody say anything that is in the nature of a convincing argument to buy a state airplane. [LB1016]

SENATOR GLOOR: One minute. [LB1016]

SENATOR CHAMBERS: In this one minute I can ask Senator Krist another question or

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two. [LB1016]

SENATOR GLOOR: Senator Krist, would you yield? [LB1016]

SENATOR KRIST: Yes. [LB1016]

SENATOR CHAMBERS: Senator Krist, how many official flights have been made by the Governor last year? [LB1016]

SENATOR KRIST: I have that information and I can get that to you. In the 150 hours, I believe there were in the neighborhood of 80 official visits across the state or a little bit more, but I will get that information to you. [LB1016]

SENATOR CHAMBERS: And would the information you have tell what that official visit encompassed? [LB1016]

SENATOR KRIST: Yes. The justification for using the airplane, in my estimation, was never abused. [LB1016]

SENATOR CHAMBERS: Can you give me an example of two or three? [LB1016]

SENATOR KRIST: Flying to...as Senator Bloomfield alluded to, flying to the scene of an aftermath evaluating a tornado, dedicating a building. [LB1016]

SENATOR GLOOR: Time, Senators. Thank you, Senator Chambers and Senator Krist. Senator Davis, you are recognized. [LB1016]

SENATOR DAVIS: Thank you, Mr. President. Senator Krist, just a few more questions. [LB1016]

SENATOR GLOOR: Senator, would you yield? [LB1016]

SENATOR KRIST: Yes. [LB1016]

SENATOR DAVIS: You have the estimated expenses for the first couple of years here that the Fiscal Office prepared. And then do we have a projection for 20 years as to what those costs could be every year? [LB1016]

SENATOR KRIST: The report that was offered and we asked from Conklin and de Decker shows that there is an increased cost to maintain the airplane every year that the airplane is flying and aging. The first five years are pretty solid because it's under warranty during that period of time. In my personal life, in my professional life other than here, see about a 2-3 percent increase in costs about every three or four years. It's not

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appreciable, particularly if the airplane is brand new and maintained properly from its beginning. [LB1016]

SENATOR DAVIS: And the estimated cost of the plane was \$3.6 million, is that correct? [LB1016]

SENATOR KRIST: That's correct. [LB1016]

SENATOR DAVIS: And then after our 20-year period it will be worth \$1.4 million, right? [LB1016]

SENATOR KRIST: Correct. \$1.39 million. [LB1016]

SENATOR DAVIS: So the depreciation then is \$2.2 million on the plane. So if you divide that by the 20 years, you get \$110,000 in depreciation per year. Of course, probably most of that would take place in the first few years. Would that be correct? [LB1016]

SENATOR KRIST: I think most of that would take place as the engine...the value of an airplane is the value of its engines and its avionics. As those two things get older and require more maintenance, the value goes down. This airplane will hold its value, probably two-thirds of its value, through most of its 20-year existence. It's the last few years when there's more work to be done on the engines and the avionics where the value decreases. [LB1016]

SENATOR DAVIS: Thank you. And so just the way I did the math, and I think maybe I ought to review this with you, and I'm not trying to challenge you. I just want the body to be realistic about what they're maybe getting in to. So the depreciation, if I figured that correctly, is \$110,000 per year. And you divide that by 150 hours and you end up with about \$730 in depreciation per hour, which I think ought to be at least considered when we compare a lease arrangement or a charter arrangement with buying the plane. Then the second question I have, Senator Krist... [LB1016]

SENATOR KRIST: Senator, if could interject? [LB1016]

SENATOR DAVIS: Sure. [LB1016]

SENATOR KRIST: There is a sheet that's provided by the department, and on that sheet for the Fiscal Office estimates it says fuel and oil, and then avionics. So that is a fund set aside to increase. All of this money is going into preventative maintenance costs, so it's an offset. So when we charge \$947, we're saying: avionics; refurbishment, which means at some point you may have to fix a seat; maintenance on the airplane, there's a maintenance fund being set up; inspection fund; insurance fund; hangar fees; training is zero the first year and goes up after that; and miscellaneous. So of that cost,

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you're banking that money in a program that offsets preventative maintenance. As the airplane gets older and it becomes out of warranty, there will be a cash bank, as there is now for the Cheyenne which we'll be tapping into, to offset the cost of this aircraft, as there is for the Navajo. [LB1016]

SENATOR DAVIS: And I understand that, Senator Krist, but it doesn't take into consideration the depreciation between today's value and 20 years from now. That's really kind of the point I'm trying to make. The other question I have: You're a pilot; if you're going to fly from Lincoln to someplace in out-state Nebraska, can you give me an idea how great a distance away from Lincoln you need to be before it makes sense to fly? [LB1016]

SENATOR GLOOR: One minute, gentlemen. [LB1016]

SENATOR KRIST: One hour and 20 minutes flight time to Scottsbluff, and I think if you asked Senator Harms, that time is one-eighth of the total time it takes to drive, so... [LB1016]

SENATOR DAVIS: Right. And that's not my question, Senator Krist. If you're going to fly from here to Grand Island, does it make sense to fly or would it make more sense to drive? By the time...as far as just a pure time issue. [LB1016]

SENATOR KRIST: I think it makes more sense to fly an airplane when you exceed about 150 miles from home. Is that a good answer? [LB1016]

SENATOR DAVIS: So that would be about Kearney then, and so a 150-mile radius from here. So if we were to factor out the trips that were within a 150-mile radius from the document I think that someone asked for about the Governor's log, that would be helpful I think for me to look at. I certainly support doing something and our Governor has to be able to get into my part of the state. I'm all for that. I just think it's about how we're going to get that done, whether we look at a lease, charter, or buy. [LB1016]

SENATOR GLOOR: Time, Senators. [LB1016]

SENATOR DAVIS: Thank you, Mr. President. [LB1016]

SENATOR GLOOR: Thank you, Senator Davis and Senator Krist. (Visitors introduced.) Continuing with debate, Senator Wallman, you are recognized. [LB1016]

SENATOR WALLMAN: Good morning, Mr. President, again, and members of the body. I really appreciated Senator Davis' statement here. And would Senator Krist answer to a question? [LB1016]

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SENATOR GLOOR: Senator Krist, would you yield? [LB1016]

SENATOR KRIST: Yes. [LB1016]

SENATOR WALLMAN: Thank you, Senator. And when whoever uses this airplane, when they get to their destination, do we have to have a ground crew go along with it, or is this, where they're landing, is that taken care of? [LB1016]

SENATOR KRIST: The airplane itself and all transportation requirements are self-contained within the airplane. You don't need anything to even start it. It's a self-starting issue. The ground transportation, it would be my estimation that if the Governor or a senator or an agency head was going to conduct business in the state of Nebraska, ground transportation should not be an issue once they arrive at the airport. I would hope that the mayor, unlike New Jersey, would be supportive of the Governor coming to visit them. [LB1016]

SENATOR WALLMAN: Thank you, Senator. That would be all. [LB1016]

SENATOR GLOOR: Thank you, Senator Wallman and Senator Krist. Are there additional senators wishing to be recognized? Seeing none, Senator Krist, you are recognized to close on your amendment to the committee amendments. [LB1016]

SENATOR KRIST: I owe many of you some answers between now and Select, and I promise that those answers will be forthcoming. I believe the director of the Department of Aeronautics, Ronnie Mitchell, will be happy to provide us with the information that we need. In my professional opinion--and I said this last year on the floor and I'm saying it now--this is the right thing to do and I ask you for a green vote. Thank you. [LB1016]

SENATOR GLOOR: Thank you, Senator Krist. Members, you've heard the closing on the amendment to the committee amendment to LB1016. The question is, shall that amendment be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB1016]

CLERK: 29 ayes, 4 nays, Mr. President, on the adoption of Senator Krist's amendment to the committee amendments. [LB1016]

SENATOR GLOOR: The amendment is adopted. [LB1016]

CLERK: I have nothing further pending to the committee amendments, Mr. President. [LB1016]

SENATOR GLOOR: Thank you, Mr. Clerk. Are there additional senators wishing to be recognized? We've returned to the committee amendment. Seeing none, Senator

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Wightman, you are recognized to close on the committee amendment to LB1016.
[LB1016]

SENATOR WIGHTMAN: Thank you, Mr. President. Of course, with the amendment, we'll be looking at the purchase instead of a lease or purchase as we've been discussing throughout most of this discussion. This amendment would authorize the Department of Aeronautics to acquire the aircraft for the use of the state government. It would still provide for the sale of the 1982 Piper Cheyenne aircraft and any aircraft that it would no longer, after the purchase, be needed for state use. The amendment strikes the language in the original bill requiring the Nebraska Emergency Management Agency to operate, maintain, and hangar the state craft. Finally, the committee amendment adds language in Section 3 giving the department the authority to charter aircraft, but that would go out with the previous amendment. So with this, I urge your support of the committee amendment. Thank you, Mr. President. [LB1016]

SENATOR GLOOR: Thank you, Senator Wightman. Members, you've heard the closing on the committee amendments. The question is, shall the committee amendments to LB1016 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB1016]

CLERK: 28 ayes, 2 nays, Mr. President, on adoption of committee amendments.
[LB1016]

SENATOR GLOOR: The amendment is adopted. [LB1016]

CLERK: I have nothing further on the bill, Mr. President. [LB1016]

SENATOR GLOOR: Discussion on the advancement of LB1016 to E&R Initial. Senator Schumacher, you are recognized. [LB1016]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. I certainly think that any large business, any business operating in a rural area, certainly the government, should have an airplane. It is the only way you can effectively and in a time-constructive manner do Nebraska. I agree with the estimate that if it's within 150, 100-150 miles, it probably is not worth firing up the airplane, particularly as big an airplane as this particular aircraft is. At the same time, if I had to think of arguments against buying an airplane and renting one instead it would be this: The state has a fair number, probably in the neighborhood of 80 or so, decent airports that probably could accommodate this airplane. It certainly couldn't accommodate it in a fog because you never know when you're setting down, you're going to hit a herd of deer sitting on the runway. But nevertheless, weather considerations aside, we have a really very good infrastructure, particularly in western Nebraska, of airports. And reminiscent of last year, I don't think they take ten miles of airspace in order to get into. But at any rate, what we

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don't have is access for our business community to airplanes. If you can't have reasonable access to an airplane, those airports don't do you any good or only do good to a very limited number of people who can afford to operate their own airplane. To the extent the state takes its business away from the fixed base operators, away from the folks that might be in a position to have an airplane available to a business person and only flies the airplane 150 hours a year, that's a resource that we are taking away from the business community in Nebraska. That airplane, that cash flow would be a very effective economic subsidy to have available. Chartering an airplane, I agree that one airplane might not be available all the time, but if you have three or four or five places with which to charter the airplane, almost always, if you've got the money, you can get an airplane in and you're not necessarily even confined to one located in the state of Nebraska if there was an emergency. It doesn't take long to get an airplane on the ground if you place the order and they know that you're good for the money. So that would be the argument against purchasing an airplane and only running it 150 hours a year and only having it available to government. It's an asset. The government is a big customer...could be a big customer of an operation that would have airplanes available to the public. Right now, we do not use near our capacity and near our efficiency with aircraft. And I know from a lot of experience myself, if you're going to do Nebraska effectively you need an airplane, particularly if you're on the growing side of a business. So to that extent we are removing an asset from our business arsenal by not running some of this money through charter and rental agencies. And that's a...and it seems to me that 150 hours a year is just really very light usage for an aircraft of this size and this kind. So that would be my comments. I'll probably support buying the airplane because it's very much needed. [LB1016]

SENATOR GLOOR: One minute. [LB1016]

SENATOR SCHUMACHER: But there is a downside, and I wanted to call to the body's attention what I believe is a good observation and that is we are not using our aeronautical resources effectively because we don't have airplanes that are available to the business community who can't afford one on their own but would find it very, very productive and very, very efficient to have one available to them, and we don't have that now. And the fixed base operations across the state have withered. Very, very few of them left. Very hard, if you're outside of Omaha or Lincoln to find one. You pretty well have got to fly them in from Omaha and Lincoln, land there, and then pick you up and take you where you need to go. And as a result, it becomes very cost prohibitive. So that's the downside to buying an airplane and probably if any of the pro side to renting them and supporting the folks who do have airplanes for rent and maybe rent to our business community. [LB1016]

SENATOR GLOOR: Time, Senator. [LB1016]

SENATOR SCHUMACHER: Thank you. [LB1016]

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SENATOR GLOOR: Thank you, Senator Schumacher. Senator Chambers, you're recognized. [LB1016]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, there would be nothing to...let me ask a question. Senator Krist, I would like to ask questions to if he will yield. [LB1016]

SENATOR GLOOR: Senator, would you yield? [LB1016]

SENATOR KRIST: Yes. [LB1016]

SENATOR CHAMBERS: Senator Krist, this may be beyond what your expertise on this subject would allow you to answer. Is there any rule or regulation that specifies or delineates the actual usages that this plane can legitimately be put to? [LB1016]

SENATOR KRIST: Yes, sir, there are, and we specify in law or in policy how we use all government vehicles, all state vehicles, whether they're on the road or in the air. And part of Senator Nordquist's original amendment was very specifically saying it needs to be used for official business. [LB1016]

SENATOR CHAMBERS: Now a Governor could say this is official business: I'm going to fly out to Alliance Monday and cut a ribbon. That could be considered official...around a building or some project. That could be considered official business, couldn't it? [LB1016]

SENATOR KRIST: Yes, sir, I would hope so. [LB1016]

SENATOR CHAMBERS: And then fly the next day to a town maybe 60 miles from it, whatever that town might be, and cut another ribbon, and that would be official business. [LB1016]

SENATOR KRIST: Yes, sir. [LB1016]

SENATOR CHAMBERS: It would be possible to do both of those in the same day, though, if the Governor chose to do so, wouldn't it? [LB1016]

SENATOR KRIST: In the state of Nebraska I would estimate that it would be possible for him to cut 8-10 ribbons at 8-10 different places with air travel as opposed to ground transportation. [LB1016]

SENATOR CHAMBERS: But each one of those could be done in a separate flight, even if the distance between the two places would not be great. [LB1016]

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SENATOR KRIST: It would be possible if the timing would be required. I think it would be ill advised and would not be the way that I would schedule my air travel. [LB1016]

SENATOR CHAMBERS: Senator, Senator, Senator, you are a prudent person. You have not been a Governor, and I wouldn't pose these questions or even have these concerns if I were thinking of you. But as I've stated earlier, I'm just looking at the office, whoever might be in it, and eliciting for the record the types of things that can be legitimately done under the rubric of official activity. If there are two cities 60 miles apart, the Governor could go to both of those cities the same day but choose not to. Go to one today, spend all the money entailed, fly back to Lincoln, then take another flight tomorrow and go to another city that's not far removed from the first one, fly back to Lincoln, then go to a third city. In other words, there could be five individual trips by plane, round trips, each one comprising a day or a portion of a day, and each one and all of them could be considered official business. Isn't that true? [LB1016]

SENATOR KRIST: Yes, sir. If I can make one comment though. [LB1016]

SENATOR CHAMBERS: Sure. [LB1016]

SENATOR KRIST: I would hope that if that were happening and it was the air travel and this air conveyance was being abused, that the kind of State Auditor we have and we will always have would be on top of that and the Performance Audit Committee would also be involved. Abuses need to be pointed out. But you are correct,... [LB1016]

SENATOR GLOOR: One minute. [LB1016]

SENATOR KRIST: ...that abuse could happen. [LB1016]

SENATOR CHAMBERS: You said you would hope that that would be the case, that this would not be done. Isn't that what you said? You would hope that this that I've described would not occur? [LB1016]

SENATOR KRIST: Words mean everything, and I apologize. I don't hope. I know that if those abuses went on we would take action, and I know that whoever that elected official is should be held accountable for the way that they're using our air conveyance. [LB1016]

SENATOR CHAMBERS: I will turn on my light to continue. [LB1016]

SENATOR GLOOR: Thank you, Senator Chambers and Senator Krist. Senator Davis, you're recognized. [LB1016]

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SENATOR DAVIS: Thank you, Mr. President. I just want to make it perfectly clear to the body, I am not opposed to doing something. We have to have some way for our Governor to get around the state. It's an important element. We're talking about a significant investment here. I want to be sure that we've done all the math and all the homework on this before we just take the plunge and buy this plane. I was just talking to Senator Schumacher. You know, NPPD has a very nice plane. I wonder if there's any arrangement we can make with them? That is a public entity of some kind, too. So it's just important that the state thoroughly study and thoroughly plan for what we're going to do, because it's a 20-year investment that we're making here. It's not a light decision. Thank you, Mr. President. [LB1016]

SENATOR GLOOR: Thank you, Senator Davis. The Chair recognizes Senator Wallman. [LB1016]

SENATOR WALLMAN: Thank you, Mr. President. And I too enjoy some of the comments here, and if we're for privatization things, these people, if it's a private airport or private plane, they pay their taxes, they pay their hangar fees, it's income to the state. Even though we pay some to the state we have to figure all these global expenses, and so what is that going to be? I don't think the salaries are going to be the same for the pilots and copilots. It's going to go up, I think. Everything seems to. And so I hate to be a negative person on this, but I'd just as soon have a different avenue instead of owning another airplane. Thank you, Mr. President. [LB1016]

SENATOR GLOOR: Thank you, Senator Wallman. The Chair recognizes Senator Chambers. [LB1016]

SENATOR CHAMBERS: Thank you. And Mr. President, this will be the last comment I will have. Senator Krist, I'd like to ask you one or two more questions. [LB1016]

SENATOR GLOOR: Senator Krist, would you yield? [LB1016]

SENATOR KRIST: Yes. [LB1016]

SENATOR CHAMBERS: Senator Krist, you and I both, and I think every person in this state, would desire that no abuse be made by any person in elected office of that office; that's a true statement, isn't it? [LB1016]

SENATOR KRIST: Yes, sir. [LB1016]

SENATOR CHAMBERS: But we know that that desire is sometimes frustrated by people who get into these offices. That's also true, isn't it? [LB1016]

SENATOR KRIST: Yes, sir, it is. [LB1016]

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SENATOR CHAMBERS: And we won't know that such a thing has happened until after the fact. That is true, correct? [LB1016]

SENATOR KRIST: Yes, sir. [LB1016]

SENATOR CHAMBERS: There is nothing currently in statute or any rule or regulation that would prevent what I described occurring: a Governor deciding to travel to each one of these cities on a different day when they could all be covered during one flight...I mean, one day. That could happen. There...here's the way I phrased the question: Nothing in law prevents that from happening right now, is that true? [LB1016]

SENATOR KRIST: A combination of state statutes and policies would prohibit abuse. But no, to your point, there is nothing specifically about the airplane, to my knowledge, that does. In between now and Select I will make sure I have that answer if there is such a policy or procedure in place. [LB1016]

SENATOR CHAMBERS: And that's all I'll ask you. Thank you. Members of the Legislature, I don't think anything will be found anywhere that would prevent what I'm saying. People always express great shock when a public official does something not only which is inappropriate according to a rule or a regulation or some provision of the Accountability and Disclosure Commission, but actually a violation of the law. But these things happen. I don't believe that one of these airplanes needs to be owned by the state notwithstanding what Senator Schumacher stated. I'm not saying that people who vote for this proposal do not have good and legitimate reasons in their own mind for voting to let the state buy a plane. I'm just saying that none of those reasons is persuasive to me. So I will be a "no" vote. I do want to say that having been able to observe the work that Senator Krist put into gathering information, analyzing it, evaluating it, explaining it to those of us on the Executive Board so that we could understand what is entailed in what is about to be done, I have nothing but accolades to direct toward him. If everything that we undertook was as thoroughly dealt with as this airplane issue has been dealt with, we would be a much better Legislature. We would produce much better legislation due to its quality and appropriateness to handle matters that are of importance to the state and its citizens. And it would be more difficult for the Legislature to be made butts...the butt of jokes which currently are not just jokes, but statements of fact and couched in humor. [LB1016]

SENATOR GLOOR: One minute. [LB1016]

SENATOR CHAMBERS: I don't know what anybody could say that would persuade me to vote for this airplane unless I could be assured that when...oh, I won't say that. But in the course of these five flights, there could be business people who need to go to a certain location on a certain date. There could be others who are on these flights, and I

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believe that is going to happen. Thank you, Mr. President. [LB1016]

SENATOR GLOOR: Thank you, Senator Chambers. The Chair recognizes Senator Kolowski. [LB1016]

SENATOR KOLOWSKI: Thank you, Mr. President and members of the body. I want to stand in support of LB1016 and thank Senator Krist for his excellent work on this project. His knowledge of aviation has proven to be of great value to our body, and I hope we can move ahead with this project as quickly as possible. Thank you very much. [LB1016]

SENATOR GLOOR: Thank you, Senator Kolowski. Senator Scheer, you're recognized. [LB1016]

SENATOR SCHEER: Thank you, Mr. President. I rise in support of LB1016 as well, and I want to make a couple comments. When this first came to light last year during our session when we were trying to purchase a used vehicle, I was wondering if it was politics and if it was more generated from that rather than a concern of state dollars or policy. And I will tell you I guess I will stand corrected, so I wanted to make sure the rest of the body knew that I do listen and I do watch what's going on, on the floor. And it was a thoughtful process. It was well-intended, and I think we, through Senator Krist's guidance, we've come up with a good solution. I've listened very closely, as well, to a lot of the debate, and I understand Senator Davis' concern in relationship to the depreciation factor, but there's also the residual value so you can't, you know, necessarily write off the whole plane in the 20 months...or the 20 years. You've got a residual value. But when you start looking at public entities, we are different than companies. We do provide equipment that doesn't necessarily pay for itself. We buy ambulances in communities regardless of size. Is that cost efficient? Absolutely not. But it serves a public service. Most communities have street sweepers. They're not used every day. They're used very rarely. Are they worth the cost, depreciation and so forth, especially in smaller communities? Probably not; but they serve a public service. I mean, after all, you know, rain would probably clean the streets at some point in time, or the wind or the combination of both. I just think it's very important that the state the size of Nebraska has availability that when there is an emergency or are there other things that would bring a Governor out to a community, that we have the accessibility to do so. And I'll use a personal experience. Three years ago...three or four years ago, when I was on the State Board of Education, the Governor invited myself and the Commissioner and two other state board members to go out to Scottsbluff because one of their grade schools was doing absolutely phenomenally in reading. And so we were going to go out and look at that building and see what they were doing different to others. If we had not had the availability of that plane, that trip would never have taken place. And there are some innovations and some changes in education that are directly attributed to that trip. So it's not just the Governor flying around cutting ribbons and that

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goes on. And I will tell you, that trip went out and we met with some teachers, we met with a lot of students, and we walked around and we watched them implement the reading program. It did make a difference. There were no handshakes. We didn't go downtown and have coffee with people. We didn't go to a meeting with the Chamber of Commerce. It was business. And I think if you looked at the amount of times that those planes are used, they are business. So I do believe there is a need. I think it's been well documented. Some things that we do do not become cost effective, but that doesn't mean that we ought, as a society or as a state, not do them. Thank you, Mr. President. [LB1016]

SENATOR GLOOR: Thank you, Senator Scheer. Senator Dubas, you are recognized. [LB1016]

SENATOR DUBAS: Thank you, Mr. President. I would just like to rise and thank Senator Krist for all of the work and time that he has spent on this issue. You know, here in the Legislature, we look to various senators and their expertise on a variety of subjects when we're talking about things that maybe we don't have the background in. And it's probably safe to say Senator Krist definitely has the background to be talking to us about airplanes. And I again appreciate, you know, what he did last session, as well as all that he did over the interim, and then bringing this bill forward. His expertise, I think, is proving invaluable on this. So again, I just want to thank him for all of that work. I think last year, in remembering the debate that we had during the budget on this particular issue, I don't remember hearing very many people who were opposed to buying a plane. In fact, I was the one that kind of led the charge on saying--I think we should wait. Not that I was opposed to buying a plane, but that I believed if we're going to make a decision, talking about several million dollars, shouldn't we have all of the information that we need to have in front of us before we make that decision? And I think the time spent on the report, the information that was presented and brought forward through the report, all of the information that Senator Krist and a few others have passed out to us on the floor, has given us that factual information. So no matter how you vote on this, whether you think we should or we shouldn't buy a plane, you're going to be able to make that decision based on very good facts. And so it just comes down to whether you think we need to buy a plane or not buy a plane. But I think I've kind of had a little bit of an example on a very much smaller scale than what buying an airplane is. Just recently I had a small accident with my car. Actually, it was probably a little bit bigger than a small accident because it totaled my car, so I had to go out and buy another car. I didn't want to borrow money. I had the money that was paid to me for my wrecked car. So I went around looking for what I wanted that fit in my budget. I did find a car that I wanted, but because of laws that we have on the books, it's stated on the title that it's a salvage title. So that means the car that I was buying was also in a wreck. I got as much information as I could about that car and decided for me it's going to be worth the risk to buy that car with a salvage title. But the fact is, I had the information. I knew what I was getting myself into, went ahead and made the decision to

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go with that particular car. But should something happen down the road, I'm not going to have any surprises. And I think we heard from Senator Krist with the airplane that we were considering buying, we knew maybe some money was going to have to be put into it, but not really for sure. Well, it became quite evident after the person who purchased that airplane, they had to put some significant dollars into it. So again, I think the work that Senator Krist and the study has brought forward to us is giving us those facts, which are needed to make a decision, yes or no, on this. So I just wanted to let Senator Krist know how much I appreciated the work that he's done and the leadership he's taken on this issue. Thank you. [LB1016]

SENATOR GLOOR: Thank you, Senator Dubas. Seeing no senators remaining in the queue, Senator Krist, you're recognized to close on the advancement of LB1016. [LB1016]

SENATOR KRIST: Thank you, Mr. President, and thank you, colleagues. The debate and comments that have been made I do owe many of you answers and I will be getting with Director Mitchell and answering those questions as best I can, and I think I'll probably just send them out to all of you so that you hear the same things across the board. It's not an easy decision even for a business to make, to invest in this kind of air travel. I appreciate Senator Chambers' concerns and Senator Nordquist's amendments. It made the bill better and it makes us pause and think about what we are doing here. But I want to take just one more minute. I realize that many of you want to get on to other business. But to Senator Chambers' concerns, the way that I do business professionally in my other walk of life, every flight has a justification matrix: Is it cheaper to do it this way; is there a time urgency involved; is there another mode of travel; should I look at different ways to get there or consolidation of flights? I will share that matrix that we use in Dyna-Tech to support the United States Army Corps of Engineers and ask him to take a look at those. I think that's another safeguard to any abuse that might happen, and I would hope that all elected officials would shoulder the responsibility of being good stewards of the taxpayers' money. To that end, I think this is a smart investment and good stewards of managing taxpayers's money, and I would ask you for a green vote. Thank you. [LB1016]

SENATOR GLOOR: Thank you, Senator Krist. The question is the advancement of LB1016 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB1016]

ASSISTANT CLERK: 31 ayes, 3 nays on the motion to advance the bill, Mr. President. [LB1016]

SENATOR GLOOR: The bill advances. Mr. Clerk, for some items. [LB1016]

ASSISTANT CLERK: Thank you, Mr. President. New resolutions: LR456 and LR457 by

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Senator Kolowski; and LR458 by Senator Hadley. All of those resolutions will be laid over, Mr. President. That's all I have at this time. (Legislative Journal pages 676-677.) [LR456 LR457 LR458]

SENATOR GLOOR: Thank you, Mr. Clerk. Continuing with General File committee priority bills.

ASSISTANT CLERK: Mr. President, LB699 was introduced by Senator Larson. (Read title.) The bill was referred to the Natural Resources Committee. That committee placed the bill on General File with committee amendments. (AM1754, Legislative Journal page 504.) [LB699]

SENATOR GLOOR: Thank you, Mr. Clerk. Senator Larson, you're recognized to open on your bill. [LB699]

SENATOR LARSON: Thank you, Mr. President. First, I'd like to thank the Natural Resources Committee for their hard work on this bill and making it a priority for the committee. LB699, as amended by the committee amendment, has two components. The first part of this bill would allow a developmentally disabled individual to obtain a hunting permit if that person receives a licensed purchase exemption certificate from the Game and Parks Commission. Currently, state law prevents hunting permits from being issued to any person who is known to have a significant physical or mental disability and who is unable to safely carry or use a firearm because of such disability. LB699, which will create an exemption so that individuals with disabilities can obtain a hunting permit if certain qualifications are met. The idea for this portion of LB699 was brought to me by a constituent in my district who works with an organization called Special Youth Challenge or SYC. SYC provides opportunities for young men and women with special needs to participate in supervised turkey and deer hunting programs. Some of the SYC participants were able to fulfill the current statutory requirements and obtain a hunting permit. However, there are others who want to participate, but because of their disabilities are unable to pass the required certification to successfully get a hunting permit. We reached out to Game and Parks regarding these issues and worked hard to draft language that would allow these individuals to participate safely in hunting programs. Under the new language outlined in LB699, individuals with disabilities may be issued a hunting permit if they obtain a licensed purchase exemption certificate from Game and Parks. In order to get the licensed purchase exemption certificate, an individual with a disability must provide written authorization from a physician indicating that the person is capable of understanding and following directions and is not a danger to himself, herself, or others. Additionally, if the individual is unable to successfully complete the hunter education requirements due to his or her disability, the individual will be exempt from those requirements if they hold one of these exemption certificates. The bill prohibits Game and Parks from issuing an exemption certificate to anyone who has been found to pose a danger to himself, herself, or others by a court or mental

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health board. It also will require that an individual holding an exemption certificate be supervised by another hunter who is not developmentally disabled. Under the committee amendment, the section component to LB699 helps get under...excuse me, under the committee amendment, the section component to LB699 helps give Game and Parks additional flexibility when structuring their hunter education program. The original bill eliminated the separate bow hunter education statute and combined all hunting instruments under one program. After hearing from bow hunter education instructors and firearms instructors and the concerns these groups had with combining courses under one statutory provision, Game and Parks, myself, and the Natural Resources Committee decided to keep the firearm hunter education program and bow hunter education programs under separate statutes. What the committee amendment focuses on instead is eliminating the hours requirements for both of these courses so that Game and Parks can adapt these programs to current hunter education practices across the country. This change will improve reciprocity with other states' hunting education courses and keep our hunter education programs in line with the national standards. Furthermore, it will give Game and Parks the ability to adapt to changing methods for administering these courses. Many of these programs are offered as on-line classes which are both easy to access and cost effective for hunters across the state. Again, I would like to thank the Natural Resources Committee for prioritizing the bill. By passing this bill, we will give kids and adults with special needs the opportunity to participate in a sport that is so important to so many of our citizens. It will allow Game and Parks to stay up to speed with hunting practices across the country. I look forward to the discussion on the bill and I would ask your support in advancing LB699. [LB699]

SENATOR GLOOR: Thank you, Senator Larson. (Visitors introduced.) As the Clerk stated, there are amendments from the Natural Resources Committee. Senator Carlson, as Chair of that committee, you're recognized to open on the committee amendments. [LB699]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. The amendment clarifies the process to be used for issuing a person with a developmental disability a license purchase exemption certificate. The intent and the requirements for that process are the same as in the original bill. What is different is that the original bill would have eliminated the bow hunter education program, but the committee amendment reinstates the program. The committee heard from a number of bow hunters and bow hunter trainers who objected to removing their specific training from statutes. The argument was that bow hunting requires specialized training and should not be combined with regular firearm hunter training. The Game and Parks Commission originally saw a benefit in combining hunter training programs and requirements because there would be efficiencies in streamlining them. But the commission, however, helped to draft and is supportive of the committee amendment reinstating bow hunter training. Again, the committee amendment clarifies the language of the licensed purchase exemption certificate process and reinstates the bow hunter training program.

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The committee voted eight-zero to advance the bill. At the hearing, there were 11 proponents of the bill, 1 opponent. That was the Firearms Association. And Senator Larson has worked with them and they are now supportive of the bill. So I would ask for your support of AM1754 and the underlying bill LB699. Thank you. [LB699]

SENATOR GLOOR: Thank you, Senator Carlson. Mr. Clerk for an amendment. [LB699]

ASSISTANT CLERK: Mr. President, Senator Coash would move to amend the committee amendments with AM2046. (Legislative Journal page 627.) [LB699]

SENATOR GLOOR: Senator Coash, you're recognized to open on your amendment. [LB699]

SENATOR COASH: Thank you, Mr. President. Good morning, colleagues. First of all, I stand in support of LB699 and the committee amendment. People with disabilities often struggle to participate in activities that we take for granted, and in order to do that, to participate fully, sometimes we have to make provisions to allow that. And LB699 makes those provisions so that a person who has an intellectual disability can participate in this activity. And I will tell you, this is not a small thing. When people with disabilities see what their peers do, see what their parents have done, and are unable to participate, it's a quality of life issue. And I applaud Senator Larson for opening up this door. AM2046 is a very simple technical amendment. And it has to do with how we reference people with disabilities. If you remember last year, I passed a bill that eliminated the words retardation from all the statutes. That was the most significant part of that bill. But the other thing that we did throughout the statutes was that we made sure that people with disabilities were referenced just like that, that they were referenced as people first and we put the disability after that. Because if we say it's a developmentally disabled person, then the defining characteristic of that person is their disability which is incorrect. So what AM2046 does is it makes changes to LB699 and where you see places where it references a developmentally disabled person, we've changed that, and it changes to a person with a developmental disability. It makes no substantive changes to the bill, but it brings it in line with the bill that we passed last year and we've got to keep our eyes on that, otherwise we will need cleanup language in the future and I may not be here to do it. And so I want to make sure that those things don't get past the Legislature while I'm a member. And so for that reason, I would ask the body's support of my amendment and the underlying bill. Thank you, Mr. President. [LB699]

SENATOR GLOOR: Thank you, Senator Coash. Members, you've heard the opening on LB699, the committee amendments, and the amendment to the committee amendments. We now move to floor debate. Senator Chambers, you're recognized. [LB699]

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SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, Senator Coash is doing on this bill so far what Senator Krist did on the airplane bill. I don't think there is any discussion needed besides what Senator Coash gave us showing why we should adopt his amendment. But I would like to ask him a question while I have him available if he would yield. [LB699]

SENATOR GLOOR: Senator Coash, would you yield? [LB699]

SENATOR COASH: Yes, I will. [LB699]

SENATOR CHAMBERS: Senator Coash, if you have a copy of the committee amendment, it speaks of and in the language will be changed pursuant to your amendment from the term developmentally disabled and so forth as defined in Section 83-1205. Are you familiar with that statute? [LB699]

SENATOR COASH: Senator Chambers, I'm not familiar with the statute but I do have the committee amendment in front of me. [LB699]

SENATOR CHAMBERS: And at some point if you will I'd appreciate it because I don't have time to look at it. I'm just now coming to this bill. But that will save me from doing the legwork. That's all I would have of you. Thank you. Members of the Legislature, I doubt that there will be much discussion on this bill. On its face it seems to be innocuous. It seems to be a great thing because everybody has to be or appear to be in favor of anything that will benefit people with a developmental disability. And in most instances I agree. A lot of people think children under the age of 12 should be able to have a rifle and go hunting, and I don't agree even though I probably care more about children than anybody on this floor bar none. Not everything that is recommended is necessarily a good thing. Unlike my colleagues who laud hunting, not hunting for food, but what is called sports hunting, recreational hunting which means you kill for the love of killing I think is not positive. I think it's immoral. But that is done and it is encouraged in this state. Animals are allowed to be killed which are not going to be eaten, not be used for clothing or any purpose that some people say would be a legitimate reason for taking the life of those animals. Some people, because of a position I took with reference to cougars or mountain lions, are silly and stupid enough to write letters to me saying--would you want one in your front yard? Would you want your grandchildren to play with a cougar? That's stupid, but that's the kind of trash that I deal with in this state and they add racial slurs also. To show you the hatred for me in this state I'm going to share with you something that no other person in public office can show, that threats are made against that person by way of another state. Racial slurs used against me and mentioning how I deserve to die and somebody ought to kill me, which doesn't bother me at all. We're all going to die sometime, even the ones Senator Carlson, "Parson" Carlson, worships died. But this threat... [LB699]

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SENATOR GLOOR: One minute. [LB699]

SENATOR CHAMBERS: ...and the insults were sent to an organization called Freedom From Religion in Wisconsin and it was sent to them, not directly to me. And it alarmed the people in Wisconsin. But it doesn't alarm me. I'm accustomed to that in Nebraska. Stuff pasted on my door, slid under my door, insulting phone calls, insulting letters sent through the mail, that's par for the course in this white Christian state. But I want to assure those people that I would not advise anybody to put a living mountain lion in his or her yard or have his or her children or grandchildren pet one of these animals. Thank you, Mr. President. [LB699]

SENATOR GLOOR: Thank you, Senator Chambers. And, Senator Chambers, you are up next. [LB699]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I like snakes. Probably what drew me to them was the bad rap they got in the "Bible", referred to as a serpent. I don't know that the serpent was a snake, but people say that it is. Snakes are some of the most efficiently designed living creatures, other than a shark, that you can find, and they have an especial beauty if you will just separate from your mind those superstitious notions and look at the animal. When light strikes those scales in a certain way, you will see what appears to be a change in coloration. They may appear in some instances to be translucent. I had a boa constrictor, eight feet long. I forget how much he weighed. I'll tell you why I bought him. I don't believe animals ought to be caged or restrained in that fashion or the fashion that I will describe. I went to a pet store, this was some years ago, and in a terrarium that was very small for containing a boa constrictor was on display. This animal was coiled in that tiny space, and every surface, inner, every inner surface, every wall the animal's body was in contact with it because there was no space. So I bought it and I kept it because I was not going to do like some people would do, buy an animal, come into possession of that animal, release it in a climate where it cannot survive. They are not native to this part of the country. So I read about how one of these animals must be maintained. So purchased a large wire enclosure which was used ordinarily for storing things, and that became the residence of this snake. But I took him to schools and I showed him to the children. When he was not in a bad mood and I had complete control of him, I would let them touch the snake. And they say, ooh, he's not cold, because the room was warm. Ooh, he is so smooth. He's pretty. Because under the circumstances that they saw that animal there was no fear. I bought living mice from a laboratory, because they're not scavengers. They don't eat dead food. They don't eat often. But these were not mice really, they were laboratory rats. They had no diseases, none of that. There are other snakes that I like because I like all of them. But some fool in Nebraska who hear me say this and say, well, by god would you bring a king cobra into your house and let your children play with a king cobra. Because I like an animal does not mean I have no respect for that animal or regard for that animal. No, I would not bring a king cobra within any proximity...

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[LB699]

SENATOR GLOOR: One minute. [LB699]

SENATOR CHAMBERS: ...to my children, grandchildren, or advise anybody else to do that. I would not handle a rattlesnake as these silly Christians do and one of them got bitten and died. Respect the animal, understand its ways, and don't put yourself in harms way if that animal can hurt you. So I love animals, but I am not crazy. If somebody told me a dog is rabid, I would not try to pet the dog. If a dog has been trained to attack people of my complexion, I would not put myself into a position where that dog could attack me, but I love dogs. I'm not crazy. Thank you, Mr. President. [LB699]

SENATOR GLOOR: Thank you, Senator Chambers. Mr. Clerk for an announcement. [LB699]

ASSISTANT CLERK: Thank you, Mr. President. General Affairs will hold an Executive Session in Room 2022 at 10:45 a.m.

SENATOR GLOOR: Thank you, Mr. Clerk. (Visitors introduced.) Continuing with floor debate. Senator Chambers, you're recognized. This is your third time, Senator. [LB699]

SENATOR CHAMBERS: Right. I'm aware of that on this amendment. And members of the Legislature, Senator Coash is going to, if he has time, check a statute for me. But I will ask Senator Carlson a question because he may have the answer. [LB699]

SENATOR GLOOR: Senator Carlson, would you yield? [LB699]

SENATOR CARLSON: Yes, I will. [LB699]

SENATOR CHAMBERS: Senator Carlson, this is the committee amendment, and on page 2 of the amendment in line 7 there's reference to Section 83-1205. Are you aware of what that section says because it deals with what this term a person with a developmental disability means? [LB699]

SENATOR CARLSON: I know that it defines developmental disability, but I'm not really familiar with the verbiage. [LB699]

SENATOR CHAMBERS: Okay. That's all I would ask. I would ask Senator Coash a question if he will yield. [LB699]

SENATOR GLOOR: Senator Coash, would you yield? [LB699]

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SENATOR COASH: Yes, I will. [LB699]

SENATOR CHAMBERS: Senator Coash, has your research on the gadget that you have been fruitful? [LB699]

SENATOR COASH: Yes, it has. [LB699]

SENATOR CHAMBERS: Would you share what you came across if it's not too lengthy? [LB699]

SENATOR COASH: I can. In the statutes, we have to define what is a developmental disability for many purposes. It's, obviously, referenced in this bill because this allows a person who has a disability to get a special hunting permit. And 83-1205 defines it as an intellectual disability which would be a disability of affecting the brain and how the brain functions. It defines it as a severe chronic disability other than an intellectual disability that is attributable to a mental or a physical impairment, is manifested before the age of 22 years old, is likely to continue. In other words, the disability cannot be cured through a pill or a treatment and is part of that person's condition. And it results in the case of the...excuse me, a limitation in one of several areas. It results in a limitation of the ability...of the person's ability to care for themselves, be receptive and express language, learn. It can affect their mobility, ability to self-direct, their capacity for independent living, or to become economically self-sufficient. Now you don't have to have all of those factors present to have a developmental disability, but those are some of the factors that will qualify you under the law. [LB699]

SENATOR CHAMBERS: Thank you, and, Senator Coash, I appreciate that. I'm aware of that but I wanted it in the record so that we know what it is we're discussing in this bill. I'd like to ask Senator Larson a question or two. [LB699]

SENATOR GLOOR: Senator Larson, would you yield? [LB699]

SENATOR LARSON: Yes. [LB699]

SENATOR CHAMBERS: Senator Larson, you are familiar with the committee amendment I presume. [LB699]

SENATOR LARSON: Yes. I've looked through the committee amendment. [LB699]

SENATOR CHAMBERS: Do you have a copy of it in front of you? [LB699]

SENATOR LARSON: I do. [LB699]

SENATOR CHAMBERS: I'm looking at page 2. [LB699]

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SENATOR LARSON: Okay. [LB699]

SENATOR CHAMBERS: And we can start with line 1, even though there's some language on the preceding page, signed by a physician indicating that the person with the developmental disability is at all times capable of understanding and following directions given by another person, and that the person with a developmental disability is not currently a danger to himself or herself or others. And that's all you have, correct? It makes no reference to this person using a firearm in this amendment, does it? [LB699]

SENATOR LARSON: No. [LB699]

SENATOR CHAMBERS: And when that statement is made that a person is not a danger to himself or herself, generally it means under ordinary circumstances. Would you agree that utilization of a firearm is not an ordinary circumstance? [LB699]

SENATOR LARSON: The circumstances in which they operate in terms of the safety isn't them necessarily holding the gun specifically. I mean, it's...there's a tripod...essentially the firearms are on a... [LB699]

SENATOR CHAMBERS: But that's not what I'm asking you. Utilization of a firearm is not what is generally anticipated when a doctor says this person is not a danger to himself or herself. [LB699]

SENATOR LARSON: I can understand where you'd say...where you would... [LB699]

SENATOR GLOOR: Thirty seconds. [LB699]

SENATOR CHAMBERS: Well, my time is going to run out. I'll wait till we get to the bill itself. And if I have to offer amendments, they are not to kill the bill but to give me the time I need to get some things on the record. Thank you, Mr. President. [LB699]

SENATOR GLOOR: Thank you, Senator Chambers and Senator Larson. Senator Lautenbaugh, you're recognized. [LB699]

SENATOR LAUTENBAUGH: I'll yield my time to Senator Chambers. [LB699]

SENATOR GLOOR: Senator Chambers, 4 minutes, 55 seconds. [LB699]

SENATOR CHAMBERS: Thank you, Senator Lautenbaugh, and thank you, Mr. President. These are legitimate issues that I have. And I won't ask Senator Larson because I don't think I can phrase the question so he would follow what I'm asking. It's

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not enough to just have a physician certify that this person is not a danger to himself or herself. You would have to put something in there to put that physician on the line by saying that this person, first of all, is developmentally...is a person with a developmental disability. If the person has no developmental disability, this certificate is not even in the equation. So we're dealing with a person who has a developmental disability of the kind described in the statute Senator Coash put on the record. So it's not enough for the physician to merely say that this person is not a danger to himself or herself. The physician should know that he or she is certifying that this person is not a danger to himself or herself when using a firearm. That has to be in the certification. A person could have a physical disability. All of these will flow from some activity or failure of activity in the brain. It wouldn't be that I'm just a nervous person. But there are other factors associated with it. So I could have a physical disability which fits that category that would keep me from being able, under any circumstances, to be certified as not a danger to myself or somebody else. So here's the question I will ask Senator Larson now if he will yield. [LB699]

SENATOR GLOOR: Senator, would you yield? [LB699]

SENATOR LARSON: Yes. [LB699]

SENATOR CHAMBERS: Senator Larson, whether you're opposed to it or not I'm going to try to get it into the statute, would you be opposed to requiring that the doctor make a certification with specific reference to utilization of a firearm? [LB699]

SENATOR LARSON: No, and I think Senator Coash is actually working on a floor amendment right now to relate directly to hunting. So you can...he's writing it up right now and it's something that I'd be open to. [LB699]

SENATOR CHAMBERS: Thank you. And the reason I wanted to go into detail was so it would be clear what it is that I have in mind. Now I can go toward the amendment itself. I know that the people who worked on this amendment mean well. I don't question the motives of any of them. Senator Larson was very forthcoming in saying that this bill was brought to him by a constituent in his district, and many bills are brought to us because a constituent will suggest it. But the mere fact that a constituent suggests it does not mean it out to be enacted into law. There are things that people want to do which they simply cannot do. And in my view this is not a sound public policy. I don't think it is a wise public policy. Let's say that the disability is not physical but rather mental. [LB699]

SENATOR GLOOR: One minute. [LB699]

SENATOR CHAMBERS: I will wait until I'm recognized before I continue. Thank you, Mr. President. [LB699]

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SENATOR GLOOR: Senator Chambers, you've already spoken three times. Senator Murante, you're recognized. [LB699]

SENATOR MURANTE: Thank you, Mr. President. Good morning, members. I'll yield my time to Senator Chambers. [LB699]

SENATOR GLOOR: Four minutes, fifty-five seconds, Senator Chambers. [LB699]

SENATOR CHAMBERS: Thank you, Senator Murante. Thank you, Mr. President. I'll give an example from the mountain lion issue. This young person was not one with a developmental disability, but based on the arguments had brain tumors and they were life threatening. How do I know they were life threatening? Because that condition was parlayed into being allowed to participate in hunting in Arizona or one of those states through a foundation called Hunt of a Lifetime or something for children under 18 years old with a life-threatening disease. And my feeling, I have sensitivities that I don't think other people have, but I'm going to express them. When a child has been spared death, was at death's doorway with a life-threatening disease and was spared and not pulled through that doorway, and the thing that adults will show that child is that what will be of greatest value to you is kill something. We're not going to take you to something or take you someplace that will show you the value of life, how precious it is, and based on that how lucky you are to have felt the cold finger of death on your spine, to have smelled the rancid breath of death in your nostrils, teetering on the brink of falling into the embrace of death and you were rescued. So we want you to understand how lucky you are and here's how we're going to show you that. We're going to take you out and get some houndsmen who handle dogs and have these dogs chase an unoffending animal which is afraid of dogs into a tree which is what the god who created him taught him, instilled in him that he ought to do to escape danger. And when that animal is behaving in the way that the god who created him instilled in him to act, you will take this gun and while the baying dogs keep that terrified animal at bay, this exhausted animal at bay, you will take this gun and do to that animal what was not done to you. We want you to kill that animal. And the boy kills the animal because the adults told him this was a great thing. So he took the remains of the animal and hung it on his wall in his bedroom. Just by coincidence, he won a lottery that allowed him to do the same thing to the same type of animal in this state and he did it again. And there was a picture of this kill in the World-Herald. And nonhunters and hunters alike called me because they knew what I was trying to do. And the hunters who called me, I'm not saying this is all of them... [LB699]

SENATOR GLOOR: One minute. [LB699]

SENATOR CHAMBERS: ...but all of those who called me said that's not hunting. That gives a bad name to hunting because it showed the animal stretched out on a limb and the boy's father steadying the gun so he could kill it. And he did it and he said it made

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him feel very good. So twice he had been spared if he really had cancer of the brain. If he really had it. And he wanted to take the remains of that regal animal, unoffending, and put it in his bedroom beside the other one. And that's how those who hunt apparently believe. And I don't believe that way. They have enough support to get something like this, but I'm going to give my views on it while it's before us and tell why I have such a distaste for what is called hunting, why I feel such a repugnance... [LB699]

SENATOR GLOOR: Time, Senator. [LB699]

SENATOR CHAMBERS: Thank you, Mr. President. [LB699]

SENATOR GLOOR: Thank you, Senator Chambers. Seeing no further senators in the queue, Senator Coash, you're recognized to close on your amendment to the committee amendment. [LB699]

SENATOR COASH: Thank you, Mr. President. Thank you, members. The amendment before us, AM2046, again is a very technical amendment. It changes the language in the committee amendment which becomes the bill that says that where we reference a person with disability that's exactly how we reference them. The committee amendment, I don't think was written disrespectfully, but there is a better way to do it. And when you can change the way that you reference people, you can change the way you think about people. And that's the reason that I brought AM2046, and I would ask for the members green vote on that. Thank you, Mr. President. [LB699]

SENATOR GLOOR: Thank you, Senator Coash. The question is, shall the amendment to the committee amendment to LB699 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB699]

ASSISTANT CLERK: 28 ayes, 0 nays on the adoption of Senator Coash's amendment. [LB699]

SENATOR GLOOR: The amendment is adopted. Mr. Clerk. [LB699]

ASSISTANT CLERK: Mr. President, Senator Larson would move to amend with AM2102. (Legislative Journal page 669.) [LB699]

SENATOR GLOOR: Senator Larson, you're recognized to open on your amendment. [LB699]

SENATOR LARSON: Thank you, Mr. President. AM2102, essentially, just adds an emergency clause to LB699. The SYC program, which I talked about in my opening, has a turkey hunt in the spring and a deer hunt in the fall, and this would allow those individuals that want to participate in the turkey hunt to be able to do that. And on

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another note, Senator Coash does have a floor amendment coming that will start to address Senator Chambers' concerns on firearms. Just so the members know, the language that was in AM1754, the original language, is the same type of language that has been used in other states. But I have no issue with Senator Coash if he wants to strengthen that a little bit. Also, the exemption that the doctor will be signing is an exemption specifically for hunting. So the doctor will know that there will be a firearm there. And a little bit of background on the program itself. It's not...it's very safe. There's...they take these people with developmental disabilities and they put them in blinds and the firearms are on tripods to where they're not actually holding them themselves. And oftentimes they've essentially rigged the firearm to have a button in which the person with the developmental disability has to press and his mentor has to press at the same time for the firearm to even fire. There's a lot of safety regulations that go into this to ensure that the person with the developmental disability, as well as the mentor, and anybody with them remain safe and out of harm's reach. And it really is an opportunity for these kids to experience something that so many of their peers are experiencing. And right now there's an exemption within current statute...or within the current state law that allows these individuals to do it for two years under a provisional hunting permit. But after that, they have to pass hunter safety, and this bill would, essentially, just let those individuals who oftentimes have already done this for two years under the special exemption to continue on with their mentors because this is something that does get them out into the outdoors and, you know, just like everyone else. And I think that's very important. So as I said, AM2102, essentially, is just an emergency clause to ensure that these individuals can participate in the turkey hunt this spring. Thank you. [LB699]

SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: Thank you, Senator Larson. You've heard the opening to AM2102. Floor is now open for discussion. Senator Chambers, you're recognized. [LB699]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'd like to ask Senator Larson a question if he will yield. [LB699]

SPEAKER ADAMS: Senator Larson, will you yield? [LB699]

SENATOR LARSON: Yes. [LB699]

SENATOR CHAMBERS: Senator Larson, this amendment simply adds the emergency clause. Is that correct? [LB699]

SENATOR LARSON: Yes, Senator Chambers. [LB699]

SENATOR CHAMBERS: Okay. Thank you. Members of the Legislature, I understand

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what this amendment is for, but I'm going to use the opportunities I have to speak to say what I have on my mind and maybe I can get it all said without offering an amendment of my own. I'd like to ask Senator Larson now a question or two about the process that will actually be entailed when one of these youngsters is engaged in this activity, if he would yield. [LB699]

SPEAKER ADAMS: Senator Larson, will you yield? [LB699]

SENATOR LARSON: Yes. I'll answer it to the best of my ability, Senator Chambers. [LB699]

SENATOR CHAMBERS: Senator Larson, we keep...I've said, anyway, these youngsters...is there an age factor involved in this bill? [LB699]

SENATOR LARSON: No. [LB699]

SENATOR CHAMBERS: So it could be an adult. [LB699]

SENATOR LARSON: It could be an adult with a developmental disability, as long as he's got the doctor's note and a mentor or someone that has the training with him. [LB699]

SENATOR CHAMBERS: Right. And is there any lower or bottom end age limit below a certain age this could not...a child could not participate in this? [LB699]

SENATOR LARSON: Not in the bill. I'm not sure if Game and Parks...I'd have to ask someone if Game and Parks has a lower age limit for hunting anyway. I'd assume that it would fall under whatever Game and Parks bottom age limit is right now. [LB699]

SENATOR CHAMBERS: Okay. Thank you. Members of the Legislature, oh, here's the question I have to ask Senator Larson. You had mentioned that this weapon would be on a tripod or some other stabilizing device. [LB699]

SENATOR LARSON: That's how the camp currently is taking these individuals out. They're on tripods and stabilized and with extra...you know, to where they're...like I said, they have buttons that they...the person with the developmental disabled person can press and their mentor has to be pressing another button at the same time for the firearm to actually fire. [LB699]

SENATOR CHAMBERS: Is the target inanimate or is it an animal? [LB699]

SENATOR LARSON: It's an actual animal. Like on the tripod, the gun can swivel, kind of rotate, just... [LB699]

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SENATOR CHAMBERS: Who manipulates the device on which the weapon is stabilized? [LB699]

SENATOR LARSON: I'm guessing it probably depends on how severe the disability is if...for the person that has the special exemption. If that person is able manipulate the device to get it to its correct area at, the mentor standing right beside them let them do that. In some cases, that person isn't physically able to do that in which the mentor will do that for them. [LB699]

SENATOR CHAMBERS: Must this person be able to understand that he or she is killing when this is done? Must the person be able to understand that this act is designed to kill an animal? [LB699]

SENATOR LARSON: I think that...I would assume that all the children...or people, not just children, that participate in the program understand those ramifications and, as I said, we...the physician's note that they're not going to be a danger to himself or herself and are mentally capable of understanding and following directions, I think most of them would be able to understand, yes. [LB699]

SENATOR CHAMBERS: But the language about understanding and following directions has nothing whatsoever to do with understanding the consequences of an act. Would you be opposed to that certification verifying... [LB699]

SPEAKER ADAMS: One minute, Senator. [LB699]

SENATOR CHAMBERS: ...that this person understands the consequences of the act, namely that an animal will be killed? A child or somebody with a childlike mentality could be made to believe that this is something that is going to please the adult who is involved with no understanding or awareness whatsoever that something is being killed in order to please that adult. So we don't have any way of knowing based on the way the bill is drafted now that this person with the disability will understand the consequences of his or her action. We don't have anything in the bill related to that, do we, Senator Larson? [LB699]

SENATOR LARSON: No. [LB699]

SENATOR CHAMBERS: Thank you. Members of the Legislature, I think nothing could be so macabre, so bizarre as to have a human being be placed outside the realm... [LB699]

SPEAKER ADAMS: Time, Senator. [LB699]

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SENATOR CHAMBERS: Thank you, Mr. President. [LB699]

SPEAKER ADAMS: Senator Coash, you are next in the queue and recognized. [LB699]

SENATOR COASH: Thank you, Senator Adams, Mr. President. I wanted to comment on the conversation that is occurring and answer a few questions. First of all, Senator Chambers, there is no...the minimum age you have to be in order to get any hunting permit is 12. And so regardless of having a disability, if you're not 12, you are not going to be able to get a hunting permit in Nebraska. To follow up on your comments about the hunter's awareness of their act. I will tell you my feelings from a practical sense because I worked in the field with people with disabilities. I've worked with hunters who provide mentorship. And very often just in a practical sense, the disability that prohibits someone from hunting is a physical disability and they're unable to hold a gun, unable to perhaps walk to a place where they could hunt. And these mentors that would be with these hunters are really there to assist in a lot of the physical parts of the act of hunting. When we talk about an intellectual disability, there are people with intellectual disabilities who actually could be talked into killing something and thinking that they're shooting at a target. That's a possibility. But I will tell you that I think that is improbable. The programs that will administer this are not going to pull one over on a person with a disability just in order to get them to do something. More often than not what's happening here is a person with a disability has been denied the opportunity because of their limitations, their ability to get where they need to hunt, their ability to hold a gun, their ability to stay quiet, frankly, and wait for a deer to come by. And so those are all limitations that can be addressed through LB699. I don't share a concern that you may have that a person with a disability will be duped, so to speak, into shooting an animal and thinking that they're shooting at a target. So it's not a concern that I share based on my experience not only with people with disabilities but also with the hunting community. So I hope that gets on the record, my views on that, and would hope that we can dispatch of AM2102, because following that amendment is an amendment that makes sure that the doctor understands what will be occurring when the doctor signs off that the individual will not be a harm to himself or others. Thank you, Mr. President. [LB699]

SPEAKER ADAMS: Thank you, Senator Coash. Senator Chambers, you are recognized. [LB699]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, and Senator Coash, I'm not talking about anybody being duped into shooting a living thing under the misperception that it's a target. I'm talking about...now, see, I know some people with mental disabilities. I know some people who are called crazy because they have a disability. And if you use that kind of language, that's what you would say. There are things they do and they have no awareness of what they're doing. That's what I'm talking about, not where you dupe them into doing something. They might harm an

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animal and not realizing they're harming the animal. That's what I'm talking about. As under the law, if a person kills another person and cannot form the requisite intent, the mens rea for that act, that person is not held legally culpable because the person does not know or understand what he or she is doing. Even if the person knows this is a gun and it points it at Senator Davis or some other person and pulls the trigger, all of the factors necessary to hold that person culpable are not there. So the person could understand this is a gun, push this button and it discharges. I'm asking, is there any assurance in this language, in this bill, that the person who is taken out to do this understands. You could have 20 children in a group and all of them may be accustomed to doing things together and some may have a greater understanding than others. I'm talking about mental comprehension now. And whatever some do, others will do and do it because they see others do it. So if some over here on my left hand understand that they're killing an animal and the ones on my right hand know that all they're doing is what the others are doing, then the ones on my right hand should not be allowed to do that, in my opinion. That's just my opinion. I tell you all I have sensibilities and sensitivities that others do not have. I never excuse anybody from being a human being. If when they open their mouth saliva runs down the front and on their clothes, that is a human being. I would like to ask Senator Coash a question. [LB699]

SPEAKER ADAMS: Senator Coash, would you yield? [LB699]

SENATOR COASH: Yes. [LB699]

SENATOR CHAMBERS: Senator Coash, where in this bill, and I could have missed it, I just saw the amendment, does it say that this happens only when this person is a member of an organized group? And it may be here and I just missed it. [LB699]

SENATOR COASH: The bill does not reference being in an organized group while participating in this activity. [LB699]

SENATOR CHAMBERS: So I could be the mentor or the guide or whoever that responsible person is who would accompany this person with the disability. [LB699]

SENATOR COASH: That's correct. [LB699]

SENATOR CHAMBERS: And there's nothing that indicates that before this person is allowed to do this, that person must be shown to understand the consequences of his or her action. [LB699]

SENATOR COASH: That's correct. [LB699]

SENATOR CHAMBERS: Thank you. Here's what I'm trying to get across and I don't expect anybody in here to understand, but I'm going to say it anyway. When we're

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dealing with human beings, if that person doesn't know he or she is a human being, if that person understands nothing whatsoever, because of what we think of ourselves, what we ought to do because of our fundamental and basic human dignity that we should never lose no matter what... [LB699]

SPEAKER ADAMS: One minute. [LB699]

SENATOR CHAMBERS: ...other circumstances we face, we should not put another human being in a position that could be considered reducing that person to a level below that of a complete human being. You are not human because you're smart. You're not human because you can see, because you can hear, because you can speak, because you can feel. You are a human being because you are born of a man and a woman. And once that birth occurs, then there is a dignity that attaches to you which even you are not morally permitted to violate even if it's your own. How many times have I spoken on this one? [LB699]

SPEAKER ADAMS: Two times, Senator. [LB699]

SENATOR CHAMBERS: I will not speak the third time because this amendment merely adds the emergency clause and I have no objection to that. [LB699]

SPEAKER ADAMS: Time, Senator. Thank you, Senator Chambers. Senator Dubas, you're recognized. [LB699]

SENATOR DUBAS: Thank you very much, Mr. Speaker. You know, I serve on the Natural Resources Committee and I will admit that when I saw this bill before the hearing I went into it with a lot of reservations and a lot of questions. I, myself, am not a hunter, never have any desire to be a hunter, never have any desire to shoot or hold a gun. But I have many family members and many friends who do. It's what they do and I guess that's their prerogative to do it. I also have many family members and friends who do this as a family outing. It's something that they as a family, that's...it's their sport and that's what they choose to do. Again, it's not something I choose to participate in, but they do. And they do it. They take it seriously. They take the safety issues very seriously. So as I said, I went in with a lot of reservations about the safety concerns, how can this be, what kind of...are we putting these young people, as well as anybody with a disability, in harms way. I, too, had some questions along the lines of what Senator Chambers is talking about right now. And I know in the amendment it refers to, and I'm sure this doesn't go as far as what Senator Chambers is looking at going, but it does talk about any person who has been found by a court or a mental health board to pose a current danger to himself or herself or others. So there is a component of mental capacity here. As I said, I'm sure it doesn't go the direction that Senator Chambers is going. But listening to the testimony alleviated many of those questions and concerns that I had. One particular family who provides this opportunity, who opens their land,

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who has set up the accommodations on their property to host these types of hunting events, came forward and talked to us about what they do. And of those testifiers, two of them were young people, high school people who talked about what it meant to them to be able to share their experience with hunting and their family's experience with hunting with people who have these types of disabilities. And the very seriousness of the responsibility that they have in making sure that these people with these types of disabilities are protected as much as possible, that the right equipment is in place, that they are there to oversee their actions. And so, you know, I left the hearing...again while I'm still not a hunter a fan of those things, I left the hearing with all of...the majority of my questions and concerns answered and alleviated. And listening to the parents, I mean, as parents none of us want to put our children in harm's way. We also want to be able to share experiences with our children. And while I don't have children or any family members with developmental disabilities, I've had the opportunity to visit with many over the course of my service in the Legislature and know that these parents really will always have the best interests of their children at heart and want to provide them with as many activities as possible for their children to enjoy a normal life, quote, unquote, because I don't know what normal means anymore for most people. But, you know, I think the opportunities that we have available in this state, the people who are involved with these types of opportunities take their responsibilities very seriously. So, you know, I know the concerns Senator Chambers is raising. I believe there are certainly validity to those concerns. If there's ways we can continue to allay those concerns I think it's something we should look at. But, again, I think for the most part the opportunities that are being presented for these people with developmental disabilities has gone a long, long way to ensure their safety as much as anybody. I mean, anybody... [LB699]

SPEAKER ADAMS: One minute, Senator. [LB699]

SENATOR DUBAS: Thank you, Mr. Speaker. Anybody who goes out hunting, safety and the chance of being hurt is always there just by nature of the sport and the equipment that's used in this sport. But, as I said, I went into it with a lot of reservations, but came out of it with a real understanding of the people who are committed to making this experience safe and a positive one for all involved. Thank you. [LB699]

SPEAKER ADAMS: Thank you, Senator Dubas. Senator Larson, there are no other lights on. You are recognized to close on your amendment. [LB699]

SENATOR LARSON: Thank you, Mr. President. As I said, AM2102 is only an emergency clause to ensure that these individuals are able to participate in the spring program that the SYC puts on. Thank you. [LB699]

SPEAKER ADAMS: Thank you, Senator Larson. Members, you have heard the closing on the amendment to the committee amendment. The question is, shall the amendment to the committee amendment to LB699 be adopted? All those in favor vote aye; all

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those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk. [LB699]

ASSISTANT CLERK: 31 ayes, 0 nays on the adoption of Senator Larson's amendment. [LB699]

SPEAKER ADAMS: The amendment is adopted. (Visitors introduced.) We now return to debate on the committee amendment. Mr. Clerk. [LB699]

ASSISTANT CLERK: Mr. President, Senator Coash would offer FA202. (Legislative Journal page 678.) [LB699]

SPEAKER ADAMS: Senator Coash, you are recognized on your floor amendment. [LB699]

SENATOR COASH: Thank you, Mr. President. Thank you, colleagues. FA202 I drew up in response to the discussion that Senator Chambers, myself, Senator Larson were having. And what it does, for the record to be clear, on page 2, line 5, here's what it reads...actually the sentence starts on page 1, line 21: As part of the application process for a licensed purchase exempt certificate to be changed to a person with a developmental disability shall present the commission with a written authorization signed by a physician indicating that the person with the disability is at all times capable of understanding and following directions given by another person and that the person is not currently a danger to himself or herself or others. And here's where I'm adding language under FA202: "while engaged in hunting with a firearm." So we are adding those words to that sentence--"while engaged in hunting with a firearm." And what this means, colleagues, is that when the physician is writing, basically, a note to the commission to say, yep, I've looked at this person and he or she is capable of following directions. We are adding--"he or she is capable of following directions while hunting and while using a firearm." And I think that strengthens the bill. It adds that level of safety that we would be concerned about. What we want is for the physician who's going to write this note to be fully informed of what the physician is making a judgment call on. And it's important that physician knows that not only is the person capable of following directions, but they're also capable of doing so while engaged in this activity. So for that reason, I would ask that the body adopt FA202. Thank you, Mr. President. [LB699]

SPEAKER ADAMS: Thank you, Senator Coash. Members, you've heard the opening on FA202 to AM1754. Senator Chambers, you are recognized. [LB699]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I agree with Senator Coash's amendment. I will vote for it. What this does in addition to letting the physician know what is contemplated in terms of using this certification, it will also let the physician know that there's a liability being assumed by that physician in granting

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this certification. So it will not be routinely done as a favor to anybody. This is putting the physician himself or herself on the line. That still does not take away my objection to the bill. But it demonstrates that those who are supporting it, at least thus far, are not trying to give us a fast shuffle or sell us a bill of goods. They're trying to sell us a bill, but what they're selling is not good. I will never be persuaded that you elevate a child's imagination, a child's mental appreciation of things about himself and herself by an activity aimed at killing. I'd like to ask Senator Larson if he's here...oh, because he has stepped out for a moment. I wouldn't ask a question while he's not here. If he would answer a question. [LB699]

SENATOR LARSON: Yes. [LB699]

SPEAKER ADAMS: Senator Larson, would you yield? [LB699]

SENATOR LARSON: Yes. [LB699]

SENATOR CHAMBERS: Senator Larson, stripping away everything else, the only thing that this activity is designed to do, if it's carried out successfully, is to kill an animal. Is that true or is that false? [LB699]

SENATOR LARSON: If everything is carried out successfully, yes, an animal will be killed. [LB699]

SENATOR CHAMBERS: Thank you. Members of the Legislature, I know there are people who hunt and I've never brought a bill to abolish hunting, except one time I filed a bill like that to the Judiciary Committee and as I presented it I said, the fate of this bill will demonstrate why the Constitution of this state should not be amended to protect hunting and fishing. You cannot get a bill through the Legislature or out of a committee that would attempt to do away with hunting, and this bill proves it. And the bill did prove it. But I do not favor hunting. But I have not tried to prevent other people from doing it except in certain situations and one specifically. But the aim of hunting is to kill. You are teaching children to take pleasure in killing. That's what you're teaching. And I'm the only one who'll say these things, but they need to be on the record so that if anybody wants to read or consider how this language got into the law, because this bill will pass, they can see that not everybody went along quietly with the notion that in a society where killing is glorified, that even those of our brothers and sisters who may have a mental disability... [LB699]

SPEAKER ADAMS: One minute, Senator. [LB699]

SENATOR CHAMBERS: ...are invited into the temple which is constructed to worship killing. They must be shown that killing is an American pastime, that you are going to be allowed to kill. And if you have a disability that will prevent you from doing it on your

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own, we're going to make it as convenient as possible and easy to kill. But I support this amendment. [LB699]

SPEAKER ADAMS: Thank you, Senator Chambers. Senator Chambers, you are in the queue next. [LB699]

SENATOR CHAMBERS: Thank you. And, Mr. President, I will not offer any amendments on my own, but I will just discuss the matters that come before us. I often make reference to the prayers that go forth in this place everyday, and I occasionally will quote or paraphrase what is in the book that Senator "Parson" Carlson loves. There was one time Jesus was holding forth and little children were on the scene and doing what little children do. And Jesus' disciples told him, get these children away from here. And Jesus said, hold on, partner. You don't even know what I am doing is all about. You've been with me all of this time and you don't understand yet. You saw me raise a little girl from the dead and you don't understand. You saw me bring a man back to life who had been dead three days and you don't understand. You saw me feed thousands of people from nothing and you don't understand. And now here these little children are and you still don't understand. Well, here's something I want you all to understand. You allow these little children to come to me. You may not like them. They may be pests to you. But they are not that to me. And the language in the quaint lingo of the "Bible" says, suffer the little children to come unto me for of such is the kingdom of God. But the adults turn that around and say, let the little children come unto me and I will make them suffer. And they may not even realize they are suffering. They are so innocent they don't know that what I'm teaching them to do and encouraging them to do and facilitate their doing is hurtful to them and killing something else. I'm going to do that to those children. And the state is going to pass a law to make it possible. If the child or the adult had no mental disability, we would not have this bill. So it's clear that not all of the plugs are sparking the way they should. But we're going to intervene and put what we are on those children. And Jesus went a bit further. He said, all you hardhearted people out there, unless you become as these little children, you're not going to heaven. You have to be like these little children, innocent like these little children, which you never will be. But he was supposed to be so forgiving he let them in anyway, maybe. But this is what I worked my way up to. He told these people, he that offends against one of these, my little ones, you might be the momma, you might be the daddy, but they're my little ones, and if you offend against one of these, then you are better off if a millstone were hanged around your neck and you were drowned in the depths of the sea. [LB699]

SPEAKER ADAMS: One minute, Senator. [LB699]

SENATOR CHAMBERS: You all have read that or heard it, and here you are saying we want to put something in place where these children are taught to kill. We facilitate their killing. They may not understand their killing but, by god, killing is as American as cherry

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pie and every child is going to have the right to learn to kill. And if he or she is so disabled that he or she cannot learn, we will put that child in a position to just mechanically manipulate a button and something will die as a result of that child as an agent of death. And that's what we're doing and you don't see it. I wonder why you can't see it, why the scales won't fall off your eyes and you who are righteous and holy and saved and god's children and chosen cannot see what a man who is lost and on his way to hell can see. And if people like you are in heaven and people like me are in... [LB699]

SPEAKER ADAMS: Time, Senator. [LB699]

SENATOR CHAMBERS: ...hell, then hell should be my home. [LB699]

SPEAKER ADAMS: Time, Senator. Senator Schumacher, you're recognized next. [LB699]

SENATOR SCHUMACHER: Thank you, Mr. Speaker, members of the body. I yield my time to Senator Chambers. [LB699]

SPEAKER ADAMS: Senator Chambers, you're yielded 4 minutes and 55 seconds. [LB699]

SENATOR CHAMBERS: Thank you, Senator Schumacher. And I promise you that you'll get at your chance to vote for the slaughterhouse bill. These things that I'm saying I mean every word of. A woman brought her little boy to my office and he had what some people would call a mental disability. But you know who that little boy was looking for? He was looking for me. He came to my office looking for me. And I welcomed him because I'm not a Christian and I love children, not hypocritically but genuinely. And in my office children can behave as children behave because I know what children are. I have a wall where you can stick things on it by putting a pin through it, and I decided that some of these pictures that people send me that they've taken with me and their children I'm going to put on that wall. And there was another little boy, I think he was about two-and-a-half years old and he had no mental disability and he came in my office running around looking, and Cindy asked what's he looking for. And the mother said Senator Chambers. And Cindy pointed to the room where I was sitting at a chair typing on a typewriter, and the little boy saw me and I saw him, so I just leaned forward and extended my arms and he ran and jumped up on my lap. And he had some chips of some kind that he was eating. As much as I love children, I don't eat after anybody, not even little children. So when he offered me the bag, I just thanked him but told him that's all right. And his mother took a picture, which I wasn't aware of at the time, and she sent it. One of the little boys is shown trying or at least playing with one of the little dumbbells that I have, not any of you all, a weight dumbbell in my office. And when I see those children and I think of all the terrible things that adults can bring themselves to do to children and sometimes not just in a fit of anger, it shouldn't be done then where you

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might reach out and hit a child and immediately regret it. But I mean where a pattern of mistreatment, a chain of actions against a child, how can you steal your nerves enough to know you're putting this child in all of that pain and agony, hear the child's cries and do it anyway. And some people are stimulated by that crying, and that is what they are doing on purpose for that purpose. What this bill does might be even more insidious than that because you are not taking from that child the understanding or even the ability to feel pain. You're dealing with children who may not understand anything at all. Do you know why the Supreme Court will not let you execute somebody who is mentally disabled, who has a mental disability, who under some state's laws are considered what they still call mentally retarded? Some states even have the word idiot in their statutes. But whatever the term is that you apply when a person is in that category, the Supreme Court, as hardhearted as it is has said you cannot kill that person... [LB699]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: One minute. [LB699]

SENATOR CHAMBERS: ...no matter what that person has done. Because there is not enough understanding to make that person culpable enough under the law to suffer the ultimate penalty which is death. There are more ways to die than physically. Oscar Wilde wrote a poem, a long one, but one of the lines said: he who lives more lives than one, more deaths than one must die. If somebody can convince me, either Senator Larson, Senator Coash, or "Parson" Carlson, that it is a wholesome, positive thing to teach these children to kill, to have an activity grounded on killing, the only purpose is to kill an innocent, unoffending animal, then maybe they can pull me over to the way they think. Because if they could harden me inside... [LB699]

SENATOR GLOOR: Time, Senator. [LB699]

SENATOR CHAMBERS: Thank you, Mr. President. [LB699]

SENATOR GLOOR: Thank you, Senator Chambers. And, Senator Chambers, you are up next. This is your third time, Senator. [LB699]

SENATOR CHAMBERS: If they could harden me enough to do that, then it might put me in a position to do some of the things that I see my colleagues do. Maybe I could see legislation that would say that there are women who are poor and they're pregnant and they need medical care, and I would feel nothing. and I could say like my colleagues do by their actions, she shouldn't have gotten pregnant. She shouldn't have been poor. It's on her. What she did was voluntary. Let her suffer the consequences of her actions. I can't do that yet because, again, I'm not a Christian. And that's one of the reasons I don't want to be one. I don't want to be like what I see around this place. I would be able to say--I hate President Obama more than I love Christ, and for that

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reason I will not take money that will make it possible to extend medical care to people who need it but cannot afford it because, by god, when that person suffers, President Obama is feeling it. President Obama doesn't feel any of that. You don't feel it. The only one who feels it is the one suffering the illness and those who love that person and who are aware of what that person is suffering. And they don't just feel hurt. They don't just feel hopelessness and helplessness. They feel a bitterness. They feel an anger, and it could even morph into hatred for these people who are so hardhearted that money which is available will not be accepted. We will teach children, even if we don't use these terms, a bird in the hand is worth two in the bush. Strike while the iron is hot. But when it comes to putting into practice those kind of things that would help our brothers and sisters, then it all goes out the window and we see that those words are only words. They are devoid of meaning, they are devoid of moral content. But similarly situated people who are hardhearted get together and say these things to each other and reinforce for each other that what you're doing is good. Depriving these people of medical care is not bad, it's good because you're hurting some black man in the White House who shouldn't have got there in the first place. But the fact is he is there. And you don't hurt those...him by hurting those in your community who don't look like him but look like you, who look like you. And you will hurt your own thinking you're hurting somebody who looks like me. All of what I'm saying applies to what's happening in this bill. It shows to me, maybe nobody else and I'm speaking only for me and that's why I'm the only one speaking, I'm the only one who sees it this way, it shows a moral insensitivity. It shows a conscience which in the parlance of the "Bible," a conscience which is seared. It cannot feel. It has no sense of what is right and wrong. Or as the drug dealer was described in a song by a group called the Temptations, it was called "Take a Look Around", and this drug dealer was described as a man who was desperate with no sense of values, just an evil mind lurking in the night. Then all of the things that his drugs would do to the people he was purveying them to. [LB699]

SENATOR GLOOR: One minute. [LB699]

SENATOR CHAMBERS: He's not as bad as you all are. You are putting in place state sanctioned, the state's imprimatur on a program designed to take children and people with childlike mentalities and have them kill, teach them that if you don't kill you're missing out on something. When you kill, you can throw your arms up and cheer because you saw the blood come from that animal. You saw the animal stumble, stagger, and fall. And that is the pinnacle of what a human being can do. Thank you, Mr. President. [LB699]

SENATOR GLOOR: Thank you, Senator Chambers. Seeing no senators remaining in the queue, Senator Coash, you're recognized to close on your amendment to the committee amendment. [LB699]

SENATOR COASH: Thank you, Mr. President. Thank you, colleagues. FA202 simply

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adds a requirement of the physician to assess the individual's ability to remain safe while engaged in this activity. And I want to make something clear for the record, and it should be reflected in the record that the amendment is changed to...we should have put line 2 or, excuse me, page 2 in the floor amendment. And so we are actually amending page 2, line 5, and that will be reflected on FA202. And I want to make that clear for the record because the original amendment that you saw did not have page 2 on it. With that, I would urge your adoption of FA202. Thank you, Mr. President. [LB699]

SENATOR GLOOR: Thank you, Senator Coash. The question before the body is the adoption of the amendment to the committee amendment to LB699. All in favor vote aye; all opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB699]

ASSISTANT CLERK: 25 ayes, 0 nays on the adoption of Senator Coash's amendment. [LB699]

SENATOR GLOOR: The amendment is adopted. We return to debate on the committee amendments from the Natural Resources Committee. Are there senators wishing to be recognized? Seeing none, Senator Carlson, you're recognized to close on the committee amendments to LB699. [LB699]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature, and thank you for the discussion that we've had this morning. And I do ask for your support on AM1754. I believe this is a good amendment and makes LB699 a better bill. Ask for your green vote. Thank you. [LB699]

SENATOR GLOOR: Thank you, Senator Carlson. The question is, shall the committee amendments to LB699 be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB699]

ASSISTANT CLERK: 30 ayes, 0 nays on the adoption of committee amendments as amended. [LB699]

SENATOR GLOOR: The committee amendments are adopted. Discussion on the advancement of LB699. There are no senators wishing to speak. Senator Larson. Senator Larson waives. The question is, shall LB699 be advanced to E&R Initial? All those in favor vote aye; all those opposed vote nay. There's been a request for a record vote. Have all voted who care to? Record, Mr. Clerk. [LB699]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 678-679.) Vote is 27 ayes, 1 nay, Mr. President, on the advancement of the bill. [LB699]

SENATOR GLOOR: The bill advances. Mr. Clerk. [LB699]

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ASSISTANT CLERK: Mr. President, the next bill is LB546, introduced by Senator Kolowski. (Read title.) The bill was read for the first time on January 23, referred to the Education Committee. That committee reports the bill to General File with committee amendments. (AM833, Legislative Journal pages 838, First Session, 2013.) [LB546]

SENATOR GLOOR: Thank you, Mr. Clerk. Senator Kolowski, you're recognized to open on your bill. [LB546]

SENATOR KOLOWSKI: Thank you, and good morning, Mr. President and members of the Legislature. I'm here today to encourage you to join me in supporting LB546 with committee amendment AM833. This is legislation that streamlines the business practices for postsecondary education. Statute 85-403 allows the University of Nebraska and the Nebraska State College System to issue revenue bonds to construct and maintain student housing, recreational facilities, student unions, health centers, and parking structures. These bonds are, and I quote from the statute, "not an obligation of the State of Nebraska, and no tax shall ever be levied to raise funds for the payment thereof or interest thereon." Currently, review and approval of revenue bond projects require three steps: (1) the Board of Regents' approval, (2) Coordinating Commission for Postsecondary Education recommendation, and (3) legislative approval. These steps may seem uncomplicated at first glance, but the infrequency and disconnected timing of meetings creates long lead times and has resulted in near delays of projects and extra time spent by the university, the Coordinating Commission, and legislative staff. Two recent projects, UNL's 18th and Vine parking garage, and UNK's Centennial Tower East renovation, serve as examples. UNL's parking structure was approved by the Board of Regents, June 8, 2012; and recommended by the Coordinating Commission, September 19, 2012. Had the Executive Board not held a special meeting on January 8, 2013, this project would have likely had been postponed until the next appropriations bill, delaying construction by a year. UNL would have opened 1,004 new beds, August 14, 2014, without 1,270 adjacent parking spaces. Similarly, UNK's residential tower was approved by the Regents, September 14, 2012, and recommended by the CCPE, December 6, 2012. Again, this was too late to make the September 2012 Legislative Executive Board agenda. Had the Executive Board not held the January 8, 2013, special meeting, the needed fire sprinkler work at UNK would not have been completed until 2015. LB546, with the committee amendment AM833, seeks to streamline this process by eliminating Coordinating Commission recommendation, allowing revenue bond projects to proceed in a timely manner following Board of Regents' and legislative approval. The oversight and protections envisioned in the original statutes are and will continue to be accomplished through a number of controls, including approval by the respective boards, intensive reviews by external bond counsel and underwriters, bond covenants restrictions, internal coverage requirements, and, of course, legislative approval. I ask for your favorable consideration of this proposed legislation, as it allows the university and state colleges to take greater advantage of rates, schedules, and public/private opportunities. Additionally, this

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legislation provides business efficiencies for the university and colleges, Coordinating Commission, and legislative staff. The Coordinating Commission testified in neutral on this legislation, and there was no--no--opposition testimony. This bill advanced out of the Education Committee with no opposition from the committee members. Again, I want to remind you that this legislation, with committee amendment AM833, only eliminates the Coordinating Commission recommendation on postsecondary revenue bonds. The Legislature still has the final approval. With that, I urge you to advance committee amendment AM833 and the underlying bill LB546. Thank you very much. [LB546]

SENATOR GLOOR: Thank you, Senator Kolowski. As the Clerk stated, there are amendments from the Education Committee. Senator Sullivan, as Chair of that committee, you're recognized to open on the committee amendments. [LB546]

SENATOR SULLIVAN: Mr. President and members of the Legislature, LB546, with AM833 attached, advanced from the Education Committee with an 8-0 vote, and had no opposition at the committee hearing. AM833 would make the following changes to LB546. AM833 would remove the requirement that the Coordinating Commission for Postsecondary Education review proposals under Sections 85-404 and 85-408 of the Nebraska Revised Statutes, but it continues the current requirement that these projects be approved by the Legislature or the Legislature's Executive Board if the Legislature is not in session; and it restores legislative oversight and approval for capital projects proposed by nonprofit corporations created by the Board of Regents or the Board of Trustees under Section 85-1415, which was stricken under LB546. So, in essence, LB546, with committee amendment AM833 incorporated, would eliminate the duty of the Coordinating Commission to review the aforementioned capital projects. It's believed that LB546, with this amendment attached, makes a more streamlined process for approving capital projects while still retaining legislative oversight for these projects. I ask for the adoption of AM833 and the advancement of LB546. Thank you. [LB546]

SENATOR GLOOR: Thank you, Senator Sullivan. Members, you've heard the opening on LB546 and the committee amendments. We now move to floor debate. Senator Christensen, you are recognized. [LB546]

SENATOR CHRISTENSEN: Thank you, Mr. President. Would Senator Kolowski yield to a question? [LB546]

SENATOR GLOOR: Senator Kolowski, would you yield? [LB546]

SENATOR KOLOWSKI: Yes, sir. [LB546]

SENATOR CHRISTENSEN: Can you give me any history on this of why have we had this approval in the past? [LB546]

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SENATOR KOLOWSKI: I'm sorry, sir. Would you repeat that? [LB546]

SENATOR CHRISTENSEN: Well, we're taking away the oversight or the responsibility from the Legislature approval, correct? So why did, in history, did we have that, and not necessarily now? I didn't know if you knew the history of it. [LB546]

SENATOR KOLOWSKI: Senator, we're not taking away the legislative approval. We're reducing it down to two steps: only the Board of Regents for the universities, and also for the...just for the legislative approval as well. The Coordinating Commission is the one being removed. [LB546]

SENATOR CHRISTENSEN: The Coordinating Commission does what then? [LB546]

SENATOR KOLOWSKI: At the current time? [LB546]

SENATOR CHRISTENSEN: Yes. [LB546]

SENATOR KOLOWSKI: They would be the second stop on one of the projects that would be coming through from the university or the college system. [LB546]

SENATOR CHRISTENSEN: So this is real...not removing the final authority, but just removing the early steps. [LB546]

SENATOR KOLOWSKI: Yes, sir. [LB546]

SENATOR CHRISTENSEN: Okay. [LB546]

SENATOR KOLOWSKI: And in the...if I may, in the last decade, out of 80-some projects that have come before the Coordinating Commission and all three checkpoints, only one was ever turned down by the Coordinating Commission, and that was overruled then by the legislative committee and was approved and moved on. That was a climbing wall in a health center on the UNL campus. [LB546]

SENATOR CHRISTENSEN: Well, that's all my questions. If you'd like my time, you can have it. [LB546]

SENATOR GLOOR: Three minutes and 10 seconds, Senator. [LB546]

SENATOR KOLOWSKI: I'll move on. Thank you, sir. [LB546]

SENATOR GLOOR: Okay. Are there other senators wishing to be recognized? Seeing none, Senator Sullivan waives. The question is, shall the committee amendments to

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LB546 be adopted? Those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB546]

ASSISTANT CLERK: 26 ayes, 0 nays on the adoption of committee amendments. [LB546]

SENATOR GLOOR: The amendment is adopted. Discussion on the advancement of LB546. Seeing no senators wishing to speak, Senator Kolowski, you're recognized to close on advancement of your bill. [LB546]

SENATOR KOLOWSKI: Thank you, Mr. President. I ask that our body advance this legislation for all the reasons discussed. Thank you very much. [LB546]

SENATOR GLOOR: The question is the advancement of LB546 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Senator Kolowski, for what reason do you rise? [LB546]

SENATOR KOLOWSKI: Yes, sir. I'd like a call of the house, please. [LB546]

SENATOR GLOOR: There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. The house...record, Mr. Clerk. [LB546]

ASSISTANT CLERK: 25 ayes, 0 nays to go under call, Mr. President. [LB546]

SENATOR GLOOR: Thank you, Mr. Clerk. The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. [LB546]

SENATOR KOLOWSKI: (Inaudible.) [LB546]

SENATOR GLOOR: So ordered. Senators returning to the Chamber, we are authorizing call-ins. [LB546]

ASSISTANT CLERK: Senator Coash voting yes. Senator Murante voting yes. [LB546]

SENATOR GLOOR: Record, Mr. Clerk. [LB546]

ASSISTANT CLERK: 25 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB546]

SENATOR GLOOR: The bill advances. Raise the call. Items for the record, Mr. Clerk.

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[LB546]

ASSISTANT CLERK: Thank you, Mr. President. Your Committee on Enrollment and Review reports LB901, LB901A, LB690, LB776, and LB844 to Select File. New resolutions: LR459 by Senator Janssen; LR460 by Senator Janssen; LR461 by Senator Gloor; LR462 by Senator Avery. Those will be laid over. Amendments to be printed: Senator Brasch to LB144; Senator Scheer to LB132; Senator Coash to LB728. New bills. (Read LB690A, LB744A, LB191A by title for the first time.) Senator Watermeier files a potential conflict of interest statement. Names adds: Senator Mello to LB505, and Senator Janssen to LB902. (Legislative Journal pages 679-686.) [LB901 LB901A LB690 LB776 LB844 LR459 LR460 LR461 LR462 LB144 LB132 LB728 LB690A LB744A LB191A LB505 LB902]

And I do have a priority motion. Senator Seiler would move to adjourn until Friday, February 25, 2014, 9:00 a.m.

SENATOR GLOOR: Members, there's been a motion to adjourn until 9:00 tomorrow morning. Those in favor say aye. Those opposed, nay. We stand adjourned.