

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

Floor Debate
February 10, 2016

[LB131 LB188 LB270 LB275 LB371A LB474 LB474A LB505 LB505A LB639 LB695 LB699 LB702 LB730 LB733 LB737 LB751 LB759 LB760 LB761 LB770 LB771 LB775 LB808 LB853 LB860 LB867 LB875 LB876 LB894 LB896 LB948 LB1016 LB1022 LR26CA LR35 LR378CA]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: GOOD MORNING, LADIES AND GENTLEMEN, AND WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE TWENTY-FOURTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. OUR CHAPLAIN FOR TODAY IS PASTOR ROGER GRABER OF REALITY CHURCH, IN LA VISTA, NEBRASKA, LOCATED IN SENATOR KINTNER'S DISTRICT. PLEASE RISE.

PASTOR GRABER: (PRAYER OFFERED.)

PRESIDENT FOLEY: THANK YOU, PASTOR GRABER. I CALL TO ORDER THE TWENTY-FOURTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

CLERK: I HAVE A QUORUM PRESENT, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. ARE THERE ANY CORRECTIONS FOR THE JOURNAL?

CLERK: I HAVE NO CORRECTIONS.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. ARE THERE ANY MESSAGES, REPORTS, OR ANNOUNCEMENTS?

CLERK: MR. PRESIDENT, PRIORITY BILL SELECTIONS BY THE PERFORMANCE AUDIT COMMITTEE LB867 AND LB1022, SIGNED BY SENATOR WATERMEIER AS CHAIR. ENROLLMENT AND REVIEW REPORTS LB131, LB270, LB275, LB474, LB474A, LB505, LB505A, LB695, LB699, LB702, LB737, LB751, LB759, LB760, LB761, LB771, LB775, LB853, AND LB856 AS CORRECTLY ENGROSSED. YOUR COMMITTEE ON BANKING, COMMERCE AND INSURANCE CHAIRED BY SENATOR SCHEER REPORTS LB770 TO GENERAL FILE. AND I HAVE TWO CONFIRMATION REPORTS FROM THE BANKING, COMMERCE AND INSURANCE COMMITTEE, BOTH SIGNED BY SENATOR

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SCHEER AS CHAIR. ACTUALLY, I HAVE THREE REPORTS. THAT'S ALL THAT I HAVE, MR. PRESIDENT. THANK YOU. (LEGISLATIVE JOURNAL PAGES 539-541.) [LB867 LB1022 LB131 LB270 LB275 LB474 LB474A LB505 LB505A LB695 LB699 LB702 LB737 LB751 LB759 LB760 LB761 LB771 LB775 LB853 LB876 LB770]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SPEAKER HADLEY YOU'RE RECOGNIZED FOR ANNOUNCEMENT.

SPEAKER HADLEY: MR. PRESIDENT AND MEMBERS OF THE BODY, I WOULD LIKE TO TAKE JUST A COUPLE OF MINUTES. I PLAN ON HAVING ANOTHER CONSENT CALENDAR ON NEXT TUESDAY. THAT'S A TWO-HOUR DAY, AND I HOPE TO BE ABLE TO GET THROUGH THE CONSENT AGENDA. I WANT TO REITERATE SOME OF THE QUALIFICATIONS FOR ITEMS ON THE CONSENT AGENDA. BASICALLY, THE REASON FOR THE QUALIFICATIONS OF WHAT KINDS OF BILLS I'M LOOKING AT IS THE TIME FRAME. AS YOU ALL REMEMBER, THERE IS 15 MINUTES ALLOWED FOR CONSENT BILLS. IF THE OPENER WERE TO USE THEIR FULL TEN MINUTES, THAT WOULD MEAN THE NEXT FIVE MINUTES WOULD BE FOR ANYBODY TO TALK AND THE CLOSING, OR IF THEY USE FIVE MINUTES, THERE COULD BE A FIVE-MINUTE TALK BY SOMEBODY AND A FIVE-MINUTE CLOSING. SO THE KEY IS, THERE IS NOT TIME FOR DISCUSSION ON THE FLOOR FOR CONSENT ITEMS. SO THAT IS WHY IN CHOOSING THEM, I HAVE TO DECIDE WHETHER THE TOPIC IS ONE THAT I FEEL DESERVES MORE THAN 15 MINUTES OF CONVERSATION ON THE FLOOR. SO, HERE ARE SOME OF THE AREAS THAT I LOOK AT. THE BILL IS NONCONTROVERSIAL. JUST BECAUSE A BILL COMES OUT 8-0 OUT OF A COMMITTEE DOES NOT MAKE IT NONCONTROVERSIAL. TWO, THE TOPIC THE BILL OPENS UP IS NONCONTROVERSIAL. IN ESSENCE, IF THE BILL OPENS UP AN AREA THAT IS CONTROVERSIAL, EVEN THOUGH THE BILL ITSELF MAY NOT BE CONTROVERSIAL, I WILL NOT SCHEDULE IT AS CONSENT. THREE, THE BILL DOES NOT ADD A LOT OF CHANGES. I DON'T EXPECT THE BODY TO SIT AND READ A 40-PAGE BILL WITH 40 PAGES OF CHANGE AND THEN MAKE THE ARGUMENT THAT IT'S A CONSENT BILL. AND FOURTH, THE BILL DOES NOT HAVE A GENERAL FUND IMPACT. AND FIFTH, THE BILL HAS BEEN REPORTED TO GENERAL FILE. NOW, I WANT TO TAKE JUST A QUICK MINUTE AND GIVE YOU AN EXAMPLE OF WHAT CAN HAPPEN. LB399 WAS INTRODUCED ON TUESDAY, FEBRUARY 12th, 2013. TRANSPORTATION AND TELECOMMUNICATIONS HEARD IT. I WAS ON THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE. PERMIT MEMBERS OF CERTAIN ORGANIZATIONS TO USE FLASHING AMBER LIGHTS ON MOTOR VEHICLES. (LAUGHTER) THAT BILL WAS ASKED TO BE PUT ON CONSENT. IT WAS DECLINED AND WE SPENT EIGHT HOURS ON THAT BILL, AS JUST AN EXAMPLE OF A BILL THAT WOULD LOOK LIKE IT HAD... WOULD COMPLETELY FLY THROUGH,

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DID NOT. NOW, I PICK THAT ONE A LITTLE FACETIOUSLY, BUT REALLY NOT. YOU KNOW WHAT AREAS THAT EITHER OPEN UP NEW SECTIONS OF LAW, OR OPEN UP AREAS WHERE THEY ARE GOING TO TAKE TIME TO DISCUSS ON THE FLOOR. SO IF I TURN YOU DOWN FOR CONSENT ON A BILL, IT'S NOT BECAUSE I DON'T LIKE THE BILL, OR I DON'T LIKE YOU, MAYBE A COUPLE, (LAUGHTER) BUT BASICALLY I...MY GOAL IS TO GET THOSE CONSENT BILLS THROUGH AND GET THEM MOVING. AND THE LAST THING YOU WANT IS TO HAVE THREE PEOPLE PUT A REQUEST TO WITHDRAW YOUR BILL AND IT'S DEAD AT THAT POINT IN TIME. I WOULD NOT SCHEDULE IT FOR A SPEAKER PRIORITY IF IT'S BEEN PULLED FROM THE CONSENT CALENDAR. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, MR. SPEAKER. MOVING NOW TO THE AGENDA, GENERAL FILE, LB188. MR. CLERK. [LB188]

CLERK: MR. PRESIDENT, LB188, A BILL BY SENATOR WATERMEIER RELATES TO VEHICULAR PURSUITS. IT HAS BEEN DISCUSSED ON THE FLOOR, FEBRUARY 4, AND 8. COMMITTEE AMENDMENTS WERE PRESENTED, MR. PRESIDENT, BY THE JUDICIARY COMMITTEE. WHEN THE LEGISLATURE LEFT THE ISSUE, SENATOR CHAMBERS HAD PENDING FA86 AS AN AMENDMENT TO THE COMMITTEE AMENDMENTS. (FA86, LEGISLATIVE JOURNAL PAGE 506.) [LB188]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. BEFORE PROCEEDING TO DEBATE ON THE BILL, WE'LL ALLOW SENATORS WATERMEIER AND CHAMBERS TO TAKE MAYBE A MINUTE EACH JUST TO REFRESH US ON WHERE WE ARE ON THE MATTER. SENATOR WATERMEIER. [LB188]

SENATOR WATERMEIER: THANK YOU, LIEUTENANT GOVERNOR. TO SUMMARIZE LB188, IT CLARIFIES THE MEANING OF INNOCENT THIRD PARTY FOR PURPOSES OF DETERMINING LIABILITY OF LAW ENFORCEMENT AGENCIES DURING A POLICE PURSUIT. THIS BILL DOES NOT CHANGE THE LAW RELATING TO BYSTANDERS, PERSONS IN OTHER VEHICLES, AND ETCETERA. IT ONLY AFFECTS PASSENGERS IN THE FLEEING VEHICLE AND ONLY UNDER CERTAIN CIRCUMSTANCES. THE CIRCUMSTANCES SPELLED OUT IN LB188 ARE BASED ON CASE LAW. BECAUSE THE LEGISLATURE HAS NOT DEFINED WHO INTENDS TO BE CONSIDERED AS INNOCENT THIRD PARTY FOR THE PURPOSES OF STRICT LIABILITY PURSUIT LAW, THE COURTS HAVE JUDICIOUSLY CONSTRUCTED A DEFINITION. HOWEVER, THE SUPREME COURT WENT SO FAR AS TO ISSUE A SEPARATE OPINION IN A CASE STATING THAT THEY DOUBT THAT THIS IS WHAT THE LEGISLATURE INTENDED, AND SUGGESTED THAT THE LEGISLATURE COULD

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NARROW THE COURT'S INTERPRETATION. LB188 IS A COMMONSENSE BILL THAT WILL ONLY AFFECT A SMALL NUMBER OF CASES, BUT THESE CASES HAVE THE POTENTIAL TO BE EXPENSIVE FOR CITIES, COUNTIES, AND THE STATES, AND IT'S JUST NOT RIGHT. ALL INJURED PERSONS WILL STILL BE ABLE TO SUE THE GOVERNMENTAL ENTITY RESPONSIBLE FOR THE CHASE. THE INTENT BEHIND LB188 IS TO PREVENT ONLY THOSE PERSONS WHO ARE PASSENGERS IN A FLEEING VEHICLE AND WHO ARE TRULY NOT INNOCENT FROM COLLECTING. THIS BILL WILL GIVE THE COURT STANDARDS TO CONSIDER IN DETERMINING WHETHER A PASSENGER IN A FLEEING VEHICLE IS REALLY INNOCENT AND INELIGIBLE FOR AN AUTOMATIC RECOVERY. IF LB188 WOULD PASS, IT DOES NOT MEAN THAT THE INJURED PASSENGER IN A FLEEING VEHICLE LOSES, IT JUST MEANS THAT THEY DON'T AUTOMATICALLY WIN. I MAY HAVE MISSPOKE ON THE FLOOR THE OTHER DAY, COLLEAGUES, THAT I HAD SAID THAT THE INJURED PERSON WOULD HAVE TO PROVE THEIR INNOCENCE, AND THAT IS NOT TRUE. THE BURDEN OF PROOF STILL FALLS ON THE GOVERNMENTAL AGENCY. THEY HAVE TO PROVE WHETHER THAT PERSON WAS ENCOURAGING THE PERSON OF FLIGHT OR INVOLVED IN THAT POLICE PURSUIT. IT STILL FALLS ON THE BURDEN OF THE GOVERNMENTAL AGENCY. THANK YOU, MR. PRESIDENT. [LB188]

PRESIDENT FOLEY: THANK YOU, SENATOR WATERMEIER. SENATOR CHAMBERS. [LB188]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, I HANDED OUT ON YOUR DESK THIS MORNING A LETTER THAT APPEARED IN THE PUBLIC PULSE TAKING ISSUE WITH LB188, SO I WON'T READ IT. YOU CAN READ IT FOR YOURSELF. BUT WHAT MY AMENDMENT DOES IS TO STRIKE TWO PROVISIONS FROM LB188 BECAUSE THEY POSE AN IMPOSSIBLE BARRIER TO A PERSON WHO IS A PASSENGER. SENATOR WATERMEIER CONTINUES TO WANT TO MAKE YOU THINK THAT IF SOMEBODY IS A BAD PERSON, UNDER ORDINARY CIRCUMSTANCES HE OR SHE SHOULD NOT RECOVER IF HE OR SHE IS IN THE CAR BEING CHASED. WELL, TO COUNTER THAT, EVEN A PRISONER WHO IS ON DEATH ROW FOR HAVING COMMITTED THE MOST ATROCIOUS CRIME, THE LAW AND THE CONSTITUTION REQUIRES THAT THAT PERSON BE GIVEN MEDICAL CARE AND TREATMENT, SHOULD HE OR SHE NEED IT. WE'RE TALKING HERE STRICTLY ABOUT SOMEBODY WHO IS IN A CAR, WHO HAD NOTHING TO DO WITH THE CHASE. MY AMENDMENT DOES NOT TOUCH THE PROVISION THAT COMES DIRECTLY FROM THE SUPREME COURT DECISION THAT SAYS IF A PERSON ENCOURAGES, PROVOKES, OR EGGS SOMEBODY ON--I'M PARAPHRASING--THAT IS NOT AN INNOCENT THIRD PARTY. THAT IS THE AMENDMENT WHICH IS BEFORE YOU NOW. THANK YOU, MR. PRESIDENT. [LB188]

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PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. MEMBERS, THE ROCKY ROAD CANDY BAR IS BEING DISTRIBUTED IN HONOR OF SENATOR SMITH'S BIRTHDAY WHICH WAS YESTERDAY, FEBRUARY 9th. CONGRATULATIONS, SENATOR SMITH AND THANK YOU. (DOCTOR OF THE DAY INTRODUCED.) SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB188]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, BECAUSE OF THE WAY THAT THIS BILL IS DRAFTED, IT IS DIFFICULT TO OFFER AMENDMENTS THAT WOULD CORRECT IT. THE COMMITTEE AMENDMENT DOES SOME CLEANING UP, BUT EVEN WITH THE COMMITTEE AMENDMENT THERE ARE PROBLEMS THAT REMAIN. MY AMENDMENT THAT IS BEING CONSIDERED WOULD AMEND THE COMMITTEE AMENDMENT WHICH WOULD THEN DO WHAT I MENTIONED. IT WOULD STRIKE FROM THE BILL PROVISIONS WHICH I, AND AS OTHER PEOPLE DISCUSSED IT ON THE FLOOR, DEEM TO BE UNREASONABLE. AND I WILL JUST READ THAT LANGUAGE FROM PAGE 3, BUT THE IDENTICAL LANGUAGE IS ON PAGE 5. IF THE PERSON ENTERS INTO THE VEHICLE WITHOUT COERCION, KNOWING OR WITH A REASONABLE BELIEF THAT THE DRIVER OF THE VEHICLE IS UNDER THE INFLUENCE OF ALCOHOLIC LIQUOR OR DRUGS, THAT'S SOMETHING THAT A PERSON COULD NOT ESTABLISH. THE STATE COULD NOT ESTABLISH THAT THE PERSON KNEW THIS KIND OF INFORMATION. AND IN ONE CASE WHERE AN INDIVIDUAL WAS A PASSENGER AND KILLED, THERE WAS LANGUAGE IN THE COURT OPINION THAT A DISPUTED ISSUE COULD NOT BE RESOLVED BECAUSE THE ONE WHO COULD RESOLVE IT HAD BEEN KILLED. SO I THINK THAT'S WHY THIS LANGUAGE WAS PUT IN TO ADDRESS THE SITUATION WHERE THE INJURED PARTY MAY NOT BE IN A POSITION TO SAY ANYTHING. AND IT'S UNREASONABLE TO SAY THAT A PERSON WHO IS SIMPLY ACCEPTING A RIDE IN A CAR WOULD KNOW OR HAVE A REASONABLE BASIS FOR KNOWING WHETHER SOMEBODY IS UNDER THE INFLUENCE. TO MERELY HAVE CONSUMED ALCOHOL, TO BE SMELLING OF ALCOHOL, IS NOT THE SAME AS BEING UNDER THE INFLUENCE. WHEN YOU USE THE TERM UNDER THE INFLUENCE, THAT IS A SPECIFIC STATEMENT. IT SETS A SPECIFIC STANDARD WHICH A PERSON WITHOUT THE AID OF EQUIPMENT COULD NOT DETERMINE. THEN THE SECOND PROVISION THAT WOULD BE STRICKEN IS ONE THAT REQUIRES THE INDIVIDUAL TO TAKE REASONABLE STEPS TO PERSUADE THE DRIVER OF THE FLEEING VEHICLE TO STOP THE VEHICLE. I'D LIKE TO ASK SENATOR WATERMEIER A QUESTION. [LB188]

PRESIDENT FOLEY: SENATOR WATERMEIER, WOULD YOU YIELD, PLEASE? [LB188]

SENATOR WATERMEIER: YES, MR. PRESIDENT. [LB188]

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SENATOR CHAMBERS: SENATOR WATERMEIER, I'M LOOKING AT PART B ON PAGE 3, WHICH SAYS THAT THE PASSENGER WHO WAS INJURED WOULD FAIL TO TAKE REASONABLE STEPS TO PERSUADE THE DRIVER OF THE FLEEING VEHICLE TO STOP THE VEHICLE. SUPPOSE THIS INJURED PASSENGER WERE A MINOR. THAT'S WHAT I'M ASKING YOU. [LB188]

SENATOR WATERMEIER: YES, IF THEY ARE. [LB188]

SENATOR CHAMBERS: SO WHAT STEPS WOULD THAT PERSON TAKE TO STOP THE PERSON FROM FLEEING? [LB188]

SENATOR WATERMEIER: THAT'S COMING BACK TO THE FACT THAT THAT'S STILL THE BURDEN OF PROOF IS STILL GOING TO BE ON THE CITY OR THE STATE TO PROVE THAT. [LB188]

SENATOR CHAMBERS: WHY EVEN HAVE IT THERE? [LB188]

SENATOR WATERMEIER: BECAUSE HAVING IT WHERE IT IS IN LAW RIGHT NOW COMES BACK TO THE CASE OF WHAT I'M TALKING ABOUT, IS THAT THEY'RE AUTOMATICALLY EXCLUDED, THEY'RE AUTOMATICALLY CONSIDERED INNOCENT. THE BURDEN OF PROOF DOESN'T FALL ON THIS DEFENDANT, IT FALLS ON THE CITIES AND THE COUNTIES. [LB188]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, I'M NOT GOING TO SAY THAT SENATOR WATERMEIER IS DELIBERATELY MISLEADING THE BODY, BUT HE DEFINITELY IS MISLEADING BECAUSE HERE IS WHAT THE COURT SAID. IF A PERSON PROMOTES, PROVOKES, OR PERSUADES THE DRIVER TO ENGAGE IN THIS CHASE, HE OR SHE IS NOT AN INNOCENT THIRD PARTY. [LB188]

PRESIDENT FOLEY: ONE MINUTE. [LB188]

SENATOR CHAMBERS: THAT IS IN THE BILL. IT REMAINS THERE. THAT'S WHAT THE COURT SAID. SO SENATOR WATERMEIER IS NOT TELLING THE TRUTH, OR HE'S TOTALLY IGNORANT OF WHAT THE LAW IS AND WHAT HIS BILL SAYS. THERE IS NOT AN AUTOMATIC ACCEPTANCE THAT THE INJURED PERSON SHOULD RECOVER. THE COURT HAS STATED A BARRIER, HAS STATED A BAR THAT MUST BE SURMOUNTED BY THE INJURED PARTY. IF THAT PERSON PROVOKED, OR TO USE THE TERM WE'VE BEEN USING, EGGS ON THE DRIVER IN ANY WAY, THAT

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REMOVES THAT PERSON FROM INNOCENT THIRD-PARTY STATUS. SO I'M GOING TO HAVE TO KEEP REPEATING THIS BECAUSE SENATOR WATERMEIER IS USING THE TACTIC OF MR. RUBIO WHO CONTINUES TO SAY THE SAME THING OVER AND OVER AND OVER AS IF THE CONSTANT REPETITION MAKES IT MORE TRUE THAN IT WAS THE FIRST TIME HE STATED IT. IT WAS FALSE WHEN HE STATED IT. [LB188]

PRESIDENT FOLEY: TIME, SENATOR. [LB188]

SENATOR CHAMBERS: IT'S FALSE HOWEVER MANY TIMES HE REPEATS IT. THANK YOU, MR. PRESIDENT. [LB188]

PRESIDENT FOLEY: THANKS, SENATOR CHAMBERS. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB188]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, I HAVE A QUESTION FOR SENATOR WATERMEIER. [LB188]

PRESIDENT FOLEY: SENATOR WATERMEIER, WOULD YOU YIELD, PLEASE? [LB188]

SENATOR WATERMEIER: YES. [LB188]

SENATOR HAAR: SENATOR WATERMEIER, I AM TRULY BOTHERED BY THIS BILL BECAUSE OF THOSE FIRST TWO. AND SO, IN MY MIND I KEEP DOING WHAT IF, YOU KNOW, TRYING TO SAY WHAT'S GOING TO HAPPEN. SO, FOR EXAMPLE, IF WE PASS THIS AND I GOT INTO A VEHICLE WITH SOMEBODY UNDER THE INFLUENCE, AND THE COURTS OR WHOEVER THE COUNTY ATTORNEY, WHOEVER, DECIDED THAT I SHOULD HAVE TALKED TO THE DRIVER AND TRIED, IF THEY DECIDE THAT'S TRUE, MIGHT I BE IN A POSITION WHERE I HAVE TO HIRE A LAWYER TO DEFEND MYSELF? [LB188]

SENATOR WATERMEIER: NO, I DON'T THINK SO. I MEAN, THE COUNTY IS THE GOING TO PROVIDE THAT IF YOU CANNOT AT YOUR COST. BOY, THAT'S OVER MY HEAD, AS FAR AS A LEGAL CASE, BUT JUST KEEP IN MIND THAT THAT PERSON DOES NOT HAVE TO PROVE THEY'RE INNOCENT. THE CITY HAS TO PROVE THEY'RE GUILTY, THE CITY. [LB188]

SENATOR HAAR: NO, BUT IN THAT CASE, IF I'M IN A COURTROOM AND SOMEBODY HAS TO PROVE I'M GUILTY, IF I DON'T HAVE A LAWYER I'M BEING

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RATHER STUPID, BECAUSE...IF THE OTHER SIDE IS A LAWYER, I DON'T HAVE A LAWYER, IT WOULD SEEM TO ME THAT THIS PUTS A BURDEN ON ME THEN TO POTENTIALLY GO TO GREAT EXPENSE TO HIRE A LAWYER AND SO ON AND SO FORTH. SO, YOU KNOW, COULD YOU EXPLAIN THAT TO ME? [LB188]

SENATOR WATERMEIER: I CANNOT EXPLAIN THAT LEGAL PROCESS THAT GOES INTO THAT, I'M SORRY, SENATOR HAAR. BUT I THINK WHAT YOU'RE GETTING AT IS, YOU COULD POTENTIALLY BE AT RISK OF PUTTING YOURSELF IN COURT IF YOU'RE INVOLVED IN AN ACCIDENT LIKE THIS. THAT'S PROBABLY A POTENTIAL, YES. [LB188]

SENATOR HAAR: OKAY. THANK YOU FOR THAT. SENATOR CHAMBERS, CAN I ASK YOU A QUESTION? [LB188]

PRESIDENT FOLEY: SENATOR CHAMBERS, WILL YOU YIELD, PLEASE? [LB188]

SENATOR CHAMBERS: YES. [LB188]

SENATOR HAAR: I DON'T KNOW IF THE YOU HEARD THE QUESTION I WAS JUST ASKING. [LB188]

SENATOR CHAMBERS: YES, I DID. [LB188]

SENATOR HAAR: AS A LAWYER, COULD YOU...I'D LIKE A RESPONSE FROM SOME LAWYERS ON THIS. [LB188]

SENATOR CHAMBERS: I'M TRAINED IN THE LAW, BUT HAVING NOT JOINED THE BAR ASSOCIATION AND GONE THROUGH THE STEPS, I'M NOT A LAWYER IN THAT SENSE, BUT I AM TRAINED IN THE LAW, AND ANYBODY WHO READS THESE CASES SEES THAT THE INNOCENT THIRD PARTY ALWAYS HAS A LAWYER. ALWAYS. IT'S PRESUMED, AND SENATOR WATERMEIER KNOWS. HE'S BEING DISINGENUOUS BY NOT RESPONDING DIRECTLY TO ANY QUESTION WHICH IS PUT TO HIM. HE KNOWS THAT THAT INNOCENT THIRD PARTY WOULD HAVE TO HAVE A LAWYER AS SOON AS THE CITY SAID, WE'RE NOT GOING TO PAY UP. THEN THE ISSUE IS JOINED. IT GOES TO COURT. AND THE INNOCENT THIRD PARTY MUST HAVE A LAWYER, AND IN EVERY CASE, EVERYONE WITHOUT EXCEPTION, THERE WAS A LAWYER FOR THE INNOCENT THIRD PARTY INVOLVED. [LB188]

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SENATOR HAAR: AND I WOULD BE A FOOL NOT TO HAVE A LAWYER IF THE CITY SAID... [LB188]

SENATOR CHAMBERS: ABSOLUTELY. YOU'D HAVE NO CHANCE WHATSOEVER. AND IF YOU DON'T SAY SOMETHING, ALL THAT SOMEBODY WHO IS TRYING TO MAKE A POINT HAS TO DO IS PRESENT WHAT'S CALLED A PRIMA FACIE CASE. YOU CAN JUST MAKE AN ALLEGATION. THAT MEANS IT'S UNSUPPORTED BY EVIDENCE. THEY MAKE THAT ALLEGATION, AND IF YOU DON'T OVERCOME IT, THEN YOU LOSE. THIS IS NOT A CRIMINAL ACTION WHERE THEY HAVE TO PROVE GUILT BEYOND A REASONABLE DOUBT. JUST TIP THE SCALE A LITTLE BIT, AND THEY WIN. SO YOU GOT TO HAVE A LAWYER. AND BY PUTTING THIS STUFF INTO THE STATUTE, THE COURT IS GOING TO REQUIRE YOU TO RESPOND AND SHOW THAT THESE THINGS THAT THE CITY IS ALLEGING THAT YOU SHOULD HAVE DONE BUT DIDN'T DO, YOU THEN ARE GOING TO HAVE TO COUNTER... [LB188]

PRESIDENT FOLEY: ONE MINUTE. [LB188]

SENATOR CHAMBERS: ...THE CITY'S ARGUMENT BY, IN EFFECT, PROVING THAT YOU DID THESE THINGS. [LB188]

SENATOR HAAR: OKAY. THANK YOU VERY MUCH. I'D LIKE TO PURSUE THIS A LITTLE BIT FURTHER WITH SENATOR SCHUMACHER, IF I COULD. [LB188]

PRESIDENT FOLEY: SENATOR SCHUMACHER, WOULD YOU YIELD, PLEASE? [LB188]

SENATOR SCHUMACHER: YES, I WILL. [LB188]

SENATOR HAAR: SENATOR SCHUMACHER, YOU'VE HEARD MY CONCERN THAT IF I GOT INTO A CAR IN A SITUATION LIKE THIS, AND THE CITY DECIDED THAT I WASN'T AN INNOCENT THIRD PARTY, WHAT WOULD BE YOUR RECOMMENDATION AS MY PERSONAL LAWYER, TO GET A LAWYER, OR JUST TO TAKE WHAT THE CITY SAYS? [LB188]

SENATOR SCHUMACHER: WELL, I THINK YOU'D WANT TO GET A LAWYER BECAUSE IT IS NOT CLEAR IN MY MIND, AT LEAST, FROM READING THE LANGUAGE, THAT YOU DO NOT HAVE TO PROVE YOURSELF INNOCENT IN ORDER TO FALL WITHIN THE PROTECTIONS OF THIS ACT. AND I... [LB188]

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PRESIDENT FOLEY: TIME. [LB188]

SENATOR SCHUMACHER: ...I WANT TO LOOK AT THE... [LB188]

PRESIDENT FOLEY: TIME, SENATORS. [LB188]

SENATOR HAAR: THANK YOU. [LB188]

PRESIDENT FOLEY: THANK YOU, SENATORS HAAR AND SCHUMACHER AND CHAMBERS. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB188]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, TO TAILGATE ON WHAT SENATOR SCHUMACHER WAS ABOUT TO SAY, THE WAY THIS LANGUAGE IS PRESENTED, IT PLACES A BURDEN ON THE THIRD PARTY, NOT ON THE CITY. IT SAYS, FOR PURPOSE OF THIS SECTION, A PASSENGER SHALL NOT BE CONSIDERED AN INNOCENT THIRD PARTY IF THE PASSENGER ENTERS INTO THE VEHICLE WITHOUT COERCION, KNOWING, OR WITH A REASONABLE BELIEF, THAT THE DRIVER OF THE VEHICLE IS UNDER THE INFLUENCE OF ALCOHOLIC LIQUOR. IF THE CITY SAYS, WE'RE NOT GOING TO PAY BECAUSE WE THINK THAT PERSON KNEW, THEN THE PERSON IS PUT IN THE POSITION OF HAVING TO PROVE THAT HE OR SHE IS OUTSIDE OF THIS LANGUAGE. THE LANGUAGE GIVES THE CITY OR THE COUNTY OR THE STATE A LEG UP AND SHIFTS THE BURDEN TO THE INNOCENT THIRD PARTY AND THE SAME THING IS TRUE WITH THE SECOND ONE. FAILS TO TAKE REASONABLE STEPS TO PERSUADE THE DRIVER OF THE FLEEING VEHICLE TO STOP THE VEHICLE. IF THE CITY SAYS THIS PERSON DID NOT TAKE REASONABLE STEPS AND SAYS THIS PERSON WAS CONSCIOUS AT THE TIME, KNEW THAT THIS PERSON WAS FLEEING, AND DID NOTHING TO PERSUADE THAT PERSON TO STOP. THEN THE ISSUE IS JOINED, AND THE PERSON THEN MUST PROVE THAT HE OR SHE IS OUTSIDE OF THIS LANGUAGE, SO EITHER SENATOR WATERMEIER DOESN'T KNOW WHAT HE'S TALKING ABOUT, HE'S BEING DISINGENUOUS, OR HE'S BEING LIED TO BY THOSE OUT IN THE LOBBY WHO KEEP TELLING HIM THESE THINGS THAT ARE NOT TRUE. BUT IF YOU PUT THIS INTO LAW, YOU'RE GOING TO FIND OUT HOW WRONG WHAT SENATOR WATERMEIER TOLD YOU, AND YOU WILL SAY, OOPS. WELL, I CANNOT ALLOW THAT TO HAPPEN WITHOUT FIGHTING AGAINST THIS BILL TOOTH AND NAIL. I THINK IT IS SO PERNICIOUS, I THINK IT IS SO HURTFUL TO THOSE WHO OUGHT TO BE RECOMPENSED WHEN THEY'RE HARMED THROUGH NO FAULT OF THEIR OWN, THAT I WILL TIE UP AS MUCH OF THE SESSION AS I CAN TO FIGHT THIS BILL. AND THAT MEANS BILLS THAT I HAVE

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STILL IN COMMITTEE. ONE OF THEM, I'M GOING TO PRIORITIZE. IT'S VERY IMPORTANT TO ME, AND OTHERS, I OFFERED IT IN YEARS PASSED. IT WOULD ALLOW A PERSON, IF A PHYSICIAN IS WILLING TO PRESCRIBE MEDICATION THAT WILL LET THAT PERSON DIE WITH DIGNITY. I'M GOING TO PRIORITIZE THAT BILL. IT'S CONTROVERSIAL BECAUSE THERE'S SOME PEOPLE WHO THINK THEY OUGHT TO HAVE A RIGHT TO INTRUDE IN THE MOST SERIOUS DECISION THAT A PERSON WILL MAKE, AND DENY THAT PERSON THE RIGHT TO MAKE THAT DECISION. THAT'S JUST A THUMBNAIL SKETCH TO LET YOU KNOW HOW IMPORTANT I THINK THAT BILL IS, AND IT MAY GO BY THE BOARDS. BUT I'M NOT GOING TO TRADE THAT BILL'S POSSIBILITIES FOR THIS PERNICIOUS LEGISLATION WHICH WILL ENCOURAGE MORE POLICE CHASES, LEAD THOSE WHO DIRECT POLICE AGENCIES TO SAY, WELL, GO AHEAD AND CHASE, BECAUSE WITH THE LAW THE WAY IT IS, WE'LL JUST SAY THIS PERSON WHO WAS INJURED SHOULD HAVE KNOWN THAT THIS PERSON WHO WAS DRIVING WAS UNDER THE INFLUENCE. THIS PERSON DID NOT TAKE REASONABLE STEPS TO PERSUADE THE DRIVER NOT TO SPEED OR TO STOP. IF YOU GET RID OF THOSE TWO THINGS, AS MY AMENDMENT DOES, WHAT DO YOU HAVE LEFT TO KEEP SOMEBODY FROM SAYING THE... [LB188]

PRESIDENT FOLEY: ONE MINUTE. [LB188]

SENATOR CHAMBERS: ...MERE FACT THAT I WAS IN THE CAR QUALIFIES ME AS AN INNOCENT THIRD PARTY? HERE IS WHAT THE SUPREME COURT SAID. IF THAT PERSON PROMOTED, PROVOKED, OR PERSUADED THE DRIVER TO ENGAGE IN THIS FLIGHT, THEN THAT PERSON IS NO LONGER AN INNOCENT THIRD PARTY. THAT IS ENOUGH OF A BURDEN, AND THAT IS REASONABLE, WHEN YOU CONSIDER ALL OF THE FACTORS INVOLVED. SO THIS AMENDMENT THAT I'M OFFERING WOULD STRIKE PROBLEMATIC LANGUAGE WHICH SENATOR WATERMEIER DOESN'T EVEN UNDERSTAND. HE CANNOT EXPLAIN TO YOU THE BURDEN SHIFTING. HE DOESN'T EVEN KNOW WHAT THAT MEANS. SO I WILL JUST KEEP DOING LIKE MR. RUBIO, I...SINCE SENATOR WATERMEIER IS GOING TO REPEAT AND REPEAT, I SHALL REPEAT AND REPEAT AND REPEAT. THANK YOU, MR. PRESIDENT. [LB188]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB188]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, I HAVE BEEN LISTENING TO THIS WHOLE DEBATE. AND THE QUESTIONS I AM BRINGING UP

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ARE CONCERNS I HAVE. I'D LIKE TO TALK AGAIN WITH SENATOR SCHUMACHER, IF I COULD. [LB188]

PRESIDENT FOLEY: SENATOR SCHUMACHER, WOULD YOU YIELD, PLEASE? [LB188]

SENATOR SCHUMACHER: YES, I WILL. [LB188]

SENATOR HAAR: OKAY. SO WE WERE AT THIS POINT IN OUR LAST DISCUSSION, AND I WAS SAYING TO YOU, IF YOU'RE MY PERSONAL LAWYER, AND THIS SITUATION COMES UP AND THE CITY HAS DECIDED THAT I'M NOT...AND THEY'RE GOING TO HAVE TO PROVE IT, I UNDERSTAND THAT, BUT THEY MAKE THE DECISION THAT I'M NOT AN INNOCENT THIRD PARTY, AND I COME TO YOU AND SAY, WHAT SHALL I DO ABOUT THIS? SHOULD I GET A LAWYER OR SHOULD I JUST WAIT UNTIL THE CITY, YOU KNOW, BRINGS THIS UP? WHAT WOULD YOU RECOMMEND TO ME? [LB188]

SENATOR SCHUMACHER: WELL, IF YOU DON'T DO SOMETHING, NOTHING'S GOING TO HAPPEN BECAUSE THE CITY IS NOT...IT DOESN'T HAVE ANY OBLIGATION TO GO INTO COURT AND SAY YOU WEREN'T AN INNOCENT PARTY. YOU HAVE GOT TO MAKE A CLAIM ON THE CITY AND PURSUE THAT CLAIM THROUGH THE TORT CLAIMS ACT AND THROUGH THE LAW, THE COURTS. YOU HAVE GOT TO SAY, DEAR JUDGE, I AM AN INNOCENT PARTY, AND I DESERVE TO HAVE COMPENSATION BECAUSE I WAS HURT IN THIS CHASE. AND I WOULD THINK THAT IT IS YOUR...IT MAY VERY WELL BE, AND IT'S UNCLEAR IN HERE, WHOSE BURDEN IT IS TO SAY, OH, NO, NO, KEN KNEW THE DRIVER WAS DRUNK WHEN HE GOT INTO THE VEHICLE. SENATOR WATERMEIER HAS REPEATEDLY SAID, OH, WELL, THAT'S THE CITY'S BURDEN. AND I DON'T THINK THE COURT'S DECIDED, AND THIS LAW IS VERY, VERY UNCLEAR AS TO WHOSE BURDEN IT IS. IF THIS BILL MOVES FORWARD, ONE OF THE AMENDMENTS WE'LL NEED TO CONSIDER IS WHETHER OR NOT WE SHOULD SPELL OUT, IT IS THE CITY'S BURDEN TO PROVE THAT THE GUY IN A COMA DIDN'T DO WHAT HE...OR WHAT HE BELIEVED. SO THIS BILL IS MAYBE WELL-INTENTIONED AS TO SUBPART C, WHICH THE COURT SAYS IS...WOULD BE ITS INTERPRETATION, BUT THE REST OF THESE ISSUES ARE HIGHLY PROBLEMATIC AND WE NEED TO EITHER FIX IT, OR JUST DEFEAT THE BILL ENTIRELY, OR MAYBE EVEN SEND IT BACK TO COMMITTEE SO IT GETS WORKED ON. BUT, SENATOR, I MAYBE GONE ON BEYOND THE SCOPE OF YOUR QUESTION. [LB188]

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SENATOR HAAR: OKAY. THANK YOU. WELL, I HAVE NO DOUBT THAT SENATOR...OF SENATOR WATERMEIER'S INTENT ON THIS, IT'S NOT MALICIOUS, BUT IN MY MIND WHEN WE COME UP WITH SOMETHING LIKE THIS WE HAVE TO LOOK AT THE DETAILS. AND IN MY EXPERIENCE WATCHING OTHER PEOPLE OVER MY LIFETIME, THERE ARE TWO THINGS IN PARTICULAR THAT CAN RUIN A PERSON'S FINANCIAL LIFE ALMOST FOREVER. ONE IS HUGE MEDICAL EXPENSE. THE OTHER IS A HUGE LEGAL EXPENSE CONNECTED WITH SOMETHING THAT MAY HAVE BEEN AN ACCIDENT OR WHATEVER. AND SO, I JUST CANNOT SUPPORT THIS BILL BECAUSE I THINK THERE ARE TOO MANY WHAT IF'S THAT HAVEN'T BEEN ANSWERED. AND IT CAN PUT ORDINARY PEOPLE IN GREAT JEOPARDY. WHEN I WAS LEARNING TO RIDE A MOTORCYCLE, I ROAD ONE DAY WITH MY BROTHER-IN-LAW AT THE TIME, AND HE DID SOME REALLY BAD STUFF. AND I NEVER EVEN CONSIDERED JUMPING OFF THE MOTORCYCLE WHILE THAT VEHICLE WAS RUNNING. IT WOULD HAVE BEEN CRAZY, IT WOULD HAVE BEEN SUICIDE ON MY PART. YET, WE HAVE HEARD THAT MAYBE IN SOME INSTANCES A CITY MIGHT SAY, WELL, GEE, YOU SHOULD HAVE JUMPED OFF THAT MOTORCYCLE. AND... [LB188]

PRESIDENT FOLEY: ONE MINUTE. [LB188]

SENATOR HAAR: ...SO AGAIN, I WOULD LIKE TO EXPRESS MY OPPOSITION TO LB188, THE WAY IT NOW STANDS, AND IN FAVOR OF FA86. THANK YOU VERY MUCH. [LB188]

PRESIDENT FOLEY: THANK YOU, SENATOR HAAR. (VISITORS INTRODUCED.) MR. CLERK. [LB188]

CLERK: MR. PRESIDENT, I HAVE A PRIORITY MOTION. SENATOR CHAMBERS WOULD MOVE TO RECOMMIT LB188 TO THE JUDICIARY COMMITTEE. [LB188]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR RECOMMIT MOTION. [LB188]

SENATOR CHAMBERS: MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, ALTHOUGH I SAID AT THE OUTSTART I WOULD TAKE THIS BILL TO CLOTURE, BUT THROUGH ALL OF THAT, I HAVE NOT OFFERED ONE AMENDMENT THAT WAS NOT RATIONAL, THAT WAS NOT SQUARELY ON POINT, BUT SENATOR WATERMEIER HAS BEEN INSTRUCTED, AS HAPPENED ON THE GUN BILL, NOT TO ACCEPT ANY CHANGES, EVEN THOUGH HE CANNOT EXPLAIN THE BILL. HE CANNOT EXPLAIN

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TO THIS BODY WHAT IS ENTAILED. I GIVE IT AS MY OPINION THAT THE BURDEN IS SHIFTED TO THE INNOCENT THIRD PARTY. AND TO CLARIFY EVEN FURTHER, WHAT SENATOR SCHUMACHER MADE CLEAR IN THE FIRST PLACE, YOU ARE A PASSENGER IN THE CAR. THERE IS A CRASH DURING A PURSUIT. THE CITY REFUSES TO HONOR THE REQUIREMENT THAT THEY RECOMPENSE YOU. IF YOU DON'T DO ANYTHING, THAT'S IT. THEY DON'T HAVE TO GO TO COURT OR ANYTHING. THEY JUST TURN YOU DOWN, AND ONCE THEY TURN YOU DOWN, THE ENTIRE BURDEN SHIFTS TO YOU. THE ENTIRE BURDEN SHIFTS TO YOU. YOU HAVE TO GO INTO COURT. THERE IS NO POSSIBILITY OF YOU RECOVERING WITHOUT GOING INTO COURT. I'D LIKE TO ASK SENATOR PANSING BROOKS A QUESTION. [LB188]

PRESIDENT FOLEY: SENATOR PANSING BROOKS, WOULD YOU YIELD, PLEASE? [LB188]

SENATOR PANSING BROOKS: OH, GOODY, YES. [LB188]

SENATOR CHAMBERS: SENATOR PANSING BROOKS, HERE'S WHAT I STATED. THAT IF YOU ARE ALLEGING THAT YOU ARE AN INNOCENT THIRD PARTY AND THE CITY REFUSES TO ACCEPT THAT AND SAYS WE'RE NOT GOING TO PAY YOU ANY DAMAGES, I SAY THAT THE ONLY WAY YOU CAN GET A POSSIBILITY OF THAT BEING DONE IS TO FILE A LAWSUIT. DO YOU AGREE OR DISAGREE? [LB188]

SENATOR PANSING BROOKS: I AGREE WITH YOU, SENATOR CHAMBERS. [LB188]

SENATOR CHAMBERS: AND IF YOU'RE GOING TO FILE A LAWSUIT, ARE YOU GOING TO HIRE A LAWYER? [LB188]

SENATOR PANSING BROOKS: I WOULD HOPE THAT YOU WOULD HIRE A LAWYER, YES, OF COURSE. [LB188]

SENATOR CHAMBERS: AND DO YOU THINK ANYBODY IN THIS SOCIETY, KNOWING HOW LITIGIOUS...LITIGIOUS SOME THINGS ARE, ANYBODY IN THIS SOCIETY WOULD BE UNAWARE OF THE FACT THAT YOU NEED A LAWYER WHEN YOU FILE A LAWSUIT? [LB188]

SENATOR PANSING BROOKS: NO, I DON'T THINK SO. [LB188]

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SENATOR CHAMBERS: DO YOU THINK SENATOR WATERMEIER, IF HE IS AN ORDINARY, REASONABLE, PRUDENT PERSON WOULD KNOW THAT WHEN SOMEBODY FILES A LAWSUIT AGAINST A POLITICAL SUBDIVISION, THAT PERSON NEEDS A LAWYER? [LB188]

SENATOR PANSING BROOKS: YES, I THINK THAT HE WOULD, SO. [LB188]

SENATOR CHAMBERS: THANK YOU. AND I DID ADD ORDINARY, REASONABLE, AND PRUDENT. THAT'S THE STANDARD USED BY THE COURT. NOW LET ME ASK YOU SOMETHING ELSE. IF I AM THE ONE WHO FILES THE LAWSUIT, THE BURDEN IS ON ME TO MAKE MY POINT IN THE COURT, ISN'T THAT TRUE? [LB188]

SENATOR PANSING BROOKS: THAT IS TRUE, SENATOR. [LB188]

SENATOR CHAMBERS: AND IF I DON'T MAKE THE POINT, THE CITY THEORETICALLY COULD STAND MUTE AND JUST DENY WHAT YOU SAY, AND NOT GO FORTH WITH ANY EVIDENCE. [LB188]

SENATOR PANSING BROOKS: YES. [LB188]

SENATOR CHAMBERS: YOU WOULD STILL HAVE TO HAVE PRESENTED IN YOUR PETITION AN ALLEGATION, WHICH IF TRUE, WOULD ENTITLE YOU TO RECOVER. [LB188]

SENATOR PANSING BROOKS: THAT'S CORRECT. [LB188]

SENATOR CHAMBERS: SO, LET'S SAY THAT YOU CAN'T GET THAT DONE AND IT'S GOING TO HAVE A TRIAL. SINCE YOU FILED THE LAWSUIT, ON WHOM IS THE BURDEN OF PROVING WHAT IS NEEDED TO BE PROVED IN ORDER FOR YOU TO RECOVER? [LB188]

SENATOR PANSING BROOKS: IT WOULD BE MY BURDEN, SENATOR CHAMBERS. [LB188]

SENATOR CHAMBERS: AND YOU WOULD HAVE TO PROVE, IN ORDER TO RECOVER, THAT YOU DID NOT FALL WITHIN THIS FIRST PROVISION OF KNOWING, OR SHOULD HAVE KNOWN, THAT THE PERSON WAS UNDER THE INFLUENCE.

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YOU'D HAVE TO PROVE THAT, WOULDN'T YOU, THAT YOU WERE NOT IN THAT CATEGORY? [LB188]

SENATOR PANSING BROOKS: YES. [LB188]

SENATOR CHAMBERS: AND THE CITY WOULDN'T HAVE TO SAY ANYTHING, YOU HAVE TO PROVE IT TO THE COURT'S SATISFACTION. THEN THE SECOND ONE, THAT YOU FAILED TO TAKE REASONABLE STEPS, YOU WOULD HAVE TO PROVE THAT YOU DID TAKE REASONABLE STEPS, WOULDN'T YOU? [LB188]

SENATOR PANSING BROOKS: YES, AND YOU COULD GET IN A 'TIS-'TAIN'T WITH THE DRIVER. [LB188]

SENATOR CHAMBERS: AND WHAT SENATOR WATERMEIER HAS TOLD US REPEATEDLY, HE DOESN'T KNOW WHAT THOSE REASONABLE STEPS ARE, ISN'T THAT TRUE? [LB188]

SENATOR PANSING BROOKS: THAT'S TRUE. [LB188]

SENATOR CHAMBERS: SO HOW WOULD YOU GO ABOUT PROVING THAT YOU TOOK REASONABLE STEPS WHEN THE ONE WHO OFFERED THE BILL DOESN'T KNOW WHAT THOSE STEPS ARE? [LB188]

SENATOR PANSING BROOKS: IT WOULD BE VERY DIFFICULT. YOU WOULD HAVE TO DETERMINE WHAT'S REASONABLE AND TRY TO CONVINCING THE COURT THAT YOUR STEPS WERE REASONABLE TO YOU. [LB188]

SENATOR CHAMBERS: SO, BEFORE YOU EVEN GOT TO DETERMINE...TO THE DETERMINATION OF WHETHER YOU TOOK REASONABLE STEPS, THERE WOULD BE A DISPUTE TO DETERMINE WHAT CONSTITUTES BEING REASONABLE, THEN YOU'D HAVE TO PROVE THAT YOU DID THAT. [LB188]

SENATOR PANSING BROOKS: THAT'S CORRECT. [LB188]

SENATOR CHAMBERS: SO IT'S THE HEARING BEFORE YOU EVEN GET TO THE ISSUE OF WHETHER YOU TOOK REASONABLE STEPS. [LB188]

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SENATOR PANSING BROOKS: THAT'S CORRECT. [LB188]

SENATOR CHAMBERS: AND DOES THIS BILL GIVE ANY GUIDELINES FOR THE COURT AS SENATOR WATERMEIER KEEPS REPEATING LIKE A PARROT, IS THERE ANYTHING IN THIS BILL THAT GIVES THE COURT GUIDANCE AS TO WHAT CONSTITUTES REASONABLENESS? [LB188]

SENATOR PANSING BROOKS: NO. [LB188]

SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, WHAT DO I HAVE TO DO? WHAT DO I HAVE TO DO? I'LL TELL YOU THE PROBLEM, AND YOU'RE NOT GOING TO LIKE IT. IF I HAD THIS BILL AS A BLACK MAN, AND A WHITE MAN STOOD UP HERE AND MADE ME LOOK LIKE THE JACKASS THAT I'D BE, YOU WOULD TURN THIS BILL DOWN IMMEDIATELY. THAT'S WHY YOU CANNOT BRING YOURSELF TO ACCEPT WHAT IS CLEAR. AND I'M GOING TO CONTINUE TO HAMMER AND HAMMER AND HAMMER. AT LEAST ONE WHITE GUY WAS WILLING TO PUT IN THE PAPER WHAT THE LEGISLATURE OUGHT TO BE DOING. IN FACT...HOW MUCH TIME DO I HAVE, MR. PRESIDENT? [LB188]

PRESIDENT FOLEY: JUST UNDER 4:00. [LB188]

SENATOR CHAMBERS: I'M GOING TO READ WHAT HE PUT IN THE PAPER. THIS APPEARED IN YESTERDAY'S PUBLIC PULSE, RESTRICT POLICE CHASES. IT'S SIGNED BY BOB ADAMS FROM OMAHA. RATHER THAN SEEKING TO REDUCE PAYMENTS MADE TO UNSAVORY INNOCENT PARTIES INJURED AS A RESULT OF LAW ENFORCEMENT PURSUITS, THEN THE WORLD-HERALD, IN PARENTHESIS MENTIONS, CALL TO LIMIT DAMAGES IN CHASES, FEBRUARY 5, WORLD-HERALD, CLOSED PARENTHESIS, THE LEGISLATURE COULD BETTER SPEND ITS TIME TIGHTENING UP THE RESTRICTIONS AGAINST SUCH PURSUITS. WHY? THE COST OF SUCH PURSUITS AND THEIR OUTCOMES ARE PAID BY INNOCENT CITIZENS, WHETHER THROUGH BODILY INJURY OR DEATH OR OUT OF THE POCKETBOOK. ADDITIONALLY, THE DAMAGE CAUSED IS OFTEN GROTESQUELY OUT OF PROPORTION TO THE OFFENSE THOUGHT TO HAVE BEEN COMMITTED. WHAT THE BILL UNDER CONSIDERATION WOULD DO IS REDUCE THE CONSEQUENCES OF ILL-ADVISED CHASES, THUS INCREASING THE LIKELIHOOD OF THEM HAPPENING. AND I HAVE TO READ THIS BECAUSE IT'S A PART OF WHAT HE WROTE. THANK YOU, OMAHA SENATOR ERNIE CHAMBERS FOR BEING THE ADULT IN THE ROOM AND PROMISING A FILIBUSTER. THERE ARE OTHER ADULTS IN THIS ROOM AND THEY HAVE TAKEN TIME TO TRY TO EXPLAIN WHAT THIS

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BILL DOES NOT DO, WHAT THIS BILL OUGHT TO DO. BUT ALL SENATOR WATERMEIER HAS TO DO IS SAY, WELL, THIS IS WHAT I'M TALKING ABOUT. NO, I DON'T KNOW WHAT REASONABLENESS MEANS. NO, I DON'T KNOW HOW YOU PROVE THAT SOMEBODY WASN'T UNDER THE INFLUENCE. I DON'T KNOW WHO HAS TO PROVE ANYTHING. I TRIED TO TAKE IT STEP BY PAINFUL STEP, USING YOU ALL'S LAW, YOU ALL'S LEGAL PROCEDURES. LET SOMEBODY OUT THERE IN THAT HALL SEND SENATOR WATERMEIER IN HERE AND SAY THAT ANYTHING THAT I, OR SENATOR PANSING BROOKS, SAID WAS INCORRECT. AND IF THEY CANNOT SHOW THAT IT'S INCORRECT, THEN IT IS CORRECT. IT BEING CORRECT, YOU KNOW ON WHOM THE BURDEN OF PROOF IS. AND THE CITY HAS REFUSED TO PAY, AND THAT'S WHY THESE CASES WIND UP IN COURT. THEY DON'T WANT TO PAY, AND THEY MAY AS WELL ROLL THE DICE. IF THEY LOSE, THEY'RE NOT ANY WORSE OFF. THEY'LL JUST HAVE TO PAY. BUT IF THEY GO AHEAD AND MAKE THE PERSON GO TO COURT, THEY MAY WIN. [LB188]

PRESIDENT FOLEY: ONE MINUTE. [LB188]

SENATOR CHAMBERS: SO, IT'S TO THE CITY, THE COUNTY, OR THE STATE'S ADVANTAGE TO SAY, WE'RE GOING TO REFUSE TO ACCEPT THE ALLEGATION THAT THIS INJURED PASSENGER WAS AN INJURED THIRD PARTY. LET HIM OR HER GO TO COURT AND PROVE IT. THAT'S WHAT THIS KIND OF LEGISLATION ENCOURAGES. IT ENCOURAGES LITIGATION, BUT IT GOES A STEP BEYOND THAT. IT MAKES IT ABSOLUTELY ESSENTIAL. THE FAMILY OF THE INJURED THIRD PARTY, OR THE INJURED THIRD PARTY HAS NO CHOICE OTHER THAN TO FILE THE LAWSUIT BECAUSE YOU'VE HEARD IT STATED ON THIS FLOOR, I DON'T KNOW HOW MANY TIMES, HOW EXPENSIVE MEDICAL CARE IS. I'VE HEARD PEOPLE TALK ABOUT BEING COMPASSIONATE, A STATE BEING COMPASSIONATE. AND YET HERE IS A SITUATION... [LB188]

PRESIDENT FOLEY: TIME, SENATOR. [LB188]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB188]

PRESIDENT FOLEY: BUT YOU ARE NEXT IN, YOU MAY CONTINUE. [LB188]

SENATOR CHAMBERS: SAY IT AGAIN. [LB188]

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PRESIDENT FOLEY: THAT WAS YOUR TEN-MINUTE OPENING, BUT NOW YOU'RE NEXT IN THE QUEUE, SO YOU HAVE ANOTHER FIVE MINUTES. [LB188]

SENATOR CHAMBERS: THANK YOU. I AM GOING TO STAY ON THIS. MY STAYING ON THIS COMPORTS WITH WHAT I PROFESS MY BELIEFS ARE. IT COMPORTS WITH MY SELF-DESCRIPTION AS DEFENDER OF THE DOWNTRODDEN. WHO COULD BE MORE DOWNTRODDEN THAN THE KIND OF PERSON SENATOR WATERMEIER SUGGESTED OR WANTS TO INSINUATE INTO YOUR MIND, THESE INNOCENT THIRD PARTIES IN THESE VEHICLES, WHO WERE HURT, ARE. HE SAID ONE PERSON HAD AN OPEN CONTAINER AND MAYBE HAD USED OR HAD SOME METHAMPHETAMINE. WHAT DOES THAT HAVE TO DO WITH ANYTHING PERTAINING TO THE CHASE? NOTHING. AND BECAUSE IT HAD NOTHING TO DO WITH THE CHASE, THE COURT SAID THAT INDIVIDUAL WHETHER HE WAS STONED AS HARD AS A ROCK OF GIBRALTAR, WHETHER HE WAS AS DRUNK AS A SKUNK, HE HAD NOTHING TO DO WITH THIS CHASE. HE DID NOT ENCOURAGE IT. HE DID NOT PERSUADE THE PERSON TO RUN. HE DID NOT PROVOKE THE PERSON TO RUN, AND BASED ON THAT, NOT HAVING ANYTHING TO DO WITH THE CHASE, SHALL RECOVER. THAT'S WHAT THE COURT SAID, NOT ME. AND SENATOR WATERMEIER SAYS THE COURT WAS WRONG FOR DOING THAT. THESE COUNTIES ARE THE ONES WHO DON'T WANT TO PAY MEDICAL...PAY FOR MEDICAL CARE FOR INMATES IN COUNTY JAILS. THERE ARE CITIES WHO FEEL THE SAME WAY WHEN SOMEBODY IS IN A CITY JAIL. AND I...I DON'T DISCOUNT EVERYTHING JESUS SAID. I DON'T DISCOUNT EVERYTHING HOMER SAID. I DON'T DISCOUNT EVERYTHING THE CHARACTERS AT HOMER CREATED SAID OR ARISTOTLE OR PLATO OR ANY OF THE OTHERS. HE SAID, REMEMBER THOSE WHO ARE IMPRISONED AS BEING IMPRISONED WITH THEM. DON'T FORGET THOSE PEOPLE WHO HAVE BEEN SCORNED AND REJECTED BY SOCIETY. IN THOSE DAYS, THEY DIDN'T HAVE A NAME AFTER A INDIVIDUAL FOR WHAT WAS CONSIDERED A DREAD DISEASE. IT WAS CALLED LEPROSY AND ANYBODY WHO HAD LEPROSY WAS A LEPER, AND THAT PERSON WAS REQUIRED TO SHOUT OUT IF ANYBODY CAME NEAR, DON'T COME NEAR, I AM UNCLEAN. CAN YOU IMAGINE ANYTHING MORE DEBASING TO HUMAN NATURE, TO HUMAN DIGNITY? DEGRADING TO THE PERSON, TAKING PERSONHOOD AWAY AND REDUCING THIS PERSON TO A DISEASE THING AND THEN HAVING TO TELL EVERYBODY, I AM UNCLEAN. PEOPLE DID NOT GO OUT AND CONTRACT LEPROSY BECAUSE THEY WANTED IT. AND YOU ALL WHO PROFESS TO BE RELIGIOUS ARE SUPPOSED TO TAKE THESE THINGS INTO CONSIDERATION AND GIVE ADEQUATE ASSISTANCE TO THOSE PEOPLE, WHO THROUGH NO FAULT OF THEIR OWN, ARE IN A BAD WAY, AND IN SOME CASES, EVEN IF THE FAULT IS THEIRS. LET'S SAY THAT WHEN THAT HUGE CRANE IN NEW YORK FELL AND KILLED A GUY, LET'S SAY THE GUY GOT KILLED

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BECAUSE HE HAD BEEN IMBIBING OF JOHN BARLEYCORN OR WINE AND HAD FALLEN DOWN DRUNK ON THE SIDEWALK. THE PEOPLE ON THIS FLOOR WOULD SAY, WELL, HE DESERVED TO GET KILLED. IF HE HADN'T GOTTEN DRUNK HE WOULDN'T HAVE BEEN THERE WHEN THE CRANE FELL. [LB188]

PRESIDENT FOLEY: ONE MINUTE. [LB188]

SENATOR CHAMBERS: BUT HERE IS WHAT YOU FIND OUT. IF THERE WAS NEGLIGENCE IN THE WAY THAT CRANE WAS MAINTAINED, THAT PERSON'S ESTATE COULD SUE THE COMPANY. YOU DIDN'T KNOW THAT, DID YOU? AND WHETHER HE WAS DRUNK FROM ALCOHOL OR HIGH ON DRUGS WOULD NOT OVERCOME THE NEGLIGENCE, THE RECKLESSNESS OF THOSE WHO FAILED TO MAINTAIN THAT CRANE IN A SAFE WAY. THAT'S WHAT YOUR LAW SAYS. I STUDIED YOUR LAW. I DIDN'T WRITE YOUR LAW, BUT THEN YOU REJECT IT WHEN IT'S SAID BY A PERSON OF THE WRONG COLOR. THAT'S WHY I NEED SOME OF THESE WHITE SENATORS TO SPEAK UP. SPEAK UP TO YOUR KIND. THEY UNDERSTAND YOU. THEY DON'T UNDERSTAND ENGLISH THE WAY I SPEAK IT. SO YOU KNOW YOUR BROTHERS AND SISTERS, YOU SPEAK TO THEM. THAT'S WHAT AN INTERPRETER IS FOR. BE MY AND THE LAW'S INTERPRETER. AND SPEAK IT IN A WAY THAT THOSE WHO CANNOT... [LB188]

PRESIDENT FOLEY: TIME, SENATOR. [LB188]

SENATOR CHAMBERS: ...UNDERSTAND THE WAY I SPEAK ENGLISH... [LB188]

PRESIDENT FOLEY: TIME, SENATOR. [LB188]

SENATOR CHAMBERS: ...WOULD UNDERSTAND IT. THANK YOU, MR. PRESIDENT. [LB188]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB188]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I SUPPORT THIS BILL NOW. IF THERE IS SOMETHING IN THIS BILL THAT IS NOT RIGHT, WE CAN CERTAINLY FIX IT AFTER IT GOES TO THE NEXT ROUND. THAT WOULD BE KIND OF LIKE A...FORMER SENATOR ASHFORD'S BILL. HE'D BRING THESE HUGE BILLS AND SAY, HEY, WE'RE GOING TO CHANGE THE WHOLE THING, BUT WE'LL FIX IT,

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WE'LL HAVE IT READY TO GO ON SELECT FILE. YOU GET THERE, FIRST SELECT FILE WOULD BE 400 OR MORE PAGES OF SOMETHING YOU JUST GOT. SOMEHOW IT ALL WORKED AND WE GOT IT FIXED, AND I THINK SENATOR ASHFORD, WHEN HE WAS HERE, WAS KNOWN FOR THAT. SO, WE'VE DONE THAT BEFORE. IF THERE'S SOMETHING WRONG WITH THIS BILL, I THINK WE CAN CERTAINLY WORK ON IT BETWEEN ROUNDS, BUT THE CONCEPT IS GOOD. MY COUNTY WANTS THIS AND I UNDERSTAND WHY THEY WANT IT, SO I FULLY SUPPORT IT. THE OTHER THING I HEARD THE WORD COMPASSIONATE GOVERNMENT. GOVERNMENT IS NOT COMPASSIONATE. IF THE GOVERNMENT TRIES TO BE COMPASSIONATE, ALL IT DOES IS TAKE YOUR MONEY, GIVE IT TO SOMEONE ELSE. WHERE IS THE COMPASSION? THAT'S NOT...THAT'S NOTHING BRAVE ABOUT THAT. REACH IN YOUR OWN WALLET, HAND YOUR MONEY TO SOMEONE ELSE WHO NEEDS IT, BUY A MEAL FOR A HOMELESS PERSON, TAKE SOMEONE OUT TO DINNER WHO NEEDS IT, THAT'S A LOT MORE BRAVE THAN PUSHING A BUTTON SAYING, HERE, I JUST VOTED TO GIVE YOUR MONEY TO SOMEBODY ELSE. SO GOVERNMENT IS NOT COMPASSIONATE. GOVERNMENT IS HERE TO PROTECT OUR LIBERTY AND PROVIDE ORDER IN SOCIETY. AND WHEN GOVERNMENT DOES THAT, AND WE KEEP AN EYE ON IT, IT CAN DO THAT REASONABLY WELL, BUT NOT BEING COMPASSIONATE. NOW, I WANT TO TALK ABOUT SOMETHING IMPORTANT TODAY. I HAVE THIS CANDY BAR. WE ALL HAVE GOTTEN A ROCKY ROAD CANDY BAR COMPLIMENTS OF SENATOR SMITH BECAUSE HE'S GETTING TO BE AN OLD GUY. AND, BUT HE'S A SMART OLD GUY. YOU THINK ABOUT IT, ROCKY ROAD, HE IS THE CHAIRMAN OF THE TRANSPORTATION COMMITTEE. HE'S GOT A ROADS BILL. SENATOR SMITH HAS BEEN KNOWN TO NAVIGATE ROCKY ROADS TO GET HIS BILLS PASSED. SO I THINK THERE IS A LITTLE HIDDEN MEANING IN THIS. SO NOT ONLY IS IT A TASTY, TASTY CANDY BAR, AND I'VE ALREADY HAD, WELL, AT LEAST ONE THAT I'LL ADMIT TO, AND THEY'RE REALLY TASTY. BUT I THINK THERE'S A HIDDEN MEANING HERE, SO PLEASE WISH SENATOR SMITH A HAPPY BIRTHDAY AND LET'S...LET'S ENJOY A GOOD ROCKY ROAD CANDY BAR ON SENATOR SMITH. I WILL YIELD THE REMAINDER OF MY TIME TO SENATOR CHAMBERS. [LB188]

PRESIDENT FOLEY: SENATOR CHAMBERS, ABOUT TWO AND A HALF MINUTES, IF YOU CARE TO USE IT. [LB188]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT; AND THANK YOU, SENATOR KINTNER. MEMBERS OF THE LEGISLATURE, I WANT TO SEE THE DAY COME WHEN ONE OF YOU CAN BE AS FURIOUS AS I AM RIGHT NOW, AS FRUSTRATED AS I AM RIGHT NOW, AND NEVERTHELESS, CONTINUE TO BE ENGAGED IN THE DISCUSSION OF THE ISSUE WHICH HAS GENERATED THOSE SENTIMENTS. BUT

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MY MIND DOESN'T CEASE FUNCTIONING WHEN I FEEL THOSE DIFFERENT SENTIMENTS. I'M NOT GOING TO GRAB ANYBODY BY THE THROAT. I'M NOT GOING TO PUNCH ANYBODY PHYSICALLY, BUT BECAUSE WE USE WORDS HERE AND YOU USE WORDS IN THE COURTROOM AND IN ANY CIVILIZED SETTING YOU USE WORDS TO TRY TO RESOLVE DIFFERENCES NO MATTER HOW DIFFICULT, INTRACTABLE EVEN, THEY MAY SEEM TO BE, I WILL CONTINUE TO USE WORDS. I WILL CONTINUE TO USE THE WORDS THAT I WAS TAUGHT AS A CHILD COMPRISED WHAT'S KNOWN AS THE ENGLISH LANGUAGE, GENERALLY, AND AMERICAN ENGLISH, SPECIFICALLY. [LB188]

PRESIDENT FOLEY: ONE MINUTE. [LB188]

SENATOR CHAMBERS: I CANNOT TELL WHAT YOU HEAR WHEN I SPEAK, BUT I KNOW WHAT MY MIND TELLS ME I AM SAYING. MAYBE WHEN I PRONOUNCE THE LETTER "A" AND IT HAS WHAT THEY CALL THE SOUND OF A LONG "A," MAYBE I'M NOT HEARING WHAT COMES OUT OF MY MOUTH AND IT SOUNDS TO YOUR EAR LIKE I'M PRONOUNCING AH OR A (SHORT A), OR UH, BUT NOT A (LONG A). SO SOMEBODY ON THIS FLOOR SHOULD HELP ME...HELP ME UNDERSTAND HOW TO PRONOUNCE THESE WORDS THAT I THINK ARE ENGLISH, THAT I THINK I'M PRONOUNCING THE WAY ENGLISH SHOULD BE PRONOUNCED, AND LET ME KNOW THAT ON THE FLOOR OF THIS LEGISLATURE THE WAY I SPEAK DOES NOT CONSTITUTE UNDERSTANDABLE, COMPREHENSIBLE, INTELLIGIBLE ENGLISH. [LB188]

PRESIDENT FOLEY: TIME, SENATOR. [LB188]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB188]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR PANSING BROOKS...OH, EXCUSE ME. MR. CLERK FOR AN ANNOUNCEMENT. [LB188]

ASSISTANT CLERK: THANK YOU, MR. PRESIDENT. THE GOVERNMENT COMMITTEE WILL HOLD AN EXECUTIVE SESSION IN ROOM 2102 NOW. THAT'S GOVERNMENT COMMITTEE IN ROOM 2102. [LB188]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB188]

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SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I RISE JUST TO TALK A LITTLE BIT ABOUT WHEN THIS BILL WAS IN COMMITTEE, I VOTED AGAINST BRINGING IT TO THE FLOOR FOR A NUMBER OF REASONS, ONE OF THE REASONS WAS THERE WAS NOTHING...NO LANGUAGE TO HELP A MINOR WHO MIGHT BE IN THE CAR. YOU CAN IMAGINE SOME MINOR AS THEIR PARENT TAKES OFF TRYING TO SAY, DAD, WHAT ARE YOU DOING? AND WOULD THAT BE ENOUGH? WHO KNOWS WHAT'S ENOUGH. WHAT IS A REASONABLE STEP TO PERSUADE THE DRIVER TO STOP. AND IF THE DRIVER ISN'T IN A COMA, THEN IT BECOMES A 'TIS-'TAIN'T BETWEEN THE DRIVER AND THE INNOCENT PERSON WHO'S IN THE BACK SEAT. TRYING TO UNDERSTAND THE REASONABLE BELIEF THAT SOMEBODY IS UNDER THE INFLUENCE, THAT IS VERY DIFFICULT. AS YOU KNOW, WE HAVE SCIENTIFIC TESTS THAT DETERMINE WHETHER OR NOT A PERSON IS UNDER THE INFLUENCE. WE ALL KNOW OF FUNCTIONING ALCOHOLICS. I HAVE NO IDEA WHEN ONE OF MY FRIENDS HAS HAD TOO MUCH. AND SO, AGAIN, I APPRECIATE THE FACT THAT SENATOR WATERMEIER IS ATTEMPTING TO WORK ON DIFFERENT AMENDMENTS. I UNDERSTAND THAT HE'S TRYING TO WORK ON THIS. THE WHOLE PROBLEM THAT I HAVE WITH THE BILL STEMS FROM THE FACT THAT ALL OF THE RESEARCH THESE DAYS TALKS ABOUT THE FACT THAT WE NEED TO USE POLICE CHASES LESS AND LESS. THERE'S AN ARTICLE IN PRICEONOMICS.COM THAT TALKS ABOUT THE CASE FOR BANNING HIGH SPEED POLICE CHASES. AND I JUST WANT TO READ YOU A COUPLE OF THINGS FROM THERE. ACCORDING TO THE DATA FROM THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, 10,642 PEOPLE HAVE BEEN KILLED IN THESE POLICE CHASES OVER THE PAST 32 YEARS. THAT'S 332 DEATHS PER YEAR. THE DEATH TOLL OF HIGH SPEED POLICE CHASES FROM '82 TO 2004, THERE WAS 7,430 FATALITIES. THERE WERE 5,300...OVER 5,300 WHO WERE THE OCCUPANTS IN CHASED VEHICLES. SO, THE QUESTION IS, NO, I'M NOT TRYING TO BE SOFT ON CRIME. I DON'T THINK THAT WE HAVE TO STOP THE POLICE AND HANDCUFF THEM FROM DOING THEIR JOB, BUT THE FACT THAT THERE IS STATISTIC AFTER STATISTIC...THERE ARE STATISTICS AFTER STATISTICS ABOUT THE INEFFECTIVENESS AND THE DANGER OF THESE HIGH SPEED CHASES. SOME OF THE DATA THAT EXISTS SAYS THAT PURSUITS TYPICALLY LAST BETWEEN ONE TO FIVE MINUTES WITH THE VAST MAJORITY OF CRASHES OCCURRING WITHIN THE FIRST TWO MINUTES OF THE CHASE. ROUGHLY 40 PERCENT OF ALL PURSUITS END IN A CRASH, 80 PERCENT OF WHICH ARE WITH ANOTHER VEHICLE, ANOTHER 20 PERCENT END IN TRAUMATIC INJURY AND 1 PERCENT IN DEATH. INNOCENT BYSTANDERS, UNINVOLVED DRIVERS, PEDESTRIANS, AND CYCLISTS ACCOUNT FOR NEARLY ONE-THIRD OF THESE DEATHS. NINETY-ONE PERCENT OF ALL POLICE CHASES ARE PRECIPITATED ON NONVIOLENT CRIMES. AGAIN, COLLEAGUES, I WANT TO REPEAT, 91 PERCENT OF POLICE CHASES...OF

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POLICE CHASES ARE PRECIPITATED BY NONVIOLENT CRIMES. RATHER THAN BRINGING A BILL TO PERMIT AND MAKE US MORE ABLE TO CONTINUE THESE CHASES, I BELIEVE THAT WE SHOULD BE MORE RESTRICTIVE. AND, IN FACT, THE NATIONAL INSTITUTE OF JUSTICE HAS REVIEWED THE PRACTICES OF OVER 400 LAW ENFORCEMENT AGENCIES... [LB188]

PRESIDENT FOLEY: ONE MINUTE. [LB188]

SENATOR PANSING BROOKS: ...AND 91 OF THEM HAD SOME FORM OF SPEED POLICY. AND THEY'VE BEEN UPDATING THEIR HIGH SPEED PURSUIT POLICY IN THE LAST TWO YEARS TO BE MORE RESTRICTIVE. I HAVE AN INTERESTING FACT IN THIS ARTICLE ABOUT OMAHA, NEBRASKA. IT SAYS, THAT MOST CASES HAVE LIMITED...MOST LAW ENFORCEMENT AGENCIES HAVE LIMITED THEIR HIGH SPEED CHASES, BUT OTHER DEPARTMENTS IN THE U.S...THIS IS A QUOTE: LIKE THAT OF OMAHA, NEBRASKA, HAVE NEGATED THIS SUCCESS BY TURNING TO MORE PERMISSIVE POLICIES. METRO-DADE, FLORIDA HAS A MORE RESTRICTIVE CHANGE AND BEFORE THE CHANGE THEY HAD 279 POLICE PURSUITS. AFTER THE CHANGE, 51. OMAHA, NEBRASKA, BECAME MORE PERMISSIVE IN THE SAME TIME. BEFORE THE CHANGE THEY HAD 17 POLICE PURSUITS, AND AFTER THE CHANGE, 122. THIS IS A NATIONAL ARTICLE TALKING ABOUT OMAHA, NEBRASKA, AND OUR HIGH USE OF POLICE CHASES. [LB188]

PRESIDENT FOLEY: TIME, SENATOR. [LB188]

SENATOR PANSING BROOKS: THANK YOU VERY MUCH. [LB188]

PRESIDENT FOLEY: THANK YOU, SENATOR PANSING BROOKS. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB188]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I RISE, AS I HAVE BEFORE, TO TALK ABOUT LB188 AND MY KEY, MOST SERIOUS CONCERNS ON LB188 HAVE BEEN SECTIONS A AND B WHICH WOULD REQUIRE SOMEONE IS INJURED, THEN IN ORDER TO HAVE STRICT LIABILITY AND BE ABLE TO GET THOSE INJURIES ADDRESSED, THEY WOULD HAVE, AGAIN, THE BURDEN OF PROOF TO SHOW THAT THEY DID NOT ENTER INTO A VEHICLE WITH SOMEONE WHO IS INTOXICATED, OR THEY WOULD HAVE THE BURDEN OF PROOF TO SHOW THAT THEY FAIL...THAT THEY DID NOT FAIL TO TAKE REASONABLE STEPS TO TRY TO PERSUADE THE DRIVER TO STOP THE VEHICLE. AND I JUST DON'T THINK THAT THOSE CONDITIONS ARE CONDITIONS THAT ARE APPROPRIATE IN TERMS OF THE STRICT

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LIABILITY PRINCIPLE WHICH, AGAIN, IS TO MAKE SURE THAT IF SOMEONE IS INJURED BECAUSE THEY'RE IN THE WRONG PLACE AT THE WRONG TIME, MAKING SURE THAT THOSE INJURIES ARE ADDRESSED AND THAT WE RECOGNIZE THAT SOMETIMES THERE MAY BE A CHASE. IF THERE IS A CHASE, THAT WE RECOGNIZE THAT A COST OF THAT CHASE IS MAKING SURE THAT IF SOMEONE IS INJURED THAT THEY'RE ABLE TO GET THEIR...IF SOMEONE IS INJURED IN THAT CASE, THAT WE ARE WILLING TO PAY FOR THE COST OF SOMEBODY BEING INJURED IN THAT CHASE. AS SENATOR PANSING BROOKS HAS STRESSED, REALLY IT'S CRITICAL THAT WE WANT TO DISCOURAGE CHASES. THE POINT OF STRICT LIABILITY IS TO MAKE SURE IF SOMEONE IS INJURED THAT THEY...THAT WE ARE PAYING FOR THOSE INJURIES IN THAT UNFORTUNATE SITUATION THAT SOMEONE IS IN THE WRONG PLACE AT THE WRONG TIME. AND SECTIONS A AND B REALLY ARE SETTING UP STANDARDS THAT WOULD BE VERY DIFFICULT FOR SOMEONE TO PROVE IF THEY WERE IN THE WRONG PLACE AND THE WRONG TIME. NOW, I DO WANT TO SAY THAT SENATOR WATERMEIER HAS BEEN WILLING TO TALK ABOUT A AND B, AND MANY OTHER SENATORS THAT I HAVE TALKED ABOUT ALSO HAVE CONCERNS ABOUT A AND B, AND THAT'S WHY YESTERDAY, I STOOD UP IN SUPPORT OF FA86 WHICH WOULD REMOVE SECTIONS A AND B AND THAT'S A CRITICAL CHANGE FOR THE BILL. YESTERDAY, THOSE DISCUSSIONS WERE MOSTLY JUST WHETHER TO TIGHTEN SECTIONS A AND B, AND I DID NOT THINK THOSE WERE APPROPRIATE CHANGES BECAUSE REALLY, I THINK FUNDAMENTALLY, IT'S VERY CRITICAL TO ELIMINATE A AND B. BUT I DO WANT TO SAY THAT JUST TO CORRECT THE RECORD, I THINK IT IS IMPORTANT TO NOTE FOR THE RECORD, SENATOR WATERMEIER HAS BEEN TALKING TO PEOPLE AND HAS BEEN TRYING TO DISCUSS CHANGES TO THE BILL. IT HAS NOT BEEN TAKE IT OR LEAVE IT CONVERSATIONS. HE'S BEEN WILLING TO MEET MULTIPLE TIMES AND TALK ABOUT THAT. BUT, AND AS OF YESTERDAY, THOSE WERE CHANGES THAT WERE STILL UNACCEPTABLE TO THOSE OF US WHO HAVE SERIOUS CONCERNS ABOUT SECTIONS A AND B, BUT THOSE DISCUSSIONS ARE CONTINUING IN A PRODUCTIVE WAY. SO I THINK IT'S FAIR TO SEE IF THOSE DISCUSSIONS ACTUALLY LEAD US TO AN AMENDMENT THAT IS ABLE TO STRIKE A AND B AND HAVE LANGUAGE THAT'S ACCEPTABLE TO THOSE OF US IN THE BODY WHO HAVE CONCERNS ABOUT LB188 AS IT'S DRAFTED. SO, AGAIN, VERY IMPORTANT TO RECOGNIZE THAT SECTIONS A AND B WERE CREATING NEW STANDARDS THAT SOMEONE WOULD HAVE TO PROVE IN ORDER TO BE ABLE TO HAVE THEIR INJURIES ADDRESSED IF THEY WERE INJURED IF THEY WERE IN THAT CAR. AND THOSE, AGAIN THOSE STANDARDS IN A AND B ARE HIGH STANDARDS AND THE BURDEN OF PROOF WOULD BE ON THE PERSON IN THAT CAR TO MEET THOSE STANDARDS. THAT AN IMPORTANT...FOR EVERYONE TO UNDERSTAND THAT. AND ESPECIALLY BECAUSE THE BURDEN OF PROOF IS ON

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THE PLAINTIFF IN THIS CASE TO PROVE THAT THEY MET THOSE STANDARDS. IT MAKES... [LB188]

PRESIDENT FOLEY: ONE MINUTE. [LB188]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. IT MAKES THOSE STANDARDS IN A AND B ALL THE MORE PROBLEMATIC EVEN IF YOU TRY TO TIGHTEN THEM UP. SO, REALLY, THE CONDITION A AND B REALLY NEED TO BE ELIMINATED, I THINK, FOR US TO CONTINUE CONVERSATION ABOUT LB188 AND WHETHER OR NOT IT'S APPROPRIATE STATE POLICY. WE NEED TO PROTECT SOMEONE WHO IS IN THE WRONG PLACE AT THE WRONG TIME AND WE NEED TO MAINTAIN THE IMPORTANCE OF A POLICY THAT CONTINUES TO CREATE INCENTIVES TO HAVE FEWER CHASES. THANK YOU, MR. PRESIDENT. [LB188]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB188]

SENATOR CHAMBERS: MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, I THANK SENATORS PANSING BROOKS AND CRAWFORD FOR SERVING AS THE INTERPRETERS I HAD PLEADED FOR. BUT AS I LOOK AROUND THE CHAMBER, THERE'S NOT ANYBODY IN TERMS OF NUMBERS TO LISTEN. PETER, PAUL, AND MARY SANG A SONG AND ONE OF THE LINES SAID, HOW MANY TIMES WILL A MAN TURN HIS HEAD PRETENDING HE JUST DOESN'T SEE. AND IT TALKED ABOUT PEOPLE WHO REFUSED TO HEAR. THIS MAN WHO WROTE THE LETTER TO THE PUBLIC PULSE WAS NOT IN THIS CHAMBER SO FORTUNATELY FOR ME IN WHAT I'M TRYING TO DO, THERE ARE PEOPLE OUTSIDE OF THIS BODY WHO ARE WATCHING, WHO ARE LISTENING, WHO MAY BE THE VICTIMS OF THESE CHASES. THE MOST SIGNIFICANT THING THAT SENATOR PANSING BROOKS SAID, IN MY OPINION, IS SOMETHING I'D LIKE TO PURSUE WITH HER IF SHE WOULD YIELD TO A QUESTION. [LB188]

PRESIDENT FOLEY: SENATOR PANSING BROOKS, WOULD YOU YIELD, PLEASE? [LB188]

SENATOR PANSING BROOKS: YES, I WOULD, SENATOR. [LB188]

SENATOR CHAMBERS: SENATOR PANSING BROOKS, IN ORDER TO GET THE ATTENTION OF PEOPLE, I'M GOING TO DO LIKE THEY DO ON TELEVISION.

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BULLETIN, BULLETIN, BULLETIN, LATE-BREAKING NEWS. WOULD YOU READ THAT PROVISION FROM THAT NATIONAL ARTICLE RELATED TO THE COMPARISON OF THE...BETWEEN THE NUMBER OF CHASES BEFORE OMAHA SLACKENED OR RELAXED THEIR POLICIES, AND THOSE, THE NUMBER THAT OCCURRED AFTER THAT RELAXATION OF THE POLICY? AND IF YOU WOULD, MENTION THAT CITY, IT MAY HAVE BEEN IN FLORIDA. IN OTHER WORDS, THAT SECTION, WOULD YOU GO OVER THAT AGAIN, PLEASE? [LB188]

SENATOR PANSING BROOKS: YES, SENATOR. THIS IS A STUDY THAT WAS IN A BRIEF THAT WAS GIVEN TO THE NATIONAL INSTITUTE OF JUSTICE BY PROFESSOR GEOFFREY ALPERT WHO WAS A PROFESSOR AT THE UNIVERSITY OF SOUTH CAROLINA, HIS CRIMINOLOGY DEPARTMENT, AND HE'S BEEN CONDUCTING RESEARCH ON HIGH-RISK POLICE ACTIVITIES FOR NEARLY 30 YEARS AND HE'S BECOME A NATIONALLY RECOGNIZED VOICE ON THE TOPIC OF PURSUITS. SO, IN HIS STUDY, HE TALKED ABOUT HOW THE MORE RESTRICTIVE POLICIES HAVE BEEN HELPFUL, MOST NOTABLY IN FLORIDA'S METRO-DADE COUNTY. BUT OTHER DEPARTMENTS IN THE U.S. LIKE THAT OF OMAHA, NEBRASKA, HAVE NEGATED THIS SUCCESS BY TURNING TO MORE PERMISSIVE POLICIES. AND WHAT HE SHOWED WAS THAT THE NUMBER OF PURSUITS BEFORE AND AFTER POLICY CHANGE IN METRO-DADE COUNTY, FLORIDA, BEFORE THE CHANGE THEY HAD 279 POLICE PURSUITS; AFTER THE CHANGE, 51. IN OMAHA BEFORE THE CHANGE THEY HAD 17; AND AFTER THE CHANGE THEY HAVE 122. [LB188]

SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, I WANT THAT FOR THE RECORD. AND THIS IS BY SOMEBODY WHO DOES NOT LIVE IN OMAHA, AND SOMEBODY WHO HAS DONE EMPIRICAL RESEARCH AND IS GIVING THAT INFORMATION, BUT IT MEANS NOTHING. AND WHAT SENATOR CRAWFORD DOESN'T UNDERSTAND YET ABOUT THE LEGISLATURE, PEOPLE WHO ARE IN SENATORS...SENATOR WATERMEIER'S POSITION WILL TALK INTERMINABLY. IT DOESN'T TAKE THIS LONG TO TALK. IT DOESN'T TAKE ONGOING DISCUSSIONS, SO I WANT TO MAKE IT CLEAR WHAT MY MOTION IS. MY MOTION IS TO RECOMMIT THIS BILL TO THE JUDICIARY COMMITTEE, AND LET THERE BE ALL OF THE TALKING AND DISCUSSING THAT PEOPLE WANT TO HAVE. IT'S CLEAR THAT THIS BILL IS NOT ACCEPTABLE. I DON'T TRUST THE PEOPLE WHO ARE TALKING TO SENATOR WATERMEIER. [LB188]

PRESIDENT FOLEY: ONE MINUTE. [LB188]

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SENATOR CHAMBERS: SENATOR KINTNER POINTED OUT HOW A BILL IN THE OLD DAYS MIGHT BE ADVANCED TO SELECT FILE WITH A PROMISE THAT IT WAS GOING TO BE WORKED OUT. THEN YOU HAD, MAYBE, TWICE AS MUCH THAT NEEDED WORKING--I'M PARAPHRASING--ALMOST TWICE AS MUCH THAT NEEDED WORKING OUT AT SELECT FILE AS THERE WAS THE FIRST TIME, BUT THERE'S NOT THE WINNOWING, THE VETTING, IF YOU WILL--THAT'S AN ENGLISH WORD, I BELIEVE THAT THEY USE IN AMERICA--THAT SHOULD HAVE OCCURRED ON GENERAL FILE. SO, I HAVE AN OBLIGATION TO TAKE US TO A CLOTURE AND MAKE YOU VOTE ON THIS BILL EXACTLY AS IT WAS INTRODUCED, AND THAT IS PRECISELY WHAT I INTEND TO DO. SO I WILL OFFER MOTION AFTER MOTION, AMENDMENT AFTER AMENDMENT, UNTIL SENATOR WATERMEIER'S PEOPLE WILL ALLOW HIM TO BE REASONABLE. AND I WILL TELL AGAIN, WHEN I GET TO SPEAK, WHAT I THINK BEING REASONABLE IS. THANK YOU, MR. PRESIDENT. [LB188]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB188]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. AGAIN, I JUST WANTED TO ADD SOME MORE INFORMATION. AGAIN, MY CONCERN IS BRINGING A BILL THAT IN A WAY ENCOURAGES POLICE PURSUIT. AND THAT'S NOT TO SAY I'M AGAINST TRYING TO CAPTURE THE CRIMINALS AND HINDERING THE POLICE FROM DOING THEIR JOB. IN FACT, THE STUDY THAT I'VE BEEN QUOTING GOES ON TO TALK ABOUT THE PROMISE...PROMISING RISE OF TRACKING TECHNOLOGY. THERE ARE ALL SORTS OF THINGS THAT THE POLICE CAN USE THAT ARE NOT AS DANGEROUS AS THESE HIGH SPEED PURSUITS. ONE OF THEM INCLUDES SPIKE STRIPS. ALSO, WITH HELICOPTERS, SOME PLACES HAVE HELICOPTERS. THE OTHER THING IS THAT THEY HAVE LICENSE PLATE TRACKING SOFTWARE. SO THOSE ARE SOME OF THE TECHNOLOGIES. THERE'S ALSO SOMETHING NEW CALLED GPS BULLETS. AND A GPS BULLET BASICALLY IS A LAUNCHER EQUIPPED WITH GPS TRACKERS THAT'S ATTACHED TO THE PATROL CAR'S GRILLE. AND IT CAN...THIS IS A QUOTE. IT CAN BE CONTROLLED EITHER BY A PANEL INSIDE THE CAR OR REMOTE DEVICE. WHERE IT'S DEPLOYED, THE TRACKER STICKS TO THE SUSPECT'S CAR AND TRACKS IN REAL-TIME SECURE MAPPING SYSTEM, THE COORDINATES OF THE VEHICLE. THE DATA CAN BE ASSESSED FROM DISPATCH, THE PATROL CAR OR A HAND-HELD DEVICE. THE QUOTE, UNQUOTE, BULLETS ARE ABOUT THE SIZE OF SOUP CANS AND ARE FITTED WITH A STRONG ADHESIVE TO STAY PUT AND FIRED...AND CAN BE FIRED FROM ABOUT TWO CAR LENGTHS AWAY FROM THE TARGETED VEHICLE. SO, AND FURTHER THEY KEEP TABS ON THE TRACKED VEHICLE FOR ABOUT 10 HOURS AFTER THAT.

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SO, I'M NOT AGAINST TRYING TO TRACK DOWN AND FIND THE INNOCENT...OR THE CRIMINAL. I AM CONCERNED ABOUT THE FACT THAT 91 PERCENT OF THE HIGH SPEED PURSUIT CHASES IN THE UNITED STATES ARE FOR NONVIOLENT CRIMES. AND SO, IT'S PUTTING OUR COMMUNITIES AT RISK. AND THERE'S JUST SO MUCH INFORMATION ABOUT THE RISK THAT WE'RE ALL AT BECAUSE OF THESE HIGH SPEED CHASES. AND SO, I'M HOPING THAT WE CAN DO OTHER THINGS. THAT WE WOULD BRING FORWARD OTHER WAYS TO CATCH THE CRIMINALS. WE HAVE SO MANY TECHNOLOGICAL ADVANCES THAT WE CAN'T EVEN BELIEVE IT ALL. AND I'M SURE THAT MANY OF YOU HAVE BEEN NEAR A POLICE CHASE AND WE'VE JUST GOT TO WORK TO KEEP OUR COMMUNITIES SAFE, AND I'M NOT SURE THAT THIS BILL DOES THAT. I APPRECIATE SENATOR WATERMEIER. HE AND THE COUNTIES HAVE BEEN WORKING TOGETHER FOR SOMETHING TO HELP THEIR COUNTIES FOR PAYING EXTREME AMOUNTS OF MONEY. BUT, AGAIN, IF WE OKAY THAT...THAT INNOCENT PEOPLE WITHIN THE CARS HAVE A HUGE DUTY TO PROVE THAT THEY WERE INNOCENT, THEN WE'RE TWISTING THE TABLES ON JUSTICE, IN MY MIND. AND I THINK IT'S BECOMING MORE DIFFICULT AND WE ARE BRINGING LESS JUSTICE TO OUR COMMUNITIES. THANK YOU, MR. PRESIDENT. [LB188]

PRESIDENT FOLEY: THANK YOU, SENATOR PANSING BROOKS. (VISITORS INTRODUCED.) SENATOR CHAMBERS. YOU'RE RECOGNIZED AND THIS IS YOUR THIRD TIME, SENATOR CHAMBERS. [LB188]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I CAN UNDERSTAND THAT THERE ARE PEOPLE TRYING TO REASON, NOT WITH SENATOR WATERMEIER BUT TO THOSE WHO ARE PULLING SENATOR WATERMEIER'S STRINGS. WHEN YOU GET TO CLOTURE, YOU WILL VOTE. FIRST OF ALL, 32 OF YOU WILL JOIN SENATOR WATERMEIER TO VOTE FOR CLOTURE SO THAT THERE WILL BE NO DISCUSSION. WHATEVER IS PENDING AT THAT TIME, WITHOUT DEBATE OR DISCUSSION, WILL BE VOTED ON. I HAVE PROPOSED AN AMENDMENT TO THE COMMITTEE AMENDMENT. SO BASED ON WHAT THE PEOPLE OUT IN THE HALL HAVE TOLD SENATOR WATERMEIER, YOU WILL VOTE DOWN MY AMENDMENT TO THE COMMITTEE AMENDMENT. THEN YOU WILL VOTE WITHOUT DEBATE OR A POSSIBILITY OF AMENDMENT ON THE COMMITTEE AMENDMENT. YOU MAY OR MAY NOT ADOPT THAT. BUT LET'S SAY THAT YOU DO. THEN YOU WILL VOTE ON THE BILL. AND YOU WILL BE VOTING ON THE BILL WITH PROVISION A AND PROVISION B. THIRTY-TWO OF YOU ARE GOING TO JOIN SENATOR WATERMEIER IN VOTING FOR CLOTURE. AND THIS IS WHAT THE BILL WILL CONTAIN WHEN YOU VOTE TO ADVANCE IT. THE PERSON IS NOT AN INNOCENT THIRD PARTY IF HE OR SHE ENTERS INTO THE VEHICLE

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WITHOUT COERCION KNOWING OR WITH A REASONABLE BELIEF THAT THE DRIVER OF THE VEHICLE IS UNDER THE INFLUENCE OF ALCOHOL, LIQUOR, OR DRUGS. IF THAT FAILS, THEN TRY THIS: OR FAILS TO TAKE REASONABLE STEPS TO PERSUADE THE DRIVER OF THE FLEEING VEHICLE TO STOP THE VEHICLE. THOSE TWO THINGS ARE WHAT YOU'RE GOING TO HAVE TO VOTE. I'VE TALKED TO SENATOR WATERMEIER OFF THE MIKE AND I'VE BEEN TALKING TO HIM WITH EVERYTHING I'VE SAID ON THE MIKE. SO NOW WE ARE AT LOGGERHEADS. HE'S NOT GOING BE REASONABLE. I THINK I'M IMMEDIATELY REASONABLE, AND I'M NOT GOING TO ALLOW NONREASON TO OVERCOME REASON. IN THE SHORT TERM, IT WILL. HE'LL GET A PYRRHIC VICTORY. HE WILL GET YOU TO VOTE THIS BILL FORWARD WITH THESE BAD PROVISIONS BECAUSE I'M GOING TO RESIST ANY ATTEMPT TO AMEND IT. AND WE WILL GO TO CLOTURE ON MY PROPOSALS BECAUSE I STILL HAVE SEVERAL MOTIONS THAT I CAN MAKE THAT ARE PRIORITY MOTIONS, AND THEN I CAN MOVE TO RECONSIDER THEM. AND WE WILL HAVE PLENTY OF DISCUSSION BEFORE WE REACH THE TIME FOR CLOTURE. AND THAT'S WHAT YOU'RE GOING TO FACE. SO WHY DO I EXPLAIN IT? I DON'T KNOW WHETHER SENATOR WATERMEIER HAS DEALT WITH CLOTURE ENOUGH TO EXPLAIN IT SO YOU WOULD REALIZE PRECISELY WHAT'S HAPPENING. I AM LEVELLING WITH YOU IN A WAY HE WON'T. I'M TELLING YOU WHAT I'M GOING TO DO. I'M GOING TO FORCE YOU TO VOTE FOR A BAD BILL, BECAUSE YOU MUST NOT LIKE ME. IT CERTAINLY CAN'T BE BECAUSE YOU RESPECT THE LAW. BUT YOU'RE NOT GOING TO GET ANY AMENDMENTS AHEAD OF MY MOTIONS, AND I INTEND TO BE HERE FOR THE DURATION. SENATOR CRAWFORD AND THOSE WHO ARE TRYING TO TALK TO SENATOR WATERMEIER WILL BE SPEAKING ENDLESSLY. SO THE THING THAT WILL BE VOTED ON PURSUANT TO MY MOTION IS TO RECOMMIT THIS BILL TO THE JUDICIARY COMMITTEE. IF YOU RECOMMIT IT AND NOTHING HAPPENS, YOU STILL HAVE THE STANDARD THAT THE SUPREME COURT PUT IN PLACE. [LB188]

PRESIDENT FOLEY: ONE MINUTE. [LB188]

SENATOR CHAMBERS: ANYBODY...THIS IS WHAT WOULD STAY IN PLACE. THEY JUST THREW IT IN THIS BILL AS A SWEETENER, BUT THIS IS WHAT WOULD REMAIN IN PLACE. IF ANYBODY PROMOTED, PROVOKED, OR PERSUADED THE DRIVER TO ENGAGE IN THIS FLIGHT, THAT PERSON WOULD NOT BE AN INNOCENT THIRD PARTY. THAT IS THE LAW RIGHT NOW. THIS BILL IS NOT NEEDED. SO IF YOU COME TO YOUR SENSES AND DECIDE THAT YOU'RE NOT GOING TO TEACH ME A LESSON BY VOTING FOR A BAD BILL--YOU KNOW THE GOVERNOR WILL SIGN IT BECAUSE HE KNOWS I DON'T LIKE IT--PERSUADE YOU ALL TO DO THAT. VOTE AGAINST THE INTEGRITY OF THE LEGISLATURE TO

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TEACH ME A LESSON, THAT'S WHAT WILL HAPPEN. THEN, NEXT SESSION WHEN SOME OF YOU ALL ARE GONE AND I EXPECT TO BE BACK, I WILL OFFER A BILL... [LB188]

PRESIDENT FOLEY: TIME, SENATOR. [LB188]

SENATOR CHAMBERS: ...THAT IS RATIONAL. THANK YOU, MR. PRESIDENT. [LB188]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR KEN HAAR, YOU'RE RECOGNIZED. EXCUSE ME, SENATOR HAAR. MR. CLERK FOR AN ANNOUNCEMENT. [LB188]

ASSISTANT CLERK: THANK YOU, MR. PRESIDENT. BUSINESS AND LABOR COMMITTEE WILL HOLD AN EXECUTIVE SESSION AT 10:30 IN ROOM 2022. [LB188]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR HAAR, YOU'RE RECOGNIZED. [LB188]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, SENATOR CHAMBERS, I'VE BEEN TOLD THAT AFFIRMATIVE DEFENSE TAKES CARE OF THIS. IS THAT SOMETHING YOU CAN TALK TO ME ABOUT, AFFIRMATIVE DEFENSE? [LB188]

PRESIDENT FOLEY: SENATOR CHAMBERS, WILL YOU YIELD TO A QUESTION, PLEASE? [LB188]

SENATOR CHAMBERS: IN ORDER TO BE CLEAR ON THIS, WHO TOLD YOU THAT? [LB188]

SENATOR HAAR: WHY, I WAS TALKING TO SENATOR WATERMEIER. [LB188]

SENATOR CHAMBERS: BY THOSE ON SENATOR WATERMEIER'S SIDE, THEY'RE THE ONES WHO TOLD YOU? [LB188]

SENATOR HAAR: EXCUSE ME, I'M SORRY. [LB188]

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SENATOR CHAMBERS: WELL, NEVER MIND. I HAVE DRAWN THE LINE IN THE SAND. THIS BILL IS GOING TO BE VOTED ON THE WAY IT IS RIGHT NOW, AND THE ONLY CHANGE THAT WILL OCCUR, IF ONE DOES, WILL BE THE ADOPTION OF THE JUDICIARY COMMITTEE AMENDMENT. I'M NOT GOING TO ENTERTAIN ANYTHING ELSE OTHER THAN WHAT I HAVE OFFERED, BUT WHAT IS BEFORE US IS RETURNING IT TO COMMITTEE. AND I HOPE YOU DON'T THINK I'M PUTTING YOU DOWN, BUT I'VE GIVEN ALL I HAVE TO GIVE IN TERMS OF TRYING TO BE REASONABLE. [LB188]

SENATOR HAAR: NO, THANK YOU, I APPRECIATE IT. SENATOR SCHUMACHER, DO YOU...ARE YOU SOMEBODY THAT CAN TALK TO ME A LITTLE BIT MORE ABOUT... [LB188]

PRESIDENT FOLEY: SENATOR SCHUMACHER, WILL YOU YIELD, PLEASE? [LB188]

SENATOR SCHUMACHER: YES, I WILL. [LB188]

SENATOR HAAR: ...AFFIRMATIVE DEFENSE? [LB188]

SENATOR SCHUMACHER: AN AFFIRMATIVE DEFENSE IS USUALLY IN THE CONTEXT OF A CRIMINAL CASE WHEN, FOR EXAMPLE, IF YOU WERE CARRYING A CONCEALED WEAPON BEFORE OUR CONCEALED WEAPON LAWS, AND THE LAW THEN SAID THAT IT SHALL BE AN AFFIRMATIVE DEFENSE IF YOU WERE CARRYING THE WEAPON BECAUSE YOU WERE IN A LEGITIMATE BUSINESS AND YOU WERE AFRAID OF YOUR LIFE. YOU WOULD BE CHARGED BY THE PROSECUTOR, TAKEN TO COURT, AND THEN IT WOULD BE YOUR BURDEN TO SHOW THAT YOU WERE A LEGITIMATE BUSINESS PERSON WHO HAD FEARED FOR YOUR LIFE RISING OUT OF YOUR BUSINESS. IT SHIFTS THE BURDEN. MY PROBLEM WITH THIS IN THOSE ALLEGATIONS THAT, OH, YEAH, THIS IS A THIS AND THIS IS A THAT, IS THAT'S NOT SPELLED OUT IN THE BILL. IF IT'S A REQUIREMENT UPON THE CITY OR THE COUNTY OR THE POLITICAL SUBDIVISION TO PROVE WHAT SOMEBODY KNEW OR DIDN'T KNOW, IT ISN'T SPELLED OUT BECAUSE IT'S HIGHLY AMBIGUOUS AS TO WHO HAS THE BURDEN OF PROOF, AND RIGHT NOW IF I HAD TO CALL IT, I'D SAY THE PERSON SUING HAS GOT THE BURDEN OF PROOF. THAT'S NOT IN THIS BILL. THIS BILL HAS GOT PROBLEMS. AND THERE JUST HASN'T BEEN A COMPELLING CASE WHERE PUBLIC SAFETY IS IMPROVED BY THIS BILL. [LB188]

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SENATOR HAAR: AND SO, AGAIN, IN THE CASE WHERE YOU'RE MY LAWYER, YOU WOULD TELL ME I HAVE TO GET A LAWYER, I HAVE TO GO TO THE EXPENSE OF A LAWYER SHOULD THE CITY OR WHATEVER DECIDE NOT TO PAY ME. [LB188]

SENATOR SCHUMACHER: WELL, CHANCES ARE IT WOULD BE A CONTINGENT FEE CASE, BUT OTHERWISE YOU WOULD HAVE TO PAY. [LB188]

SENATOR HAAR: GOTCHA. THANK YOU VERY MUCH. [LB188]

PRESIDENT FOLEY: THANK YOU, SENATORS HAAR, CHAMBERS, AND SCHUMACHER. SENATOR WATERMEIER, YOU'RE RECOGNIZED. [LB188]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. I JUST RISE AND KIND OF BRING US BACK TO CENTER HERE WHERE WE ARE THIS MORNING. I'M STILL GOING TO BE IN OPPOSITION TO RECOMMIT TO COMMITTEE THIS BILL AS THE PRIORITY MOTION IN FRONT OF US. I DO THINK THIS BILL IS READY FOR PRIME TIME. I'VE HEARD THAT SEVERAL TIMES. YOU CAN GET INTO THE WEEDS AND THE MUD ALL YOU WANT, BUT JUST BRING YOURSELF BACK TO THE POINT ABOUT DEFINING INNOCENT THIRD PARTY. NOW, THERE'S BEEN SOME ARGUMENTS ABOUT I'D HAVE TO BRING...GET MYSELF AN ATTORNEY AND IF I SHOULDN'T HAVE TO DO THAT, I CAN'T GET INTO THE WEEDS ON THOSE ARGUMENTS AS WELL. BUT JUST GET US BACK TO THE BASIC POINT ON THIS BILL. AND I HAVE BEEN IN GOOD FAITH TRYING TO NEGOTIATE WITH WHOEVER WILL TALK ABOUT THIS BILL. I JUST "DRAWED" UP AN AMENDMENT, I DON'T KNOW THE NUMBER TO IT, I THINK IT'S AM2087, THAT BASICALLY DOES SOME THINGS THAT SENATOR CHAMBERS WANTS TO DO IN HIS FLOOR AMENDMENT. AND I'VE AGREED TO TAKE OUT SECTION A AND SECTION B IN THAT BILL AND ADD A WORD IN SECTION E THAT PUTS THE WORD "IMMEDIATE" IN FRONT OF FELONY. SO LET ME JUST BE CLEAR. IF WE CAN GET TO MY AMENDMENT AND I'M OFFERING IT AS BEST I CAN, THAT WILL DO WHAT I BELIEVE IS BEST FOR THE BILL. AND WE WILL GET TO CLOTURE ON THIS BILL AT ABOUT TEN TILL NOON. I WOULD APPRECIATE THOSE IN THE BUILDING TO STICK WITH ME. AND I THINK THE GROUP THAT'S BEEN BEHIND ME AND WE'VE BEEN NEGOTIATING HAS BEEN IN GOOD FAITH AS WELL AND IT'S BEEN QUITE A LEARNING EXPERIENCE FOR ME AND I'M SURE FOR EVERYBODY, AND THOSE IN NEBRASKA. BUT KEEP IT IN MIND, DO WE WANT TO THINK IT'S A GOOD POLICY TO IMMEDIATELY, TO AUTOMATICALLY TELL SOMEONE IN A CAR PURSUIT CHASE THAT THEY'RE AUTOMATICALLY INNOCENT AND THEY'RE AUTOMATICALLY GOING TO RECEIVE \$1 MILLION. THAT'S THE ARGUMENT HERE TODAY, FOLKS. IT'S NOT ANY MORE

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CLEAR THAN THAT. IT'S NOT...LIKE IT'S NOT READY FOR PRIME TIME. THIS IS THE FOURTH YEAR I'VE BEEN DEBATING THIS BILL AND I STILL WILL NOT CLAIM TO BE AN ATTORNEY. I INTRODUCED THIS BILL. I HAD DISCUSSIONS AFTER MY FIRST YEAR IN THE LEGISLATURE ABOUT THIS SITUATION BECAUSE IN 2012, IN PLATTE COUNTY, THERE WAS THE WERNER CASE. IT CAME BEFORE SEVERAL COUNTY COMMISSIONERS AND THEY HAD COME TO ME AND SAID, WHAT'S THE DEAL ON THIS BILL. SO THE FOLLOWING YEAR, I HAD AGREED TO INTRODUCE LB881, I BELIEVE IT WAS, IN FRONT OF JUDICIARY COMMITTEE. WE GOT THE PROCESS STARTED. I DIDN'T PRIORITIZE THE BILL, SO THERE IT SET. AT THE BEGINNING OF LAST YEAR, I REINTRODUCED THE BILL, LB188. IT CAME OUT OF COMMITTEE LAST YEAR. WE ALSO HAD THE COMMITTEE AMENDMENT AM374, WHICH EVEN FURTHER DEFINED IT, FURTHER DEFINED IT WITH SECTION E THAT TALKS ABOUT YOU'D HAVE TO BE A FELON, IT'S JUST A FELONY. SO, PLEASE, COLLEAGUES, KEEP THE EYE ON THE BALL. AND IF WE GET TO CLOTURE WHICH WE WILL BEFORE NOON, I'M GOING TO ASK YOU TO VOTE NO AGAINST RECOMMITTING, NO ON THE FLOOR AMENDMENT, AND WE CAN GET TO MY AMENDMENT WHICH DOES MANY OF THE THINGS THAT SENATOR CHAMBERS ACTUALLY ASKS FOR IN FA86. BUT I'M OFFERING THAT AMENDMENT IN GOOD FAITH. THANK YOU, MR. PRESIDENT. [LB188]

PRESIDENT FOLEY: THANK YOU, SENATOR WATERMEIER. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB188]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. SENATOR WATERMEIER'S STATEMENT, IF I UNDERSTOOD HIM RIGHT, GOES ABOUT 80 PERCENT OF THE WAY OF RESOLVING THIS AND LETTING US GET ON WITH THE BUSINESS OF THE PEOPLE. WHAT IS STILL LEFT UNRESOLVED IS THE ISSUE OF A PERSON IS NOT AN INNOCENT PARTY IF THEY ARE SOUGHT TO BE APPREHENDED BY LAW ENFORCEMENT PERSONNEL. SO YOU HAVE SOMEBODY IN THE VEHICLE WHO IS SOUGHT TO BE APPREHENDED. I'M NOT SURE WHAT SOUGHT TO BE APPREHENDED REALLY MEANS OTHER THAN THEY'D LIKE TO GET HIM, AND THE OFFICER DOESN'T KNOW THAT WHEN HE STARTS THE PURSUIT. HE JUST LUCKS OUT AND FINDS OUT THAT THE GUY WHO--IN THE COMA IN THE BACK SEAT--WAS SOMEBODY THAT LAW ENFORCEMENT GENERALLY SOUGHT TO BE APPREHENDED BECAUSE THEY HAD AN OUTSTANDING TRAFFIC TICKET OR WHATEVER. IT IS IMPORTANT THAT BEFORE THAT PURSUIT COMMENCES, IF THE REASON FOR THE PURSUIT IS THE OFFICER TRYING TO CHASE DOWN BAD GUYS IN THE CAR, THAT THE OFFICER KNOW THAT PERSON IS THE PERSON HE'S AFTER. AND ALL THEY GOT TO DO IS PRESS THAT BUTTON ON THE RADIO AND THEY DO IT ALL THE TIME, AND SAY, HEY,

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BOSS, OR, HEY, STATE PATROL, I'M AFTER JOE BLOW, HE'S IN THE BACK SEAT AND HE'S GOT A TRAFFIC TICKET OUTSTANDING. AND IT LOOKS LIKE A NICE NIGHT FOR A DRIVE. AND THEN HE'S IDENTIFIED IT. BUT AFTER THE FACT TO SAY, OH, GEE, THE GUY THAT THEY JUST HAULED OFF IN THE RESCUE UNIT IS JOE BLOW, AND CHECKING THROUGH OUR RECORDS HE HAD ON OUTSTANDING WARRANT OR TRAFFIC TICKET OR WHATEVER, MAYBE EVEN A MORE SERIOUS THING, GEE, WE LUCKED OUT ON THAT ONE, DIDN'T WE? WHAT HAPPENED TO EQUALITY BEFORE THE LAW? WHAT HAPPENED TO THAT? SO, I THINK SENATOR WATERMEIER IS GETTING CLOSE, BUT THIS ISN'T HORSESHOES AND CLOSE DOESN'T COUNT YET. AND SO I THINK IF WE JUST THEN INCORPORATE SOME TYPE OF A RECORDING BEFORE THE CHASE COMMENCES THAT I'M AFTER PASSENGER JOE AND HERE'S WHY, THERE'S A WARRANT OUT FOR HIM. AND I THINK THERE SHOULD BE AN OUTSTANDING WARRANT OR AN IMMEDIATE FELONY IN ORDER TO QUALIFY FOR THIS. IT SHOULDN'T JUST BE THE TRAFFIC TICKET, BUT WE'RE GETTING CLOSE. AND IT REALLY BE GOOD IF WE HAD IT RIGHT. SUBSTANTIALLY, THOUGH, IF YOU BACK AWAY FROM IT, THINGS AREN'T TOO WRONG THE WAY IT IS WHERE THE SUPREME COURT LEFT IT. IF THE PASSENGER EGGS ON THE DRIVER, THEN HE'S NOT AN INNOCENT PARTY. THAT SEEMS TO MAKES SENSE. RESOLVES ALL THE REST OF THESE ISSUES AND THAT WOULD BE EASY. BUT I THINK WE'VE GOT A LITTLE BIT OF A CONTENTION GOING ON WITH FOLKS IN THE LOBBY, WITH PEOPLE TAKING POSITIONS ON THIS, AND THAT'S WHAT'S GUMMING US UP HERE. WE'VE YET TO HEAR THAT, OH, MY GOODNESS, BECAUSE OF THIS, INSURANCE RATES FOR THE CITIES HAVE GONE THROUGH THE ROOF. WE'VE HEARD NO REAL PROBLEM EXCEPT THAT THIS IS JUST A POINT SOMEBODY WANTS TO MAKE. AND WE DON'T HAVE TIME IN THE LAST 25 OR SO DAYS OF THIS SESSION TO JUST START MAKING POINTS. WE NEED TO ACTUALLY DO SOME BUSINESS. THANK YOU. [LB188]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB188]

SENATOR HARR: THANK YOU, MR. LIEUTENANT GOVERNOR AND MEMBERS OF THE BODY. I JUST WANT TO GET ON THE MIKE AND TALK ABOUT WHERE WE ARE AND I ALSO WANT TO CLARIFY A LITTLE BIT. WOULD SENATOR SCHUMACHER YIELD TO A QUESTION. [LB188]

PRESIDENT FOLEY: SENATOR SCHUMACHER, WILL YOU YIELD, PLEASE? [LB188]

SENATOR SCHUMACHER: YES. [LB188]

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SENATOR HARR: IS IT SHOEMOCKER (PHONETICALLY) OR SHOEMAKER (PHONETICALLY)? [LB188]

SENATOR SCHUMACHER: IT CAN BE EITHER ONE. I ANSWER TO A LOT OF THINGS. [LB188]

SENATOR HARR: OKAY. I JUST NEVER KNOW. MY FIRST QUESTION IS, YOU SAID IT NEEDS TO BE IMMEDIATE FELONY OR THERE NEEDS TO BE A WARRANT. AND MY QUESTION TO YOU IS, FIRST OF ALL, WHAT WOULD BE--SINCE YOU ARE THE PROFESSOR OF THE LEGISLATURE--WHAT IS THE DEFINITION OF "IMMEDIATE"? [LB188]

SENATOR SCHUMACHER: WELL, A FELONY THAT OCCURRED RIGHT PRIOR TO THE CHASE. [LB188]

SENATOR HARR: OKAY. SO, IN HOT PURSUIT IS THAT, OR...? [LB188]

SENATOR SCHUMACHER: WELL, THE GUY ROBS A BANK, RUNS OUR AND JUMPS INTO THE CAR, IN THE BACK SEAT OF THE CAR AND THEY TAKE OFF, THAT'S PRETTY IMMEDIATE. [LB188]

SENATOR HARR: OKAY. WHAT IF THEY HIDE OUT FOR THREE DAYS, BUT THERE IS NO WARRANT OUT FOR THEM YET? [LB188]

SENATOR SCHUMACHER: THEN I THINK WHAT ENDS UP HAVING...THEY HAVE TO SAY, I'M GOING AFTER JOE BLOW BECAUSE HE WAS INVOLVED IN A FELONY. I THINK IF THEY HAVE PROBABLE CAUSE FOR ARREST, OR AN ARREST WARRANT, THAT SHOULD BE ARTICULATED OVER THE MICROPHONE AND AWAY THEY GO AND THEN LET THE CHIPS FALL WHERE THEY MAY. [LB188]

SENATOR HARR: OKAY. AND DOES THAT WARRANT NEED TO BE A FELONY WARRANT? [LB188]

SENATOR SCHUMACHER: I WOULD THINK THAT WE DON'T WANT TO CHASE PEOPLE DOWN FOR MISDEMEANORS AND PUT PEOPLE'S LIVES IN DANGER AT A HIGH SPEED CHASE, MOST OF WHICH OCCUR IN CITY SITUATIONS OR OUT IN THE COUNTRY WHERE YOU HAVE SOMEBODY WHO MAY BE INNOCENTLY GOING THROUGH A STOP SIGN OFF A GRAVEL ROAD AND GET SMASHED. [LB188]

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SENATOR HARR: OKAY, AND I'D PROBABLY AGREE WITH YOU, EXCEPT I WOULD ADD DOMESTIC VIOLENCE. WOULD YOU HAVE A PROBLEM WITH THAT? [LB188]

SENATOR SCHUMACHER: AND WHAT WAS...IN WHAT CONTEXT? [LB188]

SENATOR HARR: FELONY OR DOMESTIC VIOLENCE WARRANT. IF THE WARRANT IS FOR ASSAULT THIRD DEGREE, BUT IS DOMESTIC VIOLENCE. [LB188]

SENATOR SCHUMACHER: YEAH, I MEAN, I PROBABLY IF IT WERE...IF THERE'S A MISDEMEANOR WARRANT FOR DOMESTIC VIOLENCE SITUATION, I'M NOT SO SURE THAT, YOU KNOW, CIRCUMSTANCES JUSTIFY A HIGH SPEED CHASE UNLESS THERE'S FURTHER...BUT THOSE KIND OF MINOR HAIRSPLITTING, WE CAN WORK WITH. [LB188]

SENATOR HARR: OKAY. ALL RIGHT. SENATOR WATERMEIER, ARE YOU AVAILABLE FOR QUESTIONS? [LB188]

PRESIDENT FOLEY: SENATOR WATERMEIER, WILL YOU YIELD, PLEASE? [LB188]

SENATOR WATERMEIER: YES. [LB188]

SENATOR HARR: THANK YOU. AND THANK YOU FOR BEING COOPERATIVE AND WORKING ON A DEAL HERE. I WOULD SAY WE'RE MORE THAN 90 PERCENT THERE. I WOULD ARGUE, WE'RE THERE, BUT CAN YOU DEFINE WHAT "IMMEDIATE" IS? [LB188]

SENATOR WATERMEIER: WELL, I WILL HAVE A HARD TIME WITH "IMMEDIATE" BECAUSE IT'S A LEGAL TERM THAT COULD PROBABLY BE MUDDIED UP BECAUSE I HAD IN THAT ACTUAL AMENDMENT,"RECENT," AND WE HAD DEBATED THAT BEHIND THE GLASS AND DECIDED...YOU HAD DECIDED WITH THE NEGOTIATIONS THAT "IMMEDIATE" WOULD SEEM A LITTLE BIT BETTER TO YOU, SO I AGREED TO THAT. AND I APPRECIATE THE CONVERSATION BETWEEN YOU AND SENATOR SCHUMACHER BECAUSE "IMMEDIATE" WILL BE A DIFFICULT THING TO DEFINE, BUT I WON'T TAKE UP YOUR TIME. [LB188]

SENATOR HARR: OKAY. WELL, LET ME ASK YOU THIS. WHAT DID YOU BELIEVE "RECENT" TO MEAN? [LB188]

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SENATOR WATERMEIER: WHAT I MEANT BY "RECENT" WAS...AND THIS IS WHERE IT WILL BE DIFFICULT, AND IT WILL BE DIFFICULT IN THE COURT, IT WILL BE, BUT I JUST...I HAD TO HAVE SOMETHING IN THERE THAT DOES NOT NECESSARILY MEAN THE POLICE PURSUIT WAS GENERATED BY THAT FELONY THAT WAS COMMITTED. IT COULD HAVE BEEN THAT THE PASSENGER IN THAT CAR KNEW THAT HE COMMITTED A FELONY WHETHER IT WAS TWO MINUTES BEFORE, BUT IT'S UNRELATED TO THE CHASE, OR A WEEK BEFORE...AND I'M NOT SURE WHERE "RECENT" AND "IMMEDIATE" IS GOING TO FALL IN THERE, BUT I JUST FELT LIKE WE STILL HAD TO KEEP THAT OPEN, THAT YOU COULDN'T HAVE IT BE THE ONLY REASON FOR THE CHASE. [LB188]

SENATOR HARR: OKAY. [LB188]

SENATOR WATERMEIER: AND LIKE SENATOR SCHUMACHER SAID, THEY HIT THE LOTTERY. WELL, THAT COULD VERY WELL BE, BUT THAT COULD BE THE REASON THAT PURSUIT THAT ENDED UP INTO A HIGH SPEED CHASE. [LB188]

PRESIDENT FOLEY: ONE MINUTE. [LB188]

SENATOR HARR: YEAH, AND THAT'S THE WHOLE QUESTION WE HAVE HERE. AND IT'S, YOU KNOW, I THINK THIS WILL COMPROMISE AND I THINK REASONABLE MINDS CAN DISAGREE ON THIS, IS THE LEXUS...OR EXCUSE ME, NEXUS. GOT MY SEARCH TERMS CONFUSED. THE NEXUS BETWEEN, HEY, DOES THE OFFICER NEED TO KNOW THAT THAT PERSON IS EGGING IT ON OR DOES THE INDIVIDUAL NEED TO BE EGGING THEM ON? AND IF SO, WHO HAS THE BURDEN OF PROVING IT? AND WE'RE WORKING ON A COMPROMISE AND I THINK WE'VE WORKED IT...IT'S ABOUT SHIFTING BURDENS, IS WHAT THIS IS ALL ABOUT AND THE AMOUNT THAT NEEDS TO BE PROVED. AND, YOU KNOW, THE CASE THAT'S ALWAYS CITED HERE, ME, PERSONALLY, I DON'T THINK IT WAS SIGNED OR FOUND WRONG. BUT IN THE...TO GET LEGISLATION PASSED AND TO KEEP MOVING SO THAT WE AREN'T HERE FOREVER AND MANY LATE NIGHTS, I'M WILLING TO WORK WITH SENATOR WATERMEIER TO WORK OUT A DEAL. [LB188]

PRESIDENT FOLEY: TIME. [LB188]

SENATOR HARR: I'M NOT SURE IT WILL ADDRESS EVERYONE'S ISSUES. THANK YOU. [LB188]

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PRESIDENT FOLEY: THANK YOU, SENATOR HARR. SENATOR WATERMEIER, YOU'RE RECOGNIZED. AND HE WAIVES THE OPPORTUNITY. SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON THE RECOMMIT MOTION. [LB188]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, THERE ARE MOTIONS THAT I CAN CONTINUE TO MAKE AND I SHALL. WHY IS SENATOR WATERMEIER WHO DOESN'T KNOW THE LAW OR UNDERSTAND THE LAW SO INTENT ON SAYING THE OFFICER SHOULD NOT HAVE TO KNOW AT THE COMMENCEMENT OF THE CHASE THAT THE PASSENGER IS WANTED. HERE'S WHAT WE'RE LOOKING AT IN THIS, ALTHOUGH THE LEGISLATORS ARE NOT CONSIDERING IT. WE SEPARATE THE CHASE ITSELF FROM THE PASSENGER. THE PASSENGER BY DEFINITION IS NOT THE DRIVER. THE OFFICER PURSUING MAY HAVE A 100 PERCENT IRONCLAD JUSTIFICATION FOR ENGAGING IN THE CHASE. WHAT THEY LOOSENED THE REQUIREMENTS FOR, IS TO DENY RECOVERY TO A PASSENGER, WHOSE PRESENCE IN THE CAR HAD NOTHING TO DO WITH THE CHASE, EVEN IF THE CHASE IS UPHELD. WHAT THE CITY IS CONCERNED ABOUT IS HAVING TO RECOMPENSE THAT PASSENGER WHO WAS HURT. SO YOU TRY TO FIGURE ALL OF THE THINGS YOU CAN SAY ABOUT THAT PASSENGER EVEN THOUGH HE OR SHE HAD NOTHING TO DO WITH INITIATING THE CHASE, ENCOURAGING IT, OR PROVOKING IT, DESPITE THAT YOU WANT TO AVOID RECOMPENSING THAT INJURED PERSON. ALL THAT SENATOR WATERMEIER WOULD HAVE HAD TO DO--AND I ASKED HIM THIS THIS MORNING-- IS HE WILLING IN A SITUATION WHERE THE CITY DOES NOT WANT TO RECOMPENSE AN INJURED THIRD PARTY, AND THERE'S NOTHING THAT THE SUPREME COURT HAS SAID THAT WOULD ALLOW THAT PERSON TO BE DENIED RECOMPENSE, BUT THE CITY, NEVERTHELESS, WANTS TO GET TO THAT POINT. WHY WOULD HE BE OPPOSED TO THE OFFICER NEEDING TO SHOW HE HAD KNOWLEDGE ABOUT THE CIRCUMSTANCES OF THE PASSENGER? THE FOCUS HERE IS ON THE PASSENGER AND DENIAL OF THAT PASSENGER RECOMPENSE FOR THE INJURY. SENATOR WATERMEIER SAID THE PEOPLE OUT THERE TOLD HIM THEY DON'T WANT THAT. THEY DON'T WANT THE OFFICER TO HAVE HAD PRIOR KNOWLEDGE. THEY DON'T WANT THE OFFICER TO HAVE HAD TO RADIO HIS SUPERVISORS AS THEY DO WHEN THEY START A CHASE, WHY THEY'RE CHASING, AND THAT THEY KNOW SO AND SO IS IN THE CAR, AND THAT BEARS ON WHY THEY'RE CHASING. NONE OF THAT DO THEY WANT. WHAT HE OFFERS IS NOT A COMPROMISE, IT'S A FAST SHUFFLE. ON THE STREET, IT WOULD BE CALLED A SHELL GAME. AND SENATOR BURKE HARR, WITHOUT REALIZING IT, IS A SHILL. A SHILL IS NOT A SHELL. THE SHILL IS A PURPORTEDLY INNOCENT, UNINVOLVED BYSTANDER WHO GOES ALONG WITH WHAT THE SHELL GAME OPERATOR WANTS TO DO. AND THE SHILL GIVES EVERYBODY STANDING

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AROUND THE OPINION THAT WHAT THIS SHELL GAME OPERATOR IS DOING IS LEGITIMATE. I DON'T SAY THAT SENATOR HARR...BURKE HARR IS A WILLING SHILL. I SAID UNBEKNOWN TO HIM. BUT TO TRY TO GET YOU TO ACCEPT WHAT SENATOR WATERMEIER IS OFFERING IS PART OF A SHELL GAME. HE WANTS TO DENY RECOVERY TO THE PASSENGER AND EVERY TIME AN ISSUE IS RAISED, HE CAN DISMISS IT LIKE DONALD TRUMP. WELL, THAT'S GETTING DOWN IN THE WEEDS. I DON'T WANT TO GET DOWN IN THE WEEDS WITH THAT. IF HE KNEW THE ANSWER, HE'D GIVE IT. [LB188]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: ONE MINUTE. [LB188]

SENATOR CHAMBERS: IT'S THE SAME OF SAYING, I'M IGNORANT. HE IGNORED EVERYTHING SENATOR SCHUMACHER SAID BY WAY OF EXPLANATION. I KNOW HE'S NOT GOING TO ACCEPT WHAT I SAID. I CAN SEE THAT RIGHT AWAY. BUT AFTER THIS MOTION, I'M GOING TO MOVE TO RECONSIDER IT. AND THEN AFTER WE TALK ABOUT THAT RECONSIDERATION, I HAVE ANOTHER PRIORITY MOTION THAT I'M GOING TO OFFER. AND IF WE GET AROUND TO VOTING ON THAT BEFORE CLOTURE, THEN I'LL MOVE TO RECONSIDER THAT ONE ALSO. YOU HEARD WHAT SENATOR HADLEY TOLD YOU ABOUT THE YELLOW LIGHTS BILL, AND I WAS THE ONE THAT MADE THEM DISCUSS IT ALL OF THOSE HOURS. NOBODY THOUGHT IT COULD BE DISCUSSED THAT LONG, BUT HERE'S WHAT HAPPENED DURING THE DISCUSSION, OTHER PEOPLE BEGAN TO GET INVOLVED. [LB188]

SPEAKER HADLEY: TIME, SENATOR. [LB188]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, I WOULD ASK FOR A CALL OF THE HOUSE AND A ROLL CALL VOTE. [LB188]

SPEAKER HADLEY: 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. RECORD, MR. CLERK. [LB188]

CLERK: 19 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB188]

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SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE OF THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR SULLIVAN, WILL YOU PLEASE CHECK IN. SENATOR SCHNOOR, SENATOR PANSING BROOKS, SENATOR MELLO, SENATOR GLOOR, SENATOR DAVIS, SENATOR SCHILZ, SENATOR MURANTE, SENATOR COASH, SENATOR STINNER, KOLTERMAN, HILKEMANN, AND BLOOMFIELD. SENATOR PANSING BROOKS, SENATOR DAVIS, SENATOR KOLTERMAN, SENATOR HILKEMANN, SENATOR BLOOMFIELD, THE HOUSE IS UNDER CALL. WILL YOU PLEASE RETURN TO THE CHAMBER. YOU'RE VOTING ON MO177 WHICH IS A RECOMMIT TO COMMITTEE MOTION. THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE IN REGULAR ORDER. MR. CLERK. [LB188]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 541-542.) 2 AYES, 30 NAYS, MR. PRESIDENT, ON THE MOTION TO RECOMMIT. [LB188]

SPEAKER HADLEY: THE MOTION TO RECOMMIT FAILS. THE CALL IS RAISED. ITEMS, MR. CLERK. [LB188]

CLERK: MR. PRESIDENT, IF I MAY BEFORE WE PROCEED. SENATOR MORFELD, AN AMENDMENT TO LR26CA TO BE PRINTED; SENATOR COASH TO LB894. A SERIES OF HEARING NOTICES FROM THE JUDICIARY COMMITTEE AND THE HEALTH AND HUMAN SERVICES COMMITTEE SIGNED BY THEIR RESPECTIVE CHAIRS. JUDICIARY COMMITTEE CHAIRED BY SENATOR SEILER REPORTS LB894 TO GENERAL FILE WITH AMENDMENTS. URBAN AFFAIRS, CHAIRED BY SENATOR CRAWFORD, REPORTS LB808, LB860 TO GENERAL FILE; LB875 AND LB948 TO GENERAL FILE WITH AMENDMENTS. (LEGISLATIVE JOURNAL PAGES 542-545.) [LR26CA LB894 LB808 LB860 LB875 LB948]

MR. PRESIDENT, RETURNING TO LB188, SENATOR CHAMBERS OFFERS A PRIORITY MOTION TO RECONSIDER THE VOTE TAKEN WITH RESPECT TO THE MOTION TO RECOMMIT. [LB188]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON THE MOTION TO RECOMMIT. [LB188]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, IF THAT VOTE MEANS ANYTHING, AND I DON'T KNOW IF IT DOES OR NOT, ALL SENATOR WATERMEIER

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WILL NEED IS THREE MORE VOTES AND HE CAN GET CLOTURE, BUT I'VE MADE UP MY MIND WHAT I'M GOING TO DO. I'VE MENTIONED TO YOU THE BILL OF MINE WHICH IS MOST IMPORTANT. IF I'M WILLING TO LOSE IT, HOW MANY BILLS OF YOURS ARE YOU WILLING TO LOSE? I HAVE A BILL ON FINAL READING THAT WAS AMBUSHED BY ONE OF MY COLLEAGUES LAST SESSION. AND I HELPED THAT COLLEAGUE THIS YEAR ON A BILL THAT MEANT A LOT TO HIM. AND I'M GOING TO START MENTIONING THESE THINGS BECAUSE ALL OF THAT PLAYS INTO IT, DOESN'T IT? IT SHOULD AND IT HAS TO CUT BOTH WAYS. YOU'RE NOT GOING JUST BE ABLE TO CUT ME WITHOUT ME CUTTING BACK. AND I'VE GOT TO DEMONSTRATE IT. TODAY IS THE 24th DAY. WHICH BILL OF YOURS ARE YOU WILLING TO LOSE? ARE YOU GOING TO BE ABLE TO GET CLOTURE ON YOUR BILL IN THE SAME WAY YOU'RE VOTING TO GIVE CLOTURE VOTES ON THIS BAD BILL? WE'LL HAVE THE OPPORTUNITY TO FIND OUT. AM I SAYING THAT I WILL FIGHT EVERY BILL THAT COMES BEFORE US? THERE WAS A MOVIE ABOUT A GENERAL. HE WORE A SHINY TIN POT AND HE CARRIED PISTOLS THAT HAD IVORY HANDLES. AND HE BECAME VERY OFFENDED WHEN PEOPLE SAID THAT HIS PISTOLS HAD PEARL HANDLES. HE SAID PEARL HANDLED PISTOLS ARE THOSE POSSESSED BY PIMPS AND I'M NOT A PIMP AND MY HANDLES ARE NOT PEARL, THEY ARE IVORY. AND HE WAS AS NUTTY AS A FRUITCAKE, BUT THEY HAD ASKED HIM A QUESTION ABOUT SOMETHING AND HE GAVE THE OLD CLICHE, THAT'S FOR ME TO KNOW AND YOU TO FIND OUT. AND DON'T THINK THAT YOU MAKING AN UGLY FACE AT ME OR EXPRESSING OPPOSITION IS GOING TO IN ANY WAY DETER ME FROM WHAT IT IS THAT I SET AS MY AGENDA. A LOT OF YOU ALL, AS I SAY, YOU'RE NOT EVEN COMING BACK NEXT YEAR. SO THERE'S NOTHING YOU CAN DO EXCEPT LOOK AT THE WAY YOUR LAST SESSION IS GOING TO GO. I HAVE NO PERSONAL INTEREST IN THIS LB188. IF I WASN'T CONVINCED THAT WHAT I'M DOING IS IN THE INTEREST OF A SEGMENT OF THE PUBLIC, A SEGMENT OF WHICH YOU OR SOMEBODY WHO MAY MEAN SOMETHING TO YOU MAY BE A PART. IF THAT WERE NOT MY BELIEF, I WOULDN'T FIGHT THIS BILL THAT HARD. BUT DEPENDING ON WHAT HAPPENS TO THIS BILL IS GOING TO MAKE IT EASIER FOR ME TO OPPOSE OTHER BILLS THAT ORDINARILY I WOULDN'T. I DON'T HAVE TO TAKE EVERY BILL TO CLOTURE. ALL I HAVE TO DO IS ASK QUESTIONS OF THE INTRODUCER TO MAKE SURE THAT WE ALL UNDERSTAND WHAT THE BILL IS ABOUT BY HAVING IN SOME CASES A SECTION-BY-SECTION EXPLANATION BY THE ONE WHOSE BILL IT IS. AND IF THEY THINK THAT THEY CAN JUST WAIT ME OUT, AND I ASK QUESTIONS AND RUN OUT MY THREE TIMES TO SPEAK, THEN I JUST START OFFERING AMENDMENTS TO THE BILL AND I DON'T EVEN HAVE TO FIGURE OUT AN AMENDMENT BECAUSE I HAVE A TACTIC IN MIND. I WILL JUST MOVE TO STRIKE CERTAIN PROVISIONS FROM THE BILL. AND I BET I CAN TAKE A BILL EVEN WHEN WE'RE STAYING HERE LATE AT NIGHT AND YOU ALL ARE

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GOING TO TAKE A BREAK TO GO MOOCH AND SPONGE OFF OF THE LOBBYISTS, I COULD TAKE ONE BILL AND KEEP US HERE ALL DAY ON THAT ONE BILL. EXCEPT THAT OUR DAYS WILL BE LONG ENOUGH SO THAT AFTER SIX HOURS, THAT BILL WILL AT LEAST GET A VOTE, IF I CHOOSE TO TAKE IT THAT FAR. SO YOU CAN ALWAYS COUNT ON GETTING AT LEAST TWO BILLS ACTED ON, ON GENERAL FILE NO MATTER WHAT I DO. HOW MANY DAYS REMAIN? IF THIS IS THE 24th DAY, HOW MANY DAYS AFTER THIS WOULD IT TAKE TO REACH 60? AND YOU DON'T REALLY HAVE TO REACH 60 FOR MY PURPOSES BECAUSE PRIOR TO THAT 60th DAY, YOU HAVE TO MOVE BILLS OF GENERAL FILE FOR THEM TO HAVE A CHANCE TO BE CONSIDERED. THEN YOU HAVE TO MOVE THEM OFF TO SELECT FILE. THEN THEY HAVE TO LAY OVER ON FINAL READING. SO YOU DON'T ACTUALLY HAVE THAT TOTAL NUMBER OF DAYS FOR CONSIDERATION. SO TEACH ME A LESSON ON THIS BILL. MAKE A BED ON THIS BILL. SENATOR LAUTENBAUGH WAS THE ONE WHO BROUGHT THAT YELLOW LIGHTS BILL AND HE CONVINCED THE SENATORS THAT HE COULD WIN AND HE WAS NOT GOING TO BE DERAILED BY ME. BUT AS THE DISCUSSION PROCEEDED, OTHERS BEGAN TO PAY ATTENTION TO WHAT WAS IN THAT BILL AND BEGAN TO ARGUE THE MERITS. BUT SENATOR LAUTENBAUGH FELT THAT HE COULD BULLY EVERYBODY AS HE BULLIED PEOPLE BEFORE I CAME BACK TO THE LEGISLATURE. AND I SAID THINGS LIKE THIS WHEN HE WAS HERE AND HE'S SOMEWHERE LURKING AND SKULKING, NOW LISTENING BECAUSE HE'S GOT THE CHAIRPERSON OF A CERTAIN COMMITTEE DOING HIS WILL. AND I'M NOT GOING TO GIVE THE CHAIRPERSON'S NAME, BUT THEY DEAL WITH ALCOHOL AND GAMBLING AND THINGS SUCH AS THAT. HERE I WAS NO BIGGER THAN A MINUTE, TOM THUMB, AND THERE WAS THE GIANT GOLIATH. AND AS HE TALKED AND HUFFED AND PUFFED, THE MORE HE BEGAN TO LOOK NOT LIKE GOLIATH THE GIANT, BUT LIKE TOM THUMB IN MINIATURE. SO, IF YOU WANT TO PLAY ROUGH, I KNOW HOW TO DO THAT. BUT WHEN I MAKE UP MY MIND THAT THAT'S ALL I'M GOING TO DO, I DON'T EVEN HAVE TO RAISE MY VOICE BECAUSE I WON'T BE TRYING TO PERSUADE YOU OF ANYTHING, BUT I'LL BE SHOWING YOU SOMETHING AND YOU WON'T KNOW WHAT I'M GOING TO SHOW YOU UNTIL I SHOW YOU. I'M NOT GOING TO JUST HOLD MY CARDS UP BECAUSE I GOT THEM. YOU'RE GOING TO HAVE TO CALL MY HAND AND YOU BETTER MAKE SURE THAT YOU'RE RIGHT WHEN YOU DO IT. HOW MANY OF YOU WILL DO WHAT I'M SAYING I WILL DO? HOW MANY OF YOU ARE WILLING TO LOSE YOUR BILL? I CAN'T WAIT UNTIL WE GET TO EDUCATION BILLS, ALTHOUGH I'M NOT SAYING THAT WILL BE A TARGET, BUT CERTAINLY THOSE TAX BILLS AND BILLS THAT'S GOING TO GIVE MONEY TO VARIOUS AGENCIES. AND AS MUCH AS I LIKE SENATOR MELLO, IT'S GOING TO BE SHOWN THAT I DON'T PLAY FAVORITES. AS CHAIRPERSON OF THE APPROPRIATIONS COMMITTEE, HE'S GOING TO GET HEARTBURN OVER SOME ISSUES. AND DO YOU THINK IT WILL MAKE ME

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ANY DIFFERENCE, NOT ONE IOTA. THERE WAS A MOVIE MADE, THE SUN ALSO RISES. AND BY THE WAY, THAT'S FROM A VERSE IN THE "BIBBLE." I READ THE BOOK. AND WHEN I'M ON THESE TYPES OF EXCURSIONS, I CAN MAKE MY POINT ANY WAY THAT I WANT TO AND THE POINT THAT I'M MAKING HERE TODAY, AND HAVE TRIED TO MAKE, WILL STILL BE ON POINT WITH REFERENCE TO THIS BILL. ALL THAT YOU ARE TALKING ABOUT IN THIS BILL ARE PEOPLE WHO WERE PASSENGERS IN A CAR. THEY DID NOT PROVOKE THE CHASE, THEY DID NOT ENCOURAGE THE CHASE, THEY DID NOT INDUCE THE CHASE. IF A PERSON SURMOUNTS ALL OF THOSE BARS, WHY DO YOU STILL WANT TO DENY THAT PERSON RECOVERY? BECAUSE THERE'S SOME COMMISSIONER OUT IN PLATTE COUNTY, OR WHEREVER THAT IS, WHO TOLD SENATOR WATERMEIER SOMETHING BAD HAPPENED AND WE WANT TO CHANGE THE LAW... [LB188]

SPEAKER HADLEY: ONE MINUTE. [LB188]

SENATOR CHAMBERS: ...TO AFFECT EVERYBODY WHO MAY BE AN INNOCENT THIRD PARTY IN A POLICE CHASE. AND YOU ALL ARE COMFORTABLE WITH THAT, BUT I'M NOT. I SEE IT AS A MORAL ISSUE, NOT RELIGIOUS, MORAL, AND WHEN I USE THAT TERM, I JUST MEAN YOU CAN SAY IT HAS INTELLECTUAL RECTITUDE. IT MAKES SENSE. IT IS FAIR. IT IS EQUITABLE, AND WHO ELSE ON THIS FLOOR BESIDES ME IS GOING TO SPEAK FOR PEOPLE IN THAT SITUATION? SO, I HAVE TO HAVE DETERMINATION. I HAVE TO BE TENACIOUS. I HAVE TO BE RELENTLESS, AND I'LL BE ALL OF THOSE THINGS. AND AT MY ADVANCED AGE, I'LL SHOW YOU THAT I'VE GOT A BIT OF STAMINA, ALSO. AND I WILL NOT MOOCH AND SPONGE OFF OF THE LOBBYIST. I'LL STAY ON THIS FLOOR AND SHOW YOU THAT IT'S POSSIBLE TO GO ALL DAY WITHOUT EATING OR DRINKING ANYTHING AND YOUR MIND CAN BE CLEAR. THANK YOU, MR. PRESIDENT. [LB188]

SPEAKER HADLEY: TIME, SENATOR. THANK YOU, SENATOR CHAMBERS. (VISITORS INTRODUCED.) YOU'VE HEARD THE OPENING ON THE MOTION TO RECONSIDER. SENATOR WATERMEIER, YOU ARE RECOGNIZED. SENATOR WATERMEIER IS NOT HERE. SENATOR SCHUMACHER, YOU ARE RECOGNIZED. [LB188]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. WE'RE REASONABLE FOLKS IN HERE AND THERE'S BEEN A PROBLEM OR AN ISSUE THAT'S BROUGHT BEFORE US. AND I THINK WE ALL KNOW WHAT THE ISSUE IS AND HOW TO RESOLVE THE ISSUE. AND THE ISSUE IS A PASSENGER IN A VEHICLE THAT'S BEING CHASED BY THE POLICE. SHOULD HE BE CONSIDERED TO

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BE AN INNOCENT PARTY? SIMPLE ENOUGH QUESTION, SHOULDN'T BE VERY HARD TO ANSWER. AND THE ANSWER IS BASICALLY, NO, HE'S NOT INNOCENT IF HE DID SOMETHING TO INCREASE THE PROBABILITY OF THAT CHASE. HE'S NOT INNOCENT. IF HE HAPPENS TO BE SLEEPING IN THE BACK SEAT AND DID NOTHING AT ALL, THEN WHY SHOULDN'T HE BE TREATED AS INNOCENT? WE COULD HAVE SAT DOWN IN THE COURSE OF ABOUT AN HOUR AND USE SOME OF THESE PRETTY LITTLE SQUARE PIECES OF PAPER AND PROBABLY RESOLVED THE ISSUE. SENATOR WATERMEIER IS A REASONABLE PERSON, PEOPLE IN HERE ARE REASONABLE, WHAT WE DON'T WANT TO DO IS DECLARE SOMEBODY INNOCENT IF THEY EGGED ON OR DID SOMETHING TO CAUSE THAT CHASE. DONE. WE WOULD HAVE BEEN OFF AND RUNNING TO THE NEXT THING. BUT THIS IS NOT THE FIRST TIME THIS SESSION THAT WE'VE BEEN PLAYED FOR DOPES ON A ROPE. AND OUR STRINGS ARE PULLED BY HAVING TO RUN BEHIND THE GLASS AND ASK SOMEBODY WHO IS BEING PAID A WHOLE LOT OF MONEY WHAT SHOULD WE DO, HOW SHOULD WE DO IT, ARE YOU AGREEABLE TO THIS, CAN WE MOVE THIS COMMA, AND THOSE FOLKS BACK THERE DON'T CARE ABOUT WHETHER OR NOT WE ADDRESS THE MOST IMPORTANT ISSUES THAT WE HAVE TO FACE. THEY'RE BEING PAID TO DO THEIR THING ON THIS BILL THAT THEY MANAGED TO MANEUVER TO THE FLOOR. WE SHOULDN'T BE PLAYED THAT WAY. AND BECAUSE WE ARE PLAYED THAT WAY, WE'RE NOT GOING TO GET OUR BUSINESS DONE THIS SESSION. THIS CAN BE RESOLVED WITH SIMPLE LANGUAGE, BUT THEY DON'T WON'T LET US DO IT, JUST LIKE A COUPLE OF OTHER BILLS THAT COULD HAVE BEEN RESOLVED THAT HAD TO GO THROUGH AND DIE IN A FILIBUSTER. WE SHOULD NOT ALLOW THEM TO DO THIS TO US. QUITE HONESTLY, THE LAWS OF THE SUPREME COURT LEFT IT, WITHOUT THIS BILL, PROBABLY IS PRETTY CLOSE AND WE CAN'T REALLY IMPROVE ON IT TOO MUCH IF WE'RE RATIONAL, AND THAT IS YOU'RE NOT INNOCENT IF YOU PROMOTE OR EGG ON THE DRIVER AND KEEP HIM RUNNING FAST AHEAD OF THE POLICE. NO WAY YOU'RE INNOCENT, NO WAY YOU SHOULD BE INNOCENT, AND THAT'S WHAT THE SUPREME COURT LEFT IT. IF WE WANT TO CODIFY THAT, FINE, WE CAN CODIFY IT. IF WE WANT TO DECLARE A CLARITY ON THE BURDEN OF PROOF AS TO WHO HAS GOT TO PROVE WHAT IN THAT SITUATION, FINE, WE CAN DO THAT WITHOUT...THAT COULD HAVE BEEN CONSENT CALENDAR, FOR PETE'S SAKE. BUT, NO, WE ARE HERE BURNING UP TIME BECAUSE SOME FOLKS IN THE LOBBY HAVE WANT THEIR DAY IN THE CHAMBER. AND THEY ARE NOT ENTITLED TO THEIR DAY IN THE CHAMBER WHEN WE HAVE PRESSING BUSINESS OF THE PEOPLE. WE'LL GO THROUGH THIS CHARADE AND MAYBE DO IT AGAIN, OR MAYBE WE'LL JUST WISE UP AND SAY, YOU KNOW, IF WE CAN'T DO WHAT'S REASONABLE, LET'S DO NOTHING AT ALL AND MOVE ON. THANK YOU. [LB188]

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SPEAKER HADLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB188]

SENATOR BRASCH: THANK YOU, MR. SPEAKER AND GOOD MORNING, COLLEAGUES, FRIENDS, ALL. THIS HAS BEEN A LONG ROAD WE'VE BEEN MOVING DOWN AND I DO THANK SENATOR WATERMEIER FOR INTRODUCING THIS BILL AND FOR THE AMENDMENTS THAT HE HAS, IN GOODWILL, ADDED TO THIS BILL. I...BECAUSE OF THE LENGTH OF TIME, I PULLED THE BILL BACK UP, I'M LOOKING THROUGH NOTES, I'M SEEING THAT WHAT THIS DOES IS IT EXCLUDES PASSENGERS IN A GETAWAY VEHICLE WHO ENTER THE VEHICLE WITHOUT COERCION, KNOWING THE DRIVER IS UNDER THE INFLUENCE OF DRUGS AND ALCOHOL. IT EXCLUDES INDIVIDUALS WHO...IT EXCLUDES WHO FAILS TO TAKE STEPS TO PERSUADE THE DRIVER TO STOP. IT EXCLUDES THOSE THAT PROMOTE, PROVOKE, OR PERSUADE THE DRIVER TO ENGAGE IN FLIGHT FROM LAW ENFORCEMENT. IT EXCLUDES THOSE WHO ARE SUBJECT TO ARREST OR SOUGHT TO BE APPREHENDED BY LAW ENFORCEMENT. I'VE BEEN READING THROUGH. I SEE WHO SHOWED UP TO TESTIFY, BESIDES NACO, THE CITY OF OMAHA, THE NEBRASKA GOVERNMENTAL RISK MANAGEMENT ASSOCIATION. I SEE THERE WAS AN OPPONENT, AND WE ARE ALL HERE WEIGHING THE VALUE AND THE IMPORTANCE AND THE NEED FOR THIS BILL. I DO TRUST OUR LAW ENFORCEMENT OFFICERS. MANY OF YOU PUT UP, I BELIEVE IN BLUE, I SUPPORT BLUE. YOU KNOW, WE ALL RALLIED AROUND FROM TIME TO TIME THE JUDGMENT, THE ACTIONS, THE IMPORTANCE OF THOSE WHO PROTECT OUR PUBLIC SAFETY. IF THIS BILL WASN'T IMPORTANT, I DON'T THINK THAT SENATOR WATERMEIER WOULD HAVE INTRODUCED IT. I'VE KNOWN HIM FOR SEVERAL YEARS NOW, FOUR YEARS OF MY SIX, AND THE BILLS HE INTRODUCED ARE NOT INFLUENCED BY LOBBY, BY LUNCHESES OR DINNERS OR DIFFERENT THINGS AS OTHERS HERE. YOU KNOW, WE LOOK AT EACH LAW AND WHAT IT CAN DO TO HELP OTHERS. I BELIEVE SENATOR AVERY USED TO CALL IT GOOD PUBLIC POLICY. I DO THINK THIS IS GOOD PUBLIC POLICY. SENATOR CHAMBERS HAS BEEN HERE FOR DECADES. AND I WONDER, YOU KNOW, THROUGH ALL OF THE INSULTS, THE ACCUSATIONS, THE THREATS, I WILL TAKE YOUR TIME AWAY FROM YOUR IMPORTANT BILL, IF THIS WAS SOMETHING HE DID, LET'S SAY 20 YEARS AGO. SENATOR CHAMBERS, WOULD YOU YIELD TO A QUESTION, PLEASE? [LB188]

SPEAKER HADLEY: SENATOR CHAMBERS, WILL YOU YIELD? [LB188]

SENATOR CHAMBERS: YES, AND THE ANSWER TO THE QUESTION IS YES. [LB188]

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SENATOR BRASCH: YES. OKAY. I...THAT IS IMPORTANT TO KNOW HERE. AND YOUR...AND I WILL NOT ASK YOU ANY MORE QUESTIONS. BUT AT THE END OF THE DAY, I LOOK AT SENATOR FRIESEN AND SENATOR HUGHES, SENATOR SULLIVAN, SENATOR McCOLLISTER, HANSEN, AND OTHERS AND I SEE ALL THE BILLS YOU'VE INTRODUCED AND HAVE IN COMMITTEE AND HAVE WORKED WITH, AND I WONDER IF WE'RE NOT IN THAT GETAWAY CAR. IF THERE'S 48 OF US THAT WOULD LOVE TO GET OUT OF THE DOOR, ON TO THE STREET, MOVE FORWARD WITH THE BUSINESS OF THE DAY... [LB188]

SPEAKER HADLEY: ONE MINUTE. [LB188]

SENATOR BRASCH: ...BUT WE'RE NOT. WE ARE HERE BECAUSE...I DON'T SEE THE DAMAGES IN THIS BILL THAT ARE PURPORTED TO BE HERE. ONCE AGAIN, ACCORDING TO THE RULES, ACCORDING TO PROCEDURE, THIS WILL FOLLOW THROUGH. HE WILL FOLLOW THROUGH. HE'S ALREADY, IT SOUNDS THREATENING TO SAY OUR BILLS WON'T SEE IT THAT THERE'S ONLY 60 DAYS AND WE'RE GETTING CLOSE. SO, I DO ENCOURAGE YOU TO SUPPORT LB188, SENATOR WATERMEIER'S AMENDMENT TO MAKE IT A BETTER BILL, AND NOT RECONSIDER. THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES. [LB188]

SPEAKER HADLEY: THANK YOU, SENATOR BRASCH. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB188]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, THERE WAS A GUY NAMED PONTIUS PILATE. HE WAS A PROCURATOR. HE WAS LIKE A GOVERNOR, THE MANAGER OF A PROVINCE OR PIECE OF TERRITORY THAT WAS UNDER THE CONTROL OF ROME. AND THERE WAS A CUSTOM THAT THE PEOPLE WHO LIVED IN THAT AREA HAD WHEN ONE OF THEIR HOLIDAYS CAME. AND IN ORDER TO HAVE MERCY SHOWN, CRIMINALS WOULD BE BROUGHT OUT AND THE CROWD COULD DETERMINE WHICH CRIMINAL WAS TO BE SPARED AND WHICH WAS TO BE KILLED. SO, ON THIS PARTICULAR DAY, THERE WAS A LITTLE FELLOW, 5'6, WHO WEIGHED 120 POUNDS SOAKING WET, AND A HUGE GUY, 6'8, GNARLY, SNARLY, AND HARDER THAN STONE, AND HE DIDN'T LOOK OUT AT THAT CROWD WITH A BESEECHING EXPRESSION ON HIS FACE. THE ONLY REASON HE WASN'T OUT THERE RIPPING PEOPLE LIMB FROM LIMB WAS BECAUSE THEY HAD CHAINS ON HIM AND ROMAN GUARDS WITH SPEARS AND SWORDS, AND HIS NAME WAS BARABBAS. SO PILATE KNEW THIS LITTLE FELLOW HADN'T DONE ANYTHING, AND JUST BY LOOKING AT THE TWO YOU COULD SEE SUCH A STARK CONTRAST THAT THE CROWD

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WOULD HAVE TO SAY, LET THIS LITTLE GUY THAT YOU DON'T REALLY HAVE ANYTHING AGAINST, GO, AS OPPOSED TO THIS MONSTER WHO IS GUILTY OF INSURRECTION, VIOLENCE OF EVERY DESCRIPTION, HAD A SCAR THAT RAN FROM THE RIGHT SIDE OF HIS FOREHEAD AT THE HAIRLINE, DOWN ACROSS THE BRIDGE OF HIS NOSE, HIS LEFT CHEEK, ALL THE WAY DOWN UNDER AND THROUGH THE BONE OF HIS JAW, AND LEFT A MARK ON HIS NECK, WHICH IF WHOEVER WIELDED THAT BLADE HAD MOVED IT A LITTLE BIT ONE WAY OR THE OTHER, WOULD HAVE STRUCK THE JUGULAR AND HE WOULD NOT HAVE BEEN THERE TODAY, BUT AS FATE WOULD HAVE IT, HE WAS THERE. SO PILATE SAID, WHICH ONE DO YOU WANT? AND THE PEOPLE DIDN'T KNOW WHAT TO DO BECAUSE THEY HAD GOTTEN THEIR INSTRUCTIONS FROM THE LOBBY, SO THEY DIDN'T SAY ANYTHING. SO YOU KNOW WHAT THE LOBBY SAID? TAKE BARABBAS. SO ONCE THEY GOT THEIR INSTRUCTIONS FROM THE LOBBY, THE CROWD HOLLERED--THEY CALLED THEM A MULTITUDE--BARABBAS, GIVE US BARABBAS. SO THEN PILATE HAD A NEXT QUESTION. WELL, WHAT SHOULD I DO WITH THIS LITTLE FELLOW WHO HASN'T DONE ANYTHING? AND NOW THE PEOPLE WERE DOUBLY AT SEA AND THEY WAITED TO HEAR WHAT THE LOBBY WAS GOING TO TELL THEM, AND THE LOBBY SAID, CRUCIFY HIM. SO HAVING GOTTEN THEIR INSTRUCTIONS FROM THE LOBBY, THE MULTITUDE SAID CRUCIFY HIM. SO PILATE WAS INDIGNANT, BUT THE RULES HAD BEEN SET AND HE HAD MISJUDGED THE DEPRAVITY OF THE MULTITUDE. SO HE ORDERED ONE OF HIS FLUNKIES TO BRING A SILVER BOWL, A SILVER PITCHER, AND THE PITCHER WAS FILLED WITH WATER. AND PILATE SAID, POUR THAT WATER OVER MY HANDS AS I HOLD THEM OVER THIS BOWL, AND AS THE WATER WAS Poured, HE RUBBED HIS PALMS TOGETHER AND LOOKED WITH ABSOLUTE AND UTTER CONTEMPT AT THE MULTITUDE AND SAID, I HAVE NOTHING TO DO WITH SHEDDING THE BLOOD OF THIS RIGHTEOUS MAN. AND SOMEBODY WAS SAYING, WELL, IF HE'S RIGHTEOUS, WHY ARE YOU GOING... [LB188]

SPEAKER HADLEY: ONE MINUTE. [LB188]

SENATOR CHAMBERS: ...TO LET THIS HAPPEN TO HIM. SO THEN PILATE WROTE ON A PIECE OF PAPER...ACTUALLY NOT A PIECE OF PAPER, SOMETHING MORE DURABLE. AND SINCE I ONLY HAVE ONE MINUTE LEFT, I'LL HAVE TO DO LIKE THEY ALWAYS DO ON SERIALS, THEY TAKE YOU RIGHT UP TO THE EDGE OF THE CLIFF AND THEN YOU HAVE TO COME BACK NEXT WEEK TO SEE WHETHER THE VILLAIN IN THE CAR WENT OVER THE CLIFF BECAUSE THE HEROINE IS IN THE BACK SEAT OF THE CAR AND THEY'RE BEING PURSUED BY POLICE. BUT THE SCREEN GOES DARK AND YOU HAVE TO COME BACK AND SEE WHAT HAPPENED.

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SO I HAVE TO TURN ON MY LIGHT AND GET ANOTHER OPPORTUNITY TO PROCEED THEN. THANK YOU, MR. PRESIDENT. [LB188]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR WATERMEIER, YOU'RE RECOGNIZED. [LB188]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. I APPRECIATE THE ANALOGY THAT SENATOR CHAMBERS IS GIVING US ABOUT THE SEASON WE'RE IN, THE SEASON OF LENT, BUT I WOULDN'T QUITE GO SO FAR TO SAY THAT THE LOBBY IS PART OF THE CROWD MENTALITY. I WOULDN'T GO THERE. I'LL BRING YOU BACK TO WHY I BROUGHT THIS BILL. I BROUGHT THIS BILL BECAUSE OF COUNTY COMMISSIONERS AND THOSE INVOLVED IN WHAT REALLY HAPPENS BEHIND THE SCENES. AND I STILL BELIEVE THIS IS A GOOD BILL. AND IN GOOD FAITH, I WENT TO SEVERAL SENATORS THIS MORNING AND IN THE LAST COUPLE OF DAYS AND WE REACHED A COMPROMISE. AND I HAVE AN AMENDMENT IN THE HOPPER THAT WE WILL PROBABLY NOT GET TO BECAUSE IF I INVOKE CLOTURE AT 11:55, AND WHICH THE SPEAKER HAS ASSURED ME THAT WE WILL FOLLOW THROUGH TODAY WITH CLOTURE AT 11:55. SO WHEN WE GET TO THAT POINT, I WILL ASK YOU TO VOTE YES FOR CLOTURE, AND NO FOR RECONSIDER, NO FOR RECOMMITTING--AND I'VE NEVER SEEN THAT BEFORE--NO FOR THE FLOOR AMENDMENT. WELL, I GUESS WHICH SWIPES THE FLOOR AMENDMENT, BUT YES ON THE COMMITTEE AMENDMENT OF AM374, AND YES ON THE BILL. AND I PLEDGE TO YOU TODAY, THAT THE AMENDMENT I HAVE ON THE BILL RIGHT NOW, WHICH WE CANNOT GET TO BECAUSE PROCEDURALLY THAT I WILL SUPPORT THAT ON SELECT FILE. SO FOR THOSE MEMBERS THAT DO ATTEND LUNCHEES AND TEND TO CHECK OUT, I WOULD APPRECIATE IF YOU STICK WITH ME. THIS IS IMPORTANT FOR THE STATE OF NEBRASKA AND THIS IS THE RIGHT THING TO DO. THIS BILL IS READY FOR PRIME TIME. IT IS READY TODAY, AS SEVERAL HAVE SAID IT'S NOT. I BELIEVE IT'S CLEAR THAT IT IS BECAUSE OF THE DEBATE WE ARE HAVING. I WOULD ENCOURAGE YOU TO ASK THE QUESTIONS OF MYSELF AND THOSE INVOLVED IN THIS PROCESS. I'D BE GLAD TO CLARIFY, IF I CAN, ON THE SIDEBAR HERE. SO JUST TO REITERATE, PLEASE STICK WITH ME, 11:55 WILL BE CLOTURE AND I'D ASK YOU TO VOTE YES ON THE CLOTURE, NO ON RECONSIDER, NO ON RECOMMIT, AND THEN YES ON THE COMMITTEE AMENDMENT AND YES ON LB188. THANK YOU, MR. PRESIDENT. [LB188]

SPEAKER HADLEY: THANK YOU, SENATOR WATERMEIER. SENATOR KRIST, YOU'RE RECOGNIZED. [LB188]

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SENATOR KRIST: THANK YOU, MR. PRESIDENT AND GOOD MORNING. GOOD MORNING, COLLEAGUES, AND HELLO, NEBRASKA. I WONDER IF SENATOR CHAMBERS WOULD YIELD TO A QUESTION. [LB188]

SPEAKER HADLEY: SENATOR CHAMBERS, WILL YOU YIELD? [LB188]

SENATOR CHAMBERS: YES, I WILL. [LB188]

SENATOR KRIST: SENATOR CHAMBERS, FIRST, LET'S TALK ABOUT PROCEDURALLY, JUST SO PEOPLE UNDERSTAND. I THINK YOU MIGHT HAVE SAID IT ON THE MIKE BEFORE, BUT AS WE GET CLOSER AND CLOSER TO THE POTENTIAL OF A CLOTURE VOTE, PROCEDURALLY, UNLESS THIS BILL CHANGES, WE WILL TAKE A VOTE ON THE GREEN COPY AND THE JUDICIARY COMMITTEE AMENDMENT ONLY, BASED UPON THE WAY YOU HAVE THIS THING TIED UP BETWEEN NOW AND SELECT. IS THAT CORRECT? [LB188]

SENATOR CHAMBERS: THAT'S CORRECT. [LB188]

SENATOR KRIST: AND YOUR GOAL OR OBJECTIVE IS TO DO WHAT, SIR? [LB188]

SENATOR CHAMBERS: TO MAKE SURE THAT THERE IS NO OTHER AMENDMENT CONSIDERED ON THIS BILL, AND TO HAVE IT VOTED BY THE BODY IN THE BAD SHAPE THAT IT'S IN WITH JUST THE COMMITTEE AMENDMENT, WHICH REALLY DOESN'T SOLVE THE MAIN PROBLEM. [LB188]

SENATOR KRIST: OKAY, I WILL AGREE WITH YOU THAT THE COMMITTEE AMENDMENT DOES NOT SOLVE THE PROBLEM THAT WE HAVE ADDRESSED IN THE DEBATE SO FAR ON THIS BILL. WHAT WOULD ACTUALLY FIX THIS PROBLEM IN TERMS OF THE LIABILITY ISSUES THAT SENATOR CRAWFORD AND OTHERS HAVE TALKED ABOUT? [LB188]

SENATOR CHAMBERS: SENATOR KRIST, WHAT I DID THIS MORNING, I HAD HANDED OUT WHAT I CALLED MY END GAME AND I TALKED TO SENATOR WATERMEIER AND HE SAID HE RAN IT PAST THE LOBBY AND THEY WOULDN'T ACCEPT IT, AND HERE'S WHAT I WANTED. THERE WAS NOT GOING TO BE ANY PROBLEM WITH STRIKING THOSE TWO PARAGRAPHS THAT EVEN HIS AMENDMENT WOULD STRIKE, BUT THIS IS WHAT THEY, IN THE LOBBY, OBJECTED TO: LAW ENFORCEMENT PERSONNEL IDENTIFIED TO SUPERIOR

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OFFICERS PRIOR TO COMMENCEMENT OF THE PURSUIT THE IDENTITY OF THE PASSENGER, AND THE REASON THE PASSENGER WAS SUBJECT TO ARREST OR SOUGHT TO BE APPREHENDED. [LB188]

SENATOR KRIST: AND THAT'S PRIOR TO THE CHASE? [LB188]

SENATOR CHAMBERS: YES. [LB188]

SENATOR KRIST: OKAY, WHICH PROTECTS ANY ENTITY FROM COMING IN AFTERWARDS AND JUSTIFYING A POTENTIALLY DANGEROUS CHASE, AND THEN JUSTIFYING WHAT THEY HAVE DONE? [LB188]

SENATOR CHAMBERS: YES. [LB188]

SENATOR KRIST: OKAY, THANK YOU, SENATOR CHAMBERS. THOSE OF YOU WHO ARE LISTENING EITHER HERE OR OFF THE MIKE, I HAVE HAD, THROUGH A COUPLE OF OTHER FOLKS, CONVERSATIONS WITH SOMEONE THAT I RESPECT AND HIS OPINION, SENATOR LATHROP, WHO HAS BEEN IN THIS BODY OR WAS IN THIS BODY UNTIL A FEW YEARS AGO. I'VE HEARD CONCERNS FROM BOTH SIDES. I HAVE SAID THAT THE CLOTURE VOTE IS SOMETHING THAT I WOULD SUPPORT TO GET IT TO THE NEXT LEVEL. THIS IS A GAME CHANGER, FOLKS, FOR ME ON THIS VOTE AND FOR THE WAY THAT THIS BILL IS SET. THIS IS A DANGEROUS THING TO PUT FORWARD WITHOUT THE AMENDMENT THAT NEEDS TO BE THERE. SENATOR CHAMBERS IS RIGHT. THERE'S AN AMENDMENT THAT NEEDS TO GO ON THIS BILL THAT PROTECTS, AS WE SAY, THE PERSON WHO MIGHT FIND HIMSELF OR HERSELF IN A POSITION IN A CAR, AND THEN AFTER THE FACT, THAT CHASE IS JUSTIFIED BASED UPON AN UNKNOWN WARRANT AND AN UNKNOWN CONDITION FOR THE PASSENGER. RULE OF LAW, IT'S JUST...THAT'S A BAD IDEA. IT JUST IS A BAD IDEA. AND WHAT SENATOR CHAMBERS IS ATTEMPTING TO DO IS FIX LB188 WHICH WE PROBABLY SHOULD HAVE DONE WITH A JUDICIARY COMMITTEE AMENDMENT. THINK ABOUT WHAT YOU'RE DOING. PASSING ON A PIECE OF LEGISLATION FROM GENERAL TO SELECT WITHOUT HAVING IT AT LEAST TRY TO AMEND. I BROUGHT THIS TO YOUR ATTENTION WHEN WE WERE TALKING ABOUT SENATOR LARSON'S BILL. SOMETIMES YOU CAN FIX THINGS AND SOMETIMES YOU CAN'T. [LB188]

SPEAKER HADLEY: ONE MINUTE. [LB188]

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SENATOR KRIST: THANK YOU, MR. PRESIDENT. SOMETIMES YOU SHOULD NOT TRY TO REWRITE THE CONSTITUTION ON THE FLOOR. THIS IS ONE OF THESE THINGS THAT IF THERE'S NOT NEGOTIATION, THERE'S NOT COMPROMISE, PUSHING THIS FORWARD FROM ONE PHASE TO ANOTHER JUST MEANS WE'RE GOING TO TALK ABOUT IT FOR ANOTHER FOUR HOURS WITHOUT ANY COMPROMISE. THANK YOU, MR. PRESIDENT. [LB188]

SPEAKER HADLEY: THANK YOU, SENATOR KRIST. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB188]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. HERE'S SOMETHING I WANT FOR THE RECORD. YOU HEARD SENATOR BRASCH. WHEN HAS SHE EVER STOOD ON THIS FLOOR AND WORKED AS HARD AS I HAVE TO TRY TO MAKE A BILL WHAT IT NEEDS TO BE RATHER THAN USE PLATITUDES? BUT IF THAT'S WHAT MOVES THE BODY, SHE IS FOLLOWING THE TACTIC OF DONALD TRUMP. IT DOESN'T MATTER IF IT MAKES NO SENSE. SHE GETS THE BODY TO GO WHERE SHE WANTS THE BODY TO GO. I CAN'T GET THE BODY TO GO WHERE I WANT THE BODY TO GO, BUT THERE ARE CERTAIN APPROACHES I WILL NOT USE. I WILL NOT SAY THINGS WHICH WHEN PEOPLE ARE CALM AND THEY'RE PEOPLE WITH INTELLIGENCE AND THEY READ THOSE WORDS, SAY, WHY THIS MAN IS A FOOL. THAT MAKES NO SENSE WHATSOEVER. BUT I HAVE COLLEAGUES ON THE FLOOR WHO DON'T REALIZE THAT THEIR WORDS ARE FROZEN IN THAT TRANSCRIPT, IN THE SAME WAY THAT CERTAIN INSECTS ARE EMBEDDED AND IMPRISONED IN AMBER FOR MILLENNIA. SO I KNOW WHAT I'M DOING. I KNOW WHAT I'M SAYING. AND I KNOW WHERE I WANT TO GO AND I WILL KNOW WHEN I'VE ARRIVED AT THAT POINT. AND SHE'S GOING TO TELL ME SHE'S KNOWN SENATOR WATERMEIER AND HE'S NEVER BROUGHT BAD LEGISLATION. THE ONLY REASON THEY CHANGED THAT ORGAN DONATION BILL, SENATOR BRASCH, IS BECAUSE I INSISTED AND IT WAS CHANGED. I'M NOT GOING TO DO LIKE HER AND OTHERS AND GET TIRED TODAY, AND SAY BECAUSE I'M TIRED AND I WANT TO GET OUT OF HERE, I WILL TAKE A HASTY DECISION THAT IS HARMFUL TO THE PUBLIC. I'M NOT GOING TO DO IT. AND I DON'T MIND IF YOU CHALLENGE ME. IF YOU WANT TO STOP ME, YOU'RE GOING TO HAVE TO RESIST ME, AND THERE'S NOTHING I ENJOY MORE THAN INTELLECTUAL COMBAT. BUT I'LL TELL YOU THIS, IF YOU DECIDE TO STRIKE THE KING, YOU KNOW WHAT RALPH WALDO EMERSON SAID? IF YOU STRIKE THE KING, YOU MUST KILL HIM. AND IF YOU GET IN THE RING WITH THE HEAVYWEIGHT CHAMPION OF THE WORLD, YOU KNOW WHAT THE REFEREE TELLS YOU? PROTECT YOURSELF AT ALL TIMES. BUT DON'T GET UP HERE AND CHALLENGE ME AND EXPECT ME TO FEEL SORRY OR BACK OFF, YOU GOT INTO

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THE MATCH. AND THOSE OF YOU ALL WHO WANT TO RECEIVE AND YOU DON'T WANT TO RECIPROCATE, YOU CAN DO THAT BECAUSE THAT'S THE WAY YOU CONDUCT YOUR AFFAIRS. WELL, I CONDUCT MINE THE WAY I CHOOSE. AND IF THERE WERE 48 OF ME AGAINST ONE OF YOU, SENATOR BRASCH, THEN WE WOULD BE RIGHT AND YOU WOULD BE WRONG. BUT I HAVE NEVER DETERMINED THE VALIDITY, THE MORALITY, THE EQUITY OF ANYTHING BASED ON THE NUMBER OF PEOPLE WHO ARE GOING FORWARD. IN THIS REGARD, I AGREE WITH HITLER. HE SAID THE MAN IS THE THING, NOT THE ARMY, BECAUSE 100 COWARDS NEVER PRODUCED ONE BRAVE ACT. ONE HUNDRED FOOLS NEVER PRODUCED ONE WISE MAN. SO THE FACT THAT EVERYBODY IS ON THE OTHER SIDE LET'S YOU KNOW THEY'RE PROBABLY WRONG. WHEN THEY ALL SAY THE SAME THING, IT'S CLEAR THEY HAVEN'T ALL BEEN THINKING. INTELLIGENT PEOPLE DON'T ALL SEE THE SAME THING THE SAME WAY WHEN IT'S A SERIOUS ISSUE UNLESS IT'S THAT THE SUN RISES IN THE EAST AND SETS IN THE WEST, AND SOMEBODY MIGHT HAVE SAID, DEPENDS ON WHERE YOU ARE STANDING WHEN YOU TALK ABOUT DIRECTION. WHAT PLANET ARE YOU ON? WHAT SOLAR SYSTEM ARE YOU IN? [LB188]

SPEAKER HADLEY: ONE MINUTE. [LB188]

SENATOR CHAMBERS: SO BECOME MORE SPECIFIC AND DON'T FEEL THAT YOUR NARROW SCOPE IS THE SCOPE THAT GOVERNS EVERYBODY'S OPINION. SO, I'VE SAID THAT I'M GOING TO TAKE OWNERSHIP OF THE LEGISLATURE AND I WILL, AND LET ME SEE YOU STOP ME. STOP ME, IF YOU CAN. AND IF YOU STOP ME, I'LL GIVE YOU CREDIT FOR IT. I'LL SAY YOU DID SOMETHING I DIDN'T THINK YOU COULD DO. SO YOU'VE IMPROVED MY EDUCATION AND TAUGHT ME SOMETHING, BUT I WILL LEARN THE LESSON AND NOT MAKE THE SAME MISTAKE AGAIN, WHICH IS WHAT YOUNG MR. ROBOTIC RUBIO PROMISED THE OTHER DAY. [LB188]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB188]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I'M GOING TO HAVE SOME QUESTIONS FOR SOME OF MY COLLEAGUES. I GUESS I WOULD START WITH SENATOR WATERMEIER IF HE WOULD YIELD. [LB188]

SPEAKER HADLEY: SENATOR WATERMEIER, WILL YOU YIELD? [LB188]

SENATOR WATERMEIER: YES. [LB188]

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SENATOR BLOOMFIELD: THANK YOU, SENATOR. IT'S MY UNDERSTANDING THAT YOU HAVE AN AMENDMENT IN HAND THAT WOULD FIX SENATOR CHAMBERS' CONCERNS, IS THAT CORRECT, TO THE BEST OF YOUR KNOWLEDGE? [LB188]

SENATOR WATERMEIER: NOT SENATOR CHAMBERS' CONCERNS. NO, I THINK PRIDE IS IN THE WAY OF THIS AMENDMENT AS FAR AS I'M CONCERNED. WHAT I HAVE AGREED TO WITH SEVERAL OF THE MEMBERS OF THE BODY IS AN AMENDMENT THAT I PUT ON AND YOU SHOULD BE ABLE TO SEE ON YOUR GADGET, IT STRIKES A, IT STRIKES B, AND IT PUTS AN IMMEDIATE TERM IN FRONT OF THE WORD "FELON" ON THE E DEFINITION OF THE INNOCENT THIRD PARTY. [LB188]

SENATOR BLOOMFIELD: OKAY, THANK YOU. I WONDER IF SENATOR SCHUMACHER WOULD YIELD. [LB188]

SPEAKER HADLEY: SENATOR SCHUMACHER, WILL YOU YIELD? [LB188]

SENATOR SCHUMACHER: YES, I WILL. [LB188]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. I THINK YOU HAVE BEEN OVER LOOKING AT THE WATERMEIER PROPOSED AMENDMENT. IN YOUR MIND, DOES IT GET US TO WHERE WE NEED TO BE ON THIS BILL? [LB188]

SENATOR SCHUMACHER: NO, AND HERE'S PART OF THE REASON WHY. I MEAN HE SAYS, THE IMMEDIATE WHICH GOES A WAY TO FIX IT. IF WE GET RID OF THE FIRST TWO ABOUT HOW SOMEBODY IS SUPPOSED TO KNOW THAT THE PERSON IS UNDER THE INFLUENCE OF ALCOHOL, WHICH IS A TERM OF ART, WHICH MEANS YOU FLUNKED A TEST BASICALLY, AND HOW AND WHO IS SUPPOSED TO BE THE ONE PROVING THAT REASONABLE STEPS WERE OR WERE NOT TAKEN. AND THEN WE HAVE A STATUS OFFENSE YET IN HERE WHERE...I MEAN, SUPPOSE SOMEBODY IS AN UNDOCUMENTED ALIEN. WELL, SURELY, THEY ARE SOUGHT TO BE APPREHENDED, AND AFTER THE FACT, THE PERSON WAS REALLY HURT BAD AND THEY FIND OUT THAT, GEE, HE WAS SOUGHT BY I.N.S. AND, THEREFORE, HE GETS NOTHING. I THINK THAT RISES TO THE LEVEL OF CONSTITUTIONAL PROBLEMS. AND SO THIS...THIS...THANK YOU. [LB188]

SENATOR BLOOMFIELD: HANG WITH ME IF YOU WOULD, PLEASE. THE WATERMEIER PROPOSAL AS AMENDED, DOES THAT REMOVE ANY CHANCE OF

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THAT INDIVIDUAL RECEIVING COMPENSATION, OR DOES IT JUST MEAN HE WOULD HAVE TO PROTEST THAT HE WAS INNOCENT AND BE ABLE TO SUE WITHOUT GETTING IT AUTOMATICALLY? [LB188]

SENATOR SCHUMACHER: WELL, I DON'T KNOW IF THERE'S ANY AUTOMATIC IN THIS. AND I DON'T KNOW AND IT'S UNCLEAR WHO HAS THE BURDEN OF PROOF IN THIS CASE. IS IT THE GUY TO PROVE THAT HE IS INNOCENT? IS IT THE CITY OR THE JURISDICTION'S BURDEN TO PROVE THAT HE'S NOT INNOCENT WITHIN THE MEANING OF THE LAW? A BURDEN OF PROOF THING NEEDS TO BE IN HERE. THE LAW ISN'T IN THAT BAD A SHAPE RIGHT NOW. IF YOU PROMOTE, YOU CAUSE IT, YOU EGG THEM ON, YOU'RE NOT INNOCENT, AND WE CAN ALL AGREE TO THAT. AND IF THAT WE'D WANT TO PUT IN THE STATUTE, I DON'T THINK WE'D BE HERE. [LB188]

SENATOR BLOOMFIELD: OKAY. THANK YOU, SENATOR. I WONDER IF SENATOR SEILER WOULD YIELD TO A QUESTION. [LB188]

SPEAKER HADLEY: SENATOR SEILER, WILL YOU YIELD TO A QUESTION? [LB188]

SENATOR SEILER: I WILL. [LB188]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. PARDON ME FOR KIND OF BLINDSIDING YOU HERE, BUT THE AMENDMENT THAT IS PROPOSED BY SENATOR WATERMEIER, DOES THAT ALLEVIATE ANY PAINS YOU MIGHT HAVE WITH THIS BILL? [LB188]

SENATOR SEILER: ONLY IF YOU INCLUDE SENATOR SCHUMACHER'S ADDITIONAL BURDEN OF PROOF AND SUGGESTIONS HE JUST MADE. [LB188]

SENATOR BLOOMFIELD: SO BASICALLY, NO, IT DOESN'T UNLESS WE COME UP WITH ANOTHER AMENDMENT BEHIND IT. [LB188]

SENATOR SEILER: AS LONG AS THAT'S PART OF THE AGREEMENT, I DON'T HAVE ANY PROBLEM WITH THIS BILL. [LB188]

SENATOR BLOOMFIELD: THANK YOU. COULD I GO BACK TO SENATOR SCHUMACHER FOR A QUESTION, PLEASE? [LB188]

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SPEAKER HADLEY: SENATOR SCHUMACHER, WILL YOU YIELD TO A QUESTION?
[LB188]

SENATOR SCHUMACHER: YES, I WILL. [LB188]

SPEAKER HADLEY: ONE MINUTE. [LB188]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR. IN YOUR DISCUSSIONS WITH SENATOR WATERMEIER, DID IT SEEM THAT HE WAS WILLING TO INCLUDE YOUR ADDITIONAL LANGUAGE IN ANY AGREEMENT?
[LB188]

SENATOR SCHUMACHER: I THINK THAT THERE'S...HE'S GOT TO CONFER WITH WHOEVER HE CONFERS WITH AND I DON'T KNOW IF I...IF I KNOW THE ANSWER TO THAT. I WAS JUST GOING BACK TO PRINT OUT THE TEXT OF HIS PROPOSED AMENDMENT AND SIT DOWN AND TRY TO FIGURE OUT WHERE THE UNDERLINES AND THE STRIKE-INS GO AND DON'T GO, BUT IT DOESN'T SEEM TO ME THAT IT'S THERE YET. [LB188]

SENATOR BLOOMFIELD: OKAY, THANK YOU, SENATOR. COLLEAGUES, I KIND OF STARTED OUT THINKING THIS WASN'T A BAD IDEA, THIS BILL, BUT THE LONGER I LISTEN TO IT AND THE MORE I LISTEN TO THE LEGAL EXPERTS ON THE FLOOR, I'M DRIFTING AWAY FROM IT PRETTY FAST. I PROBABLY WILL NOT BE VOTING FOR CLOTURE. THANK YOU. [LB188]

SPEAKER HADLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB188]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT. ONE OF THE BOTHERSOME PROVISIONS IS THE ONE WE JUST TALKED ABOUT ON THE MIKE WITH SENATOR BLOOMFIELD AND THAT IS THE LINE, IS SUBJECT TO ARREST OR SOUGHT TO BE APPREHENDED BY LAW ENFORCEMENT. IT DOESN'T SAY WHAT THEY'RE SOUGHT TO BE APPREHENDED FOR. LAW ENFORCEMENT SEEK TO APPREHEND SOMEBODY FOR ALL KINDS OF REASONS, BUT IT BROUGHT TO MIND THAT THIS IS A STATUS SITUATION THAT HAS NOTHING TO DO WITH THE EVENTS. IF A KID IS AT A BEER PARTY, ISN'T DRINKING, HE'S JUST THERE, WE USED TO HAVE A LAW THAT SAID HE WAS GUILTY BECAUSE HE SHOULDN'T HAVE BEEN THERE AND HE SHOULD HAVE KNOWN BETTER. WELL, THE COURT SAID

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NO, THAT DOESN'T WORK. JUST BEING PRESENT, IS NOT GOOD ENOUGH TO AFFECT YOUR RIGHTS. YOU'VE GOT TO DO SOMETHING, AND I THINK THAT IT MAY, UNLESS THAT LANGUAGE IS WORKED AT AS SENATOR SEILER SUGGESTED THAT HE AGREES WITH ME THAT WE NEED TO WORK AT IT, UNLESS THAT LANGUAGE IS WORKED ON, THIS WHOLE THING MAY BE UNCONSTITUTIONAL BECAUSE I DON'T THINK I SEE ANY SAVINGS CLAUSE IN IT. THE LAW IS NOT THAT DEFECTIVE NOW AND THE AMENDMENT THAT SENATOR CHAMBERS HAS IS ONE AMENDMENT THAT GOES QUITE A WAYS. IF THEY SAY WE'RE GOING AFTER HIM BECAUSE PASSENGER JONES IS IN THE CAR AND WE'VE GOT A FELONY WARRANT FOR HIM BECAUSE HE'S A BANK ROBBER, AND THEY GET ON THAT RADIO, AND THEY'RE ON THE RADIO, THEY ALL KNOW HOW TO DRIVE AND TALK AT THE SAME TIME, I'M GOING AFTER IT BECAUSE JONES IS IN THE CAR AND HE'S A BANK ROBBER. NOT CAUSE A BIG ACCIDENT, PULL THE GUY OUT, AND SAY, OH, GEE WHIZ, JONES IS AN UNDOCUMENTED WORKER, I GUESS WE LUCKED OUT OR, OH, BY THE WAY, GUESS WHO WAS IN THE BACK SEAT, SOMEBODY WITH A FELONY WARRANT FOR BANK ROBBERY. BOY, WE LUCKED OUT. THAT'S ALL THE CHAMBERS AMENDMENT IS ASKING FOR IN THAT PARTICULAR ONE. THAT AND SOME OTHER TWEAKING AND MAYBE WE COULD MAKE THIS THING RIGHT IF THERE'S AN OVERWHELMING DESIRE TO MAKE IT RIGHT, BUT AT THIS POINT, NO COMPELLING CASE HAS BEEN MADE FOR A CHANGE IN THE LAW. NONE. I HAVEN'T HEARD ABOUT INSURANCE RATES GOING UP, HAVEN'T HEARD ABOUT PROBLEMS WHERE THIS LAW HAS DONE AS IT NOW EXISTS, HAS DONE MORE HARM THAN GOOD. IN FACT, THE SUGGESTION HAS BEEN REPEATEDLY, IT'S DONE MORE GOOD THAN HARM. IT'S DISSUADED THESE CHASES THAT ARE UNNECESSARY, EXCEPT IN THE MOST EXTREME CASES. AND IN THOSE CASES, A JURY IS NOT GOING TO AWARD DAMAGES EVEN IF THEY DO ESTABLISH A CASE. SO, I'M NOT SURE IF THIS IS ANYTHING MORE THAN A OFF THE FIELD SQUABBLE BETWEEN PEOPLE WHO HAVE BEEN FIGHTING BACK AND FORTH ON THIS ISSUE AND ARE GETTING PAID TO FIGHT, RATHER THAN PAID TO DO THE BUSINESS OF THE PEOPLE. I DON'T THINK I'M GOING TO BE VOTING FOR CLOTURE ON THIS AND I DON'T THINK WHAT WE HAVE ON THE BOARD AND WHAT HAS BEEN PROPOSED, THAT WE WON'T EVEN GET TO TODAY, SOLVES THE PROBLEM. THERE'S SO MUCH WORK THAT NEEDS TO BE DONE ON THIS THING AND IT SHOULD HAVE BEEN HANDLED IN COMMITTEE. THANK YOU. [LB188]

SPEAKER HADLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR KRIST, YOU'RE RECOGNIZED. [LB188]

SENATOR KRIST: THANK YOU, MR. PRESIDENT AND COLLEAGUES; AND AGAIN, HELLO, NEBRASKA. THIS IS THE LAST TIME I'M GOING TO SPEAK ON THIS PRIOR

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TO CLOTURE, BUT I JUST WANT TO REMIND EVERYONE WHERE I'M AT. I VOTED IT OUT OF COMMITTEE. THIS MORNING WHEN I WAS ASKED ABOUT A CLOTURE VOTE AND THERE WAS GOING TO BE SOME COMPROMISE, I SAID, YEAH, I PROBABLY CAN SUPPORT CLOTURE. THINGS HAVE CHANGED FOR ME. I DON'T CHANGE MY MIND WITHOUT LETTING ANYBODY KNOW, SO I WOULD LIKE TO JUST REVIEW WHERE WE ARE. WONDER IF SENATOR SCHUMACHER WOULD YIELD TO A QUESTION OR TWO. [LB188]

SPEAKER HADLEY: SENATOR SCHUMACHER, WILL YOU YIELD? [LB188]

SENATOR SCHUMACHER: YES. [LB188]

SENATOR KRIST: SENATOR SCHUMACHER, YOUR CONCERNS, AS I UNDERSTAND THEM, ARE NOT ALLEVIATED BY FA86. CAN YOU JUST, AND VERY BRIEF, TELL ME WHAT YOUR MAJOR CONCERNS ARE IN ADDITION TO WHAT FA86 MIGHT OR MIGHT NOT DO? ACTUALLY, JUST TELL ME WHAT YOUR CONCERN IS AND HOW YOU WANT TO FIX IT? [LB188]

SENATOR SCHUMACHER: WELL, MY CONCERN, FIRST OF ALL, THE FIRST TWO PARAGRAPHS I THINK NEED TO BE REMOVED, FIRST TWO EXCEPTIONS. THE THIRD ONE IS JUST FINE, THAT'S WHERE WE SHOULD BE. THE FOURTH ONE IS, IT DOESN'T SAY THAT THE OFFENSE IS...THAT THEY'RE SOUGHT TO BE APPREHENDED FOR, IT HAS ANYTHING TO DO WITH THE CHASE AT ALL. SENATOR CHAMBERS GOES SOMEWHAT TO EFFECTING THAT. I SUPPOSE THEY COULD RADIO IN AND SAY WELL THE GUY'S AN ILLEGAL ALIEN, THEREFORE, THAT'S WHY I'M CHASING HIM, BUT AT LEAST THEY WOULD HAVE TO TELL IT TO THE POLICE OR TO THE SUPERVISORS. I'M OKAY WITH THAT. THERE'S GOT TO BE SOME NEXUS IN THE LAST ONE, E, THAT THE REASON FOR THE CHASE OR THE BADNESS HAS GOT TO BE SOMETHING THAT IS IN THE...HAS A STRONG NEXUS TO THE REASON FOR THE CHASE. ANYTHING THAT GOES MUCH MORE THAN SAYING THAT THE PERSON, THE PASSENGER IS...INCREASED THE PROBABILITY OF THAT CHASE, REALLY, REALLY IS ON THIN ICE, AND I.. [LB188]

SENATOR KRIST: I'M SORRY, GO AHEAD. I DIDN'T WANT TO CUT YOU OFF. GO AHEAD. [LB188]

SENATOR SCHUMACHER: I'M FINISHED. [LB188]

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SENATOR KRIST: OKAY, SO YOUR CONCERNS ARE CONSISTENT THEN AS YOU DESCRIBED THEM WITH WHAT SENATOR CHAMBERS' CONCERNS WOULD BE IN TERMS OF FIXING THE BILL? [LB188]

SENATOR SCHUMACHER: SENATOR CHAMBERS HAS BEEN ON THE BALL ON THIS RIGHT FROM THE BEGINNING. AND, YOU KNOW, IT JUST TAKES A LOTS OF BITS AND PIECES TO FIX THIS THING, AND IN FIXING THIS THING, WHAT HAVE WE GOT MORE FINISHED? YOU KNOW, DO WE HAVE ANYTHING BETTER THAN WHAT WE HAVE NOW? [LB188]

SENATOR KRIST: WELL, IF I HAD SOME ASSURANCE THAT WE WOULD BE TRYING TO FIX IT BETWEEN NOW AND THEN, I COULD SUPPORT CLOTURE. I GUESS THAT'S MY POINT IN ASKING THESE QUESTIONS. SENATOR CHAMBERS, WILL YOU YIELD TO ANOTHER QUESTION, PLEASE? [LB188]

SPEAKER HADLEY: SENATOR CHAMBERS, WILL YOU YIELD? [LB188]

SENATOR CHAMBERS: YES, I WILL. [LB188]

SENATOR KRIST: SO, JUST FOR A PROCEDURAL ISSUE, THE WAY IT STANDS RIGHT NOW, WE HAVE THIS LOCKED UP AND WE'LL GO TO CLOTURE, AND FA86 DOES NOT SOLVE THE PROBLEMS THAT YOU AND SENATOR SCHUMACHER HAVE BROUGHT TO US, IS THAT CORRECT? [LB188]

SENATOR CHAMBERS: NOT BY ITSELF, BUT IF I MAY? [LB188]

SENATOR KRIST: YES, SIR. [LB188]

SENATOR CHAMBERS: IT WAS REJECTED AND NOW SENATOR WATERMEIER'S AMENDMENT HAS THE VERY PROVISIONS THAT MINE WERE REJECTED ON THAT GOT US TO WHERE WE ARE NOW. IF THEY HAD ADOPTED THAT, THEN WE'D BE ARGUING ONLY ABOUT WHETHER YOU HAVE TO IDENTIFY THE PERSON IN THE CAR. BUT SENATOR WATERMEIER HAD BEEN TOLD TO REJECT MY AMENDMENT, WHICH NOW IS A PART OF HIS AMENDMENT. AND HE PROBABLY DOESN'T REALIZE IT BECAUSE THEY DON'T PAY ATTENTION TO WHAT I OFFER, SO MINE IS GOING TO BE INCREMENTAL. THAT FA86 BY ITSELF WOULD NOT HAVE DONE IT, BUT IT WOULD REMOVE THOSE TWO PROVISIONS THAT EVERYBODY HAD FELT

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SHOULD BE REMOVED, THEN WE WOULD HAVE ONE ITEM TO DISCUSS AND THAT'S THE IDENTITY IN ADVANCE... [LB188]

SPEAKER HADLEY: ONE MINUTE. [LB188]

SENATOR CHAMBERS: ...OF THE PASSENGER THAT MIGHT BE USED LATER, OTHERWISE TO JUSTIFY WHAT COULDN'T HAVE BEEN JUSTIFIED OTHERWISE. [LB188]

SENATOR KRIST: THANK YOU. SENATOR WATERMEIER, WILL YOU YIELD? [LB188]

SPEAKER HADLEY: SENATOR WATERMEIER, WILL YOU YIELD? [LB188]

SENATOR WATERMEIER: YES, I WILL. [LB188]

SENATOR KRIST: YOU UNDERSTAND THE CONVERSATION THAT'S GOING ON AND YOU UNDERSTAND THE TECHNICAL SIDE OF IT. ARE YOU AT THIS POINT, IF THIS BILL GOES FORWARD FROM GENERAL FILE, READY TO INCLUDE THOSE CONCERNS IN THIS BILL? [LB188]

SENATOR WATERMEIER: THOSE CONCERNS SPECIFICALLY COME BACK TO THE NEXUS OF THE CHASE. AND I'VE ALWAYS CONCEDED THAT IT'S TOO MUCH TO ASK THAT THE PERSON THAT WOULD BE IN THE PASSENGER WOULD ACTUALLY BE A NEXUS OF THAT ACTUAL CHASE. IT COULD BE THAT IT HAPPENED JUST TWO HOURS BEFORE AND I THINK THAT'S WHAT MY AMENDMENT BASICALLY DOES. IT OPENS UP THAT OPPORTUNITY FOR THAT STILL TO HAPPEN. I THINK I WOULD BE GLAD TO CONFER WITH THIS BETWEEN GENERAL AND SELECT AGAIN, AS WELL, BUT MY AMENDMENT WE COULD GLADLY GET TO IT ON SELECT AND WE CAN CONTINUE TO DEBATE IT, BUT I THINK WHAT MY AMENDMENT DOES IS PRETTY WELL TAKES CARE OF EVERYBODY'S CONCERNS THAT WE HAD HERE AN HOUR AND A HALF AGO. AND I...IT'S YOUR TIME. [LB188]

SENATOR KRIST: THANK YOU. [LB188]

SPEAKER HADLEY: THANK YOU, SENATOR KRIST. SENATOR WATERMEIER, YOU'RE RECOGNIZED. [LB188]

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SENATOR WATERMEIER: THANK YOU, MR. CHAIRMAN. I DID OFFER A MOTION, A PRIORITY MOTION FOR INVOKING CLOTURE AND IT WILL HAPPEN HERE IN A FEW MINUTES AND I'LL GET TO SPEAK AT THAT TIME. BUT I DO APPRECIATE THE CONVERSATION THAT SENATOR SCHUMACHER, SENATOR KRIST HAS NOW CHANGED HIS MIND. I REALLY ASK HIM TO COME BACK AND ALLOW THIS TO GO FORWARD. THIS IS AN IMPORTANT BILL. THIS BILL HAS BEEN DEBATED FOR FOUR YEARS IN AND AMONGST THIS BODY, WHETHER YOU ARE AWARE OF IT OR NOT, IT HAS BEEN DEBATED. ALL OF THIS ARGUMENT IS NOT BEHIND THE GLASS. IT'S RIGHT HERE. WE MAKE POLICY. IT COULD BE ARGUED THAT WE MAKE LAW, BUT I HAVE ALWAYS CONTENDED, WE MAKE POLICY. AND GOING BACK TO WHAT JUDGE CASSEL HAD SAID, JUST THREE AND FOUR YEARS AGO, IN THE CASSEL...JUDGE CASSEL IN THE WERNER V. COUNTY OF PLATTE, THE LEGISLATURE MIGHT DECIDE TO NARROW THE DEFINITION OF AN INNOCENT THIRD PARTY TO EXCLUDE A PERSON THEN ENGAGED IN A VIOLATION OF A FELONY OR MISDEMEANOR OFFENSE WITHOUT REGARD TO WHETHER SUCH PERSON OR HIS OR HER CONDUCT WAS KNOWN TO LAW ENFORCEMENT OFFICERS BEFORE INITIATING THE PURSUIT. NOW IN ALL FAIRNESS, WHAT SENATOR CHAMBERS IS ASKING IS JUST A CHANCE TO KILL THIS WHOLE IDEA. HE HAS DONE LOTS OF GOOD THINGS FOR THE STATE OF NEBRASKA. THIRTY YEARS AGO, 35 YEARS AGO WHEN HE ENACTED THESE POLICE PURSUIT STATUTES IN LAW, THEY HAVE DONE A LOT OF GOOD BETWEEN NOW AND THEN. BUT, HONESTLY, FOLKS, IT'S AN OVERREACH NOW TO SAY THAT A PERSON THAT'S IN THE VEHICLE IS AUTOMATICALLY CONSIDERED INNOCENT. GET BACK TO THE BILL. GET BACK TO WHAT WE'RE TALKING ABOUT. THE BURDEN OF PROOF WILL BE ON THE CITIES AND THE GOVERNMENTAL AGENCIES, AND IF YOU HAVE CONCERNS ABOUT THAT VERY ISSUE, TALK TO YOUR ATTORNEYS, TALK TO THOSE PEOPLE. TO DEBATE IT ON THIS FLOOR IN LEGAL TERMS USUALLY DOESN'T GET TO THE BOTTOM OF IT. WE HAVE A HALF A DOZEN ATTORNEYS IN THIS BODY, AND I APPRECIATE THEM ALL IN HERE, BUT A LOT OF TIMES THEIR IMAGINATION GETS AWAY FROM THEM WHEN IT COMES RIGHT DOWN TO IT. WE'VE HAD THESE ARGUMENTS ABOUT, WELL, THE POLICE COULD CALL IN AND KNOW THIS AND KNOW THAT. I'VE NEVER SAT IN A POLICE VEHICLE WHEN A POLICE PURSUIT STARTS, BUT I CAN ONLY IMAGINE THAT A FEW SECONDS MAKES A DIFFERENCE. I WILL CONCEDE, SENATOR CHAMBERS IN PUTTING INTO THE STATUTE ALL OF THE THINGS THAT ARE INVOLVED WITH POLICE PURSUITS HAVE DONE THE STATE OF NEBRASKA A SERVICE. WE'VE REDUCED OUR POLICE PURSUITS. WE'VE REDUCED LOTS OF THINGS. WE'VE DONE A GOOD JOB, BUT THIS IS SIMPLY AN OVERREACH WHERE THE STATUTE WAS ORIGINALLY INTENDED. SO I APPRECIATE YOU STICKING WITH ME. I DO HAVE A MOTION ON THE FLOOR AND I'LL GET TO SPEAK AT THAT POINT IN TIME,

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BUT I JUST WANT TO REMIND THE FOLKS THAT WE DO HAVE A CLEAR SUGGESTION FROM JUDGE CASSEL. I HAVE RESPECT FOR THE SUPREME COURT. I HAVE RESPECT FOR THE OFFICERS IN THIS STATE WHETHER THEY'RE A DEPUTY SHERIFF, A SHERIFF, STATE PATROLMAN, OR FEDERAL OFFICIALS. DO YOU HAVE RESPECT FOR THE SYSTEM? I SENSE THAT YOU DON'T. THAT'S WHAT THIS IS TALKING ABOUT. I RESPECT THE SYSTEM, IT WILL WORK. NOW SENATOR CHAMBERS HAS LOTS OF EXAMPLES AND HE CAN GO BACK TO 1960 AND SAY IT HASN'T WORKED. WE ARE IN 2016. IT'S PROVEN THAT IT'S AN OVERREACH. ALL WE'RE TRYING TO DO IS DEFINE INNOCENT THIRD PARTY. THANK YOU, MR. PRESIDENT. [LB188]

SPEAKER HADLEY: THANK YOU, SENATOR WATERMEIER. SEEING NO ONE ELSE IN THE QUEUE, SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON YOUR RECOMMIT COMMITTEE MOTION...RECONSIDER, RECONSIDER. [LB188]

SENATOR CHAMBERS: RIGHT. MR. PRESIDENT, WHEN WE STARTED YESTERDAY, I HAVE TRIED TO STRIKE TWO PROVISIONS AND SENATOR WATERMEIER WAS TOLD IN THE LOBBY TO RESIST IT. I OFFERED IT THIS MORNING. PURSUANT TO YOUR FOLLOWING SENATOR WATERMEIER OUT OF THE WILDERNESS INTO THE SWAMP, YOU REJECTED IT. I MOVED TO RECONSIDER. YOU KNOW WHAT YOU REJECTED? THE VERY THING NOW THAT THE LOBBY TOLD SENATOR WATERMEIER TO HAVE YOU ACCEPT. YOU REJECTED THAT THIS MORNING WHEN I OFFERED IT. SEE MY COLOR. THAT'S WHY YOU REJECTED IT. YOU KNOW WHY YOU'LL ACCEPT IT NOW, BECAUSE A GUY YOUR COLOR OFFERED THE VERY SAME THING. WHY IS IT GOOD NOW AND IT WASN'T THEN? BUT I TOLD YOU I WOULD MENTION WHAT PILATE WROTE. PILATE WAS SO CONTEMPTUOUS TOWARD THE JEWS AND THE RELIGIOUS LEADERS WHO TOLD THE MULTITUDE TO TAKE BARABBAS OVER JESUS, HE WROTE, KING OF THE JEWS. AND THE RELIGIOUS LEADERS SAID, DON'T SAY HE'S KING OF THE JEWS, SAY HE SAID HE'S THE KING OF THE JEWS. AND BY THIS TIME PILATE REACHED A POINT THAT I'VE REACHED NOW. HE SAID, WHAT I HAVE WRITTEN, I HAVE WRITTEN. THAT'S IN THE BIBLE. SENATOR PANSING BROOKS READ FROM A NATIONAL STUDY WHERE THE OMAHA POLICE DIVISION HAD CIRCUMVENTED OR WEAKENED WHAT USED TO BE THE LAW BY RELAXING THEIR POLICY. SO WHEN SENATOR WATERMEIER TALKS ABOUT ALL THE GOOD THAT WAS DONE WHEN OPS RELAXED THEIR CHASE POLICIES, THEY NOW HAVE ALMOST TEN TIMES AS MANY CHASES AS THEY HAD BEFORE. THAT'S WHAT I'M LOOKING AT. AND FRANKLY, I DON'T CARE WHETHER YOU VOTE CLOTURE OR NOT. PILATE AND I ARE JOINED FROM FOREHEAD TO TOENAIL, WHAT I HAVE WRITTEN, I HAVE WRITTEN. AND I DON'T WANT ANYBODY COMING TO ME, WHETHER IT'S THE SPEAKER, THE CHAIRMAN OF THE EXEC BOARD, OR

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ANYBODY ELSE SAYING, ERNIE, DON'T DO WHAT YOU SAID YOU'RE GOING TO DO. I HAVE STAYED ON POINT. WHENEVER I OR ANYBODY ELSE DOES, SENATOR WATERMEIER, WHO KNOWS NOTHING ABOUT THE LAW, SAYS YOU'RE GETTING IN THE WEEDS, I DON'T WANT TO GET INTO THE WEEDS ON THAT. RAISE ANY OTHER ISSUE SPECIFICALLY AND HE WILL SAY, WELL, WE DON'T NEED TO DEAL WITH THAT. AND THAT'S WHAT YOU'VE DECIDED TO DO. YOU WON'T DEAL WITH THE FACTS, THEN DEAL WITH ME. AND I WILL BE HERE, AND I WILL OUTLAST YOU. AND WHEN WE'RE HERE GOING INTO THE NIGHT, AND YOU'RE OVER THERE SLURPING AND URPING AND BURPING WITH THE LOBBYISTS, SPONGING AND MOOCHING, I'M GOING TO BE OUT HERE RIDICULING YOU AND POINTING OUT, REMEMBER WAY BACK THEN HOW THEY DIDN'T THINK THIS DAY WOULD EVER COME. BUT HAVING BEEN HERE AS MANY DECADES AS I HAVE, I KNOW THAT THAT DAY IS GOING TO COME AND YOU'RE GOING TO ASK YOURSELF, WAS GOING ALONG WITH SENATOR WATERMEIER AND THAT COMMISSIONER IN HIS DISTRICT, OR IN PLATTE COUNTY, WORTH ALL OF THIS. WELL, SIN IN HASTE, REPENT AT LEISURE. AND I'M GOING TO SAY LIKE BURGER KING, HAVE IT YOUR WAY, AND I WILL DO IT ANY WAY YOU WANT TO DO IT. MEASURE FOR MEASURE, EVEN-STEVEN. THAT'S THE WAY IT WILL BE. AND I WILL OBSERVE THE VOTE ON CLOTURE... [LB188]

SPEAKER HADLEY: ONE MINUTE. [LB188]

SENATOR CHAMBERS: ...AND WHAT YOU VOTE TO ACCEPT ON CLOTURE, YOU HAVE TO KEEP IN THIS BILL ALL THE WAY ACROSS BECAUSE I HAVE ENOUGH PRIORITY MOTIONS TO OFFER TO KEEP US FROM GETTING TO WHAT SENATOR WATERMEIER WANTS. AND THERE MAY BE SOME OF YOU IN HERE WHO RECOGNIZE THE FACT THAT THE BILL IN ITS PRESENT FORM, AND EVEN WITH WHAT HE IS TRYING TO OFFER YOU IN THE NATURE OF A SHELL GAME, IS NOT GOING TO IMPROVE ON THE LAW AS IT STANDS RIGHT NOW. IF HE GAVE YOU THE DATE THAT THIS LANGUAGE WAS GIVEN BY THE SUPREME COURT ABOUT EGGING THE DRIVER ON, YOU WILL SEE THAT SINCE THAT DECISION WAS HANDED DOWN, NOTHING MORE THAN THAT WAS SHOWN TO BE NEEDED. THIS IS SUPERFLUOUS LEGISLATION AND MY JOB AS THE GARBAGE MAN IS TO TRY TO MAKE SURE IT WINDS UP... [LB188]

SPEAKER HADLEY: TIME, SENATOR. [LB188]

SENATOR CHAMBERS: ...WHERE IT BELONGS. THANK YOU, MR. PRESIDENT.
[LB188]

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SPEAKER HADLEY: THE QUESTION BEFORE THE BODY IS THE MOTION...MO178 TO RECONSIDER THE RECOMMIT...SENATOR CHAMBERS. [LB188]

SENATOR CHAMBERS: I'LL ASK FOR A CALL OF THE HOUSE AND A ROLL CALL VOTE. [LB188]

SPEAKER HADLEY: 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. RECORD, MR. CLERK. [LB188]

CLERK: 35 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB188]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE OF THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATORS FOX, HOWARD, CRAWFORD, PANSING BROOKS, DAVIS, KINTNER, AND LINDSTROM, THE HOUSE IS UNDER CALL. PLEASE RETURN TO THE CHAMBER. SENATOR KINTNER, THE HOUSE IS UNDER CALL. SENATOR CHAMBERS, DID YOU REQUEST A ROLL CALL VOTE? [LB188]

SENATOR CHAMBERS: YES, I DID. [LB188]

SPEAKER HADLEY: IN REGULAR ORDER? [LB188]

SENATOR CHAMBERS: YES. [LB188]

SPEAKER HADLEY: THE QUESTION FOR THE BODY IS THE RECONSIDERATION OF THE MOTION TO RECOMMIT. MR. CLERK. [LB188]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 545.) 4 AYES, 36 NAYS, MR. PRESIDENT, ON THE MOTION TO RECONSIDER. [LB188]

SPEAKER HADLEY: MO178 FAILS. MR. CLERK, YOU HAVE A MOTION ON THE DESK. [LB188]

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CLERK: I DO, MR. PRESIDENT. SENATOR WATERMEIER WOULD MOVE TO INVOKE CLOTURE PURSUANT TO RULE 7, SECTION 10. [LB188]

SPEAKER HADLEY: IT IS THE RULING OF THE CHAIR THAT THERE'S BEEN FULL AND FAIR DEBATE ACCORDED TO LB188. MEMBERS, THE FIRST VOTE IS THE MOTION TO INVOKE CLOTURE. SENATOR WATERMEIER. [LB188]

SENATOR WATERMEIER: THANK YOU, MR. SPEAKER. I JUST WANTED TO CONFIRM WE ARE UNDER HOUSE CALL, YES, YET? AND I WOULD LIKE TO ASK FOR A ROLL CALL VOTE IN REVERSE ORDER, PLEASE. [LB188]

SPEAKER HADLEY: A ROLL CALL VOTE IN REVERSE ORDER. MR. CLERK. [LB188]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 545-546.) 37 AYES, 5 NAYS, MR. PRESIDENT, TO INVOKE CLOTURE. [LB188]

SPEAKER HADLEY: THE MOTION TO INVOKE CLOTURE IS ADOPTED. MEMBERS, THE NEXT VOTE IS ON THE ADOPTION OF FA86 TO LB188. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH? RECORD, MR. CLERK. [LB188]

CLERK: 18 AYES, 23 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB188]

SPEAKER HADLEY: THE AMENDMENT FAILS. THE NEXT VOTE IS THE ADOPTION OF AM374, THE COMMITTEE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; ALL...SENATOR WATERMEIER. [LB188]

SENATOR WATERMEIER: MR. PRESIDENT, MAY I ASK FOR A ROLL CALL VOTE IN REVERSE ORDER, PLEASE. [LB188]

SPEAKER HADLEY: THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE IN REVERSE ORDER. MR. CLERK. [LB188]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 546-547.) 42 AYES, 2 NAYS, MR. PRESIDENT, ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB188]

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SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. MEMBERS, THE NEXT VOTE IS ON THE ADOPTION OF LB188 ADVANCING 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 THAT WISH? MR. CLERK. [LB188]

CLERK: (RECORD VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 547.) 34 AYES, 6 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB188. [LB188]

SPEAKER HADLEY: LB188 ADVANCES TO E&R INITIAL. MR. CLERK FOR ITEMS. RAISE THE CALL. [LB188]

CLERK: THANK YOU, MR. PRESIDENT. NEW A BILL, LB371A, BY SENATOR SULLIVAN. (READ LB371A BY TITLE FOR THE FIRST TIME.) AGRICULTURE COMMITTEE, CHAIRED BY SENATOR JOHNSON, REPORTS LB730 TO GENERAL FILE; TRANSPORTATION, CHAIRED BY SENATOR SMITH, REPORTS LB639 TO GENERAL FILE WITH AMENDMENTS. I HAVE HEARING NOTICES FROM THE JUDICIARY COMMITTEE, MR. PRESIDENT. I ALSO HAVE A SERIES OF NAME ADDS: SENATOR MELLO WOULD LIKE TO ADD HIS NAME TO LB1016 AND LB1022; SENATOR KOLTERMAN TO LB733, LB896, LR378CA, LR35; SENATOR GARRETT TO LR35. (LEGISLATIVE JOURNAL PAGES 547-549.) [LB371A LB730 LB639 LB1016 LB1022 LB733 LB896 LR378CA LR35]

MR. PRESIDENT, A PRIORITY MOTION. SENATOR SCHNOOR WOULD MOVE TO ADJOURN THE BODY UNTIL THURSDAY MORNING, FEBRUARY 11, AT 9:00 A.M.

SPEAKER HADLEY: YOU'VE HEARD THE MOTION TO ADJOURN. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. MOTION IS ADOPTED. WE ARE ADJOURNED.