

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

April 21, 2005 LR 8

something else or simply repeal it. The Nebraska Supreme Court has pointed out that...well, I'm not even going to waste my time going into all that. But to touch on something Senator Landis brought up about conflicts between the rights of hunters, anglers and trappers and the rights of landowners, if Senator Schrock and certain other people from the western part of the state who don't read the constitution, don't read history and get advice from people who don't do either one, they would have seen that in this provision that was mocked by the delegates at the first Constitutional Convention that was going to write the U.S. Constitution, this is language that they put anticipating what Senator Landis saw as a problem and they did, too. It would have affirmed that Americans would retain the liberty to fowl and hunt in seasonable times and on lands, first of all, that they hold, and in like manner to fish in all navigable waters and others not private property. They put into their ridiculous provision the requirement that private property rights be respected. That is nowhere in this provision that is being offered. Senator Schrock accepted it from some nut up in Minnesota, and because they accepted it up there, he thinks it ought to be accepted here. There are very real conflicts that would arise between property owners and hunters. The animals on that property belong to the state. The constitution will have said...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...those who hunt will have the right to do so, so they can go on property where these animals are if they have a license from the state to hunt them. And they don't need the permission of a property owner because the constitution gives them that right. Senator Landis is absolutely right in his analysis. And if, instead of dismissing things that they don't like, Senator Schrock and others had looked at this information I gave them from this book called Original Meanings, they would have seen that when such a proposition was presented before, even though it was laughed to scorn, they at least had tried to draft it in such a way that private property rights would be respected, which is not the case under this proposal that exists in LR 8CA. And I don't know whether Senator Howard is going to get into the fray, but if she'd give me some of her