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Floor Debate
January 09, 2018

[LB81 LB130 LB135 LB229 LB304 LB321 LB350 LB399 LB520 LB668 LB669 LB759
LB891 LB914 LB915 LB916 LB917 LB918 LB919 LB920 LB921 LB922 LB923 LB924
LB925 LB926 LB927 LB928 LB929 LB930 LB931 LB932 LB933 LB934 LB935 LB936
LB937 LB938 LB939 LB940 LB941 LB942 LB943 LR275 LR276 LR277]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifth day of the One Hundred Fifth Legislature, Second Session. Our chaplain for today is Senator Vargas. Please rise.

SENATOR VARGAS: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Senator Vargas. I call to order the fifth day of the One Hundred Fifth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

PRESIDENT FOLEY: Are there any corrections for the Journal?

CLERK: (Read corrections. Legislative Journal page 221.)

PRESIDENT FOLEY: Are there any messages, reports, or announcements?

CLERK: Mr. President, a hearing notice from the Banking, Commerce and Insurance Committee signed by Senator Lindstrom. That's all that I have. (Legislative Journal page 221.)

PRESIDENT FOLEY: Thank you, Mr. Clerk. We'll now proceed to the first item on the agenda, General File Revisor's bills. Mr. Clerk.

CLERK: Mr. President, the first bill: LB668, by Senator Watermeier as Chair of the Executive Board. (Read title.) It was introduced on January 3; referred directly to General File. [LB668]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Watermeier, you're recognized to open on LB668. [LB668]

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

Floor Debate
January 09, 2018

SENATOR WATERMEIER: Thank you, Mr. President. That was the quickest ten minutes I've ever seen for check-in times, so thank you. As you recall, Revisor's bills are technical correction bills prepared by our Revisor of Statutes, Joanne Pepperl. Pursuant to Rule 5, Section 3, they are introduced by the Executive Board and referred directly to General File. Revisor's bills include such things as correcting internal references, harmonizing provisions, and repealing statutes or parts of statutes that have become obsolete. This year we have just two Revisor's bills. The first bill, LB668, harmonizes one section of law by striking language that should have been removed as part of LB1067 in 2016. Removing this wording will correct an oversight. I would appreciate your vote on LB668. [LB668]

PRESIDENT FOLEY: Thank you, Senator Watermeier. Debate is now open on LB668. Seeing no discussion, Senator Watermeier, you're recognized to close. He waives close. The question before the body is the advance of LB668 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please, Mr. Clerk. [LB668]

CLERK: 41 ayes, 0 nays, Mr. President, on the advancement of LB668. [LB668]

PRESIDENT FOLEY: LB668 does advance. (Visitors introduced.) Proceeding to the next Revisor's bill. Mr. Clerk. [LB668]

CLERK: LB669, a bill by Senator Watermeier. (Read title.) The bill was introduced on January 3; referred directly to General File. [LB669]

PRESIDENT FOLEY: Thank you. Senator Watermeier, you're recognized to open on LB669. [LB669]

SENATOR WATERMEIER: Thank you, Mr. President. The second Revisor's bill is LB669. This bill outright repeals obsolete sections of law regarding the establishment of and funding for post-secondary educational bridge programs. These sections terminated on June 30, 2015. I ask your support for LB669. [LB669]

PRESIDENT FOLEY: Thank you, Senator Watermeier. Debate is now open on LB669. Seeing no discussion, Senator Watermeier, you're recognized to close. He waives close. The question before the body is the advance of LB669 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please, Mr. Clerk. [LB669]

CLERK: 39 ayes, 0 nays, Mr. President, on the advancement of LB669. [LB669]

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

Floor Debate
January 09, 2018

PRESIDENT FOLEY: LB669 does advance to E&R Initial. Items for the record, Mr. Clerk. [LB669]

CLERK: Mr. President, new resolution: LR275, it is offered by Senator Riepe...it will be laid over...asked the Legislature to express its appreciation to Ms. Linda Richards, Nebraska Association of School Boards. I have a hearing notice from Urban Affairs Committee; it is signed by Senator Wayne as Chair. Mr. President, two new bills: (Read LB914-916 by title for the first time.) Mr. President, announcement--Judiciary Committee will meet in Exec Session in Room 2022 now; Judiciary Committee in Room 2022 immediately. That's all that I have, Mr. President. (Legislative Journal pages 222-223.) [LR275 LB914 LB915 LB916]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Now proceeding to General File. Mr. Clerk.

CLERK: Mr. President, LB229, is a bill introduced by Senator Williams. (Read title.) The bill was introduced on January 10 of last year; referred to the Judiciary Committee. The bill was advanced to General File. At this time I have no amendments to the bill, Mr. President. [LB229]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Williams, you're recognized to open on LB229. [LB229]

SENATOR WILLIAMS: Thank you, Mr. President; and good morning, fellow senators. I'm here this morning to, as you have heard, introduce LB229 to the group and ask for your support. LB229 is a very simple bill. I will read the two-sentence introducer statement of intent to show you how simple: "LB229 would allow financial institutions to collect a \$15 fee from the plaintiff for each garnishment. If the financial institution charges a fee to its customers for processing the garnishment, the \$15 fee will be deducted from the fee charged to the customer." That's how simple this is. Under current law, a judgment creditor is not required to pay any fee to a financial institution for the services rendered. Judgment creditors receive a significant benefit from the services provided by the bank and the bank would like to be compensated for that service and the time that is involved. This is not a new issue. I brought this legislation before and it was voted out of committee with no dissenting votes. However, it lacked a priority so we did not hear it on General File. I've made several attempts to work with the bill collectors to find a workable solution, including an opportunity yesterday afternoon that was again rejected. They have been unwilling to consider any form of compromise. LB229 was heard in committee on January 20, 2017, and was again advanced from committee with no dissenting votes. Let me tell you a little bit about what a bank does in a garnishment because I think people believe it's a fairly automated and very simple process. It's not. Garnishment starts out with a bank receiving by mail a garnishment request and then whoever works in that department of the bank has to do a complete search of all of the various accounts that are available from that bank. So this would include

Floor Debate
January 09, 2018

searching checking accounts, savings accounts, money-market accounts, time deposits, and any other form of deposit accounts held at the bank. If an account is found, then the bank is required to do a lookback on the account to determine if there were any amounts in the account that were derived from Social Security benefits because they are exempt from garnishment. The bank is also required to look at the signature cards to determine the actual ownership of the account because oftentimes the account could be an individual ownership account, a joint account, or other types of forms of ownership. There are several forms that the bank is required to fill out, sending those to the court. And the bank is also required to notify the customer; and that's where it gets a little dicey again, as you might imagine, because the customer doesn't know this is happening. And then they find out that the amount in their account is frozen and not theirs anymore. And then they try to claim that the bank is the one that is stealing their money. And the bank has nothing to do with this. The bill collector and the creditor are the ones attempting to acquire those funds. Then the bank takes those funds, segregates them, and holds them to await further distribution or disposition of the funds based on what the court tells them to do. And these funds are oftentimes held for a number of days, sometimes even a number of weeks before the cases are settled. This whole process that I've described takes somewhere between 45 minutes and an hour for a bank to complete. I won't try to convince you that it's a huge task, but it is fairly significant. In our small bank in Gothenburg, we have about 120 to 130 garnishment requests per year costing us between \$50 and \$75 each. So you can see that the \$15 fee proposed by LB229 is very modest. LB229 would give the bank the \$15 for helping the creditor in their collection. The \$15 fee would also incent the collector to follow the current law. Under current law, the judgment creditor has to have good reason to believe that the bank has an account of the debtor. It is evident to most bankers that they are skirting around this duty by shotgunning banks in geographical areas. With the technology, it's just too easy not to and all it costs is the cost of a postage stamp. Like I've stated, in our particular case in our bank, 35 percent of the garnishments we receive are no-account garnishments. In a survey done by the Bankers Association, 25 to 30 percent of the garnishments were no-account. With that number, it is hard for me to believe that they are meeting the "good reason to believe test" that is established by current law. I believe LB229 would help close the door on this practice. Banks provide a valuable service to the collectors. By the way, the bill collectors collect a significant fee for their service. When our bank uses a bill collector, they charge us 40 percent of the amount they collect. The small \$15 fee proposed by LB229 is justified compensation for the benefits received. Everyone in the chain of collection is paid some sort of fee with the exception of the financial institution. These situations are actually relatively simple: there's four parties involved--you've got the debtor, you've got the creditor, and the collector, and then the financial institution. Like I stated, everyone except the financial institution, which has nothing to do with the transaction, gets paid and they receive benefit from the services provided by the bank. The bank is the one that is not involved in creating this situation, and yet they are not compensated for their work. We're simply asking for a small \$15 fee that would be paid. Each bank, when they have an account or not, has to go through the process. And if the bank, as stated in the earlier part of my introduction, has a

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

Floor Debate
January 09, 2018

fee that they charge, this \$15 would again be reduced from that fee the bank receives. Each bank, whether they have an account or not, goes through this process. We have talked to the Supreme Court and they will create a mechanism for this payment. With that, I ask for your green vote to advance LB229 to Select File. Thank you, Mr. President. [LB229]

PRESIDENT FOLEY: Thank you, Senator Williams. Debate is now open on LB229. Senator Krist. [LB229]

SENATOR KRIST: Good morning, colleagues; good morning Nebraska. There's been quite a bit of speculation that I am going to filibuster or lead a filibuster against LB229 and that is not the case. I'm going to speak probably twice on the issue. Once before I go into Judiciary Exec Session, and if there's time and if this debate is still going on, I will speak again when I come back. If you'll look at the committee statement, you'll see that there were two of us that did not vote, we were present and not voting for this to come out of committee. My justification and my reasoning is very simple. Senator Williams is very clear that banks do indeed charge for these services and at much different rates across the state. If you, for example, are a bank customer of Wells Fargo, you'll see that the charge is in excess of \$100. Now the concession that the bankers would have us believe is that that \$15 that they're going to charge to the collector does not exceed that amount in the contract that they charge their customer. Yet, I would venture to guess that most of you would not go to a bank where you know the contract with the bank exceeds your expectations of what the bank services should be. I would not bank with somebody like Wells Fargo, for example, personally, because I think that fee is too high; even though I hope to never be in that position to have a collection taken upon me. Also, I think most of you would make a decision on whether to go to a bank under the circumstances that you don't hope you never get into, but you have an overdraft. And I don't think anybody in this room has never not had an overdraft; if you had, you walk on water. So I think that we make decisions based upon where we bank, based upon the cost of doing banking, and that's good business across the board. I don't think that this bill, in its present form, has had the right concession, and I respect and admire Senator Williams, and I've talked to him off the mike, I think he's done his due diligence. I think he's gone out of his way to bring the two lobby groups together, and to bring the customers together on all aspects. And to his credit, he mentioned yesterday that he went back and took one last-ditch effort to make this happen yesterday afternoon, and that's what we all have to do to make a piece of legislation work. I'll tell you a small and short story, and I wish the Speaker was in here to hear this because I admire him greatly for what he did. Several years ago, we had a bill that I was asked to carry for First Data. And the bankers and First Data could not come to any kind of concession, and it went on and on and on. We had roundtable discussions and the Speaker, to his credit, brought them in at 7:30 in the morning for four or five days in a row and guess what happened. We came to a consensus with the two parties and the bill was crafted, again, to accommodate for those concessions moving forward. I believe that's what this bill needs. It needs an independent arbitrator to, once again, talk with the bankers and talk with

Floor Debate
January 09, 2018

the collectors; because after all, they're in the same business and they compliment each other in many, many ways. That's what I will say about this bill. I respect, again, Senator Williams greatly. We have been partners in working through these issues many, many, many times; and I think he's done yeoman's work trying to come to some kind of consensus. But as we all know, two lobby firms might come together and have consensus and their customers... [LB229]

PRESIDENT FOLEY: One minute. [LB229]

SENATOR KRIST: ...may not agree on the kind of consensus or the kind of deal that has been struck. Once again, I have no problem with LB229 in it's intent. I have a problem with LB229 in how it treats people who fall into this category or put themselves in the category of being collected. So that's my two cents worth this morning. I will not vote on General File. Between General and Select, as I understand the Speaker's words from the last few days, this has a fiscal note on it so it won't go up again until that fiscal note follows, so we'll have time to work on it. Thank you. [LB229]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Kuehn. [LB229]

SENATOR KUEHN: Thank you, Mr. President; and thank you colleagues. I have a number of questions and concerns. Senator Krist echoed a number of the initial concerns I have about the bill. And part of it is in trying to understand the exact process of when a garnishment occurs, how that search takes place, and my ultimate concern revolves around when we're talking about someone who obviously every dollar counts, making sure that any fee of any size, whether that's \$15 or \$25, is truly improving the ability of all parties to meet, ultimately, the needs of the individual who is stressed for funds. So I have a number of questions and I was wondering if Senator Williams would yield to a question. [LB229]

PRESIDENT FOLEY: Senator Williams, would you yield please? [LB229]

SENATOR WILLIAMS: Yes, I would. [LB229]

SENATOR KUEHN: Senator Williams, having not done this process before regarding a garnishment of a bank account, you talked about the search process; so when a bank has to...receives a request for a garnishment from a bank account, detail the process of that search. You mentioned that it's 45 minutes to an hour, but how do you go about searching all of those accounts? You go to a lateral file and you start thumbing through or what is that process? [LB229]

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

Floor Debate
January 09, 2018

SENATOR WILLIAMS: It's certainly in the days and the times that we live in right now, it's more automated than a lateral file. But the bank is required to search each account type that they have, and different core processors for different banks hold those accounts in different manners. So, there is...in our particular bank, we have one person that conducts that, they're very well acquainted with the computer system and they run that down. Then following that, they have to go do a separate search of the signature cards, as I mentioned in my information. [LB229]

SENATOR KUEHN: So at issue is this idea of people who don't have an account, so if the request comes in, you don't simply have a staff member that puts in by Social Security number an automated search that identifies all of the accounts for that customer under that Social Security number or identification number? [LB229]

SENATOR WILLIAMS: Some banks may have a core processing system that allows that type of search to be done; many do not. In our particular bank, we have to look at different areas to do that. And it's a separate system to look at the signature card system separate from the account. [LB229]

SENATOR KUEHN: So I just want to be clear, because I'm trying to understand the process, so a bank does not have organized by Social Security number all of the accounts under that Social Security number. So this is a more complex process than simply saying--we're going to put in a Social Security number and all of the accounts for John Kuehn at Five Points Bank of Hastings are going to show up. [LB229]

SENATOR WILLIAMS: Depends on the core processor, again. [LB229]

SENATOR KUEHN: Okay. So my other question is then regarding notification. You mentioned there was a time involved in notifying the customer, and the customer didn't know this was happening. In order for a bank account garnishment process to even be initiated, does the customer, does the individual owning the money not have to be made aware that the process is beginning; so they would know before the request is made to the bank, correct? [LB229]

SENATOR WILLIAMS: No, they do not know. That is the process. It is a court process started by the collector, or whoever the creditor is, approaching the court, and the debtor themselves are not a party to that at that point. [LB229]

SENATOR KUEHN: So the debtor is never notified that there is a public court action against them before the bank is notified. [LB229]

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

Floor Debate
January 09, 2018

SENATOR WILLIAMS: They are notified by the bank at the time the garnishment is enacted upon. And, of course, at that point they account is already frozen. [LB229]

SENATOR KUEHN: But they're not notified by the court when the process is initiated against them in the legal proceeding. [LB229]

SENATOR WILLIAMS: Not to my knowledge. [LB229]

SENATOR KUEHN: Okay. My other question regards the current process of charging fees... [LB229]

PRESIDENT FOLEY: One minute. [LB229]

SENATOR KUEHN: Thank you, Mr. President. ...so, most banks already assess a fee for this process, is that correct? [LB229]

SENATOR WILLIAMS: That's correct, based on a survey done by the Bankers Associations. Approximately 90 percent of the banks have a garnishment processing fee, and in most cases, 53 percent of the cases, that fee is \$25 or less. [LB229]

SENATOR KUEHN: So, the real process here that you're trying to get at is what happens then if someone proceeds to try to garnish an account, but there is no account present. Is that what the problem you're trying to solve with this particular piece of legislation? [LB229]

SENATOR WILLIAMS: That's a portion of it, Senator Kuehn. That certainly from a banker's perspective, a bank like mine, when you have 35 percent of the garnishments being no-account garnishments, you suspect with high likelihood that there is a shotgun approach going. [LB229]

PRESIDENT FOLEY: Time, Senator. [LB229]

SENATOR KUEHN: Thank you, Mr. President. Thank you, Senator Williams. [LB229]

PRESIDENT FOLEY: Thank you, Senators Kuehn and Williams. Senator Albrecht. [LB229]

SENATOR ALBRECHT: Thank you, and good morning. Senator Williams, would you yield to just a couple of questions. [LB229]

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

Floor Debate
January 09, 2018

PRESIDENT FOLEY: Senator Williams, would you yield, please? [LB229]

SENATOR WILLIAMS: Yes, I would. [LB229]

SENATOR ALBRECHT: Thank you. Senator Kuehn touched on a couple of them, but, number one, would a bank get to collect that \$15 fee just one time from the account? Or if it was a husband and a wife or a father and a daughter, would that be \$30 instead of \$15? [LB229]

SENATOR WILLIAMS: It would simply depend on how the garnishment was issued by the court. If it was a single garnishment, it would be a one-time fee; if it was a dual garnishment, then it would...I assume then would account to a \$30 fee. Which would be reduced from any fee that the bank currently would be charging based on their contract with the customer. [LB229]

SENATOR ALBRECHT: Okay, that would have been my next question. If you already have a garnishment fee that you feel...you said it is around \$30, is that right? What is your (inaudible)? [LB229]

SENATOR WILLIAMS: I said that 53 percent of the banks surveyed have a garnishment fee of less than...\$25 or less. [LB229]

SENATOR ALBRECHT: Okay. So if this were to pass, would this be just all by itself a separate fee to tell the people that if you get a garnishment, we'll take \$15 out? Will it be in writing to all the banks throughout the state of Nebraska? [LB229]

SENATOR WILLIAMS: No, the legislation would require the plaintiff in these cases to pay a \$15 fee to the financial institution. The financial institution would then...if they charged a fee, would reduce their fee by that \$15. [LB229]

SENATOR ALBRECHT: So when you say the plaintiff, you're talking about the collection agency would pay you, not the individual? Who is the plaintiff? [LB229]

SENATOR WILLIAMS: That's correct. The plaintiff...the collection agency would be required to pay that. [LB229]

SENATOR ALBRECHT: The collection agency, not your customer from the bank. [LB229]

SENATOR WILLIAMS: Not the account holder. [LB229]

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

Floor Debate
January 09, 2018

SENATOR ALBRECHT: Not the account holder, but...but you're getting that \$15 from who? [LB229]

SENATOR WILLIAMS: The plaintiff. [LB229]

SENATOR ALBRECHT: The plaintiff. But you're...okay now... [LB229]

SENATOR WILLIAMS: Who is the collector. [LB229]

SENATOR ALBRECHT: The collector is going to get \$15...you're going to charge them, so you're asking for money from the collection agency to give you money to look into their account, is that right? [LB229]

SENATOR WILLIAMS: That's correct. [LB229]

SENATOR ALBRECHT: Okay. So we're not charging the customer at your bank that opens an account with you, that money is not coming...that \$15 is not coming from them. Correct? [LB229]

SENATOR WILLIAMS: That \$15 is being charged to the collector. [LB229]

SENATOR ALBRECHT: Charged to the collector, but where's the \$15... [LB229]

SENATOR WILLIAMS: The collector will use that as part of their total collection fees that they go to the court for that they will try to get back from the debtor at some point in time. The bank will charge that under LB229 to the collector; then that would reduce by \$15 any fee the bank directly has contracted with with their own customer. [LB229]

SENATOR ALBRECHT: Okay. Well, I was under the understanding that it was going to come directly from the person who has the account with the bank. But that's not the way it reads. [LB229]

SENATOR WILLIAMS: No, if you would take a look at the legislation... [LB229]

SENATOR ALBRECHT: Well, I was under the understanding that there's already a fee charged for...if somebody garnishes the...your account, if they try to take money out of your account, that customer at your bank is still, ultimately, paying that bill already, correct? I mean, most times if

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

Floor Debate
January 09, 2018

you open up a checking account, the agreement you have with the bank is that if somebody garnishes your account through the courts, they're going to be charged a fee. Correct? [LB229]

SENATOR WILLIAMS: Approximately 90 percent of the banks surveyed in Nebraska charge a garnishment fee... [LB229]

PRESIDENT FOLEY: One minute. [LB229]

SENATOR WILLIAMS: ...that is part of the contract, the relationship with the customer. Under LB229, a garnishee that is a financial institution shall be paid a \$15 fee by the plaintiff or his agent or attorney. So it's the plaintiff--the collector or the creditor that pays this \$15 fee. [LB229]

SENATOR ALBRECHT: I guess I...wrapping my head around it, I guess I look at it like maybe this should come from the court to settle this rather than the bank dictating where these funds should come from. But I appreciate your help here. Thanks. [LB229]

PRESIDENT FOLEY: Thank you, Senator Albrecht and Senator Williams. Senator Brasch. [LB229]

SENATOR BRASCH: Thank you, Mr. President; and good morning, colleagues. The same question keeps rolling back to me. Because yesterday I was pulled out behind the glass and I was assured that this fee will not hit the constituent, the person...are you calling them the plaintiff? Will Senator Williams yield to a question, please? [LB229]

PRESIDENT FOLEY: Senator Williams, would you yield, please? [LB229]

SENATOR WILLIAMS: Yes, I would. [LB229]

SENATOR BRASCH: All right, back to...and it may be the same question, just worded differently that Senator Albrecht just asked, all right, who is the plaintiff? [LB229]

SENATOR WILLIAMS: The plaintiff is the person that has filed an action in the court to garnish a person's account. [LB229]

SENATOR BRASCH: Okay. The person's whose account is garnished, are they... [LB229]

SENATOR WILLIAMS: No, no, no... [LB229]

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

Floor Debate
January 09, 2018

SENATOR BRASCH: No? Okay, go ahead. [LB229]

SENATOR WILLIAMS: It's not the person whose account is garnished, that's the debtor. [LB229]

SENATOR BRASCH: The debtor, okay. [LB229]

SENATOR WILLIAMS: It's not the debtor. [LB229]

SENATOR BRASCH: Okay, thank you for helping me with language here. Will the debtor in any shape, form, transaction, be the person who will end up paying this fee? Are they clear and free totally from that or is it going to be a cost that comes out in some other paperwork? [LB229]

SENATOR WILLIAMS: Maybe it would help you if I would give an example. Let's assume that the bank that is being...having the account garnished, that they hold the account, has a \$25 garnishment fee contractually arranged with the customer. If LB229 were passed, that bank would receive a \$15 fee from the plaintiff on the front end. Okay? Then the \$25 fee would be reduced by that \$15 so the direct charge to the customer from the bank, taken out of their account, would be \$10. Now, the \$15 fee will be added to the cost of collection by the creditor. That will be part of the total cost of collection. So at the end of the day, the debtor who holds the account at the bank will pay \$10 to the bank and they will pay \$15 in court costs...additional court costs. So their fee stays exactly the same with LB229 as it is today. [LB229]

SENATOR BRASCH: Okay. So the fee that you are asking for in this bill, as I read the bill, the debtor will in no shape or form be passed through to paying this fee. It is all handled...they are held harmless; it all goes through the plaintiff and who else is in this? [LB229]

SENATOR WILLIAMS: Well, in the example that I just gave you... [LB229]

SENATOR BRASCH: Yes...just yes or no. Will the debtor feel the pinch here? [LB229]

SENATOR WILLIAMS: In the example, no. It's the same fee. [LB229]

SENATOR BRASCH: Okay. So the debtor will not be affected. And that's all... [LB229]

SENATOR WILLIAMS: That's correct. [LB229]

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

Floor Debate
January 09, 2018

SENATOR BRASCH: Okay. And that makes it clear for me that this is not going back to the debtor, but it is between the financial institution and the collection entity. [LB229]

SENATOR WILLIAMS: Is that a question? [LB229]

SENATOR BRASCH: Is that...am I correct? [LB229]

SENATOR WILLIAMS: Yes. [LB229]

SENATOR BRASCH: Okay. I have no other questions. Thank you, Senator Williams, for your thorough explanation. Thank you, colleagues. [LB229]

PRESIDENT FOLEY: Thank you, Senator Brasch and Senator Williams. Senator Schumacher. [LB229]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. I almost used up all my Kleenexes on Senator Williams' opening. I felt so sorry for the banks. Here's how the process works, folks, and some of the big picture. A bank takes on an account. Some are good accounts; they rarely bounce checks. Some are really good accounts and they bounce a lot of checks, but always pay the fees. And those fees, in the half the cases or 40 percent or whatever are less than \$25 for a bounced check, but in lots of cases it's a lot more, and the garnishment fee may also be more, but banks make a ton of money off of fees. Some of which are these fees. It's part of the business of banking. Okay? Now, every once in awhile you will get a customer who bounces a check and the bank takes the fee and then they bounce another one because the money is not there because the fee was taken out. And in the end, the person has a lot of bills, has financial difficulties; bill collectors are calling. They can't pay the bills. The small businessmen...or the big businessmen or the credit card company turns it over to a collection agency for collection. And the collection agency hounds them and hounds them, they don't have the money, can't pay. The collection agency gets a percentage of the action to take the thing to its attorney and its system through the courts. Chances are the person doesn't even show up in court because they don't have the money to fight. So the court says, okay, money is owed. And they get a piece of paper saying money is owed to the plaintiff, the collection agency who in turn is representing the actual business who is out the money. Well, that piece of paper doesn't do you much good. It's not even soft. And so you have to try to find some money if you're a collection agency or an ordinary person. A plaintiff can be just you taking somebody to small claims court, not just a collection agency, but you yourself. So you try to find some money. And you hear so-and-so had an account at this bank. And maybe they did. And maybe the bank closed the account because there was no money in it and it was bouncing. So maybe it wasn't bad faith. But at any rate, you garnish the wages. You send a notice out to the employer--hey, is this person employed

Floor Debate
January 09, 2018

there? If so, hold on to part of their pay check. Is the little employer covered in this bill? No, just the financial institutions; they take care of their own. You send it around to banks to search this account, in all probability, if it existed at that bank at all, has made the banker a lot of money and will make him more because they charge a fee when they get one of these things. In some cases, it may be less than the \$25 or \$15. But in a lot of cases, like mentioned at one of the banks, \$100 a pop. These are profit makers. Who ends up paying? No, Senator Brasch, the debtor can get hooked because if there is no account at the bank for the bank...or a closed account, there's no money for the banker to take. So the money is added on to the court cost that if the person ever has any money, they have to pay. So it is not held harmless if you're the debtor. We're talking about measly amounts of money that for some reason the banks decide they got to have. One of the most amusing things you can do if you're ornery is go to a place called BauerFinancial.com... [LB229]

PRESIDENT FOLEY: One minute. [LB229]

SENATOR SCHUMACHER: ...and spend \$49 checking on your favorite bank. You'll feel real sorry for them when you see those profits. Who gets hooked ultimately? If I were a collection agency, I'd pass that \$15 on to the businessman who already is out...or the businesswoman who already is out the money. I don't know what we're here for \$15 an account. I mean, gee-whiz, it's part of the cost of doing business. And it kind of irks me that in taking care of the financial sector they didn't take care of the small business person who may get hit with the wage garnishment whose got a lot more paperwork and unfamiliarity than the banker who is set up to do this in mass form with very, very little overhead. I'm sorry. I like the bankers, they're good people with money to loan you. But I can't support this bill. Thank you. [LB229]

PRESIDENT FOLEY: Thank you, Senator Schumacher. (Visitors introduced.) Continuing discussion. Senator Groene. I think he has stepped away for a bit. We'll move on to Senator Chambers. [LB229]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, had Senator Schumacher appeared at the hearing on this bill, or if somebody had appeared who could have presented the case in the way that Senator Schumacher presented it, I doubt that I would have supported the bill. Let me tell you very frankly why I supported the bill. I don't like the bill collectors; I don't like the bankers. But I like the bankers less...I dislike the bankers less than I dislike the bill collectors. But now that additional factors have been brought to bear, I have to modify my position. I do think the bankers are overreaching. They charge fees on every possible imaginable thing. I believe their advisors are the ones who advise the airline industry, and I was thinking of trying to make some money from the airline industry by telling them they should charge a fee on everybody who has not done anything to require the collecting of a fee, because

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

Floor Debate
January 09, 2018

that person is out of the ordinary and could result in a disruption of how the airlines conduct their fee collecting extortion game. So that way everybody who is going to fly on an airplane must pay a fee of some kind. Fees are taxes. When these so-called conservatives say--no new taxes, they're not talking about what banks do. They're not talking about what lending agencies do. They're not talking about what the airlines will do. But fees are taxes, whether they're called user fees or anything else. A tax is a tax is a tax. And this aspect is what makes me say, along with other things, how hypocritical these so-called fiscal conservatives are or they're dumber when it comes to these things than I am. And I've never pretended to be a financial wizard. I'll tell you, the only thing that I know about wealth accumulation...my mother had told me when I was very young, as Bill Joel says: (singing) when I wore a younger man's clothes...and I did wear a younger man's clothes, although they look just like these, but they were smaller. If you earn 35 cents, save a dime. And I did not always do that on every transaction where I earned money. But I have saved all of my life when I was making money, except when I was in the Army. We didn't make very much money then, and I sent my checks to my mother and I told her with all that she had to do in putting up with me, take the check. I said I've got a place to stay; they give me clothes to wear that I don't like but I agreed to wear them when I came here and I don't have to go any place where anybody is located who is not wearing the same kind of clothes and the food is the best food that I have eaten in my life. I put on weight, I mean muscle weight. When I was in the Army... [LB229]

PRESIDENT FOLEY: One minute. [LB229]

SENATOR CHAMBERS: ...I carried the flamethrower. This comprised a tank that you carried on your back with what, to make it simple, contained jellied gasoline. And carrying it, it weighed about 70 pounds, and then when you used it, you had to know what you were doing. I will wait until I am recognized because I want to tie it in with what we're doing here today. Thank you, Mr. President. [LB229]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Wayne, you're recognized. [LB229]

SENATOR WAYNE: Thank you, Mr. President. Senator Chambers and Senator Schumacher just summed up what I was going to say, so I will yield my time to Senator Chambers. [LB229]

PRESIDENT FOLEY: Thank you, Senator Wayne. Senator Chambers, 4:50. [LB229]

SENATOR CHAMBERS: Thank you, Senator Wayne. I don't even know if they use flamethrowers in the Army anymore...if you get close enough to an enemy to use it. But it was this tank that you carried on your back. From the tank there was a hose. On the end of the hose

Floor Debate
January 09, 2018

was what looked like a pistol. Now, when you were going to use this flamethrower, if you stood up and used it, it would knock you over backward because there is pressure that pushes that substance through that hose. So they would tell you, put one foot forward, brace yourself leaning forward and aim. And there's a spark that you...you pull two triggers. I'm trying to remember, you pull that to light the spark; then the next one runs the gasoline through and it goes through like a...well I guess like flame. It catches fire and it's a stream of flame. When I first went into the Army, I probably couldn't have handled that flamethrower. But I got very strong also. Now, I didn't need any money for anything. So I sent those checks to my mother. That's a period in my life when I did not save any money. It wouldn't have been very much anyway. But nevertheless, money is money. And I have to digress here to go into the "Bibble" which I talked about yesterday. There's a verse which says: why do the wicked grow old and prosper? I have grown old. I'm waiting for the prospering part to come in. So the things that you're liable to read in the Bible--they ain't necessarily so. Back to what we have before us today, I don't like the way banks conduct their business. The money that I do save is in the credit union. What Senator Schumacher presented struck a chord with me that is deep down inside of me and goes to the area where I make value judgments which sometimes may be different from any and everybody else making such a judgment. I had told Senator Williams that I would support this bill on the floor as I had supported it in committee. I have said repeatedly that the Legislature is a place where all we use in carrying out our work is words. Words have power. They are presented by the one speaking with the hope that people who are going to vote will be swayed to vote with the speaker's position. If there are enough votes already, then the purpose of the words, from my standpoint, is to produce a record, not to persuade anybody because there are enough votes. But when we are in Executive Session, the public has no right to enter those sessions. The media can be there. But the public is denied the opportunity to hear with their own ears the developmental discussion that leads to a decision that we take as a committee. So on the floor, I will take time, if the bill has any consequence at all, if it is a pee-wee bill, then I just treat it like that. But if it has any consequence at all, if it may wind up in a court... [LB229]

PRESIDENT FOLEY: One minute. [LB229]

SENATOR CHAMBERS: ...being challenged, I want to make clear what the words in that statute mean, what the intent of the Legislature is. And sometimes I will even point out--I'm calling the Legislature's attention to the meaning and intent of this language so that if a court looks at it, the court will know that this matter had been raised on the floor of the Legislature and the Legislature accepted it, therefore what I state is the intent of this legislation is what the Legislature also accepted. Senator Schumacher cannot appear at every committee hearing where an issue arises in which he may have an interest on the floor. But if I'm the one who will stand on this floor and say we ought to listen, we should pay attention. And when we have facts, if it's necessary to change our opinion to accord with the facts... [LB229]

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

Floor Debate
January 09, 2018

PRESIDENT FOLEY: Time, Senator. [LB229]

SENATOR CHAMBERS: That's what we should do. Thank you, Mr. President. [LB229]

PRESIDENT FOLEY: Thank you, Senator Chambers. Speaker Scheer. [LB229]

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. Colleagues, we are going to pass over this bill at this point in time. I've had a request from all parties involved that they would like to sit down and negotiate and try to come up with a workable solution rather than waste the body's time at this point. So because of that, I will put a Speaker's hold on this bill at this point in time. I will work with the groups, try to come up with a resolution. And we will move forward on the agenda to the next item. Thank you, Lieutenant Governor. [LB229]

PRESIDENT FOLEY: Thank you, Mr. Speaker. We'll move on to the next bill. Mr. Clerk.

CLERK: LB350, Mr. President, was a bill introduced by Senator McCollister. (Read title.) The bill was introduced on January 12 of last year; at that time, referred to the Judiciary Committee. The bill was advanced to General File. I have no committee amendments. I do have an amendment to the bill from Senator McCollister, Mr. President. (AM382, Legislature Journal page 678, First Session, 2017.) [LB350]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator McCollister, you're recognized to open on LB350. [LB350]

SENATOR MCCOLLISTER: Thank you, Mr. Lieutenant Governor; and good morning colleagues. I want to thank Chairlady Ebke and the members of the Judiciary Committee for their unanimous vote to advance LB350 to General File. LB350 would broaden eligibility for a set aside request to include people who were sentenced to jail or prison for their offenses. A petition to set aside a conviction would only be available after the individual completes his or her sentence. A set aside is a discretionary option granted to a judge. In some cases, a prosecuting attorney may provide information to the judge about the petitioner's history. Under current law, a person may petition or request that a court set aside a criminal conviction after such person has successfully completed his or her sentence. This remedy is only available now for people who are placed on probation and successfully completed their term of probation or received a fine and paid the fine. If the court determines that a set aside is appropriate, the court will enter into an order to restore some but not all of the rights or privileges that a person lost by the criminal conviction. LB350 would not provide the ability to request a set aside for any person who has a pending criminal charge in any court, is presently required to register as a sex offender, was

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

Floor Debate
January 09, 2018

convicted of any traffic offense under the Rules of the Road and similar misdemeanor or felony traffic offenses, or was denied a petition to set aside a conviction within the previous two years. Under LB350, the factors of court would consider in determining whether to grant a set aside would be the same as they are under current law for those people who currently have the ability to petition for a set aside. As introduced, LB350 clarifies that a set aside does not restore a person's right to possess a firearm under a state or federal law, assuming the person lost such right upon conviction. This provision will be addressed by AM1497. AM1497 would eliminate the automatic prohibition regarding the offender's right to possess a firearm under state or federal law. The amendment would instead require the set aside order include notification to the petitioner that he or she should consult with an attorney regarding the effect of the order on his or her ability to possess a firearm under state or federal law. The introduction of AM1497 is based on an agreement among individuals who testified at the public hearing. Thank you, Mr. President. [LB350]

PRESIDENT FOLEY: Thank you, Senator McCollister. Mr. Clerk. [LB350]

CLERK: Mr. President, Senator McCollister, I had AM382, an amendment, but I understand you wish to withdraw that. Mr. President, Senator McCollister would move to amend the bill with AM1497. (Legislative Journal page 212.) [LB350]

PRESIDENT FOLEY: Senator McCollister, you're recognized to open on AM1497. [LB350]

SENATOR MCCOLLISTER: As I indicated, AM1497 is an agreement brought by the parties during the hearing last year. So I think it addresses a need. And I'm glad that the amendment was included. Thank you, Mr. President. [LB350]

PRESIDENT FOLEY: Thank you, Senator McCollister. Debate is now open on LB350 and the pending amendment. Seeing no members wishing to speak, Senator McCollister, you're recognized to close on AM1497. [LB350]

SENATOR MCCOLLISTER: Thank you, Mr. President. A set aside is tangible evidence that the individual wants to take the first step in rejoining society. It can be used to show friends, family, and employers evidence of a changed life. Only a pardon can fully restore lost rights, but a set aside is a significant first step. Thank you, Mr. President. [LB350]

PRESIDENT FOLEY: Members, you've heard the debate on AM1497. The question before the body is the adoption of the amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please, Mr. Clerk. [LB350]

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

Floor Debate
January 09, 2018

CLERK: 35 ayes, 1 nay, Mr. President, on the adoption of Senator McCollister's amendment. [LB350]

PRESIDENT FOLEY: AM1497 is adopted. Continuing discussion on LB350 as amended. Seeing no further discussion, Senator McCollister, you're recognized to close. He waives close. The question before the body is the advance of LB350 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please, Mr. Clerk. [LB350]

CLERK: 37 ayes, 1 nay, Mr. President, on the advancement of LB350. [LB350]

PRESIDENT FOLEY: LB350 does advance. Next bill, Mr. Clerk. [LB350]

CLERK: LB130 was a bill introduced by the Urban Affairs Committee. It is signed by its members. (Read title.) Introduced on January 6 of last year; referred to the Urban Affairs Committee; advanced to General File. I have no amendments to the bill at this time, Mr. President. [LB130]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Wayne, you're recognized to open on LB130. [LB130]

SENATOR WAYNE: Thank you, Mr. President and members of the Legislature. Good morning, still morning, so good morning. This bill, LB130 is a technical cleanup bill that deals with the statutes regarding SIDs and annexation of SIDs. When several changes were made in the process of the SID annexation laws back in 2015-2016, it was discovered that the SID sections also contained references to fire protection districts and road improvement districts. Since both fire protection districts and road improvement districts are governed by different sections of the statute, it's oftentimes confusing for both of these districts and for municipalities to determine which provisions apply. So LB130 simply removes any references to fire district protections and road improvement districts from the SID annexation statutes and replicates the current annexation provisions for those districts in those sections. So all we're doing is moving the appropriate language into the appropriate statute areas so if the city annexes either a fire protection or road improvement or SID, it's consistent language in each section of how and what they should do when annexing those districts. With that I would ask for a green vote on LB130. And this came out of committee unanimous and I appreciate the committee for their 7-0 vote. Thank you. [LB130]

PRESIDENT FOLEY: Thank you, Senator Wayne. Debate is now open on LB130. Seeing no discussion, Senator Wayne, you're recognized to close. He waives close. The question before the

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

Floor Debate
January 09, 2018

body is the advance of LB130 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please, Mr. Clerk. [LB130]

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of LB130. [LB130]

PRESIDENT FOLEY: LB130 does advance. Next bill, Mr. Clerk, unless you have items at this time. [LB130]

CLERK: I'm fine; thank you, Mr. President.

PRESIDENT FOLEY: Next bill, please.

CLERK: LB304 is a bill by Senator Crawford. (Read title.) Bill was introduced January 12 of last year; referred to the Urban Affairs Committee; advanced to General File. I have no amendments to the bill, Mr. President. [LB304]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Crawford, you're recognised to open on LB304. [LB304]

SENATOR CRAWFORD: Thank you, Mr. President; and good morning, colleagues. In 2016, I introduced LR489, an interim study examining issues related to Nebraska housing authorities. Over one hundred public housing authorities across our state, serving over 25,000 households and over 55,000 people work in communities to address housing needs largely through public housing units and Section 8 rental assistance. These range from large housing authorities in Omaha and Lincoln to small PHAs that fund senior housing. We have these PHAs all across our state in our districts. Over the 2016 interim, the Urban Affairs Committee staff conducted a review of the Nebraska Housing Agency Act to determine if any revisions were needed since it had been updated in 1999. While the review found the act remains relevant and plays an important role in allowing our public housing agencies to fulfill their local missions, it also brought to light a few areas where updates, as well as minor cleanups and clarification changes were needed. LB304 was introduced to make the changes identified in this LR489 study. During the interim study, I also had meetings with various housing authority representatives and stakeholders, including Bellevue Housing Authority in my own district. With the help of the Nebraska chapter of the National Association of Housing and Redevelopment Officials, we gathered additional input from housing agencies throughout the state. The changes in LB304 were a direct result of these conversations. LB304 would amend the Nebraska Housing Agency Authority Act to address implementation issues raised by our housing authorities across the state. This includes eliminating certain residency requirements for board members. Current

Floor Debate
January 09, 2018

statute states that in the case of a county, not more than three members of a housing agency shall be residents of the same incorporated community within the county. The representatives who serve on county public housing agencies do so as volunteers. Finding qualified individuals can be a challenge for the local officials working to appoint these volunteer members. And this can become even more challenging when there's a restriction on how many of the members can come from any certain community in the county. LB304 will give local officials who appoint these board members the ability to find the most qualified individuals, while also determining the level of geographic diversification necessary. LB304 also changes the holding period for abandoned personal property of housing agents from 45 days to 14 days. HUD requires a turnover rate for public housing authorities to have apartments turned over and leased back out in 30 days. The current 45-day personal property requirement means that public housing authorities are not always meeting this time line because they must hold on to personal property in the unit, but do not have the resources to move and store that property. As a result, these properties stay vacant for longer than 30 days and this has an impact on the vacancy rate that can impact for the funding that our authorities receive from HUD. Further, as the property stays vacant for 45 days to see if someone retrieves the property, the unit cannot be rented out to others who are in need of housing. LB304 still provides two weeks for tenants to reclaim abandoned property and this change brings the requirements for the housing authorities in line with our current requirements for private landlords set out in our Landlord Tenant Act. Current statute also requires Nebraska's PHAs to submit an annual report to the governing body of the city or county within six months after the end of each fiscal year. Extending this to nine months aligns the time period with current audit requirements and allow fiscal aspects of the report to be audited and accurate. Another proposed update is the conflict of interest provisions relating to the amount of goods and services a housing agency can purchase if said goods and services are owned by a housing agency official. While it is important these provisions are left in place, LB304 updates the thresholds to reflect current dollar amounts. Updating these thresholds also allows counties to appoint business leaders without critically limiting the housing agency's ability to secure local products. There are still careful protections in terms of recusing on voting and other such conflict of interest protections. Finally, LB304 would update language on procurement limits and planning requirements to mirror federal HUD requirements. This includes eliminating a section that refers to annual and five-year plans. The documents produced these planning requirements, which were mandated in the 1998 federal Quality Housing and Work Responsibility Act, are no longer required of most public housing authorities. For those that are required to create a plan, the plans are already made available to the public through public or local housing agencies or through HUD and do not need to be submitted again to the governing body of the city or county. HUD procurement regulations have also changed since the passage of the Nebraska Housing Agency Act. LB304 would call for sealed bid requirements to start at \$150,000 so that Nebraska statute can mirror HUD regulations. Overall, LB304 will allow city and county housing agencies to continue to carry out the responsibilities in the most efficient and effective way. This bill was

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

Floor Debate
January 09, 2018

voted out of committee unanimously and there was no opposition at the hearing. With that, I would appreciate your attention to this issue and urge you to vote green on LB304. [LB304]

PRESIDENT FOLEY: Thank you, Senator Crawford. Members, you heard the opening of LB304. Debate is now open. Seeing no members wishing to speak, Senator Crawford, you're recognized to close on LB304. She waives close. The question before the body is the advance of LB304 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please, Mr. Clerk. [LB304]

CLERK: 38 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB304]

PRESIDENT FOLEY: LB304 does advance. Next bill, Mr. Clerk. [LB304]

CLERK: Mr. President, LB399. It was a bill originally introduced by Senator Wayne. (Read title.) Introduced on January 13 of last year, referred to the Urban Affairs Committee, advanced to General File. No committee amendments, but I do have an amendment from Senator Wayne, Mr. President. [LB399]

PRESIDENT FOLEY: Senator Wayne, you're recognized to open on LB399. [LB399]

SENATOR WAYNE: Thank you, Mr. President and members of the Legislature. Welcome to the Urban Affairs' 45 minutes in the Legislature moment. LB399 was a bill that I introduced on the request of Omaha Housing Authority. LB399, along with Senator Crawford's bill that was just advanced, is the product of the Urban Affairs Committee 2016 interim studies on housing authorities, LR489. LB399 makes a handful of changes to Nebraska Housing Authority Act, which mostly only applies to housing authorities in the metropolitan class, i.e., Omaha. A number of the changes included in LB399 are a response to issues that were raised in the 2013 and 2015 federal audit of OHA. First, the bill requires that the city of the metropolitan first class have a seven-member board; currently in statute allows for a five- or seven-member board. But many of these people are appointed by the mayor. And so to be consistent and not change during political times, we are looking at changing the statute to a seven-member board. And with a city the size of Omaha, a seven-member board would be good. Second, the bill requires that commissioners of the housing agencies for the cities of a metropolitan class obtain a professional certificate; and that is the training that is done by the National Association of Housing and Redevelopment. The training will be at no cost to the board. It would actually be cost by the housing authority itself. But one of the issues that the audit raised is there were multiple directors who have no significant training on just anything from meetings to how housing authority works. And because it deals with a lot of federal funds, there are specific guidelines that must be followed. So having that type of training is essential to making sure that we're using federal

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

Floor Debate
January 09, 2018

funds properly. Third, the bill requires that the housing agency of the metropolitan class have at least one board member that in the areas of and it gives some areas of real estate development or management; accounting, banking, or finance; or law and business experience. And this is, again, to make sure at least one of the commissioners or more have areas in...expertise and experience in areas that the board deals with on a regular basis. Fourth, the bill prohibits a member of the city council of a metropolitan class to serve on the housing agency. This has also been the case not currently but historically we've had city council members who served on the Omaha Housing Authority board and it puts them in a dual role when many of the properties of Omaha Housing Authority are in their city council district. So when they receive phone calls, complaints, or praises, are they getting that from a city council perspective or OHA perspective? And oftentimes, there's a conflict there that we just need to remove that conflict altogether. Last, in addition, the changes that also affect the housing agencies of a city of the metropolitan class makes two changes dealing with the resident commissioner. One, it includes that they must have one resident commissioner that either resides in the agency housing or receives direct assistance from the agency. The bill would permit the housing agency to advertise for a vacancy in the resident commission's position prior to the actual vacancy and would eliminate the written notice requirements for the selection of the resident commissioner. These two provisions would apply to all housing agencies, not just to those in a city of the metropolitan class. LB399 received no opposition testimony and was advanced by Urban Affairs Committee on a unanimous 7-0 vote. I would ask for a green support and green vote on LB399 to Select File. Thank you, Mr. President. [LB399]

PRESIDENT FOLEY: Thank you, Senator Wayne. Mr. Clerk. [LB399]

CLERK: Mr. President, Senator Wayne would offer as an amendment AM1507. (Legislative Journal page 213.) [LB399]

PRESIDENT FOLEY: Senator Wayne, you're recognized to open on your amendment. [LB399]

SENATOR WAYNE: Yes, Mr. President, thank you. So when we introduced this last year, we had in there December 31 of 2018, that the certification of training were to be done. And as a freshman senator, we did not expect 30-plus days of rules debate so this just simply strikes the 2018 language and says we'll actually give them longer than six months if this were to advance to get that training. So it changes December 31, 2018, to December 31, 2019. And with that, I would appreciate a green vote on AM1507. [LB399]

PRESIDENT FOLEY: Thank you, Senator Wayne. Debate is now open on LB399 and the pending amendment. Seeing no discussion, Senator Wayne, you're recognized to close on your amendment. He waives closing. The question before the body is the adoption of AM1507. Those

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

Floor Debate
January 09, 2018

in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB399]

CLERK: 37 ayes, 0 nays, Mr. President, on the adoption of Senator Wayne's amendment. [LB399]

PRESIDENT FOLEY: AM1507 is adopted. Continuing discussion on LB399 as amended. Seeing no discussion, Senator Wayne, you're recognized to close on the bill. [LB399]

SENATOR WAYNE: At the request of Speaker Scheer, I'm going to talk for the next 45 minutes. No, with that, I'd appreciate the green vote on LB399. [LB399]

PRESIDENT FOLEY: Thank you, Senator Wayne. As you heard the discussion on LB399, those in favor of the advance of the bill vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB399]

CLERK: 39 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB399]

PRESIDENT FOLEY: LB399 advances. Next bill, Mr. Clerk. [LB399]

CLERK: LB135, a bill by Senator Lowe. (Read title.) Introduced on January 9 of last year; referred to the Agriculture Committee; advanced to General File. I have no amendments to the bill. [LB135]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Lowe, you're recognized to open on LB135. [LB135]

SENATOR LOWE: Thank you, Mr. President. Fellow Senators, LB135 is a pretty straightforward bill and was brought on the request of the Department of Agriculture. LB135 updates outdated language and repeals a irrelevant and repetitive elements. LB135 updates five statutes which were enacted in 1919 in 1953. These sections relate to publicity authority granted to the Department of Agriculture. The five statutes are consolidated into two sections by repealing three sections and amending the other two. The two amended sections are 81-2,163; 81-2,164.03. (Section) 81-2,163 would be updated to a more broadly authorized the Department of Agriculture to provide informational material on agriculture resources, industries, and development. It would also better clarify how the department can cooperate with the federal government. Other farm industry groups and associations and individuals in regards to gathering and disseminating information relating to agriculture. (Section) 81-2,164.03 would also be

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

Floor Debate
January 09, 2018

updated. This statute deals with allowing funding to be obtained from outside sources. Ability to receive funding from outside sources is already allowed in this statute. The only change to this section is adding the words "and any other person." As to whom is allowed to give voluntary gifts and contributions it would now read: "The Director of Agriculture is hereby authorized to receive voluntary gifts and contributions from the federal government, private agencies, farm industry associations, individuals, and any other person. Sections three that are being repealed are 81-2,164; 81-2,164.01; and 81-2,164.02. (Section) 81-2,164 reflects the ability to gather and publish information and statistics showing the conditions and tenant and renters throughout the state. This language was written in 1919 and the ability to perform these tasks is moved to 81-2,163. (Section)81-2,164.01 has to do with the Department of Agriculture ability to gather and disseminate prices and markets, conditions with the federal government and other interested groups. This ability is also moved to 81-2,163. (Section) 81-2,164.02 allows the Director of the Department of Agriculture to designate personnel they deem necessary to carry out the provisions of 81-2,164.01 to 81-2,164.03. This is redundant and already allowed in 81-1311 Agency heads; management personnel; powers and duties--this would be stricken. I urge you to vote yes on LB135. Thank you, Mr. President. [LB135]

PRESIDENT FOLEY: Thank you, Senator Lowe. Debate is now open on LB135. Seeing no discussion, Senator Lowe, you're recognized to close. He waives close. The question before the body is the advance of LB135 to E&R Initial. Those in favor vote aye; those opposed vote nay. Record, please. [LB135]

CLERK: 38 ayes, 0 nays, Mr. President, on the advancement of LB135. [LB135]

PRESIDENT FOLEY: LB135 advances. Next bill, Mr. Clerk. [LB135]

CLERK: LB81 by Senator Blood. (Read title.) Introduced on January 5 of last year; referred to the Judiciary Committee; the bill was advanced to General File. I have no amendments to the bill. [LB81]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Blood, you're recognized to open on LB81. [LB81]

SENATOR BLOOD: Thank you. Good morning, fellow Senators, friends all. Today I rise to ask for your support of LB81, a bill to change the application fee for handgun certificates. Standing here today I truly wish the word "gun" was not included in this bill. The word "gun" has suddenly made my bill a wedge bill. And as a freshman senator, I learned that when we talk about wedge bills that all of a sudden we become the Hatfields and the McCoys. You're either "fer it" or you're "agen it" (phonetic). So I'm asking you today to take that word out of your brain

Floor Debate
January 09, 2018

and think about the user fee aspect of this bill, because, gosh darn it, that's all this bill is about. Consider that we are truly talking about user fees and how we are ripping off taxpayers when we choose to not rise to the responsibility we have in the Legislature to make sure fees cover the expenses that we ask our counties to carry. Poor planning on our part creates a burden and a bleed for our counties. We can't insist they continue to do work that they are not fairly compensated for. We can't continue to fly our lower property tax flags if we're willing to look the other way when we have laws that add to that burden at the county level so they have no where to go but to raise taxes to cover the costs of staff. LB81 is a simple bill. And because of that I'm going to be brief. This bill would change just one word in the statute that has to do with handgun certificate fees. However, LB81 is vitally important to the counties I've spoken with, especially Sarpy, Douglas, and Lancaster, because while the processing fee for these certificates have stayed the same for the last 25 years, the number of certificates many counties are having to process has gone up as much as 400 percent in just the last 10 years. In order to illustrate just how much the demand for these permits has increased, I passed out some letters from both Sarpy and Douglas County sheriff offices showing a breakdown of the number of certificates applied for in just the last few years. If you look at the hearing information on-line, which I'm sure all of you did, you'll see that both Douglas and Lancaster have also experienced this dilemma of how to continue to pay for this service. With the massive increase in the number of handgun permits that need to be processed, the cost and staff time have increased as well. In Sarpy County alone, the sheriff's office has an administrative assistant that spends about 80 percent of their working day on purchase permits. Between taking the application, doing the background, printing, scanning, and mailing the permits it's estimated that at least \$10 per hour of that employee's time is spent on these purchase permits every day. Then there's the sergeant who spends a portion of each day reviewing the applications and contacting other agencies about questions that have arisen with certain applicants. This certainly is not an efficient use of the staff. And because the \$5 fee doesn't come close to paying for that time spent, we end up seeing a waste of taxpayer dollars on a daily basis. With my bill, the fee will be increased to \$25 per permit and will make the time and effort that it currently takes to go through the process and balance it out with what the county is charging applicants. I want to be sure that the crux of this issue for me is first about making sure the counties have the resources they need in order to make sure they are following the laws that we have set forward. We have required them to follow this. Second, this is about public safety, because I've heard from law enforcement officials who truly believe these permits have helped them when it comes to doing their job, helped them to solve crimes including the death of a fellow law enforcement officer, and that this is another tool used to keep the public safe. There are obviously some out there wish the handgun permit fees would simply go away. That argument is made that if they get rid of the fee entirely there wouldn't be any need to burden the counties with the extra work. Well I don't believe today that that's a realistic argument. For the time being, the fee is going to be in place. We even saw one senator last session bring a bill to do away with the process only to pull that bill soon after the introduction. Clearly he was made to understand that while some find it very unpalatable, it's necessary and needed. My office

Floor Debate
January 09, 2018

has talked to law enforcement officials who made it clear to me that they believe the handgun permit does help them do their job when it comes to keeping the public safe. But again, that is not the important aspect of this; it's about the user fees. Having said that, I also reached out last year to a number of gun-owner rights advocacy groups that have expressed some concern about the increase in fees. We have had multiple discussions about finding some kind of middle ground that may not make everyone happy, but it would be fair. And I want it known that I'm still open to a possible amendment to make it more palatable. My preference though is not to do so because I think it's a fair amount when you consider that it has not been touched in decades. And the point is to lift this financial burden from the counties. As a final thought, I want to underline once again that this is not a bill that is taking aim at law abiding gun owners...and I'd like to point out that my NRA card is in my right-hand top drawer if you want to see it...and trying to place undue pressure on them. I am a member of the NRA. I have worked in jobs that required me to qualify on weapons. And I certainly understand the need to protect oneself. This truly is just about making sure we're not placing undue financial burdens on the counties and on law enforcement as they work 24/7 to protect us. We're always looking at ways to reduce property taxes and not creating financial dilemma for the counties is a way to stop one of the many, many bleeds that are part of the complicated issue of property taxes. So with that in mind, I thank you for your time. I truly hope you'll consider moving LB81 on to Select File. And please, please, remember that this has nothing to do with the rights of owning a gun. This has to do with user fees and doing the job that we're asked to do, which is to set those fees and make sure that they're comparable with what's going on at the county level and with wages and with what we're asking them to do. Thank you. [LB81]

PRESIDENT FOLEY: Thank you, Senator Blood. Debate is now open on LB81. We've got Senator Friesen to be followed by Senator Schumacher, Chambers, Murante, and Hilgers. Senator Friesen. [LB81]

SENATOR FRIESEN: Thank you, Mr. President. I will rise in opposition to LB81, but I will keep an open mind if there is some progress made towards addressing all the fees and license costs that we have. Since you based this on, what I'm assuming, what I heard at least, that it's based on the cost of issuing a permit. If we go down to the county level, there are hundreds of things that counties are required to do, permits to be issued, the sheriff's office has to deliver papers, numerous different court papers are required to be delivered by the sheriff's office and they've been doing that below cost for years. Those costs have not been addressed either. If you would be willing to put all of those different permits and fees, if we want to look at all those, I'm open to changing my position. But if we're just going to start picking away at one or two, it is a problem, I agree. We are doing a lot of things below cost for certain permits, all this type of stuff. I agree we need to look at it. A lot of them haven't been addressed in 20 years. And if we're willing to address looking at all of those, I would be open to changing my position. Thank you, Mr. President. [LB81]

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

Floor Debate
January 09, 2018

PRESIDENT FOLEY: Thank you, Senator Friesen. Senator Schumacher. [LB81]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. What we're talking about here is a fee associated with the exercise of a constitutional right. Just keep that in mind. But I rise not to point that out, because you already knew that. In our society, we set out things that we think are good things to do and then we set up a mechanism to pay for doing those good things to do. And that mechanism in our state, since we don't have casino gaming, I had to get that in, those are property taxes, sales taxes, and income taxes. And then we bellyache about all three kinds of taxes. We bellyache about them so much that we really get mad at them, but we still need the money. And so we come up with fees. Fees that were normally covered by the normal tax system. They can be fees for court costs; those aren't taxes. You just pay them when you get a speeding ticket. We can come up with fees for messing with a gun sale. Fees for doing this; fees for doing that. You've got books and books of fees. And then we raise the fees, but those aren't taxes. They're neat little ways of trying to say, well, only this little segment of the population has to pay this. And that little segment over there when we record a bigger deed; we have to pay a little more. And we do this over here record something in the Secretary of State's Office; and by the way, then you got to pay a little bit more if you do it on-line and they make it real hard not to do it on-line. All those kind of fees confound and aggravate the taxpayer and are due to our reluctance to admit that you got to have taxes in order to do what you deem to be good in government. And they lack transparency; they're easy for us to push a button on here taking a fee up from \$5 to \$25 in one crack. Imagine if we did that on property taxes. There might actually be an excuse to have a revolution. So my problem with this is, not that the officers don't work hard, and not that the paperwork isn't time consuming, but it's part of the normal function. Do we charge somebody if they call 911 and call it a user fee? Do we? I mean, shouldn't we? They're just calling 911. Do we charge somebody who uses a bridge out in the country every time they go over? And in doing so, we even make this tax mess messier. This is part of the function of government. I'm not sure why there's a fee at all. If we want people to come in and register their guns or register their transfers or do all those good things, then let's make it easy and cheap, because it must be worth something to require them to do it or we wouldn't have written a law saying do it. That's my two cents worth on this. Thank you. [LB81]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Chambers. [LB81]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I've made some comments about so-called user fees earlier. This is not a user fee. This is a licensing-type fee where you have to pay this in order to do a certain thing. Although the Supreme Court had said that driving a car is a privilege, not a right, you have to get a license, you have to pay sales tax, you have to pay a registration fee, and then you're using the roads as a privilege, not a right; and all of those things. But none of that is implicated here, in my opinion. First of all, and I'll probably have to speak more than once on this. I am viewed as the most anti-law enforcement

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

Floor Debate
January 09, 2018

person who ever lived; and that includes Jesse James, Frank James, the Dalton Brothers, Bonnie and Clyde, Al Capone, Legs Diamond, John Dillinger, "Machine Gun" Kelly, Baby Face Floyd, or whatever his name...all of them, they feel I'm more anti-law enforcement than they. I was touching on this morning about the need to come here and be reasonable when issues are presented to us. There are certain general duties that will be reposed in the counties and they have to provide those services as the handmaidens, or gentlemen, of the state. So, when you have a phone there are certain things you can do with your phone and you can call all these different numbers and no number is going to cost more money unless it's to a certain location and you are not having a contract which allows you to make that call as a part of your general service. I'm glad this bill is here because it will show two things that my general opposition to raising fees can be overcome if I'm shown a valid reason for it. I have fought against court costs and fees of various kinds to the point where in Nebraska they are the lowest court costs and fees probably in the country and there are individuals who have asked how in the world are the fees so low in Nebraska. Then they're made to be aware that there's a senator who insists on that. I have opposed strenuously and successfully in most instances what I thought were unjustified fee increases to enter the state parks. But I never tried to do away with fees altogether. Let's say that I am the most anti-law enforcement person in the state, well, if such a good case was made that he who is the most anti-law enforcement person in the state accepts the case that was presented and will act on it, that let's you know that I'm not kowtowing to anybody. I'm not doing anything as a favor. When we tell the county that you are going to carry out this function, there is a cost for carrying it out. And when fees are set by the state, the purpose is to hold harmless the one carrying out that function. A fee should never be a money-making... [LB81]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: One minute. [LB81]

SENATOR CHAMBERS: ...revenue-generating activity. This fits the category of a necessary fee, the one who is coming to get the benefit is the only one who will benefit. It's not going to the public at large. And this person is able to use this piece of paper to obtain the right to do something else. I won't try to say it all in the minute I have, but I'll turn my light on again. Thank you, Mr. President. [LB81]

SPEAKER SCHEER: Thank you, Senator Chambers. Mr. Clerk for an amendment. [LB81]

CLERK: Mr. President, Senator Erdman would move to amend with floor amendment, FA84. (Legislative Journal page 224.) [LB81]

SPEAKER SCHEER: Senator Erdman, you're welcome to open on your amendment. [LB81]

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

Floor Debate
January 09, 2018

SENATOR ERDMAN: Thank you, Mr. Speaker. Good morning. I read this bill, looked at it, and...county commissioner for 12 years, I had a question this morning about unfunded mandates, and that's exactly what I believe that this one is. Senator Chambers rightfully described what we do. We send down to the county certain things they must do. Senator Chambers talks about he may be the most anti-law person in here, but Senator Chambers still abides by those laws, I believe, and I appreciate that. But back to the bill--my amendment says if we're going to force the county to collect this fee, then the state should pay for it. And so the fees for certification of the handgun permits should be paid for by the state. There are many other things that the state forces counties to do that they don't reimburse them for. Back in the early 2000s, we used to have a thing call jail reimbursement and they would pay the county a certain amount to hold prisoners for the state. That went away and has not been replaced as it was once. And so unfunded mandates happen on counties all the time. In my small county where I served, we had many unfunded mandates in the judicial system. I asked our county attorney if he ever knew of a person that broke a county law that forced him to be in jail. He said he did not know of one. So every one of those offenses that happened there was a state law broken and when those people would become ill in our jail, we would pay for the that; when they needed prescriptions, we paid for that. And so we have a lot of unfunded mandates down on counties. So I threw this amendment in. Instead of raising the fee to \$25, if we think it's important, the state does, and they want the counties to pay for it, I believe that the state should pay for it and hold the counties harmless. I don't believe that a fee should be a revenue generating thing, as Senator Chambers had alluded to. But I believe if we're going to force things on counties, we ought to pay for it. That's my amendment. I appreciate your support. Thank you so much. [LB81]

SPEAKER SCHEER: Mr. Clerk, for the record.

CLERK: Mr. President, new bills: (Read LB917-927 by title for the first time.) In addition, Mr. President, hearing notice from the Judiciary Committee--that's signed by Senator Ebke. Senator Groene would like to add his name to LB759; Senator Chambers to LB891. (Legislative Journal pages 225-227.) [LB917 LB918 LB919 LB920 LB921 LB922 LB923 LB924 LB925 LB926 LB927 LB759 LB891]

Mr. President, Senator Briese would move to recess the body until 1:30 p.m.

SPEAKER SCHEER: Thank you, Mr. Clerk. Colleagues, just so you know, when we return, waiting in the queue to speak on the bill are Senator Hilgers, Thibodeau, Wayne, Blood, Groene, and Chambers, in that order. So if you are at the top of the list, if you could please be back in the Chamber. Mr. Clerk. [LB81]

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

Floor Debate
January 09, 2018

CLERK: Thank you, Mr. President. Reference Committee will meet upon recess in room 2102, Reference Committee in room 2102.

SPEAKER SCHEER: Thank you, Mr. Clerk. You've heard the motion to recess. All those in favor say aye. All those opposed say nay. We are recessed.

RECESS

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. The afternoon session is about to reconvene. 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. Do you have any items for the record?

CLERK: I do. I have a Reference Report referring LB876-913. Two new bills: (Read LB928 and LB929 by title for the first time.) That's all that I have Mr. President. (Legislative Journal pages 228-229.) [LB928 LB929]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Members, we're going to pick up right where we left off of the noon recess on LB81 with FA84 pending. In the speaking queue is Senators Hilgers to be followed by Senator Thibodeau, Wayne Blood, Groene, Chambers, and Larson. Senator Hilgers, you're recognized. [LB81]

SENATOR HILGERS: Good afternoon, colleagues. Thank you, Mr. President. I rise in opposition to LB81 and I think conceptually, principally in support of FA84 from Senator Erdman and I'll explain the basis of my objection. And it really has to do with the constitutional right that we're talking about. I listen very carefully to Senator Blood's remarks. I spoke to her off the mike. I certainly understand the concerns that have animated her to bring this bill and what she has heard from the counties in terms of unfunded mandates and costs that can't be recouped by the various fees. And I think unfunded mandates and costs that we impose on counties are a very serious issue not just limited to the permits that we're discussing today. But I can't support this particular bill and the reason is because we're dealing with a constitutional right. Now we've talked...we've spoken quite often about a number of different constitutional rights and we have spent a lot of time talking about the right to own a firearm. And I'll remind

Floor Debate
January 09, 2018

the body that that right is in the Second Amendment to our Constitution, but it's also in Article I, Section 1 of the Nebraska State Constitution and I cannot in good conscience support having a fee of any kind quite frankly on the ability for Nebraskans to exercise their constitutional rights. And I can't support an increase...certainly cannot support an increase that particular fee. Now it has been said on this floor and in some other places that while a \$20 increase to \$25, that's not very much, that's not a big burden, and this just helps to fray some of the costs. Well, I disagree. Forget about principally, forget about we're talking about a constitutional right. I have discussed with many people in my district and throughout the state of Nebraska who can barely afford a firearm, who can't afford a concealed carry permit, and who just want to be able to defend themselves and their family. And for a lot of those people who I've spoken with, an additional \$20 does mean something. And it very well might mean for them the difference between owning a firearm or not and that means the difference between being able to protect their family or not or being able to protect their property or not. So that leads me to FA84 from Senator Erdman which, as I understand it, would make this not an unfunded mandate which actually would help defray some of the cost to the counties. And I do not think it's appropriate for the state to put a mandate on a lower political subdivision and incur that type of cost. I do think that's a big driver our property tax issue that we have that today and I think one...there's two ways you can solve an unfunded mandate. You can either fund the mandates or eliminate the mandate. And I think principally or conceptually I'd be open to both. Senator Erdman would handle it by funding the mandate through the state and I'm going to listen very carefully to the debate here. But I cannot support the underlying bill, LB81, and I'd urge...if that if the amendment is not on LB81, I'd urge my colleagues...I'd urge you to vote red on that underlying bill. Thank you, Mr. President.
[LB81]

PRESIDENT FOLEY: Thank you, Senator Hilgers. Senator Thibodeau. [LB81]

SENATOR THIBODEAU: Thank you. And I'm wondering if Senator Blood would yield to a question, please. [LB81]

PRESIDENT FOLEY: Senator Blood, would you yield, please? [LB81]

SENATOR BLOOD: I will. [LB81]

SENATOR THIBODEAU: Thank you. Senator Blood, as we had spoken, what it is saying in the bill is that the reason and the justification for this increases the increase in gun permits that are coming through and therefore it is it is costing more in labor costs and those types of things. Can you also please tell me if there is more revenue that comes in? So labor costs are all paid and more revenue is in, what's going to be done with that extra revenue that comes in to the counties?
[LB81]

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

Floor Debate
January 09, 2018

SENATOR BLOOD: We actually were very careful to balance it. The goal wasn't to generate extra income as much as to cover the costs. And I can't speak on behalf of the counties, but it's being requested to cover the cost of processing these certificates. [LB81]

SENATOR THIBODEAU: Okay, thank you. That's all I have. [LB81]

PRESIDENT FOLEY: Thank you, Senators Thibodeau and Blood. Senator Blood, Senator Blood, you're next in the queue. [LB81]

SENATOR BLOOD: Thank you, Mr. President. I've been listening very intently on the debate. And I have to say that I actually agree with a lot of what's been said. I agree with Senator Friesen that there are a lot of user fees that we have not addressed and that's one of the things that, coming from a municipal background where I worked very hard to catch our city ordinances up to code, I made sure that we got up to speed because you can't keep ignoring these things and just let them lay and say it's not a problem, it doesn't affect me personally, I'm just going to ignore it. We've got to not just take care of this particular user fee, but others as well. And I don't like to raise fees, but at the same token, the cost of doing business has gone up and I don't think that this is asking above and beyond what is necessary and I don't question that it's not a constitutional right to have a firearm. Again, I am a card-carrying NRA member. This isn't about that. When I hear that someone can barely afford a firearm the first question that comes to mind for me is that, yeah, that's a problem so why aren't we pushing legislation that lowers the cost of firearms? Instead, we nickel and dime user fees like this and we waive our NRA flag. It's not what it's about. Don't come and tell me that the gun prices are going up and then say, but yeah, I don't want to do anything to lower those costs I just want to fight something that's costing every county in this state extra money right now, and that you want to eliminate the mandate, then how come there wasn't a bill brought forward to eliminate the mandate? Why don't we put a cost on the state so we can go ahead maybe filibuster this bill. because no one's going to vote to put the cost on the state, or maybe they will because they know it's not going to happen, instead of finding middle ground. You're either "fer it or you're agin it." I hate that. That's not what I'm here to do. Let's find some middle ground. How about we add a couple years onto the certificate? How about we negotiate down the user fee? No, nobody wants to do that. Let's let the state pay it. This is not what I'm here to do. Negotiate with me. Let's make it better if you don't like it. Quit waving your flags and let's get down to business. [LB81]

PRESIDENT FOLEY: Thank you, Senator Blood. Senator Groene, you're recognized. [LB81]

SENATOR GROENE: Sorry, I didn't catch the one-minute warning. Thank you, Mr. President. I stand in support of FA84 and against LB81. I do too much thinking sometimes. But this is not a criticism of Senator Chambers, but when he brought up comparing fees and stuff, this fee on the

Floor Debate
January 09, 2018

right to bear arms to a privilege of a driver's license, that's not the comparison that should be made. The comparison should be voting rights to another constitutional guarantee of the right to bear arms. A little bit of history, the right to bear arms was in our constitution before the right to vote. Did you know that? That is how important the right to bear arms were to our founding fathers. I'm not taking a stand here. The right to vote is critical. But the second amendment should not be restricted in any way. To put a fee on access is no different than putting a poll tax on and that's abhorrent to all of us. But somehow we have accepted in our society restrictions and practices that little bit nibbles and nibbles away at our right to protect ourselves and to protect our country and to protect our freedoms. I don't want...local governments are expected to pay for all election cost because it's a basic right. It's very costly. What's the difference with protection of the Second Amendment? Why is there a cost to that? Certain things government does, certain things government pays for all of us pay for. There are certain rights I don't have to vote. But I have the right to vote and I pay taxes to make sure we have that right to vote without a cost. Some folks do not want to bear arms or carry arms. That's their right, but they have a united cost to make sure that those who wish to do that have that constitutional right should do that. So quite frankly, I'd like to see this fee disappear I would like the state to handle it. Now there's a quandary too. If we're going to put a restriction I do want a local sheriffs to handle it because I elect him. I really don't want somebody in the State Department of...Attorney General's Office or somewhere, whichever it would be, the State Patrol handling that. I'm trying to figure out why I have to have a permit to buy an arm anyway. If I have to have a permit to buy arms maybe we need a voter ID law, which makes sense to me. Both of them proves that I'm a citizen and I have the right to exercise my constitutional rights. So which rights do you want to take away and which rights you want to put restrictions on? Raising this fee, as Senator Hilgers said, starts putting restrictions on people's right to bear arms. So I will not support LB81. And quite frankly I'd like to see the whole law disappear. Thank you. [LB81]

PRESIDENT FOLEY: Thank you, Senator Groene. Senator Chambers. [LB81]

SENATOR CHAMBERS: Mr. President, members of the Legislature, the obfuscation by Senator Groene, Senator...the one I gave credit to the other day, is nonsense. There he is up in front. We are not talking about restricting the right to bear arms and he knows it. Scalia said that this so-called Second Amendment right to carry these guns is not unlimited. It can be regulated. The Ninth U.S. Supreme Court...the Ninth Circuit of U.S. Supreme Court...not U.S. Supreme Court, but the Ninth U.S. Circuit had talked about regulating this so-called constitutional right. I don't hear the man over there who works for the NRA and got money from them talking about the discriminatory laws and practices against black people in violation of constitutional rights. He doesn't do that. But because the NRA gave him money, he hops up. Senator Groene doesn't talk about discriminatory actions against black people and others that violate the U.S. Constitution. But when it comes to guns, here they come. Senator Groene did not listen to me well this morning or he didn't understand and I'm not surprised at that. You all don't pay attention to

Floor Debate
January 09, 2018

words. You're careless in the use of words. You're careless as far as the meaning of words. And I want to make something crystal clear here so the reporters won't be as off the beam as some of the others here. I said I'm perceived to be the most anti-law enforcement person. I didn't say I am. There are law enforcement people who remind me of the work I did to help create and maintain that law enforcement criminal whatever they call it out there in Grand Island. One of them had been on the force 42 years and I saw him coming out of a store and he said he wanted to wait till he retired before he told me. But he began to tick off various bills and things I had done that benefited law enforcement, raised the standards. But you all don't see that because you're white and you deal with what affects white people. This is a Legislature of, by, and for white people, as is everything in this society. And I'm not going to stand here and listen to this nonsense that you talk. You can say it; that's what the purpose of our being here is for. But you put your self on record and you show how ignorant you are. When the constitution was written and they talked about a well-regulated militia, that was not talking about individuals carrying guns in their pockets. I haven't heard Senator Hilgers say that. Maybe he'll say it now that Senator Groene educated him. Do you all realize that there was treason committed against the king? When the people in this country rose up against the king, that was treason. It was called that nice term, "revolution." It was unlawful action. And they were talking about let us have this militia so if the king tries to come over here something can be done about it. History doesn't mean anything to you all. Napoleon said history is the lie agreed upon. And he's right. But it also is a word that is applied to things which constitute a misapplication of history. This fee is not on the right to carry a gun. It is to defray the cost of obtaining a certificate. I'd like to ask Senator Hilgers a question because he knows everything. [LB81]

PRESIDENT FOLEY: One minute. Senator Hilgers, will you yield, please? [LB81]

SENATOR CHAMBERS: Senator Hilgers, what is this fee related to, if you know? [LB81]

SENATOR HILGERS: It's related to the gun purchase permits, I believe, Senator Chambers. [LB81]

SENATOR CHAMBERS: Now why is there such a permit required? [LB81]

SENATOR HILGERS: It's required under state law. [LB81]

SENATOR CHAMBERS: Who passed the state law? [LB81]

SENATOR HILGERS: I would presume the Legislature. [LB81]

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

Floor Debate
January 09, 2018

SENATOR CHAMBERS: Then they were restricting the right to carry guns when they did that, weren't they? [LB81]

SENATOR HILGERS: By imposing a fee, they a put a burden on them, yes. [LB81]

SENATOR CHAMBERS: And you believe that that was a restriction on the right to carry a gun? [LB81]

SENATOR HILGERS: It was a burden, yes. [LB81]

SENATOR CHAMBERS: You begin to see the hole you put yourself in now and you don't want to sound as dumb as some of these other people who are genuinely dumb and don't know better. You do know better, that's why you're turning as red as a beet. Your own conscience condemns you. And that's why white people were given the complexion, so that we have a lie detector built in. We can see when your lying. You know why I am black? Because I will tell the truth. I don't owe you a lot. [LB81]

PRESIDENT FOLEY: Time, Senator. [LB81]

SENATOR CHAMBERS: You're not important enough for me... [LB81]

PRESIDENT FOLEY: Time, Senator. [LB81]

SENATOR CHAMBERS: ...to lie to you. Did you say time? [LB81]

PRESIDENT FOLEY: Yes, sir. [LB81]

SENATOR CHAMBERS: Thank you, Mr. President. [LB81]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Harr. [LB81]

SENATOR HARR: Thank you Mr Lieutenant Governor. I find that argument of Senator Hilgers, contrary to what Senator Chambers said, very convincing. When you have a constitutional right, you shouldn't have to pay. And that's why I'm very excited to see Senator Groene's and Hilgers' bill that they going to introduce, I assume, that says a woman shouldn't have to pay for abortion. I think that's right. I think that's a great bill they're bringing. Women shouldn't have to pay for abortion. It's a constitutional right. If you guys want me to cosign on it, I might cosign on it just

Floor Debate
January 09, 2018

so I can see Senator Hilgers get disinherited from his family. But other than that, folks, we make people pay for constitutional rights all the time. Come on. Just because you have a right it doesn't mean you don't have to pay if there is a fee associated, a cost associated as long as it's reasonable, right? It's actually...it's a higher burden than reasonableness to put a burden on a constitutional right but, folks, we do it all the time. Senator Chambers brought it up putting even this requirement on maybe a burden on a constitutional right. The fact that there's a minimal fee, de minimis, to cover the cost is perfectly constitutional and perfectly fine. So I look forward to Senator Groene and Hilgers' bills, maybe the Lieutenant Governor will get a chance to sign it. I don't know. I doubt he would. But, folks, let's have a serious debate about what this is about, which is who bears the responsibility for what we do. Should we want the counties to keep paying for this? We pass laws...we're really good at passing laws, by the way...and pushing that cost down to the counties. Do we want the counties to maybe have a chance to collect a fee--not a tax, a fee--for the cost of what we give them. This is a reasonable bill. You take the word gun out, we wouldn't have a problem. It's that little three-letter word, gun, that's what's getting everyone's dander up on this. This is a simple bill. Let's just pass the bill, move on so we can talk about something more important like, I don't know, guns on campuses. Thank you. [LB81]

PRESIDENT FOLEY: Thank you, Senator Harr. Senator Murante. [LB81]

SENATOR MURANTE: Thank you, Mr. President. Members, good afternoon. I rise in support of FA84 in opposition at the moment to the unamended version of LB81. In my view, LB81 is quite simply a very large tax increase on Second Amendment and that's something that really, across the board, fee increases are something that I have opposed consistently in my time in the Legislature. And I think it is of some value to go back in some legislative history because we are now removed from several classes of legislators and a Government Committee that was then Chaired by Senator Avery that did extensive analysis on unfunded mandates in the state of Nebraska. Because it has been mentioned, but it should be underlined, that much of our property tax issues in the state of Nebraska are caused by mandates imposed in the past by this Legislature on political subdivisions and that's certainly true. The results of the interim study in years past and the logic and mentality that has flowed from it are severalfold. First, that while there are a tremendous amount of unfunded mandates in the state of Nebraska, and there certainly are, the first step is to stop digging. And both under the leadership of the Government Committee under Senator Avery and then followed by myself, the expansion of unfunded mandates in this state have come to a halt. And so we are not seeing and we have not passed, this Legislature has not passed additional unfunded mandates since the local political subdivisions brought those issues to our attention several years ago. But the second was that the generally accepted solution is to those issues that are in fact state purposes which we have...which we as a Legislature have passed down to the local political subdivisions, the remedy to that is for the state to pay for it, not to impose a fee on the people of Nebraska. That is a logic that has flowed through and there have been numerous pieces of legislation across the subject matters from

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

Floor Debate
January 09, 2018

Health and Human Services funding, which is currently being funded at the county level but it is a state issue, and bills have been brought in front of the Government Committee to pay for those, for the housing of those offices. We could go on for the litany of unfunded mandates and we may dig up the archives of the Government committee to go through those mandates but I believe that raising fees does not really solve the problem. It hurts the people of Nebraska who are already paying enough. And one distinction that I don't believe the people of Nebraska make are when they write a check to the state of Nebraska or a political subdivision, whether we call it a fee or whether we call it a tax, they don't see a difference. They don't acknowledge a difference. And when they are paying more taxes, more money to state and local government, they see that as a real burden and that is why this Legislature has been extremely reluctant to raise any fee, whether it's Second Amendment related or across the board. This Legislature has been extremely reluctant to raise fees in years past and for good reason. The people of Nebraska are paying too much already. That's why I oppose LB81 and encourage you to do so as well. Thank you, Mr. President. [LB81]

PRESIDENT FOLEY: Thank you, Senator Murante. Senator Chambers. [LB81]

SENATOR CHAMBERS: (Microphone malfunction)...Mr. President, members of the Legislature, I'm going to give Senator Hilgers an opportunity to improve my education. I wonder if he would yield to a question or two. [LB81]

PRESIDENT FOLEY: Senator Hilgers, would you yield, please? [LB81]

SENATOR HILGERS: I would. [LB81]

SENATOR CHAMBERS: Senator Hilgers, do I have a constitutional right to own a home? [LB81]

SENATOR HILGERS: No. [LB81]

SENATOR CHAMBERS: Why not? [LB81]

SENATOR HILGERS: It's not in the constitution. You have the right to own property. [LB81]

SENATOR CHAMBERS: Do I have constitutional rights that redound to me, and what's in the constitution merely restates it? Think before you answer because I have a follow-up question. [LB81]

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

Floor Debate
January 09, 2018

SENATOR HILGERS: As I understand it, are you saying do you have a right to property and does the constitution enshrine that right to own property? Does the constitution enshrine that right, which would include owning a home? Is that what you're saying, Senator Chambers? [LB81]

SENATOR CHAMBERS: I said what I said. [LB81]

SENATOR HILGERS: As I understand it, as I just rephrased that, yes. [LB81]

SENATOR CHAMBERS: And you said I don't have a constitutional right to own a home. [LB81]

SENATOR HILGERS: And my answer was, is it specifically listed that you have a right to own a home? You have the right to own property, so to rephrase my answer, you have a right to own property, Senator Chambers, which would include a house. [LB81]

SENATOR CHAMBERS: Let me see if I can help improve your education. If I don't have a constitutional right to own a home, why cannot the state take my home without compensating me for it? I have no constitutional right to own it, so the state should be able to take it, isn't that right? [LB81]

SENATOR HILGERS: The state...if there's a foreclosure, it's not the state taking it. That's using state process to take someone's property under a contract. [LB81]

SENATOR CHAMBERS: Suppose...are you aware that there have been...well, I won't go through all of that because there was a recent matter where the U.S. Supreme Court made a decision, but it would go into too much...take too much time. Here's the question I'm asking you. If I don't have a constitutional right to my home, why does the law require and the U.S. Constitution requires that I be compensated if the state takes my home? [LB81]

SENATOR HILGERS: Because there's a takings clause in the constitution. [LB81]

SENATOR CHAMBERS: Then I have a constitutional right to own my home, isn't that right? [LB81]

SENATOR HILGERS: Yes, I misunderstood the way you were phrasing the question, Senator Chambers. [LB81]

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

Floor Debate
January 09, 2018

SENATOR CHAMBERS: So then here's the question. Do I have a constitutional right to own my home? [LB81]

SENATOR HILGERS: You have a right to own property which would include your home, yes. [LB81]

SENATOR CHAMBERS: Are some constitutional rights more constitutional than others, or are they all equally guarded? Let me put it like this, do they all stand on the same footing, or are some of a higher order of value than others? Would my right to own my home be a lesser right than my right to own a gun? [LB81]

SENATOR HILGERS: I wouldn't look at it that way. They're all in the constitution. They all have equal status. [LB81]

SENATOR CHAMBERS: Then why can they put a tax on my home? Isn't that burdening my home? [LB81]

SENATOR HILGERS: There's no restriction on being able to put a tax on your home. There's no restriction on putting a tax on a firearm either, Senator Chambers. [LB81]

SENATOR CHAMBERS: Then what are you talking about? [LB81]

SENATOR HILGERS: I have never said that a permit fee is per se unconstitutional. [LB81]

SENATOR CHAMBERS: Okay. Members of the Legislature, you see when you ask people questions, they didn't mean it the way it came out when they said it. If you have a constitutional right he said you shouldn't have to pay to exercise it. That's what he's said. I listened to you. You don't pay attention because you are a stooge for NRA. And that made you put your brain on pause to say what they tell you to say. He knows the answer to the questions that I'm asking and he knows why I'm asking the question and he knew that when he said you cannot...if you have to pay anything to exercise a constitutional right, that is not the thing that you're allowed to do. It's so difficult to be here when you think and others don't. You think I'd argue a constitutional issue with Senator Groene? I'm trained in the law. [LB81]

PRESIDENT FOLEY: One minute. [LB81]

Floor Debate
January 09, 2018

SENATOR CHAMBERS: I've read every word in the constitution several times. I've read cases on the constitution. Why would I argue about that with somebody who doesn't know anything about it? I'm not going to embarrass him. I'd ask him how many amendments are there to the constitution? How many articles are there in the original constitution? What does the Sixth Amendment to the constitution deal with? Do you know that the Fifth Amendment to the U.S. Constitution allowed mutilation? If you read it, a person shall not be put in jeopardy twice of life or limb. When they said limb, that related to the right they had to clip your ears, to bob your nose, and commit other physical acts of punishment against you. Then the Eighth Amendment came along and said no more. People don't know that the Fifth Amendment... [LB81]

PRESIDENT FOLEY: Time, Senator. [LB81]

SENATOR CHAMBERS: ...protected the right of the state to mutilate you as a punishment. [LB81]

PRESIDENT FOLEY: Time, Senator. [LB81]

SENATOR CHAMBERS: Thank you. [LB81]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Hilgers. [LB81]

SENATOR HILGERS: Thank you, Mr. President. Good afternoon again, colleagues. I want to respond to a couple of the points raised by Senator Chambers, as well as Senator Harr, which I think misunderstands the points that I was making earlier, and that is not that any fee of any kind on any constitutional right is per se unconstitutional. That's just not the law. In fact, the Nebraska Supreme Court has held that certain cost-based fees can be applied to constitutional rights. As Senator Chambers noted, if you have property the state can tax that property. That's not what I'm arguing. If I was arguing that I would probably be in a different forum. I'd be in front of the Nebraska Supreme Court, not the Legislature. My point is and remains is that when you put a higher fee on exercising that right it is a burden on that right. Does that mean that the fee is unconstitutional? No, not necessarily. I suppose at some certain level it could be. I don't think at \$25 that that would be unconstitutional. But when you tax something, when you when you require more money to do a certain act what you get is you get less of that particular act, and in this case the act that we're talking about is owning a firearm, an act that despite what Senator Chambers, I believe, suggested--if I misheard Senator Chambers, he'll correct me--is an individual right under the Heller decision and independent of the federal constitution is explicitly stated the Nebraska Constitution our right to own firearms. It's constitutional. And on top of the theoretical argument, I relayed some stories of individuals who I've met with over the course of the last year who did not have the means or who to buy a firearm to protect their family was a

Floor Debate
January 09, 2018

very significant financial stretch for them. And in my view, raising the fee of \$25 and it would in some cases cost some people to not choose to exercise their right or not be able to exercise their right to own a firearm. So to make the record clear, and if I misstated this earlier that was not my intent, the idea that you can put a tax or put a fee on some constitutional rights, with some restrictions of course, such as a poll tax, which you can't do, is not per se unconstitutional. That's not my argument. My argument is that it's an unreasonable burden on people's ability to exercise their constitutional rights. Thank you, Mr. President. [LB81]

PRESIDENT FOLEY: Thank you, Senator Hilgers. Senator Wayne. [LB81]

SENATOR WAYNE: Thank you, Mr. President. I am...I have an amendment up in Bill Drafting to help lessen some of the burden that we're talking about here. Right now the fee has to be applied every three years. My amendment will move it to five years so it will lessen the amount of blow to the counties that are...to the individual that has to pay. It makes it more reasonable. And in the spirit of compromise we're trying to figure out how to make this work and that's what I'm trying to do. So I say that to say hopefully it will get down from Bill Drafting here in a second and be filed and I hope we have a real conversation and not get off on different tangents about different things that don't pertain to this bill. Let's figure out how to make it work for the user. Let's figure out how to make sure that our unfunded mandate, which we have to...we've owned. Everybody on both sides have said that now. We can come to a solution. So instead of every three years an individual like me paying the \$25 I bumped it out to five years. So it's lesser for each individual user, which I would be one of them, and it still covers the county cost to make sure that it's done. So bear that in mind while we're sitting here thinking about this and hopefully it can get filed here pretty quickly. But if we stretch out the time, the user like me who has to register and has to buy the certificate doesn't have to do it every three years. It will be every five years. So if you look at the cost--\$5 every three years; \$25 every five--I'm getting close to the middle to meet everybody. So we're not increasing it a whole bunch. We're not putting this burden on the end user like myself. So in the spirit of compromise I hope this body thinks about that. We can talk about it off the mike and we try to resolve this. But at the end of the day, I love hearing about how the state must fund unfunded mandates. We haven't done that in the education world. Nobody talks about that and that's in our Nebraska Constitution as a state right too. We haven't fund community colleges completely. Why do I say that? Because our constitution says up to 21. It doesn't say up to 18 or when they graduate high school. We haven't funded those completely. We heard about property taxes on housing which is a fundamental right, to own a property. So if we're going to continue to talk about unfunded mandates as we can spend a lot of history on a lot and a lot of talking about, then we need to talk about what we're going to do with revenue streams to make sure we can relieve our burdens of our cities and counties on our unfunded mandates. That's a separate conversation. That is a separate conversation. Right now we have a bill in front of us. Let's deal with this bill that's in front of us. Let's find a compromise on this bill that's in front of us to make sure that our counties can cover

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

Floor Debate
January 09, 2018

their costs and that the end user like me doesn't get a huge increase but it's reasonable to make sure that we get it done. So hopefully that will hurry up and be drafted. But I wanted you guys to know that that's in the process. But I also want you to keep these issues separate, because if we're going to have a conversation about unfunded mandates then I can't wait for the education bills to come out because that should be 100 percent funded by us, not any local government. So if we want to have that debate we can have that later. If you want to have the debate about voter ID we can have that debate. We'll have that later. I'm pretty sure Murante has five or six bills ready to go. We're going to have a debate about property taxes, I'm pretty sure, whether it's Groene, Senator Lowe, Briese. We're going to have that debate. Right now we're talking about one issue that we could help the counties with. Let's focus on that issue and let's figure out a compromise. Again, moving it from three to five years, \$5 to \$25 it's a lesser burden on everybody. It's almost middle ground, hopefully we can move forward. Thank you. [LB81]

PRESIDENT FOLEY: Thank you, Senator Wayne. Senator Chambers, and this is your third opportunity at this level, Senator. [LB81]

SENATOR CHAMBERS: Members of the Legislature, unlike some of my colleagues, I'm not a bully. I don't pick on somebody who cannot defend himself. That's why I'll argue with Senator Hilgers and pull no punches. I won't argue with Senator Groene because he doesn't know. But when he stands up here and pontificates, I'm not going to let him get away with it. I will start questioning him and show how little he knows about what he's talking about. But just to pick him out because I know he doesn't know something would be contrary to the way I operate. There are a lot of you who have issues that you supposedly know something about and you don't know as much about it as you think and I could embarrass you because nobody on this floor knows what I know. You don't know what I spent years studying when I was in high school on up. I had a biology teacher when I was in high school at Tech High who came to me to discuss technical biological questions that...well, zoology and botany, but they called it biology, the two of them...wanted me to explain what the cochlear is and how it works. He saw the picture, he knew what was said, but he wanted somebody to talk to him about how this structure inside of your head makes it possible for sounds to be transmitted from the outside to a part of your brain and there it's unscrambled and takes on an intelligible meaning. And he wanted to talk to me. I was a high school student. And we talked about it because he had sense enough to listen when we would discuss issues and knew that I read more than what was in the biology book. There were teachers I had a Creighton who did not require me to attend class because they knew I spent time in the library. And in the process of my reading, I read far more than anything they would ask on an examination. And the teachers that I had in law school were the same way--some of them. I didn't study to answer a question on a test. I studied to answer the question in my mind that I heard people talk about but they talked about it but they never explained anything. They could tell me what happened but they couldn't tell me how it happened or why it happened. And that's what I want to know and that's why a lot of you all who know something could be

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

Floor Debate
January 09, 2018

embarrassed by somebody like me for whom you have no respect. Obviously you have no respect for me but I'm your own even change because I'll stand up to any one of you individually or all of you collectively. And I don't have a lot of respect for many of you because you are not honest. You ought to be man enough and woman enough to say why you do things. If you're a flunky for the Governor, admit it because it's clear from your actions what you are and your Jesus said you know a tree by the fruit it bears. And I look at the fruit you bear. And you can tell me you're not inordinately governed by the Governor, but I know it by watching you. Does a man gather figs from a thorn bush? I don't know what kind of fool you all think that I am, but I'm not as big a fool as you think God is. You all throw that mess up in his face every day. You think God is a fool, don't you? If this God is what you all say. Oh, I'm going to talk a lot about this a lot this session on bills that have nothing to do with it, apparently. Because I'm going to take some time and this session, this session is going to be noteworthy because of the amount of time that I take on various issues. Senator Brewer and I are going to disagree on some things. I even tried to kill a bill he brought for the gun people in the Judiciary Committee today, want to make a person who owns a business go up to somebody who's carrying a gun and say... [LB81]

PRESIDENT FOLEY: One minute. [LB81]

SENATOR CHAMBERS: ...you can't have that gun in here. And the guy might have one eye looking to the right and one eye looking to the left and his hand on the gun. And if you don't go tell him you can't have that gun in here, he's not in violation of the law. That's the kind of bill that was brought, but that's not the way it was ringing in Senator Brewer's mind when he brought it. I look not at what the law says but look at what can be done under the law, what is required by the law. So these people pick people who are new and say take that down there knowing they're going to run into a buzz saw and knowing that there are some of those bills that certain senators are not going to embarrass themselves by bringing. And that is being unfair to somebody who is unaware of what goes on in this Legislature. You let somebody use me and I find out they used me and they can't come back to me again. But they will be able to go back to you all again, use you, and it would be like that guy who sang the song use me, baby, until you use me up. Ain't nobody going to use me up. [LB81]

PRESIDENT FOLEY: Time up. [LB81]

SENATOR CHAMBERS: Thank you, Mr. President. [LB81]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Groene. [LB81]

SENATOR GROENE: Thank you, Mr. President. I was being ironic for future debates. We can talk about all the rights, but there are few that are spelled out: Right to bear arms, right to vote,

Floor Debate
January 09, 2018

the right to privacy, the right to own a home is all, all entangled in general rights. My point is this--when the debate comes up, which I believe it will, on voter ID, I'm going to tell you I told you so. When I go back to this argument that you say, yes, we can restrict. Yes, it can be regulated, the rights can be. Yes, they can have parameters put around them by government. Remember this debate when you say the right to vote is sacrosanct and we cannot restrict it in any way or put parameters around it, which we already do by age and convictions of felonies, remember that. Remember this debate. Thank you. [LB81]

PRESIDENT FOLEY: Thank you, Senator Groene. Senator Morfeld. [LB81]

SENATOR MORFELD: Thank you, Mr. President. Colleagues, I have to get up and talk just a little about voter ID and how it's a little bit different for the benefit of my colleagues here and particularly for Senator Groene. First off, I'm not opposed to guns. I'm a gun owner. I think we've had this discussion, particularly with my colleague Mike Hilgers, many times before. I'm not opposed to guns. I may have different views on exactly how we regulate and how we don't regulate, how much local control we have and how much local control we don't have. But the bottom line is that number one thing when I teach my students at the university level about the Constitution and fundamental rights is that there is no right that is absolute. There is no right that is absolute and that there can be reasonable restrictions based on a compelling governmental interest on some of those rights. Now, the the court has found that voting is a fundamental right on the federal level. We also are unique in Nebraska in that we have a specific protection of the right to vote in Nebraska. In fact, we have one of the strongest, if not the strongest, protection of the right to vote in the entire country in our state constitution. Now, the reason why we don't have very many restrictions on the right to vote is because we have not found that there is a compelling state interest to restrict that right because there hasn't been evidence of the need to do so. Now, when it comes to guns, the Supreme Court, the United States Supreme Court has found that there is in some instances narrowly a compelling state interest to restrict that fundamental right in certain circumstances. Now I'll be honest with you, I don't know the case law surrounding this fee or the legislative history of the \$5. But I will tell you that the Supreme Court has found that you can have reasonable things like background checks and other things to keep guns out of the hands of dangerous criminals. There's a compelling state interest. And why is there a compelling state interest? It's because we've been found or it has been found that dangerous criminals, violent criminals are more likely to use firearms to kill individuals and so, therefore, there is a compelling state interest to have reasonable restrictions on that right. So my point is that we can't compare apples to oranges, okay? When it comes to voting rights and the right to vote, the reason why we don't have a lot of restrictions on the right to vote is because...well, voter impersonation is what is generally brought up as the reason for voter ID and because there just simply isn't any evidence of it and so until there is compelling evidence that there is actually a problem with voter impersonation, the court generally isn't going to find that there can be restrictions on that right. Now, the case that Senator Murante and a bunch of other

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

Floor Debate
January 09, 2018

people bring up in the past, it's an Indiana case, that was actually a facial challenge, not an as applied challenge in the Supreme Court. But that being said, I think it's important to clear up the record on this. And I don't see Senator Groene, so I'll probably have to reeducate him on this one point in time and I'm happy to do so. But I think that there's an important distinction and while I'm likely going to vote in support of LB81, not as amended but I'm willing to look at Senator Wayne's amendment as well, I think that it's important to throw out the constitutional analysis and some of the different issues surrounding that. That being said, let's be honest, folks. We have to pay for some of these administrative functions somehow. And so I'm interested to hear, if you're opposed to LB81 and you're also opposing increases in property taxes, how we pay for this administrative function. Somebody has to pay for this. And as a gun owner, the \$5 I was willing to pay, I'm also willing to pay... [LB81]

PRESIDENT FOLEY: One minute. [LB81]

SENATOR MORFELD: ...the \$25 for the next permit. And I know that there are some people that may not be able to pay for that and maybe we can look at some reasonable accommodations for that down the road and maybe that will be Senator Wayne's amendment. That being said, I just wanted to get up and provide some context in the constitutional analysis. Thank you, Mr. President. [LB81]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Mr. Clerk. [LB81]

CLERK: Mr. President, a priority motion. Senator Chambers would move to bracket the bill until April 18. [LB81]

PRESIDENT FOLEY: Senator Chambers, you're recognized to open on your bracket motion. [LB81]

SENATOR CHAMBERS: Thank you, Mr. President. This is a priority motion to give me an opportunity to speak right now. Senator Groene thought he was smart in what he said. He thinks I don't know that there can be regulations on voting. He thinks I don't know that. He said I should remember it when we debate voter ID and so forth. If he listened to the debates we had on that he'd know that I know more than he probably ever dreamed of. There are more things in heaven and earth, Horatio, than you have dreamed of in your imagination, or words to that effect...than are dreamed of. Somebody who can't play checkers well is going to try to mess with a chess master? He called me out. Well, he's the Chairperson of the Education Committee. I hear fractured grammar, I hear dangling modifiers, I hear split infinitives, I hear double negatives whose intent is not to produce an affirmative from the chairperson of the Education Committee. Physician, heal thyself. I want people to call me out and if I've made a mistake, to use my cliché,

Floor Debate
January 09, 2018

it will improve my education. But know what you do when you awaken a panther's ire. You know why I say a panther? Because a panther...there are different creatures who wear that title, even the mountain lion. But most people think of a black cat when they hear panther. That's what you're dealing with here--a black man who is not ashamed of being black, who is proud of being black, who could be prouder if I were blacker. I'm going to apologize for what I am to a bunch of white people who have everything to be ashamed of--slavery, segregation, discrimination. Even right now in this state the Governor calling himself a man of faith and injecting the Catholic Church in our legislation. People who he puts in various positions before they'd discharge their duties, they want to run it past the Catholic Conference. You know what I'm going to do this session? I wrote a number of columns for the Omaha Star (sic) about the predatory pedophile priests and the rottenness of the Catholic Church which fit that definition of the Whore of Babylon mentioned in the Bible. And I'm going to read them on this floor because the Governor, the Lieutenant Governor, and others have injected the Catholic Church into what we're doing, so I'm going to mash the church's nose. Oh, and I did my research. I have the names of the predatory priests. I had written about Cardinal Bernard Law before they sent him running with his gowns flapping behind him over to Rome and was put in charge of the second most powerful Basilica and it was named after Mary. And Mary is a mother and she's famous for the child she brought into this world. And Bernard Law knew these priests were assaulting and raping these children and then Pope Paul II elevated Bernard Law, ratified his ratty conduct, protected him. And now here you have Francis being reduced to the position of saying I hope God will be merciful in his judgment of Cardinal Law. Law should have been defrocked. His name was a joke: Cardinal Law? Oh, we're going to get into the Catholic Church. I remember when Senator--not senator now--Lieutenant Governor Foley got hot about some things I'd said about the church and referred to it in the media as vile. I was talking about what these predatory priests were doing. My condemnations of the church were vile. Well, you're going to have a lot of chances to say that and we're going to discuss it. We're going to see how much you all believe in freedom of speech on the floor of this Legislature and I want to hear you try to shut me up. What are you going to do? You going to tell the trooper back there to come put his hands on me? The trooper is going to say that's not my job. You going to send the Sergeant at Arms to put his hands on me? He's...that's not my job. Who will bell the cat? Who will make the panther purr like a pussy cat? Which one of you, or which of you in concert with each other? These things that we're talking about are of great confidence...of great significance to me. You all think old people forget things, don't you? Well, earlier today I talked about a philosopher who made a comment: I think, therefore I am. And had begun to explain it and my time ran out. What I intended to do is tie that to the mantra of the greatest philosopher/thinker produced by America: Popeye. I think, therefore I yam what I yam and that's all that I yam. I'm not even angry. I'm speaking forcefully. It takes more than...you can tell the size of a person by the things that make him or her angry. Look around this room. Anything in here big enough to make me angry? No. But some of the things that are done by little people make me angry. Little people with big power who misuse it make me angry. There is such a thing as what they call righteous anger. That means that there might be

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

Floor Debate
January 09, 2018

a justification for that emotion. But I think there is a more significant proverb that obtains and ought to be acted upon: Anger resteth in the bosom of a fool. When you are genuinely angry, you unseat your brain, you dehorse your intelligence, and you're out there running around without any apparent rule. I always know what I'm saying. I always know what I'm doing and I always know with whom I'm dealing. I've been fiddling with the Legislature for 43 years and you think I don't know something about a Legislature? And I've been living around white people all of my life, all of my life. And when I was a black child under the tutelage of white teachers, I don't forget what they did to me while I was a child, when I didn't know how to fight, when I couldn't fight, and that teacher knew and yet did what she did, several of them. I'm not talking about sexual abuse. I don't mean that. I want to make that crystal clear. I mean the humiliating things, the ridicule, the hurting of a child's feelings, and maybe the way that white people treated me when I was a child is what helped produce the man that you have to deal with here now because I'm not a child any longer. I can deal with any of you or all of you. When you bring up things pertaining to the constitution, there should be precision in language. The word "constitutional" does not mean that what is being discussed is spelled out explicitly in the words of the constitution. It means that it accords with the principles in the constitution. That document would be thicker than all of those volumes back there if everything... [LB81]

PRESIDENT FOLEY: One minute. [LB81]

SENATOR CHAMBERS: ...which the constitution protects had to be written in the constitution itself. The constitution is not a statute, broad principles. It is what's called the organic law. It is the foundation on which other laws, like so many ladders, rest. But they have to have a firm foundation on the constitution, in the constitution or they'll be knocked aside. These things Senator Hilgers knows. So to say that something is constitutional doesn't mean that it is spelled out in the constitution. It means that it is not prohibited by the constitution. He knows that. He gets emotional because he's not being his own man today. He's carrying out orders. There are many people in the military who will be given orders with which they disagree, but they will carry them out. But now the... [LB81]

PRESIDENT FOLEY: Time, Senator. [LB81]

SENATOR CHAMBERS: Thank you, Mr. President. [LB81]

PRESIDENT FOLEY: You may proceed, Senator Chambers. [LB81]

SENATOR CHAMBERS: And I'm going to withdraw this motion. A military person now is not required to carry out an unlawful order. One of the things that might have led to that was when the general officers in the Nazi army gave orders to underlings and the underlings carried them

Floor Debate
January 09, 2018

out and that was the defense of a lot of these mid-level officers during the Nuremberg trials. I was carrying out orders. But that didn't save them from being hanged. You shouldn't have carried it out. It violated the rules of humanity. It's not written in a statute anywhere that you can't put Jews in a gas chamber. It was not spelled out in any law in any country that you cannot burn them in incinerators. And some of them wound up in the incinerators before they died completely. There's nothing in any law that says you can't take Jews and put them in barrels of cold water in the winter and let them die as the water freezes. there's nothing that says explicitly you cannot take a pregnant woman, tie her legs together, then induce the birthing process while her legs are tied together and study what happens and write about what happens. What they did was so horrific, even though it didn't violate the explicit provisions of laws, that the medical and scientific findings they found through their experiments could not even be made use of. Because of the origin and source, these things could not even be used. Isn't that something? And the Governor, he's glad of this, the Nazis created lethal injection. I remember there was a time the Lieutenant Governor would have been all over that. But he has a higher master than his own conscience. He doesn't know how much I paid attention to him and we disagreed on a lot. But what I tell people: Foley is wrong, but Foley believes what he believes. He's sincere, but he's sincerely wrong. I knew how often he went over to the church on the corner. You all think I don't watch you? He even does that sometimes now. Nothing's wrong with that. Sees everything you do, hears every word you say. Every breath you take, every move you make, every smile you fake, every claim you stake, I'm watching. I'm probably the freest person on the floor of this Legislature because I can be and will be me. I don't care what the Governor thinks. I don't care what the Lieutenant Governor thinks. I don't care what anybody on this floor thinks individually or collectively. And we're going fight like scorpions in a bottle when Senator Murante to tries to carry out the work of the white people and his name ends in vowel. I'm going to teach him something about what Italians went through when they came to this country and what Italians thought of other Italians like what black people think about black people who carry out the work of white people. We're going to talk about it all. You need to know. Anybody whose name ends in a vowel is considered suspect. White people know when a black person is being an Uncle Tom or an Aunt Jemima. Latinos know when a Latino is being a Tio Taco. [LB81]

PRESIDENT FOLEY: One minute. [LB81]

SENATOR CHAMBERS: And Italians know. Why is it that you always find one of these people who belong to a group that is discriminated against to do the worst, dirtiest thing that this society wants? So they can say, well, one of your own...well, something like one of your own is doing it to you. And then he thinks that they love him. They'll give him a job. They're going to let him be whatever he's running for next. He earned it. And maybe he can drop the vowel from his name. You know why I know about that? I learned about that when I was in high school and I watched and I didn't know the significance of a name ending in a vowel until I watched all the children

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

Floor Debate
January 09, 2018

whose names did end in vowels. And there were Italians who went to Tech High. And then I asked some of them and some of them didn't know. [LB81]

PRESIDENT FOLEY: Time, Senator. [LB81]

SENATOR CHAMBERS: But it came to them when I asked the question. [LB81]

PRESIDENT FOLEY: Time, Senator. [LB81]

SENATOR CHAMBERS: Thank you, Mr. President. [LB81]

PRESIDENT FOLEY: Senator Chambers, you're recognized to close on your bracket motion. [LB81]

SENATOR CHAMBERS: I'm going to take this time and then I will pull the motion. You all should pay attention to what that bill actually says. You have information from two sheriffs pointing out how expensive it is for them to comply with this requirement that the state put into the law. One of the departments has almost two full-time employees doing this work and it can cost \$120,000 to carry out all of the duties. There are hundreds of thousands of people involved in some of this stuff who want to get these guns. And maybe the \$5 generates \$30,000; that's not a revenue producer. I believe in fairness for everybody. I've had disputes with the counties, with the lobbyists for the counties. But that doesn't blind me to a situation where the counties are being treated unfairly. These certificates benefit the person who obtains the certificate. Senator Hilgers, Senator Groene, and these other people--he didn't say this--but they talk about people not being able to afford a pistol. Well, he shouldn't have one. He can't afford a pistol, he shouldn't have one. Or let him go steal one then because some of these people have guns...these people with the NRA who makes fools out of you all say you're trying to restrict the rights of law-abiding citizens. Well, they don't tell you how many people were law abiding until they got the gun and broke the law with the gun. The gun led them to cease being a law-abiding citizen you all know better than to talk this stuff like the...you know what? I know what's the matter with Senator Hilgers. He's probably a very religious man. I didn't say righteous. He thinks there should be a one in front of that two and he has discovered the missing "Twelfth Commandment." And I'm not going to tell you all what the Eleventh one is, but the "Twelfth Commandment" is let people carry guns and don't put any restriction on it. There are restrictions on riding a bicycle and you can't restrict guns? Those are foolish arguments that you give only because the NRA sent them in here to you. I've been around here long enough to know the origin of these foul amendments and arguments that are given. They were given before you got here. I think the NRA might even have a different lobbyist who runs around here now trying to buttonhole you all because the other one couldn't get the job done. They lied to you, just like your President and

Floor Debate
January 09, 2018

you all swallow it hook, line, and sinker. They couldn't tell you these lies and have you standing on this floor talking like this about any other issues that come before us. You wouldn't do it. But they got you. And you go so cheaply, so cheap, so cheap. How can you have respect for people like that? That doesn't mean I have to mistreat you though. I always say that nobody can treat me better than I will treat them, and I mean that. But when we're talking about the welfare of the public and being fair, to me the word "fair" applies to everybody and all dealings. And it's unfair when on the one hand you're going to say the cost of this has risen. The value of that has risen, so we ought to raise this amount. But then when it comes to this fee... [LB81]

PRESIDENT FOLEY: One minute. [LB81]

SENATOR CHAMBERS: ...that the county has to charge, the state set it, the state laid out the duty and they have to do it. Everything else costs more, that to be carried out, that duty, costs more but it is not to be handled like all these other issues because the NRA said guns, guns, guns. And they jump up, yeah, guns, guns, guns. You can't do anything about it. I don't have enough votes as one person to stop you, but I can make it as hard for you as possible. And if you kill this bill then you're going to tell me what kind of session this is and I'm going to show you what kind it is. And maybe I'll do differently from the way I used to. Maybe I will do some things from ambush and not notify you and let you find out when I do it. I knew what was going to happen on this one. [LB81]

PRESIDENT FOLEY: Time...time, Senator. [LB81]

SENATOR CHAMBERS: Mr. President, I want to withdraw that motion. [LB81]

PRESIDENT FOLEY: The bracket motion is withdrawn. Senator Erdman, you're recognized to close on FA84. [LB81]

SENATOR ERDMAN: Thank you, Mr. Lieutenant Governor. Little did I know two hours ago that all I wanted to do was have the state pay for the unfunded mandate that it would take this long. So here we are for closing on FA84. As I said when introduced this, this is an unfunded mandate. If we're going to require the county to pick up the cost of this then we should pay for it. I didn't get involved in the discussion whether it was constitutional or all those other discussions. My intention was to bring attention to the fact that it's an unfunded mandate. So let's discontinue putting unfunded mandates on counties and cities and all those other people that we do. Just to make sure that you understand what we're voting on, we're going to vote on FA84 and I'm going to ask you to vote green on that amendment. Thank you. [LB81]

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

Floor Debate
January 09, 2018

PRESIDENT FOLEY: 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; those opposed vote nay. Record, please. [LB81]

CLERK: 18 ayes, 0 nays, Mr. President, to place the house under call. [LB81]

PRESIDENT FOLEY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Wayne and Brewer, if you could return to the floor and check in. Senator Brewer, if you could return to the floor, please. Senator Chambers, we're waiting for Senator Brewer. [LB81]

SENATOR CHAMBERS: Who? [LB81]

PRESIDENT FOLEY: Senator Brewer. [LB81]

SENATOR CHAMBERS: We'll wait. [LB81]

PRESIDENT FOLEY: Senator Brewer, please return to the floor. The house is under call. Speaker Scheer, you're recognized. [LB81]

SPEAKER SCHEER: Thank you, Lieutenant Governor. While we're waiting for Senator Brewer to come up to the floor, I thought I would talk a little bit. There's been several of you that have asked about the impending weather and what we might be doing Wednesday and Thursday. Checking the weather, as of today, it looks like we will have rain perhaps late afternoon, tomorrow evening, perhaps turning to snow overnight. But it only shows a possibility of around two to five inches which is not really a ton of snow. However, it could get somewhat worse than that. So if you would I would ask those of you that are traveling back and forth to at least bring an overnight bundle with you in case the weather does not permit you to get back home tomorrow if things change. If things are looking like they're going to get very, very bad on Wednesday night and Thursday I may just simply call Thursday off because I'm not going to put people at risk as well. If we do have session I want to have to be able to produce and work on legislation. I'm not wanting to have everyone, or at least 25, show up, check in, and then head home. I want to be productive. So I'll...I have to wait until tomorrow to make affirmative decision on what we might be doing Thursday. But those of you that are your traveling that may end up having to stay overnight, please bring precautions in case that might happen. Thank you, Mr. Lieutenant Governor. [LB81]

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

Floor Debate
January 09, 2018

PRESIDENT FOLEY: Thank you, Mr. Speaker. All unexcused senators are now present. The question before the body is the adoption of FA84. All those in favor vote aye; those opposed vote nay. A record vote has been requested by Senator Chambers. Have you all voted who care to? Record, please, Mr. Clerk. [LB81]

CLERK: (Record vote read, Legislative Journal page 230.) 16 ayes, 26 nays on the amendment. [LB81]

PRESIDENT FOLEY: The amendment is not adopted. I raise the call. Mr. Clerk, items for the record. [LB81]

CLERK: Thank you, Mr. President. I have a new resolution. Senator Scheer offers LR276; that will be laid over at this time. In addition, I have a series of hearing notices from the Business and Labor Committee and the Judiciary Committee. And a few new bills, Mr. President. (Read LB930-938 by title for the first time, Legislative Journal pages 230-234.) [LR276 LB930 LB931 LB932 LB933 LB934 LB935 LB936 LB937 LB938]

Mr. President, returning to LB81, Senator Wayne would move to amend with AM1520. (Legislative Journal page 234.) [LB81]

PRESIDENT FOLEY: Senator Wayne, you're recognized to open on the amendment. [LB81]

SENATOR WAYNE: Good afternoon. Thank you, Mr. President. Members of the Legislature, I mentioned earlier about this amendment to try to find compromise, balance both the arguments that were on the floor and also what the needs of our local counties. And what my amendment does is Section 69-2407, we strike the three-year provision where these certificates are invalidated to five years. So instead of having to pay \$5 every three years it will be \$25 every five years. What I would ask this body to do is there's been some talk right now about different numbers out there. I'm not opposed to let's sit down and figure out a solution. But we've literally spent two hours and ten minutes on this issue. I think it's time to vote. I would ask for a green vote on this issue. And if we can figure out between now and Select File when it comes back some amendments I'd be more happy to sit down and work on that issue. But that's what my amendment does. It changes it again from every three years to five years. I'm willing to sit down and talk about what we can do on other things, but that's what this amendment is about. And with that, I would ask for your green vote. [LB81]

PRESIDENT FOLEY: Thank you, Senator Wayne. Debate is now open on AM1520. Senator Erdman, you're recognized. [LB81]

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

Floor Debate
January 09, 2018

SENATOR ERDMAN: Thank you, Mr. Lieutenant Governor. Senator Wayne, will you yield to a question? [LB81]

PRESIDENT FOLEY: Senator Wayne, would you yield, please? [LB81]

SPEAKER SCHEER PRESIDING

SENATOR WAYNE: Yes. [LB81]

SENATOR ERDMAN: Senator, thank you for bringing this. The question is...and I read your amendment. It says you're going to strike the three years and put in five. Why do we have to have renewal every five years? [LB81]

SENATOR WAYNE: Well, there's lots of reasons why you would. You can have criminal convictions. You can have people move out of the state. You can have sales of purchases of guns. So the reason these certificates were initially brought every three years was to make sure that there was some kind of updated record and report of what was going on with the handguns and the certificate. So that's why my understanding, we would have to...I think even five years we need to do some talking about how does that look like and what happens if you're criminally convicted of a crime during that time, particularly a felony. Is it automatically revoked? And I haven't spent the time looking at all of the statutes around here; obviously two hours I probably could have, but I was doing some other things. But that's why I moved it from three to five, to move us off of this agenda item. And so we can have a discussion about what those years look like and what those fees look like if you vote green. [LB81]

SENATOR ERDMAN: Okay, thank you for your answer. I was just curious to what happens in that three-year period now if someone is convicted of a felony. Do they revoke their handgun permit? [LB81]

SENATOR WAYNE: I am assuming that there is a mechanism in the law to do that, but without further research on it I could not answer you indefinitely. [LB81]

SENATOR ERDMAN: So let's say that there is. If there is, why don't we just make this a lifetime certificate we won't have to screw around with every five years renewing this? [LB81]

SENATOR WAYNE: Because you're asking me to make an assumption in the law and vote on something. And I don't think you would even do that, sir. [LB81]

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

Floor Debate
January 09, 2018

SENATOR ERDMAN: I understand. I would rather see it be lifetime, so I don't know if I can support AM1520 until I know if we can...amendment be a lifetime. [LB81]

SENATOR WAYNE: Well, that's the beauty of having three rounds of vote. You support it this round and we can talk about it next round. [LB81]

SENATOR ERDMAN: Thank you for your answer. I appreciate it. Thank you for your time. [LB81]

SPEAKER SCHEER: Thank you, Senator Wayne and Senator Erdman. Senator Hansen, you're recognized. [LB81]

SENATOR HANSEN: Thank you, Mr. President. That discussion inspired me to pop in my light and jump up and talk. I've done some work and some research on our various statutes and related to gun background checks in the state and other bills. Unfortunately there is not, to my knowledge, an automated mechanism that if somebody is convicted during the three-year window currently, or the proposed five-year window, to have that permit provoked a receipt. To my understanding, it's a laminated piece of paper and you can walk into a firearms gun dealer and receive that. If you are convicted the sheriff's can know that and might ask for it back, but they don't have any actual physical or statutory authority to actually go retrieve that from you, which is one of the reasons I think the original three-year window was put in place. If we've got an interest in groups working on this issue, wanting to work on this issue come together, balance fees and fines and years, I think there's some great opportunity for some opportunity to reevaluate our status as a whole and really support Senator Wayne in that effort. Thank you, Mr. President. [LB81]

SPEAKER SCHEER: Thank you, Senator Hansen. Seeing no others in the queue, Senator Wayne, you're welcome to close on AM1520. [LB81]

SENATOR WAYNE: Again, this is a simple amendment to move the dialogue forward. As Senator Erdman and Senator Hansen pointed out, there are some other complexities we need to deal with. But that's the beauty of having three rounds of votes. We can get this moving, move on to the next agenda items. I know the Speaker would be happy at that. And we can deal with this off of the second round and hopefully get some movement on what we need to do. So with that, I'll ask you to vote green on my amendment and move this forward. [LB81]

SPEAKER SCHEER: Thank you, Senator Wayne. The question before us is the adoption of AM1520. All those in favor please vote aye; all those opposed vote nay. There's been a request to

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

Floor Debate
January 09, 2018

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. Please record, Mr. Clerk. [LB81]

CLERK: 26 ayes, 3 nays, Mr. President, to place the house under call. [LB81]

SPEAKER SCHEER: The house is under call. Please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Wayne, how would you like to proceed with the vote? Been a request for a roll call, reverse order. Mr. Clerk. [LB81]

CLERK: (Roll call vote taken, Legislative Journal page 234-235.) 36 ayes, 10 nays on the amendment, Mr. President. [LB81]

SPEAKER SCHEER: AM1520 is adopted. Mr. Clerk. Raise the call. [LB81]

CLERK: Mr. President, the next motion I have, Senator Larson would move to indefinitely postpone LB81. Senator Blood, as the principal introducer, you have the option to take the motion up or lay it over. Take it up, Senator? [LB81]

SPEAKER SCHEER: Thank you, Senator Blood. Senator Larson, you're welcome to open on your motion. [LB81]

SENATOR LARSON: Thank you, Mr. President. Colleagues, I'll be short and sweet on this. In the end, regardless of Senator Wayne's amendment, I disagree with the concept of LB81. I understand that we've heard from our colleagues that they want to come together and reach and agreement. Well, in the end, I just don't like the bill. And we've heard from plenty of people or I have throughout the years, if you don't like a bill, why make a bad bill better? I disagree with the bill. I will vote no on the bill. I will continue to not support this bill. And in the end, I understand, we just made a--in my estimation--a bad bill better with Senator Wayne's amendment, but that doesn't mean I want to send this forward. So in the end I would...I just decided to file a motion to indefinitely postpone and we'll see where we are with this motion. Thank you, Mr. President. [LB81]

SPEAKER SCHEER: Thank you, Senator Larson. Senator Groene, you're recognized. [LB81]

SENATOR GROENE: Thank you, Mr. President. [LB81]

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

Floor Debate
January 09, 2018

SPEAKER SCHEER: Excuse me just a moment. Senator Blood, you're next up. Thank you. [LB81]

SENATOR BLOOD: Thank you, Mr. Speaker. I am glad that Senator Larson came to speak on his area of expertise when it comes to bad bills, because he's had a long list of bad bills, be it Airbnb, craft brewing, so he does speak from an area of expertise and I do respect that. But here's the bottom line, is that we're not talking about his area of expertise right now, we're talking about what I'm here to do and who I'm here to serve. And I'm here to serve the people of Sarpy County, as senators are here to serve Lancaster County and Douglas County and Cass County. And I'm really sorry that we've gotten off the rails on this bill because there's nothing that I hate more than wasting time. But the bottom line is that I'm not doing my job if I don't represent Sarpy County and Sarpy County taxpayers. And I can tell you that, as we make thousands and thousands of constituent calls, that although the people that support absolutely no fees or taxes whatsoever on guns are the loudest, the vast majority of people in my district--and it's a very conservative district--find it unpalatable that they have this burden put on the county because they know ultimately that it does trickle down to property tax if the county doesn't find a way to pay for it. I know there's a senator in here whose daughter actually...it's her only job, I believe, in Sarpy County to do this or a large part of her job. No, not anymore? That's what the sheriff told me. So, you know, I know that there's different people that have different aspects that pertain to this bill, be it their county is one of the counties that's overburdened or maybe their county is not one that's overburdened, but they know that with the increase in gun sales maybe eventually it will happen in your county. I didn't bring this bill forward because I wanted us--although I knew to a certain degree it was going to happen--to bicker. I am just trying to help my county and I'm trying to be a responsible legislator and I am listening to the numbers...I am looking at the numbers and the numbers show me that right now, because we are mandating that the counties do this, that they are stuck with this burden. And everything else right now is noise. I applaud Senator Wayne for hearing what I said about compromise. His amendment is a good amendment. I'm not going to do lifetime, that's not what we're being requested to do by law enforcement. I support expanding it to five years for \$25. We're not going to have to revisit this for decades, just like it hasn't been revisited for decades already. This is a good compromise and I thought that we were here in the Legislature to do just that and I guess I'm seeing otherwise. But I just ask, I plead one more time, can we just find middle ground? Can we move forward on this? It's ridiculous that we've spent so much time bickering on this bill. With that, I want to say that I do not support Senator Larson's attempt to IPP it. I am not surprised that it's Senator Larson that brought it forward, but he does not have my support on his motion. [LB81]

SPEAKER SCHEER: Thank you, Senator Blood. Senator Groene, you're now recognized and I apologize. [LB81]

Floor Debate
January 09, 2018

SENATOR GROENE: Thank you, Mr. President. It's good and wise that we continue to debate these things and we just don't rush them through. Here's a thought for you, all my fiscal conservatives. We have made a commitment that we will not have an A bill. We have no money. But here we go. Locals have money. We're going to put a mandate where we raise taxes and fees on the locals. We have a pretty strong version of a belief here from the Governor on down that we will not raise taxes...state taxes. But, by golly, we're just willing to vote for a bill where we're going to raise taxes on the same individuals. We won't raise their income taxes or their sales tax. But what's the difference, we'll just raise it on them locally. Think about it, my fellow fiscal conservatives. The balanced budget, an economy in trouble, we're going to put a burden on some individuals for higher taxation. Another question I have, why is it three years? Why is it five years? Why not, just like a register to vote when you never move or why not prove you can buy a gun, you're not a felon. And then if you get a felony, you take that card back, that registration card back? Another question I haven't had answered. Somebody gets the registration for three years, right to buy arms. The first year they get a felony conviction. Can they buy guns for the next two years until that runs out? My assumption is, if it's five bucks and you apply for the card, why not lifetime? Why not lifetime? It's registered at the state. If you receive a felony the court system looks at it and says, you have a permit to buy guns. We are revoking that because now you have a felony. I think we need to revisit this entire statute, put a little common sense into it instead of just raising the fee. If you go lifetime, the cost to the counties go down because they're only doing each individual once, not every three years. First, I will not raise taxes, fees on anybody in this state this year, I will not vote for it, period...this year. We represent individuals, not as state citizens. We represent all of our constituents as citizens. Money is fungible, as they always say, and a citizen doesn't really care when it comes out of his pocket if he's paying a higher fee or a higher tax. This is a tax increase. So if you want to vote for a tax increase, you go right ahead. I will not. Thank you. [LB81]

SPEAKER SCHEER: Thank you, Senator Groene. Waiting in the queue, Senator Chambers, Harr, and Wayne. Senator Chambers, you're recognized. [LB81]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I applaud Senator Blood for bringing a good bill. I applaud Senator Wayne for bringing a good amendment. Believe it or not, I applaud Senator Larson for keeping it short and sweet as he said, but he's still wrong. I'm opposed to his motion. Thank you. [LB81]

SPEAKER SCHEER: Well, thank you, Senator Chambers, for keeping it short and sweet. Senator Harr, you're recognized. [LB81]

SENATOR HARR: Thank you, Mr. Speaker. Folks, the integrity of this body is probably the most important thing that we're given when we join this body. It's something people did before

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

Floor Debate
January 09, 2018

us to create a standard when we create laws. When we come here we debate based on facts. We use rhetoric, and that's fine. But there's no place for personal attacks. Let's keep it aboveboard. Let's do the right thing. To me, no bill is more important than the honor and integrity of this body. Let's not attack each other, let's attack the facts and the issues in the bill. Let's be better. Let's do what's right. I supported this bill, but quite honestly right now I don't know where I am, because I have a problem with how a certain member was attacked. And I have probably a closer relationship with him than most of you do for a special reason, which I won't say on the mike. But we got to defend the house, guys. So let's debate. Let's get mean, let's get dirty, but let's talk about facts, let's talk about rhetoric, and let's leave it at that. Thank you. [LB81]

SPEAKER SCHEER: Thank you, Senator Harr. Senator Wayne, you're recognized. Senator Wayne, you're recognized. Normally one doesn't put their light on if they're going to leave, Senator Wayne. [LB81]

SENATOR WAYNE: Thank you, Mr. Speaker, Mr. President. I was actually trying to get history from outside the window because this...what I want to talk about goes directly to what we're doing right now. Senator Larson may not like the bill, but we were at a point where we could have voted on it. And the reason I went out to the lobby and was out there when...because I wanted to get more institutional knowledge of branch banking, telecommunication bills, big, controversial bills that were straight up 25, 24, 27, whatever, 28. But what this has turned into is almost a filibuster over a user fee from \$5 to \$25. What are we doing in this body? I didn't knock on all those doors to come down here and fight over a \$20 user fee. If we don't like it, let's vote on it, let's move forward. But if we're going to IPP when we're at a point where we're going to vote on the bill and if we're going to drag it out another hour, this can be a very long short session. I'm not trying to get into those games and I think this body, we got elected to do more than just that. I was looking at the agenda today. We have some substantial things that I think we need to be talking about today. And whether this bill goes up or down, let's just move on. Let's take a vote, let's move forward. But I was out there listening about telecom and branch banking because those were big deals in the '80s and '90s and it was straight up and down vote. And sometimes they passed the first round and tried to work out a compromise and couldn't get it and it turned around and it flipped to 27 nays and they lost. But it seems like my first year being here we spent 30 days on what rules we were going to operate on and didn't accomplish a lot. And now we're starting off this session doing the same thing. We have a lot of important bills we can get to and we've got to figure out where we're just going to start voting straight up and down and moving forward. What is a 33 vote, what is a 30 vote, and what is a simple majority vote? What are our priorities and what aren't? You can be against taxes...raising taxes and raising fees and just vote. We offered a compromise. A compromise is on the table and now we're going back to drag this out longer. I'm shutting off my light, I hope everybody else shuts off their light, and let's vote on the matter, let's get rid of...I hope Senator Larson will withdraw his indefinite postpone and let the bill have its up or down vote like it should. Thank you. [LB81]

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

Floor Debate
January 09, 2018

SPEAKER SCHEER: Thank you, Senator Wayne. Senator Hansen. [LB81]

SENATOR HANSEN: Thank you, Mr. President. And I appreciate Senator Wayne's comments, so I will try and keep this brief and move forward. But last time Senator Groene spoke I was under the balcony talking and I literally started jumping up and down and said to Senator Walz here, I have a bill that does a lot of what this does and what he's asking for. I just can't figure out a way to not have a fiscal note on it. So colleagues, when you have some time in the coming days and weeks, I have a bill, LB520, it's in Judiciary Committee. I've introduced it multiple years. We're trying to figure out a way to make our background checks more statewide, more comprehensive, because right now it really is a bit of like a paper and pencil system, such that if you apply and are a prohibited purchaser and get denied in Lancaster County, the only person that knows is that clerk in that sheriff's office. And how do we know our county attorneys, how do we know our police departments, how do we know other sheriffs in other counties you might have a connection to, how do we know that someone who's a felon who's trying to get a gun gets any sort of notification? We've had some great work in maybe working with the Crime Commission piggybacking some already existing information systems, just to make this a little bit more up to date, because as we're seeing...we're figuring out a lot of our laws in this section were written in 1991 when the Internet wasn't a thing that anybody believed in or trusted, when we didn't have, say, statewide databases that were easy accessible. We've got some opportunities there and if that's something that people...that now we've gotten their attention of, I think that's a great thing and a productive thing that will come out of this bill, whether this bill continues or changes or fails. So with that, I would respect the body's time and conclude my remarks. Thank you, Mr. President. [LB81 LB520]

SPEAKER FOLEY: Thank you, Senator Hansen. Senator Chambers, you're recognized. [LB81]

SENATOR CHAMBERS: Thank you. Mr. President, I appreciate the fact you recognized how short and sweet I kept it. I want Senator Wayne to know that when he said he wishes people would turn their light off, that's when I turned mine on because I think there's something I need to say. I don't change from day to day. I am aware of how much time we took. While I was at the Exec Board today, I let all those members know that I'd take my time on the floor because they're going to continue to misrefer bills to committees because things have been worked out in advance. So I will not waste time in that committee, but I will take all the time on the floor that I decide I will take. This is one of those bills which I think merited the discussion, because we were talking about this notion of guns and somehow that has become sanctified and nothing can be said about guns that the NRA does not give prior approval on. But today is just a foretaste of what I intend to do the rest of the session, whenever the spirit moves me. Thank you. [LB81]

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

Floor Debate
January 09, 2018

SPEAKER SCHEER: Thank you, Senator Chambers. Seeing no others in the queue, Senator Larson, you're welcome to close on your indefinite postpone motion. [LB81]

SENATOR LARSON: Thank you, Mr. President. And, you know, I understand we have...before this gets pulled off the agenda, there's about an hour left, but I agree. Let's...I'd prefer to just vote green on my IPP motion and then we can move on, so that would be my goal as well, Senator Wayne. So I would urge my colleagues to vote green on MO158. Thank you. [LB81]

SPEAKER SCHEER: Thank you, Senator Larson. The question before us is to adopt...indefinitely postpone LB81. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Senator Larson. There's been a request to place the house under call. Okay, there's been a request. The question is, shall the house go under call? All those in favor please vote aye; all those opposed vote nay. Please record. [LB81]

CLERK: 32 ayes, 2 nays to place the house under call. [LB81]

SPEAKER SCHEER: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber, record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Harr, Senator Linehan, would you please return to the floor? The house is under call. Senator Bolz, would you please return? And I'm sorry, Senator Larson, how did you want the vote? Roll call, regular order? Please proceed, Mr. Clerk. [LB81]

CLERK: (Roll call vote taken, Legislative Journal page 235-236.) 27 ayes, 17 nays on the motion to indefinitely postpone. [LB81]

SPEAKER SCHEER: General File, it just takes a simple majority. The LB81 is IPPed. Raise the call. Next item. Mr. Clerk. [LB81]

CLERK: Mr. President, LB100 is a bill by Senator Stinner. (Title read.) Introduced on January 5, referred to the Judiciary Committee, the bill was advanced to General File. I have no amendments to the bill at this time, Mr. President. [LB100]

SPEAKER SCHEER: Thank you, Mr. Clerk. Senator Stinner, you're welcome to open on LB100. [LB100]

SENATOR STINNER: Thank you, Mr. President. Members of the Legislature, LB100 sets the standards of proof utilized by boards of mental health in the restoration of a gun permit for

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

Floor Debate
January 09, 2018

people who have been through the program or have varying degrees of mental disability. Before describing the bill in more detail, I would like to give a brief synopsis of the mental health boards' responsibilities regarding this process and the history behind the bill. Mental health boards are tasked with the designating treatment to individuals who are deemed to be mentally unstable. In addition to this designation, mental health boards have the authority to place disqualifications on individuals from possessing firearms or applying for concealed firearm permit. But not all mental conditions are permanent or severe enough to merit lifelong disqualifications. It's the duty of the mental health boards to execute a fair and equitable process in the removal of such disqualifications. LB100 would require mental health boards to use clear and convincing standards of proof when determining the removal of disqualifications on a practitioner from the possession of firearms and when applying for a permit to carry a concealed firearm. The bill also changes the word "subject" to "petitioner" throughout its provision to more accurately reflect the individual person. Currently, mental health boards are required to use clear and convincing standards of proof when making a determination that an individual is mentally unstable. However, this same standard does not apply when an individual petitions the board to remove their disqualifications. District 12 mental health board brought this bill to me with the intent of standardizing the disqualification process throughout the life cycle. I introduced it to the body as LB815 last year. It was voted out of the committee 8-0 but unfortunately became caught up with everything else on the agenda. I believe it is important that the application of law is consistent throughout the state and the standards are proof are applied in an equitable manner throughout the entire disqualification process. That is why I'm in favor of the concept and apply those standards throughout this bill. I urge the body to vote green on LB100. Thank you, Mr. President. [LB100]

SPEAKER SCHEER: Thank you, Senator Stinner. Seeing no one in the queue, you're welcome to close. Senator Stinner waives closing. The question before you is the adoption of LB100. All those in favor, please vote aye; all those opposed, please vote nay. Have all voted that wish to? Please record. [LB100]

CLERK: 37 ayes, 0 nays on the advancement of LB100, Mr. President. [LB100]

SPEAKER SCHEER: LB100 is advanced to E&R Initial. Next item, Mr. Clerk. [LB100]

CLERK: Mr. President, LB321 is a bill by Senator Lowe. (Title read.) Introduced on January 12, referred to the Judiciary Committee, advanced to General File. At this time, I have no amendments to the bill. [LB321]

SPEAKER SCHEER: Thank you, Mr. Clerk. Senator Lowe, you're welcome to open on LB321. [LB321]

Floor Debate
January 09, 2018

SENATOR LOWE: This is a simple bill. It will address a one-word change in regards to a lawful possession of a firearm at a university or a college. Currently the language states, "firearms which may lawfully be possessed by a member of a college or university rifle team, within the scope of such person's duties as a member of the team". LB321 would remove the word "rifle" from the statute. This would be done to ensure that if a university or college decided to have a sports team that used firearms or other than a rifle they would have the option to safely secure those firearms on campus. Other collegiate or university teams that could use a firearm include trap shooting, skeet shooting, shotgun, and muzzle loading. There are at least two universities that have these types of teams of clubs at this time: the University of Nebraska-Omaha and the Nebraska College of Technical Agriculture. Midland University, Doane University, Hastings College, Concordia University offer shotgun and shooting as official varsity sports for men and women. Several other schools have shown interest or have had similar club teams in the past. LB321 does not change any other statutes and does not pertain to high school competitive teams. The bill made it out of committee 7-0. There was no opposition. I urge you to vote yes on LB321. Thank you, Mr. President. [LB321]

SPEAKER SCHEER: Thank you, Senator Lowe. Senator Harr, you're recognized. [LB321]

SENATOR HARR: Thank you, Mr. Speaker. I guess we're here on gun day today. I spoke to Senator Lowe about this. I have a certain problem without a solution, so I'm going to bring up my problem and maybe we'll debate it for a while and we can think of something. And if we can't, I'll work with Senator Lowe between General and Select. But it gets rid of term "rifle" and it says team as duties...as part of the duties of being on that team. Well, what is a team, right? Do we have the anarchy team? Do we have Team Jack? Do we have team, you know, gun-carrying crazy? What is that team? So we need to be able to identify what the team is that you're a member of that allows you to carry that gun on campus, otherwise the exception becomes a whole rule. And I know that wasn't the intent of Senator Lowe so I'm willing to work with Team Lowe on this and come up with a solution between now and then. Thank you. [LB321]

SPEAKER SCHEER: Thank you, Senator Lowe. Senator Chambers, you're recognized. [LB321]

SENATOR CHAMBERS: Mr. President, the reason...members of the Legislature, I was not here when this bill was voted out of committee but I have problems with it right where Senator Harr touched on and I circled it in the book because there's just one change in this bill. It strikes the word "rifle." I watch a lot of news. There are fraternities that have been allowed on campus. They're authorized to be on campus. They are a part of the campus life. What are the duties of a team? I am not going to support any bill, especially when it relates to guns, when it's wide open and it's like a big house dress: it covers everything and touches nothing. This doesn't tell us

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

Floor Debate
January 09, 2018

anything at all. Any team that's allowed on campus can carry these guns. I'd like to ask Senator Lowe a question or two for the record. [LB321]

SPEAKER SCHEER: Senator Lowe, would you please yield? [LB321]

SENATOR LOWE: Yes, I will. [LB321]

SENATOR CHAMBERS: Senator Lowe, what kind of teams carry guns on campus? [LB321]

SENATOR LOWE: Right now legally, just the rifle team. [LB321]

SENATOR CHAMBERS: So if that's the only one that can carry guns legally, without this change they can do that still, can't they? [LB321]

SENATOR LOWE: Well, Midland University just won the national championship for shotgun shooting. They cannot legally have their guns on campus. [LB321]

SENATOR CHAMBERS: Then why don't...would you put shotgun then? The guns, the shot...the rifle...the long gun team. Now they cannot legally possess sawed-off shotguns. [LB321]

SENATOR LOWE: The...well, right now, my guess is these competitive people, it's probably in the trunk of their car. [LB321]

SENATOR CHAMBERS: They do what? [LB321]

SENATOR LOWE: It would be much safer if they would be able to store it on campus in a locked facility. [LB321]

SENATOR CHAMBERS: I think I missed what you said. They would have to travel with these guns in a car... [LB321]

SENATOR LOWE: No, right now I believe that when you go to competitions, where else are you going to put your gun when you're on campus? You can't take it into your dorm room. Wouldn't it be better if they could keep their weapons on campus in a proper place? [LB321]

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

Floor Debate
January 09, 2018

SENATOR CHAMBERS: So your intent is to let them carry these rifles anywhere with this amendment? That's your amendment? Is that what your amendment is intended to do? [LB321]

SENATOR LOWE: No, it's not intended so they can carry it anywhere. It's so that they can have...well, they would be allowed to transport them to a safe place on campus. [LB321]

SENATOR CHAMBERS: Why can't they do that now? [LB321]

SENATOR LOWE: It's illegal to have a gun on campus. [LB321]

SENATOR CHAMBERS: I mean with this bill. This bill allows. This bill carves out the territory you're talking about. If they're with the rifle team then they can have this gun on campus. [LB321]

SENATOR LOWE: Yes. [LB321]

SENATOR CHAMBERS: Well, who else other than the rifle team, do you want to be able to have a gun on campus? [LB321]

SENATOR LOWE: Well, the shotgun team. The Big Ten also has pistol competition. [LB321]

SENATOR CHAMBERS: So then this would allow them to carry pistols also? [LB321]

SENATOR LOWE: Yes. [LB321]

SENATOR CHAMBERS: And they could carry it on their person? [LB321]

SENATOR LOWE: Well, it's hard to get it into the locked room if you don't take it somehow. [LB321]

SENATOR CHAMBERS: No, I mean carry it around. This doesn't say they leave it in their room. [LB321]

SENATOR LOWE: No, it does not say that. And right now they're not carrying rifles around campus either. [LB321]

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

Floor Debate
January 09, 2018

SENATOR CHAMBERS: You can see a rifle. [LB321]

SPEAKER SCHEER: One minute. [LB321]

SENATOR LOWE: You can see a pistol. [LB321]

SENATOR CHAMBERS: From what I've heard, they hide them. [LB321]

SENATOR LOWE: I've seen rifles hidden too. [LB321]

SENATOR CHAMBERS: Then this is just a bad bill that you're bringing because it's so vague I don't think you have answers to these questions and that's why what you're saying doesn't make sense to me, but we'll have the opportunity to discuss it. I will turn on my light and I won't do it by interrogating you. Thank you, Mr. President. [LB321]

SENATOR LOWE: I'd be glad to talk to you anytime. [LB321]

SPEAKER SCHEER: Thank you, Senator Lowe and Senator Chambers. Mr. Clerk for an amendment. [LB321]

CLERK: Mr. President, Senator Schumacher would move to amend the bill with FA85. (Legislative Journal page 236.) [LB321]

SPEAKER SCHEER: Senator Schumacher, you're welcome to open on FA85. [LB321]

SENATOR SCHUMACHER: Thank you, Mr. Speaker, members of the body. I'll try, in the interest of short and sweet, keeping this short and sweet. Senator Lowe's amendment strikes the word rifle team, member of the college or university rifle team, and he takes the word "rifle" out. And in listening to his opening, what he means is shotguns, pistols, those things that shoot bullets--firearms. So this amendment is very simple. It inserts the word "firearm," the university firearm team. Otherwise the university's debate team might carry guns, I mean particularly if the resolution was be it resolved that there be gun control or be it resolved that concealed weapons must show a bulge in the pockets, whatever the debate topic might be. So this makes it clear that the team we're talking about is not the music team, not the debate team, not the gymnastics team but a firearm team. And that's all this is and it clarifies that one part and I think achieves some of the intention of Senator Lowe. Thank you. [LB321]

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

Floor Debate
January 09, 2018

SPEAKER SCHEER: Thank you, Senator Schumacher. Senator Chambers, you're recognized. [LB321]

SENATOR CHAMBERS: Thank you, Mr. President. I'd like to ask Senator Lowe a question. [LB321]

SPEAKER SCHEER: Senator Lowe, would you please yield? [LB321]

SENATOR LOWE: Yes, I would. [LB321]

SENATOR CHAMBERS: Senator Lowe, I don't think that Senator Schumacher's amendment is difficult to understand at all. How do you feel about his amendment? [LB321]

SENATOR LOWE: I believe I could live with that amendment. [LB321]

SENATOR CHAMBERS: Oh, you could live with it? Okay. Could you live without it? (Laughter) [LB321]

SENATOR LOWE: You know, it all depends. [LB321]

SENATOR CHAMBERS: Could you live without this bill? [LB321]

SENATOR LOWE: Could I live without this bill? I probably could, but I couldn't go back to the people that brought it to me. [LB321]

SENATOR CHAMBERS: You wouldn't be happy without it though. [LB321]

SENATOR LOWE: I would not be happy. [LB321]

SENATOR CHAMBERS: How did you vote on that last bill? You voted to kill it, didn't you? [LB321]

SENATOR LOWE: Yes, I did. [LB321]

SENATOR CHAMBERS: Thank you. Members of the Legislature--that's all I will ask of you--I think I'm going to spend some time on this bill. See, you all think that when I don't speak in

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

Floor Debate
January 09, 2018

angry tones then I've changed my convictions, but I haven't. What I'm thinking about trying to do is ban these kind of teams from universities. Don't let the university be the place where they go to learn how to shoot these guns and might, on that campus, decide to take somebody out or several somebodies. I don't think when fraternities were authorized to be on these campuses that it was envisioned they would do the kind of things that they have done which have resulted, in some cases, death and, in many cases, serious injury. And when that happens, a university, as one of them recently did, suspended that particular fraternity for ten years. They should have banned it, period. There should not be organizations sanctioned by the university where there can be drinking, where there can be firearms, where there can be readily available implements to harm other people. So I'm going to ask you this question. I said I wouldn't interrogate you, but we're on an amendment now. With Senator Schumacher's amendment, there is no limit to where and when these firearms can be possessed based on the language of the bill, is there? And if there is then I'll listen to you point it out to me. [LB321]

SENATOR LOWE: There was no limit in the original law either. [LB321]

SENATOR CHAMBERS: Well, that doesn't answer the question. It was a bad law then and it will be a bad law now. But I'm asking you, is there any limit to where these guns can be carried if they are a part of this firearms team? [LB321]

SENATOR LOWE: No, there's not. [LB321]

SENATOR CHAMBERS: And it doesn't say that it's a firearm team or firearms team that participates in intercollegiate competitions, does it? That's not mentioned here at all, is it, with or without his amendment? [LB321]

SENATOR LOWE: It's within the scope of a person's duty of a member of the team. So it must... [LB321]

SENATOR CHAMBERS: But it doesn't say... [LB321]

SENATOR LOWE: So it must be within the scope of that team. [LB321]

SENATOR CHAMBERS: It doesn't say that the scope is limited to intercollegiate-sanctioned firearms completion, does it? [LB321]

SENATOR LOWE: I was not elected to be a Regent. [LB321]

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

Floor Debate
January 09, 2018

SENATOR CHAMBERS: What are their duties? You were elected to bring legislation and you ought to understand it. And I'm talking to you about what you said you were going to come here and do. You can be smart-alecky if you want to and so can I. So let's be smart-alecky together. You brought a bill which you don't really understand the limitations of, isn't that true? [LB321]

SPEAKER SCHEER: One minute. [LB321]

SENATOR LOWE: I do understand the limitations of it, and I'd rather have students learn in a proper place how to handle a weapon than with friends out somewhere else. [LB321]

SENATOR CHAMBERS: Where...I don't see that in this bill? It just says a member of the team. It doesn't say anything about training. It doesn't say friends. It doesn't say anything that you're talking about now, does it? And maybe I'm not reading it. [LB321]

SENATOR LOWE: No. No, it doesn't say anything about training. [LB321]

SENATOR CHAMBERS: So let's deal with what is in yours and I'll turn on my light because I think my time is just about up. [LB321]

SPEAKER SCHEER: Thank you, Senator Chambers. Seeing no one else, Senator Chambers, you're recognized. [LB321]

SENATOR CHAMBERS: Thank you. I'm going to read this language. The statute as it exists now gives a number of situations in which it would be all right to have these weapons. This is subdivision (d): Firearms which may lawfully be possessed by a member of a college or university either rifle or firearms team, within the scope of such person's duties as a member of the team. It doesn't mention anything about the training a person would have to have in firearms to be a member of this team, does it? I'm asking Senator Lowe a question. It doesn't, does it? [LB321]

SENATOR LOWE: No, but I'd hate to be a university that didn't have practice times, especially with firearms. [LB321]

SENATOR CHAMBERS: Well, that can be what you say. I'm talking about the law. That's all I'll ask you. [LB321]

SENATOR LOWE: Thank you. [LB321]

Floor Debate
January 09, 2018

SENATOR CHAMBERS: I don't want to put people in water beyond their depth, beyond their depth. But just like Senator Hilgers knew what I was talking about, Senator Lowe is not as dumb as he's pretending. If he was really as dumb as he's pretending, he couldn't ride from...drive from wherever he lives to this place safely like he does however many times a week. He's cagey as a fox, sly as a fox. He knows how to turn questions to his advantage. When he was asked about money that the Governor gave him, \$10,000, he said he doesn't run me. I gave him as much money as he's given to me, which I didn't know. I pay attention to my colleagues. That's what his answer was, not whether the Governor is going to have influence with him from giving him that money, because Senator Lowe may be one of those people who does not want to tell a falsehood. So rather than tell a falsehood by saying the Governor is not going to influence him, he threw a diversionary answer out there which the reporter did not deal with. But I'm used to dealing with cagey, clever, wily individuals and this is a bill which is way too loose. Now because the NRA runs this Legislature, Senator Lowe, you'll get your bill eventually. But you're not going to get it today unless I'm struck dead. And the only one who could strike me dead is God. And the only one who's got influence with God, if there is a God, is probably me because I'm honest and the rest of you are not. So you can't call on God to strike me dead. He'll probably say I'm going to do to you what you want to do to somebody else. Bam! And then the Speaker will be calling your family to announce that Senator Lowe is no longer with us because Senator Lowe has been laid low. And that's the way it will go, Senator Lowe. But I'm going to deal with this kind of stuff the way I want to. I'm not going to let the NRA have free sledding all the way through this session. I watch bad bill after bad bill. And people don't have the heart. They don't have the gumption, if that's a term more familiar to people in a rural state, they don't have the gumption to stand up and fight for their convictions. But I do. And this might encourage you, Senator Lowe. Remember I am 80 years old, officially 80 years old. [LB321]

SPEAKER SCHEER: One minute. [LB321]

SENATOR CHAMBERS: I still don't sit down in my chair. It's going on 4:00. Look at my colleagues sitting around. Look at their...they're tired. They're half my age and younger. Now if these youngsters are that tired you know that an 80-year-old man has to be exhausted, right? Can't you see that exhaustion in me? I'm barely hanging on, but I've got to go on. I cannot let down. There's a standard I set for myself that I must live up to. Senator Friesen and I have gotten along fairly well, but I doubt that there's a person in here who would not be happy had I died 10 or 12 years ago. And if you all and your forebears in this Legislature had not been so mean and hateful to me, I would have gone ahead and died 10 or 12 years ago being decent. But you all... [LB321]

SPEAKER SCHEER: Time, Senator. [LB321]

Floor Debate
January 09, 2018

SENATOR CHAMBERS: ...irritated me so much that now... [LB321]

SPEAKER SCHEER: Time, Senator. [LB321]

SENATOR CHAMBERS: You said what, time? [LB321]

SPEAKER SCHEER: It is time, Senator. Senator Chambers, you're recognized and this is your third time at the mike. [LB321]

SENATOR CHAMBERS: Yes, usually when somebody says it is time, it's the International Harvester if you use modern terms, the Grim Reaper if you're from the old school. But as I was going to say, I continue living now just to spite you all. I'm living on spite. Every day you wake up and you say that Chambers is not dead yet, you're going to be upset and I will have won. And when I told those people in the Exec Board today that they can misrefer bills and do all that they want to do, they can destroy the integrity of the Exec Board, they can destroy the integrity of our referencing system, but I wasn't going to take a lot of time in the committee--I told them that today--but I told them I would take time on the floor and I'm going to. That bill that was killed before was killed pursuant to the orders of the NRA. That's why it was killed. I've heard any number of senators who voted to kill that bill talk about unfunded mandates, overreaching by the state, over and over and over. But the NRA dictates to them what is going to happen on the floor of this Legislature and the NRA will win because the NRA has more votes than I have but the NRA cannot shut me up, unless they want to use some of their weaponry to do so. Now that will shut up even me, but their aim better be true and I better not see the one who did it and survive. There is nobody who can intimidate me. There is no thing that can intimidate me. But, Senator Walz, I'm not a fool. If I were in the middle of one of my presentations and I'm holding forth like Cicero and you walked up as ladylike as you are and in a very ladylike way put a pistol against my forehead and I knew it was loaded and you cocked that hammer and you say you...and you said this: Ernie, if you say one more word I'm going to pull this trigger. Silent night, because I'm not crazy. I will not voluntarily go to my end or assist in bringing myself to an end, unless doing the things that I believe in will carry that as a consequence. This is a bad piece of legislation. It is way too broad. Senator Lowe and I could have had a discussion and between us we might could have hammered out some language to get to what it is he's talking about. But the NRA doesn't explain language to those who carry their bills, Senator Hilgers. The NRA says go and they go. The NRA says stay and they stay. And the Governor watched them. And the Governor has learned that and he tells Senators in here go and they go, sit and they sit, say this and they say this, jump and they jump and say, is this high enough or far enough? You can tell the newspapers all you want to that the Governor doesn't own or control you and I know he does and I can, in a lot of instances,... [LB321]

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

Floor Debate
January 09, 2018

SPEAKER SCHEER: One minute. [LB321]

SENATOR CHAMBERS: ...write the names of those who are going to vote a certain way before they vote it and I did it several times last session. I know who you are and you know who you are and everybody else does too. It's silly for people in politics to take a lot of money and say the one who donates that money doesn't control me. Look at the NRA. You think they'd give all that money if they didn't control the people who get it? They're not a nonprofit charitable operation. Money buys influence. But Nebraska Legislatures are so cheap, cheaper by the dozen. Buy one and get one free. And when you've got both of them you don't have anything. Two zeros, two zeros still equals zero. You can run a million zeros out there and it's still nothing unless you put a digit in front of all of those zeros. Then you have put a number into existence. [LB321]

SPEAKER SCHEER: Time, Senator. [LB321]

SENATOR CHAMBERS: Thank you, Mr. President. [LB321]

SPEAKER SCHEER: Thank you, Senator Chambers. Seeing no others in the queue, Senator Schumacher, you're welcome to close on FA85. [LB321]

SENATOR SCHUMACHER: So much for short and sweet. This simply makes it clear that we're talking about a firearms team and not the debate team or music team or gymnastics team. And I think as I understood Senator Lowe's response to Senator Chambers, it's okay with him. Thank you. [LB321]

SPEAKER SCHEER: Thank you, Senator Schumacher. The question before us is the adoption of FA85. All those in favor please vote aye; all those opposed please vote nay. Have all voted that wish to? [LB321]

CLERK: Senator, did you press...? Thank you. [LB321]

SPEAKER SCHEER: Please record, Mr. Clerk. [LB321]

CLERK: 40 ayes, 1 nay, Mr. President, on the adoption of Senator Schumacher's amendment. [LB321]

SPEAKER SCHEER: There is a request for a record vote. [LB321]

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

Floor Debate
January 09, 2018

CLERK: Thank you. (Record vote read, Legislative Journal Page 236-237.) 40 ayes, 1 nay on the amendment, Mr. President. [LB321]

SPEAKER SCHEER: FA85 is adopted. Mr. Clerk. [LB321]

CLERK: Mr. President, Senator Chambers would move to bracket the bill until April 18 of this year. [LB321]

SPEAKER SCHEER: Senator Chambers, you're welcome to open on your motion. [LB321]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I'd like to engage Senator Lowe in an exchange now that we have the bill in a different form. Senator Lowe, would you answer a question or two? [LB321]

SPEAKER SCHEER: Senator Lowe, would you please yield? [LB321]

SENATOR LOWE: Yes, I will. [LB321]

SENATOR CHAMBERS: Senator Lowe, prior to this amendment, rifle team was a term understood by all these universities that participate in these activities, would you agree with that? [LB321]

SENATOR LOWE: Yes. [LB321]

SENATOR CHAMBERS: These other schools are not going to be known as firearms teams, are they, just because we put this language in this statute? [LB321]

SENATOR LOWE: No, but I believe it encompasses those teams. [LB321]

SENATOR CHAMBERS: It goes beyond what other schools call their competitive teams in this area, isn't that true, going by the language of it? [LB321]

SENATOR LOWE: I would have to think on that. [LB321]

SENATOR CHAMBERS: Okay. And since I'm not trying to trick you. That's all I will ask you. Members of the Legislature, from that brief discussion I think some of you will understand what

Floor Debate
January 09, 2018

I'm saying. If there is football, because you all understand that...by the way, I didn't know I'd live long enough to see the second coming of Christ and he came from Central Florida University (laughter) surrounded by angels and the Mormon Tabernacle Choir. I saw, when I come from Omaha, they have what they call Nebraska Crossing. And they have these huge lighted-up signs in a row and they usually give the names of businesses. Each one said Welcome Frost, Welcome Frost, Welcome...all the way down the highway. That shows how "hickified" this state is. The most important thing to people in this state is they've got a football coach and he's going to get \$35 million in salary and he and none of these rotten coaches are in favor of paying the players as I have been for decades. I started trying to pay them back in the '70s and I was ridiculed. And you, without a bat of the eye, give these coaches this money. And without these players these coaches have nothing. So I'm going to write "Lord" Frost a letter and ask him how do you feel about those who make you this very rich living receiving compensation. They are the ones who earned that money. For Senator Groene's information, because I don't know if he pays attention to football, they are the only group of people as a group in the university setting who generate revenue rather than consume it, generate millions and millions of dollars. They made it possible for Nebraska to move from the Big 12 into the Big Ten where it is even more lucrative. And when some of the teams do well money is put in a pot and all of the schools share. Nebraska is making more money now being a part of the Big Ten and not one of them has the decency to talk about paying these players. I hear these conservatives like Senator Halloran and the other two talking about the role of the university, but they don't talk about how much time outside the classroom these players have to spend, how they cannot hold a job, they cannot receive any benefit from somebody who's not a family member or an adoptive parent. And you have poor people, black and white, coming from rural areas, poor depressed areas and there's no way their families can afford to give them the things that they have so it's clear they are receiving benefits in violation of NCAA rules and everybody knows it and they all look the other way. And people who are ordinarily honest people have to pretend and go along with a lie and tell these players something about sportsmanship, integrity, and they're some of the biggest crooks you can find exploiting these players. And had I not gotten legislation when one of them got hurt, they would have lifted the scholarship and put him out. They wouldn't have insurance. Nebraska is the only school in this country that has insurance for these players, the equivalent of workers' comp. I wanted to require that they be given workers' comp but the university thought that brought them too close to being employees. So I said if you're not going to pay them as employees, insure them as students. So the university agreed to establish an insurance program, the equivalent of workers' comp which exists nowhere else. And when it does exist, it will be because they copy what I did in this state while I was being mocked and ridiculed. There was a young man many years ago named Budge Porter who got hurt on a football team...field and they didn't even have an ambulance to carry him in so I think they took something like a board or something and put him in the back of a station wagon and carted him to the hospital. He's crippled to this day. Two or three years ago they finally built a house for him that would accommodate his disabled condition. And I use those things to show how these players are so much jetsam and flotsam.

Floor Debate
January 09, 2018

And why would I bring that up now? Because I'm talking ultimately about intercollegiate competition. If Nebraska passed a statute and said instead of us calling this football we're going to call it kickball and that's what it is, these other schools in the Big Ten are not going to call it kickball and they going to what's the matter with you. What are the rules that you play this that you call it by? You're in the Big Ten as a football team. If you're not a football team, you're out of the Big Ten. We cannot change everything in the outside world by what we put on paper in this state. It will be the law in this state but it controls what happens in this state and not outside of its borders. So if Nebraska is going to be in this competition, everybody else has a rifle team, Nebraska has a firearms team. Do firearms that these Nebraska players...not...these team members use, are they restricted to the rifles that rifle teams use in the other schools against which they will be competing? Have you corrected a problem or have you generated one? It doesn't make me any difference one way or the other because you all worship the gun and this is a part of that worship. But when it comes to this I'm a nonbeliever. I'm not a heretic. Some people don't know what a heretic is. A person cannot be a heretic unless he or she once believed and then fell away from the faith. If you never believed you cannot be a heretic. Words have meaning but people don't bother to learn what those meanings are. So I'm not a heretic; I'm a nonbeliever in guns: not all guns, not for all purposes but the NRA's version where when hundreds now literally of people are killed, the NRA still says guns don't kill people, people do. Do you think that guy could have killed all those people with his bare hands? Even if he had a knife and people were going to stand there lined up, he'd get tired before he could kill all of them if he was going to strike a fatal blow toward each one. You all know guns kill people. Why do you think they want magazines with this humongous number of rounds in a magazine? Why? You don't go...I don't think you're so cruel and uncivilized that you're going to go out there with one of these AK-47s--that's the generic term that is applied even if the gun is not an AK-47, but everybody knows what that is. [LB321]

SPEAKER SCHEER: One minute. [LB321]

SENATOR CHAMBERS: Go out there with this multi-round magazine and shoot Bambi. (Machine gun sound) They said, did you get him? I don't know. We'll go up there and see if there's enough left to know what it is we killed. Even these idiots with the NRA don't say that these guns are for hunting. I don't know that Game and Parks rules and regulations would allow you to go out there with a submachine gun and hunt. So what are you going to be hunting? Human beings. Not really hunting, slaughtering. They're unarmed, unsuspecting. There is a gun culture here now and there are so many guns on the street, in homes. The gun could sing that sunbeam song. Substitute gun for sunbeam. Jesus wants me for a sunbeam, to shine for him each day, in every way try to please Him--and this is where the gun is--at home, at school, at play. A gun... [LB321]

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

Floor Debate
January 09, 2018

SPEAKER SCHEER: Time, Senator. Thank you, Senator Chambers. Senator Ebke, you're recognized. [LB321]

SENATOR EBKE: Thank you, Mr. President. I rise in opposition to the bracket motion. I think that...this bill came to the Judiciary Committee and I think that we missed a word or two that we should have added back in. And so we have...I have drafted an amendment which is below Senator Chambers bracket motion obviously which would adjust the meaning. I think that Senator Schumacher's amendment made a good start. What we would do is specify the words "school sponsored" prior to "firearm" so that it is a school-sponsored firearms team. Now I understand that Senator Chambers has a bit of concern about kind of the generic use of firearms; however, I'm not sure we want to go down the path of specifying every single type of firearm that there could be a team for now or in the future. So we know that there are some rifle teams. There are pistol teams. There are shotgun teams. And that would be my preference. Of course, if Senator Chambers wants to specify each and every one we can certainly do that. But again, I would oppose the bracket motion and hopefully we can get to my amendment and discuss that then. Thank you. [LB321]

SPEAKER SCHEER: Thank you, Senator Ebke. Senator Brewer, you're recognized. [LB321]

SENATOR BREWER: Thank you, Mr. President. And, Senator Ebke, thank you for the voice of reason. I guess I'm out a little stressed and disappointed. And just so you know, Senator Chambers, I received no endorsement from the NRA and I received no money from them. Now with that said, as I've shared before, I was the National Commander of the Army marksmanship center. I was a coach for the U.S. Olympic team. Now those are a couple of qualifications that probably should entitle you to some type of an endorsement from the NRA. So we won't discuss that because what we're talking about here is we have young men and women who, keep in mind, it isn't just the Nebraska women's rifle team, which if you haven't followed them they're one of the top teams in the nation--something we can be very proud. They have very strict rules with the transportation of their weapons in cases. How they perform is affected on whether or not they can safely and legally move their weapons. Along with that is the ROTC. At the point that they are students at the university, they are not in the military yet so they have no special privileges with any type of an ID that gives them an ability to do anything that would give them special classification. So if we don't give them a method of moving, whether it be shotgun, pistol, or whatever, and when we're talking rifles, it's not AK-47 or 30-round magazines. It's small bore rifle. It's .22 caliber rifle--great, big, heavy barrels and a single shot. It's developing fundamental skills that they will use in their lifetime, whether it be as a civilian or wearing the uniform of their country. So let's just take a deep breath, try and figure out, as Senator Ebke has said, a way to help the children figure out how to safely do what they want to do as a part of being a student at the university or wherever they're going to be going to school. So with that

Floor Debate
January 09, 2018

said, I would just ask that we take a look at how to correct the verbiage within the bill and do it right. Thank you, Mr. President. [LB321]

SPEAKER SCHEER: Thank you, Senator Brewer. Senator Chambers, you're recognized. [LB321]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I never got farther than a private, but I think this time the private can chastise the commander. I didn't say Senator Brewer brought this bill. I mentioned a bill that was in the Judiciary Committee and said that I tried to kill his bill that he brought because some gun organization asked him to bring it, because others had brought that kind of bill before. I didn't specify the NRA on that because you have too much pride to be with somebody who's going to you better do what we say or else. And they wouldn't come to you like that. So I made a distinction; I think that you didn't pick that up. I'm going to let that soak in. But here is what we're looking at. Under the law as it is now, Senator Brewer, everything you're saying needs to be done can be done. Senator Lowe wants to go beyond that. He said that that's why the language has to be changed. I wanted to know, because the term "rifle team" has a meaning, not just in Nebraska but wherever the competitive shooting at the intercollegiate level occurs. Everybody in that game knows what a rifle team is. Everybody who follows football knows what the term "blitz" means. They're not talking about the military. It's a military term but it has a specific meaning associated with football. A long bomb doesn't mean some terrorist is going through a hand grenade. It means a long pass. When they throw a bullet that means the ball is moving in a tight spiral, not a piece of ammunition. So there is language that is used in a given area which those who participate understand the meaning of that language. The law uses the term, quote, term of art. It means that this is a word which has a popular meaning but in this setting it means, and then it's defined for the purpose of that statute. The Nebraska statutes have a place where you can find definitions of words that are in the statutes and what they mean when they're used in the statute. Person doesn't just mean a natural human being, it can mean an organization, a corporation, a collection...it means different things. And that way one word can be used instead of a description and then you go to the definition of words to see what that word may mean when used in the Nebraska statutes. Words have meaning. This term, "rifle team" is understood. There is no need for this bill in the first place. And when you try to take that which is not broken and fix it you make it worse. You complicate the situation. If you have a system of gears which seem to work when you study them the opposite way you want to because when I turn this one to the right, the gear above it turns to the left and the one above that one turns to the right. And the more gears you have, the more power is transferred. And sometimes the more gears you have, the more power at the ultimate end can you generate than you did when you turned the first gear at the bottom. So there are things that are counterintuitive. But those who understand mechanical things understand all of this. They understand these principles. They know how to apply them and make them work.

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

Floor Debate
January 09, 2018

When you say university rifle team, everybody knows what that is and the...let me ask Senator Lowe a question, if he will respond. [LB321]

SPEAKER SCHEER: One moment. Senator Lowe, would you please yield? [LB321]

SENATOR LOWE: Yes, I will. [LB321]

SENATOR CHAMBERS: Senator Lowe, Did somebody ask you to bring this bill? [LB321]

SENATOR LOWE: No, they did not. [LB321]

SENATOR CHAMBERS: You didn't talk to the...okay, thank you. I'm not going to ask questions that I don't need to ask. The fact that nobody asked him to bring it meant that the rifle team had no problem with it. Everybody--this is me saying this now and it can be taken as an accusation--everybody wants to have a gun bill that they can have behind their name where they got a change in the law. Gun people want special consideration in every way. If the one affected did not ask for the change, why bring the change? Senator, and I'll refer to him today as "Professor" Schumacher brought an amendment that would broaden the reach of the bill. But who said that it was necessary... [LB321]

SPEAKER SCHEER: Time, Senator. Thank you, Senator Chambers. Senator Lowe, you're recognized. [LB321]

SENATOR LOWE: I'd like to thank Senator Harr, Senator Schumacher, Senator Ebke for their input on this. Senator Brewer, thank you. Senator Chambers, thank you for the discussion today. This bill is simply to allow our colleges and universities to have competitive teams other than rifle in the firearms categories, the shotgun category, the pistol category. It is not meant for anything else. It's very simple. And right now, as we've seen with our budget, we really don't control much of the university. And with this, I don't want to put any more controls on how they run their teams. The university knows best on how to run its teams. I was not elected a regent. I don't have a say-so in how they run their teams. I was elected a state senator. My job is to give them the ability for them to facilitate how they run their teams. And that's my intent what to do here today. Senator Chambers, no, I did not have anybody bring this bill but I had a son on a competitive shotgun team in high school and competed at the high school level. When he went to college, well, originally up in Minnesota and then transferred here to Nebraska, there was not a team for him to shoot on. This would allow him to do that and would allow other students to do that in a controlled environment. And I think that's what we need to think about is do we want our children, our young men and women, learning the proper etiquette on how to carry a gun, on

Floor Debate
January 09, 2018

how to be safe, on how to transport that weapon and how to properly aim and shoot at what you're actually shooting at. That is what we're talking about here. It's not a bill that's going to go hither "skithier" anywhere else. This deals with universities and I put my trust in them. Thank you, Mr. President. [LB321]

SPEAKER SCHEER: Thank you, Senator Lowe. Senator Chambers, you're recognized and this is your last time other than the close. [LB321]

SENATOR CHAMBERS: And then I'm going to reconsider, because I'm going to take my time. Will you people listen to what is being said here? The university doesn't need this. They have a rifle team. They won a national championship. It's not needed. Why does everybody have to bring a gun bill? Nobody asked for it and you're going to give it to him because he's your friend. Well, nobody here is my friend when it comes to corrupting the legislative process. You've heard me talk about the integrity of the Legislature as an institution. Nobody involved in this asked for the bill. Why take a piece of legislation that is served however many years it has been there and somebody gets it in his head I think I better change this because somebody might want to have a shotgun or a pistol. If it's in the context of university competition, they didn't say that they cannot compete in every way that they want to. None of their students has been arrested. But you've got to let him change the bill...change the law for nothing. I'm going to take the time and I'm going to have other amendments when we come back. I'm going to save this idiotic Legislature from itself. The Bible is frustrated in dealing with foolishness. The Bible says in one place answer not a fool according to his folly, lest thou be like unto him. Then it turns around and says answer a fool according to his folly, lest he become angry and break thy head. It says don't answer him according to his folly, then do answer him according to his folly. This is sheer foolishness. Now when we had a bill that dealt with an existing problem created by state action, you all killed it because of the NRA. Don't tell me the Governor doesn't own you. You're on loan. He lends you to the NRA on occasion. You don't need the bill. Now Senator Ebke, a learned woman married to a learned man, is going to say that we should change the law when it's not necessary to be changed to achieve what the purpose of this legislation is. You all--when I say you all, I mean white people--you all are the first ones I ever heard say if it ain't broke don't fix it. Isn't that what you all say all the time? If it ain't broke don't fix it. Maybe if I say it enough times it will soak through. I know Senator Bostelman has been sitting there a long time and he's probably tired. But I know he's got a least two brain cells working and now that I've stirred them up they're talking to each other and one is saying the other I think that Chambers is right. And the other brain cell that's listening to him is saying I think he is too. They say what can we do? They say, well, you know hard-headed the guy is whose brain we are, we can't do anything. He's not going to listen to us. We try to tell him be intelligent. If it ain't broke, don't fix it. And before the session is over you all are going to say that about something. This bill was not requested by anybody. [LB321]

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

Floor Debate
January 09, 2018

SPEAKER SCHEER: One minute. [LB321]

SENATOR CHAMBERS: Don't have such an aversion toward me that you will make the Legislature look like a collection...I've got to stop saying jackasses. A jackass is not necessarily stupid. That's not a term that means stupid. It's a derogatory term because it sounds bad without actually being considered a profane term. Don't be foolish. The other bill was needed. We had evidence presented by those who are negatively affected by it in one of your favorite professions which is law enforcement. But you disregarded that because the NRA told you to. Now we have a bill that nobody has asked for and you're going to fight tooth and nail to get it passed. Look at the changes that have to be made. [LB321]

SPEAKER SCHEER: Time, Senator. Seeing no others in the queue, Senator Chambers, you're welcome to close on your bracket. [LB321]

SENATOR CHAMBERS: Thank you. And while I'm closing I would ask that somebody, one of the pages, bring me one of those amendment pads from the Clerk's desk. Oh, never mind. See, we just had the scriptures fulfilled here today. Ask and it shall be given you. Thank you, "Professor." When I make you a promise, I'm going to keep it. I said I was going to take time and I'm going to take time and you all think I'm wasting time. But I bet you some of you will hear from people who will say, why didn't you listen to him this time even if you don't like him? Nobody asked for the bill. It's not necessary for any purpose. Their rifle team can function. They can carry their weapons anywhere they need to carry them. They've not been arrested. The university hasn't said that you can't do this or that and they just won a championship. And now you in the Legislature want to change the law for nothing and you've got the nerve to say that you study these bills and that you're doing the best that you know how. If you're telling the truth when you say you're doing the best you know how, it means you don't know very much and you will not receive instruction. You might hate a rattlesnake but let him bite you one time and you not die and I bet he taught you something. And he taught you something that those who know better tried to explain to you and you would not accept it. Experience is the best teacher and some will have no other. Some of us, such as myself, are not so stupid that we got to get hit on the head with a baseball bat before we know that getting hit on the head with a baseball bat hurts. I don't have to put my head down and run against that wall as hard as I can to know that stone is stronger than bone, but you all do. You're going to change a law that doesn't need to be changed. If we have a bill that describes lights, traffic lights and it says red, should we change red from red to crimson? Then I say, well, I don't like crimson. Let's say scarlet. And we go through all of the different variations of how you get to the point of red. Then somebody is going to say, you know what, why don't we just leave it red? It's served us well all of this time. And then they say, you know, I agree. We'll just leave it red and it's probably what we should have done in the first time. See, people like me serve a purpose. I won't get tired. I won't wear down. I won't run down. You all at some point will be able to vote on this bill, probably or perhaps, but I can get six hours

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

Floor Debate
January 09, 2018

I think. Or maybe the Speaker will invoke one of these other homemade rules where the type of debate doesn't meet his standard or not enough people are participating. But I defy any of you, I defy any of you geniuses to stand up here and say with a straight face and mean it that what I have said doesn't make sense. You ought to be embarrassed if you're going along with changing a law that doesn't need to be changed. It deals with a specific activity engaged in by a specific, discrete group of people. The law, as it exists now, accommodates everything that they need to do and want to do in order to participate in this... [LB321]

SPEAKER SCHEER: One minute. [LB321]

SENATOR CHAMBERS: ...intercollegiate activity. Then somebody in the Legislature...and legislatures are ridiculed for not being peopled by intelligent individuals. And I would be one of those who say the Legislature in general is not overburdened with brains. This proves it. You don't need it. Nobody asked for it, but you're going to make them take it whether they want it or not, whether they need it or not. And Senator Schumacher is trying to help, Senator Ebke is trying to help, but they are not helping. The thing that would salvage this Legislature is to let this thing go away. And I'm going to stay on it and stay on it and stay on it until the Speaker says there can be no more time taken on it. [LB321]

SPEAKER SCHEER: Time, Senator. [LB321]

SENATOR CHAMBERS: Thank you, Mr. President. I would ask for a call of the house and a roll call vote. [LB321]

SPEAKER SCHEER: There has been a request to place the house under. The question is, shall the house go under call? All those in favor please vote aye; opposed vote nay. Please record. [LB321]

CLERK: 25 ayes, 2 nays to place the house under call. [LB321]

SPEAKER SCHEER: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber, record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Harr, Senator Murante, please return to the floor. We are under call. Senator Murante, please return to the floor. The house is under call. Mr. Clerk, roll call in regular order, please. [LB321]

CLERK: (Roll call vote taken, Legislative Journal page 237.) 0 ayes, 42 nays, Mr. President, on the motion. [LB321]

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

Floor Debate
January 09, 2018

SPEAKER SCHEER: The motion fails. Mr. Clerk for announcements or messages. Raise the call. [LB321]

CLERK: Mr. President, a few bills. (Read LB939-943 by title for the first time.) Notice of hearing from the General Affairs Committee. Senator Schumacher offers LR277. Pursuant to its introduction, a communication from the Speaker directing that LR277 be referred to Reference for a referral to a standing committee for purposes of conducting a public hearing. Amendments to be printed to LB321 by Senators Ebke and Bostelman. [LB939 LB940 LB941 LB942 LB943 LR277 LB321]

Mr. President, a priority motion. Senator Howard would move to adjourn the body until Wednesday, January 10 at 9:30 a.m.

SPEAKER SCHEER: Colleagues, you've heard the motion to adjourn. All those in favor please say aye. Any opposed say nay. The ayes have it.