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Floor Debate  
January 30, 2007

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PRESIDENT SHEEHY PRESIDING []

PRESIDENT SHEEHY: Good morning and welcome to the George W. Norris  
Legislative Chamber for the nineteenth day of the One Hundredth Legislature, First  
Session. Our chaplain for today is Father Robert Tucker from the Cathedral of the Risen  
Christ in Lincoln, Nebraska, Senator Fulton's district. Would you all please rise. []

FATHER TUCKER: (Prayer offered.) []

PRESIDENT SHEEHY: Thank you, Father Tucker. I call to order the nineteenth day of  
the One Hundredth Legislature, First Session. Senators, please record your presence  
by roll call. Please record, Mr. Clerk. []

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

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Any corrections for the Journal? []

CLERK: I have no corrections, Mr. President. []

PRESIDENT SHEEHY: Messages, reports, or announcements? []

CLERK: Mr. President, your Committee on Enrollment and Review reports they've  
examined and reviewed LB111, and recommend that same be placed on Select File:  
LB110, LB148, LB206, LB207, LB35, LB43, LB315, and LB305, some of those having  
Enrollment and Review amendments attached. I have a hearing notice from...two  
hearing notices from Health and Human Services Committee, signed by Senator  
Johnson; and a confirmation report from Nebraska Retirement Systems, Mr. President.  
And finally, a motion to withdraw LB146. That's all that I had, Mr. President. (Legislative  
Journal pages 407-411.) [LB111 LB110 LB148 LB206 LB207 LB35 LB43 LB315 LB305  
LB146]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We'll move to legislative confirmation  
reports. []

CLERK: Mr. President, Natural Resources, chaired by Senator Loudon, reports on the  
appointments of Mark McColley and Michael Thede to the Nebraska Ethanol Board.  
(Legislative Journal page 386.) []

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PRESIDENT SHEEHY: Senator Louden, you're recognized to open on the Natural Resources Committee's confirmation report. []

SENATOR LOUDEN: Thank you, Lieutenant Governor and members of the body. Mark McColley is appointees from the...is a confirmation for reappointment to the board of...of the Ethanol Board, and Mark is from Omaha and is a reappointment to the board, representing organized labor. He's a business manager of the Steamfitters and Plumbers Union, and has 36 years of experience in the pipe fitting and service industry. He is a highly skilled craftsman, who is a certified welder, service technician, and backflow tester. In additional, experiences include working on coal and nuclear powerhouse construction. Mark is vice president of the Omaha Federation of Labor, president of the Omaha and Southwest Iowa Building Trades, on the executive board of the Nebraska State AFL-CIO, and is a delegate to the Central Labor Union for the city of Lincoln. The other appointee for confirmation is Michael Thede. Michael is from Palmer and is a new appointment to the board, representing general agriculture. He's a farmer and a former LEAD fellow. Michael is present of the Howard County Farm Bureau and served on Congressman Tom Osborne's Agricultural Advisory Committee. The committee vote was unanimous to recommend approval of Mark McColley and Michael Thede to the Ethanol Board, so I'd ask for your support to...for the confirmation of these two gentlemen to the Nebraska Ethanol Board. []

PRESIDENT SHEEHY: Thank you, Senator Louden. You've heard the confirmation report from the Natural Resources Committee. The floor is open for discussion. Anyone wishing to speak? Seeing none, Senator Louden, you're recognized to close. Senator Louden waives closing. The question before the body is, shall legislative confirmation report from the Natural Resources Committee be adopted? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal pages 411-412.) 43 ayes, 0 nays, Mr. President, on adoption of the confirmation report. []

PRESIDENT SHEEHY: Confirmation report is adopted. Mr. Clerk, we will move to Final Reading. Members should return to their seats in preparation for Final Reading. Mr. Clerk, please proceed with Final Reading of LB1. [LB1]

CLERK: (Read LB1 on Final Reading.) [LB1]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. All provisions of law relative to procedure having been complied with, the question is, shall LB1 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB1]

CLERK: (Record vote read, Legislative Journal pages 412-413.) 47 ayes, 0 nays, 2

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excused and not voting, Mr. President. [LB1]

PRESIDENT SHEEHY: LB1 does pass. We will now proceed to LB2. Mr. Clerk. [LB1 LB2]

CLERK: (Read LB2 on Final Reading.) [LB2]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. All provisions of law relative to procedure having been complied with, the question is, shall LB2 pass? All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk. [LB2]

CLERK: (Record vote read, Legislative Journal page 413.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB2]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. LB2 passes. We will now proceed to LB26. [LB2 LB26]

CLERK: (Read LB26 on Final Reading.) [LB26]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. All provisions of law relative to procedure having been complied with, the question is, shall LB26 pass? All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk. [LB26]

CLERK: (Record vote read, Legislative Journal page 414.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB26]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. LB26 passes. We will now proceed to LB21E. [LB26 LB21]

CLERK: (Read LB21 on Final Reading.) [LB21]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. All provisions of law relative to procedure having been complied with, the question is, shall LB21 pass with the emergency clause attached? All those in favor vote aye; all those opposed, no...nay. Please record, Mr. Clerk. [LB21]

CLERK: (Record vote read, Legislative Journal pages 414-415.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB21]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. LB21 passes with the emergency clause attached. We will now proceed to LB24E. Mr. Clerk. [LB21 LB24]

CLERK: (Read LB24 on Final Reading.) [LB24]

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PRESIDENT SHEEHY: Thank you, Mr. Clerk. All provisions of law relative to procedure having been complied with, the question is, shall LB24 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk. [LB24]

CLERK: (Record vote read, Legislative Journal page 415.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB24]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. LB24 passes with the emergency clause attached. We will now move to Select File, special order. First item, Mr. Clerk. [LB24]

CLERK: Mr. President, LB341 on Select File. Senator McGill, I have Enrollment and Review amendments pending. (ER8009, Legislative Journal page 405.) [LB341]

SENATOR MCGILL: You have amendments? [LB341]

CLERK: I do, yes. [LB341]

SENATOR MCGILL: I move the E&R amendments, Mr. President. [LB341]

PRESIDENT SHEEHY: You've heard the question before the body is, shall E&R amendments be adopted? All those in favor say aye. Opposed, nay. They are adopted. [LB341]

CLERK: I have nothing further on the bill. [LB341]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator McGill. [LB341]

SENATOR MCGILL: Mr. President, I move LB341 to E&R for engrossing. [LB341]

PRESIDENT SHEEHY: The question...any discussion on moving LB341 to E&R? Seeing none, all those in favor say aye. Opposed, nay. LB341 advances for E&R Engrossing. Next item, Mr. Clerk. [LB341]

CLERK: Mr. President, LB25. Senator McGill, I do have Enrollment and Review amendments. (ER8000, Legislative Journal page 349.) [LB25]

SENATOR MCGILL: Move the E&R amendments for LB25, Mr. President. [LB25]

PRESIDENT SHEEHY: You've heard the question before the body, is the adoption of the E&R amendments. All those in favor say aye. Opposed, nay. Amendments are adopted. [LB25]

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CLERK: Senator Kopplin would move to amend, FA6. (Legislative Journal page 416.)  
[LB25]

PRESIDENT SHEEHY: Senator Kopplin. [LB25]

SENATOR KOPPLIN: Thank you, Mr. Lieutenant Governor, members of the body. I'm introducing an amendment to strike Section 1 because I feel that we need to talk about this bill a little bit more. I don't have any intention of bringing this particular amendment to a vote. We'll use other amendments if that has to be the case. But I am troubled by this, this bill. First of all, I was troubled with myself the other day for not getting my homework done. Second, I am troubled with the speed with which this passed the other day; passed with very little discussion. Only three, maybe four senators had some slight questions on it, myself among them, and I was neutral on it because I wasn't prepared. So we passed it very quickly. This is troubling to me because I see the bill as being deceptive. It's not so much about rabies as it is about banning wolf-dogs. Now I understand why you would not want to bring a bill saying we're going to ban wolf-dogs because as soon as you start talking about animals, there's a few others that we should maybe talk about banning, such as pit bulls and so on, but nobody wants to get into that. So we stick with a prescription for rabies that nobody can meet. I am troubled with the definition in the determination of vaccine. Vaccine is described as...it's only good if it's determined scientifically to be reliable. Well, on many of these animals it's never been tested. But at the same time, the reverse is true. If it's not been tested then there's no scientific reliability that present vaccines wouldn't work. I'm a little bit troubled about the description of hybrid animal. It's the product of breeding a domestic animal with a nondomestic animal. Does that mean the first generation only? Is the second generation then not hybrid? When do these animals become considered as domestic? There are many breeds of cat, household pets in existence, some of these breeds over 30 years, and now I'm being told, well, cats are cats; they are not considered hybrid. But by definition they were hybrids. You could talk about Bengals, Savannahs, Chausies. And the definition goes on further to say the breeding of a nondomestic animal with a different variety. Well, I guess zoos, with their white tigers, may have a problem with that. I don't know. Then I have a problem with how do we enforce this? Do you drive cat owners, who now vaccinate their pets, underground because if they take them to the vet to do so they could be destroyed? Are we going to have a dog patrol so that we can go out to farmyards and search for any dog that might have some coyote blood in him? I mean, you have Old Shep, who's been a very faithful dog, so are we going to destroy him because his mother liked to sleep around? (Laughter) I have...I have a dog. It's a Shih Tzu. Before that I had a Lhasa Apso-Poo. These are a mixed variety of dogs. They're hybrids. And if you go back far enough, there's nondomestic blood in them. Are they subject to being called a hybrid? I'm concerned about this bill because I think we're taking out a deer rifle to hunt squirrels. If the problem is somebody is concerned about a wolf-dog, I have never seen a live wolf-dog. I've seen film clips of them, pictures of

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them, and I got to agree they look more like wolves than they do dogs, and I can understand why some people will be concerned about that. And maybe they're right; maybe they are dangerous. Maybe that's the approach we ought to take, although it has not worked too well in other states. The whole idea of rabies vaccine, I mean, the law is specific, cats and dogs need to be vaccinated, but we know that a large percentage in the cities are never vaccinated. Cats most often are in apartments. They may be vaccinated; they may not. I just think that we're...we haven't talked about this bill. Perhaps it's a good bill; perhaps not. I am thinking that we're taking the wrong approach and I offer this amendment so that some discussion can take place. Thank you. [LB25]

PRESIDENT SHEEHY: Thank you, Senator Kopplin. You've heard a FA6. The floor is now open for discussion. Senator Cornett, followed by Senator Dubas. Senator Cornett. [LB25]

SENATOR CORNETT: Senator Langemeier, I had a few questions I wanted to ask you about this bill. [LB25]

PRESIDENT SHEEHY: Senator Langemeier, would you yield? [LB25]

SENATOR LANGEMEIER: Yes. [LB25]

SENATOR CORNETT: You said that...we spoke about this bill ahead of time, that you said anything that was recognized as a breed would not be included in this. Am I correct? [LB25]

SENATOR LANGEMEIER: Correct. Once, you know... [LB25]

SENATOR CORNETT: Where is that in the language specifically? [LB25]

SENATOR LANGEMEIER: That is not in this bill. All the recognized animals out there are considered domestic cats, and so every animal that has been e-mailed to me, and I thank everybody that's forwarded those e-mails, I have not received them, but anyway, I thank you for that. Every one we have posed on to the humane society. They have come back with a reply, which we just sent you the last one via e-mail that they've said those animals have been recognized as domesticated cats. [LB25]

SENATOR CORNETT: My problem is with the term "hybrid," and what is your definition of a hybrid? [LB25]

SENATOR LANGEMEIER: A hybrid animal would be a dog crossed with a nonrecognized domesticated dog, would become a hybrid animal. [LB25]

SENATOR CORNETT: Does that not include a domestic cat crossed with a

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nondomestic cat? That would be a hybrid also. Am I correct? [LB25]

SENATOR LANGEMEIER: A nondomesticated cat like a tiger? [LB25]

SENATOR CORNETT: Well, how about a nondomestic cat such as an Asian Leopard crossed with a domestic cat, which I believe the offspring is considered a Safari? [LB25]

SENATOR LANGEMEIER: I think the majority of these animals, and that one included, at some point all these animals were considered a hybrid until they've been recognized, and I'm not...I don't know what in law previously today that makes cats considered domestic and what makes dogs considered domestic, but that same would be put towards that animal. [LB25]

SENATOR CORNETT: These animals, if you look up, even under the web sites for the cat association, lists them as hybrids because they are either half or a quarter. Some are only a few generations removed, and some are only one generation removed. The next question that I had to ask you is how would it be determined if you had a dog, whether it was a wolf-dog, a dog, a dog that looked like a wolf, or a wolf? What is your criteria for that? [LB25]

SENATOR LANGEMEIER: That distinction will be done in the typical way. The humane society or the city control officers go out and enforce their current dog laws...regulations, excuse me. We'll allow the experts to do that. [LB25]

SENATOR CORNETT: Senator Langemeier, I'm asking you how they will do that because, if I'm not mistaken, there is no reliable genetic test available at this time to determine if a dog has any DNA of a wolf in it, because they are so similar there is no way to tell. [LB25]

SENATOR LANGEMEIER: The wolf-dogs are fairly easy, if you've looked at one. They're quite distinct in their look. [LB25]

SENATOR CORNETT: Well, I agree if you're talking about a wolf-dog that is 50 percent dog, 50 percent wolf, or maybe even a quarter wolf and a quarter dog. But beyond that, how do you tell if a dog is one-eighth wolf? How do you...how are you going to determine whether that animal is a hybrid or not? [LB25]

SENATOR LANGEMEIER: At this point, I am told by the humane society that up to one-sixth to one-eighth...eighth, breeding out, it is still clearly visible/detectable that it's a wolf hybrid. [LB25]

SENATOR CORNETT: Okay, clearly visible. Do you have any...do you have the criteria for that? What do they determine? [LB25]

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SENATOR LANGEMEIER: I do not. The humane society and those enforcement individuals are going to have to make that determination. [LB25]

SENATOR CORNETT: Senator Langemeier, having read your bill through, I still do not believe that hybrid is clearly enough defined to exclude cats that are considered hybrid. By their very nature, whether they are a breed or not, they are a hybrid. They fall under the definition of a hybrid, being a domestic cross with a wild animal, and that is from the USDA's definition of hybrid. [LB25]

PRESIDENT SHEEHY: One minute. [LB25]

SENATOR CORNETT: Would you be willing to amend the bill to have language that would exclude hybrid cats? [LB25]

SENATOR LANGEMEIER: Yes, I would. [LB25]

SENATOR CORNETT: Okay. I will offer such an amendment. [LB25]

SENATOR LANGEMEIER: Thank you. [LB25]

PRESIDENT SHEEHY: Thank you, Senator Cornett. Senator Dubas. [LB25]

SENATOR DUBAS: Thank you, Lieutenant Governor. Confusion does not necessarily breed a spirit of cooperation, and this bill has raised many questions. I've received many, many e-mails regarding it just because there's not a clear understanding of the direction that this bill is going and where their animal falls within this definition of hybrid. If the issue is wolf-dogs, then let's address wolf-dogs and their problems. People are very protective of their pets. If there's any fear of losing their pets, they'll do whatever they can to keep them and protect them. If they aren't clear where their animal falls within this definition, there's a real possibility they will make some decisions that won't be in the public's interest, i.e., getting rabies shots for animals that need to have rabies shots. But if they're afraid that when they take this animal to the vet, the possibility of it being confiscated, I think there's a very possibility that they'll make that decision not to get their animal vaccinated. I think we really need to take this into consideration. I really do hesitate to place this into statute because of possible unintended consequences. We owe the public and those who will enforce statutes clear direction and clear language in our laws. So I appreciate Senator Kopplin's willingness to bring this to our attention and further this discussion, and I yield the rest of my time. [LB25]

PRESIDENT SHEEHY: Thank you, Senator Dubas. Senator Dierks. [LB25]

SENATOR DIERKS: Thank you, Mr. President and members of the Legislature. At the

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expense of sounding repetitive, the rabies vaccines that we use today just have simply not been authorized for use in the hybrid dogs. We've had changes in rabies vaccine over the years. I can recall at one point where there was a company came out with a rabies vaccine they said would be good for three years. Most of the veterinarians thought that they should be giving the rabies shot every year. It turns out that after several years they had to withdraw that statement because rabies vaccine did not protect for three years; it only protected for one. And I've seen those type of aberrations before among different vaccines from different companies. The scours vaccine, for instance, that we got for our calves, at one point we caused more problems with it in the cows than we did preventative. The rabies vaccine that we have today is supposed to be given intramuscular, it's supposed to be given in...you can give it to cats or dogs, and it's good for one year. We don't know for sure about cats, but I think that probably...the conversation has gotten to the point, well, what are the different breeds, I guess, of cats. Most of us think of them as barn cats or house cats, I think, but it probably goes a little farther than that in some cases. But I brought the legislation probably 15 years ago, maybe 16 or 17, that required rabies vaccination in all dogs and cats in Nebraska; that made it a state law. Howard Lamb was in the Legislature at the time, and he had difficulties with that because he said, I can't catch my cats so how am I going to get them vaccinated? So he brought an amendment that if...that exempted barn cats. So now we have barn cats and house cats, I guess, and the barn cats you don't have to vaccinate because he got an amendment on the bill that said you don't have to. The...but the rabies vaccine is not only just to protect the animal that's being given the shot. It's also to protect the human beings that are around them, and these are the reasons why that the...what we call the hybrid dogs, would be like wolf crosses and coyote crosses, we don't encourage...the veterinary associations do not encourage keeping those animals for pets. They revert to the wild every time. You just can't really domesticate them like you can...like your domestic dogs and cats. So there hasn't been any studies done as far as the effectiveness of rabies vaccine on hybrid animals. It's too costly to do and, besides that, we're not...they're not...it's not recommended to keep them anyway, for the protection of your own health and your family's health. So just...we just simply don't have vaccines that have been authorized for use in hybrid animals and the reason is that they haven't done the studies to see if it will work. I understand there have been some studies done now at some of the zoos with regards to some of the cats, and maybe some of the rabies vaccine is working in some of the bigger cats, like mountain lions and the big wild cats. We know we get some crossbreeding of hounds, coyote hounds, or coyotes and hounds. We know we get some crossbreeding of cats. It's rare, but once in awhile you'll see a litter of cats that come in; you know that their daddy was a wild cat because they've got a stubbed tail. And... [LB25]

PRESIDENT SHEEHY: One minute. [LB25]

SENATOR DIERKS: But the thing of it is, if we're going to stay in the realm of safety for our families and for our...the people we are supposed to protect from these diseases,

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we have to follow the rules of the companies that put the vaccines out, and they do not approve of rabies vaccine for hybrid animals. And the hybrid animal, as far as I'm concerned, is any cross between a domesticated dog and a wild dog, like a coyote or a wolf. And I don't know how many years you have to go along back into the ancestry to do that, but I don't think there's...I don't think it's that much of a problem because I don't think those things exist all that much. My recommendation is that we just follow the rules of the pharmaceutical companies and the Food and Drug Administration. They're the ones setting down the parameters, and they don't recommend the use of this stuff in hybrid animals. Thank you, Mr. President. [LB25]

PRESIDENT SHEEHY: Thank you, Senator Dierks. Senator Kopplin. [LB25]

SENATOR KOPPLIN: Thank you, Mr. Lieutenant Governor, colleagues. Thank you, Senator Dierks. I tend to agree with you on wolf-dogs, or whatever you want to call them, that they could be a dangerous animal and we should encourage people not to do that. But they do exist right now, and if that's what we're going to deal with then let's say it that way. Let's say that we're going to deal with wolf-dogs and ask that they not be raised in this state or purchased as pets or brought in as pets. Cats are a little bit different. I think there's a reference in this bill that says, you know, you can keep it for 30 days for someone and that's it. Well, maybe somebody brings in...maybe you have a son or daughter brings in a cat for you to keep while they're who knows what, deployed or something, and it's going to take longer than 30 days. So what are we...how are we going to enforce that? We going to tap on the doors and say, you know, you're going to have to get rid of this animal or ship it back home, even though there's nobody there to take it, take care of it? I just think we're not dealing with our problem here, and the problem is what do you do about dangerous animals. Frankly, I'd just as soon talk about all kinds of dangerous animals. I'm not quite sure that I agree on the coyote-dog mix because I think the DNA difference between coyotes and dogs is only about 3 percent. So they're probably more dog, by far, than they are...are animal. But I really think that we need to take some more time on this and discuss it a little bit more and clean up some of this language about what cats might be and what dogs might be and what a hybrid is and so on. With that, Mr. Lieutenant Governor, I would return my time to the Chair. [LB25]

PRESIDENT SHEEHY: Thank you, Senator Kopplin. Senator Wallman. [LB25]

SENATOR WALLMAN: Thank you, Mr. President and members of the body. As it come out of committee, I thought that was probably a good bill, but then I studied it again. I should a studied it more before. But the word "hybrid," does that bother anybody? You know, we cross cattle. We call them hybrid. We cross corn--hybrid. And, you know, I don't know, I'm not a veterinarian, but maybe these owners do vaccinate these, Senator Dierks. I don't know. I believe in vaccinating my pets. My dogs get rabies shots and...if I have a couple that don't get run over. But this word "hybrid," where we going to...is it too

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narrow to just wolf-dogs? Is that what we're talking about? If somebody would address that question. Senator Dierks, would you yield to the question? [LB25]

PRESIDENT SHEEHY: Senator Dierks, would you yield? [LB25]

SENATOR DIERKS: Yes. You're asking how to define hybrid dog? I think, for my purposes, a hybrid dog is a cross between a domestic animal and a wild animal. And maybe "wild" isn't exactly how people like to describe them, but that's what they are. They're coyotes and wolves. That would be the only crosses I can think of. Now Senator Hansen asked me the other day about the dingo dog, which is a wild dog in, what is it, Africa or South America? Australia. [LB25]

SENATOR WALLMAN: Yeah. [LB25]

SENATOR DIERKS: And they've used those to cross up the Blue Heelers, I understand. So...but we always vaccinate Blue Heeler and we feel like that they are a valid American Kennel Club dog and so they're a breed that's recognized. And as near as I know, they provide...the vaccine provides good protection. I don't know how it would be with a coyote. I've never tried to vaccinate one. I still think that our purpose in this whole business is to protect not only our animals but the human beings, as well, that are associated with them. I don't know if any of you have ever run into rabies, but when I was in veterinary school in Kansas State we had a fellow come in who was a professional wrestler from Kansas and his brother had contracted rabies, and he came in to teach our class about what happened to his brother during the time that he was dying, and it wasn't pleasant. And I think there's been maybe three cases nationally of people who have gotten rabies and have survived. Usually, it's a death sentence, and it's just not worth taking the chances. So we recommend the use of the rabies vaccine on the animals that the pharmaceutical companies tell us we can use them on, and that's what we're really talking about here. [LB25]

SENATOR WALLMAN: Thank you. I yield the rest of my time to whoever. [LB25]

PRESIDENT SHEEHY: Thank you, Senator Wallman. Senator Gay. [LB25]

SENATOR GAY: Thank you, Mr. President. Would Senator Langemeier yield to a question? [LB25]

PRESIDENT SHEEHY: Senator Langemeier, would you yield? [LB25]

SENATOR LANGEMEIER: Yes. [LB25]

SENATOR GAY: Senator Langemeier, the question is on these wolf-dogs, how many cases are we talking about here? What is the purpose of... [LB25]

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SENATOR LANGEMEIER: Currently, I'm told there's some out there. I only have an example of two different entities that own these. [LB25]

SENATOR GAY: Okay, I guess on the purpose of this bill there's some confusion, it looks like, that we're all bringing up. But we do have statutes regarding dangerous dogs. Why would this be needed to...why do we need this when we already have a statute regarding dangerous dogs? [LB25]

SENATOR LANGEMEIER: Well, that's the purpose of the hybrid definition. Currently, these animals are not considered in the dangerous dogs statutes. [LB25]

SENATOR GAY: Okay. So just that. But...so the dangerous dog...the law we have now, they can't go in and say this wolf-dog falls under this category, is what you're saying right now? [LB25]

SENATOR LANGEMEIER: We currently have a court case pending in one of my communities where the dog isn't falling under the dog classification and it's not falling under the exotic animal classification, and so they don't know how to deal with it. So this classifies that center classification. And I think you're going to see Senator Cornett's amendment here shortly that would make this definition more narrow, down to dog crosses only, and excludes all other animals. [LB25]

SENATOR GAY: Okay. Thank you. Yield. [LB25]

PRESIDENT SHEEHY: Thank you, Senator Gay. Senator Kopplin. [LB25]

SENATOR KOPPLIN: Thank you, Mr. Lieutenant Governor. I would like to withdraw this motion. [LB25]

PRESIDENT SHEEHY: Thank you, Senator Kopplin. Senator Kopplin withdraws FA6. We will now move to FA7, offered by Senator Cornett. Senator Cornett. (Legislative Journal page 416.) [LB25]

SENATOR CORNETT: Thank you, Mr. Lieutenant Governor. The amendment that I've submitted to the body, I will...it's very brief and I will read it to you. On page 2, line 18 through 21, Section 5: Hybrid animal means any animal which is a product of the breeding of a domestic dog with a nondomestic canine species, period, and then move on to Section 6. This would exclude cats or hybrid cats from the bill. Thank you. [LB25]

PRESIDENT SHEEHY: Thank you, Senator Cornett. You've heard the opening on FA7. The floor is now open for discussion. Senator Langemeier. [LB25]

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SENATOR LANGEMEIER: Thank you, Lieutenant Governor, members of the body. I have read the amendment and I accept the amendment. And I thank Senator Cornett for working with me and bringing this to the forefront. I think we've had a lot of good discussion about this bill. And again, I appreciate your support on FA7. Thanks. [LB25]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. Anyone else wishing to speak on this item? Seeing none, Senator Cornett, you're recognized to close. [LB25]

SENATOR CORNETT: I urge the body to support this amendment. It's clarifying language that narrowly defines the bill down to the specifics of a dog crossed with a nondomesticated dog. Thank you. [LB25]

PRESIDENT SHEEHY: Thank you, Senator Cornett. You've heard the closing on FA7. The question before the body is, shall FA7 be adopted to LB25? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB25]

CLERK: 34 ayes, 0 nays, Mr. President, on the adoption of Senator Cornett's amendment. [LB25]

PRESIDENT SHEEHY: FA7 is adopted. [LB25]

CLERK: I have nothing further on the bill, Senator McGill. [LB25]

PRESIDENT SHEEHY: Senator McGill. [LB25]

SENATOR MCGILL: I move, Mr. President, I move LB25 to E&R for engrossing. [LB25]

PRESIDENT SHEEHY: The motion before the body is, shall LB25 advance for E&R Engrossing, and a request for a machine vote? All those in favor vote yea; opposed, nay. Senator Langemeier, you rise. [LB25]

SENATOR LANGEMEIER: I'd request a call of the house. [LB25]

PRESIDENT SHEEHY: There is a request for the call of the house. The question before the body is, shall the house be placed under call? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB25]

CLERK: 37 ayes, 0 nays, Mr. President, on the motion to place the house under call. [LB25]

PRESIDENT SHEEHY: The house is under call. All unexcused senators please report to the Legislative Chamber. All unauthorized personnel please step to the side. Senator Chambers, Senator Synowiecki, Senator Engel, the house is under call. Senator

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Synowiecki, the house is placed under call. Senator Kopplin, you rise? [LB25]

SENATOR KOPPLIN: I'd like a roll call vote. [LB25]

PRESIDENT SHEEHY: A roll call vote has been requested. All members present, Mr. Clerk. [LB25]

CLERK: (Roll call vote taken, Legislative Journal page 416.) 31 ayes, 3 nays, Mr. President, on the advancement of LB25. [LB25]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. LB25 does advance. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB1, LB2, LB26, LB21, LB24--the call is raised--along with LR16, LR17, LR18, LR19, LR20, and LR21. Next item, Mr. Clerk. [LB25 LB1 LB2 LB26 LB21 LB24 LR16 LR17 LR18 LR19 LR20 LR21]

CLERK: Next bill on Select File, Mr. President, Senator McGill, I have LB79. I have no amendments to the bill, Senator. [LB79]

SENATOR MCGILL: (Microphone malfunction)...E&R for engrossing. [LB79]

PRESIDENT SHEEHY: The question before the body is, shall LB79 advance for E&R Engrossing? All those in favor say aye. Opposed, nay. LB79 does advance. Next item. [LB79]

CLERK: LB161, Senator, I have no amendments to the bill. [LB161]

SENATOR MCGILL: Mr. President, I move LB161 to E&R for engrossing. [LB161]

PRESIDENT SHEEHY: The question before the body is, shall LB161 advance for E&R Engrossing? All those in favor say aye. Opposed, nay. LB161 does advance. Next item. [LB161]

CLERK: LB11. Senator McGill, no amendments to the bill. [LB11]

SENATOR MCGILL: Mr. President, I move LB11 to E&R for engrossing. [LB11]

PRESIDENT SHEEHY: The question before the body is, shall LB11 advance for E&R Engrossing? All those in favor say aye. Opposed, nay. LB11 advances. Next item. [LB11]

CLERK: LB28. Senator, I have no amendments pending. [LB28]

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SENATOR MCGILL: Mr. President, I move LB28 to E&R for engrossing. [LB28]

PRESIDENT SHEEHY: The question before the body is, shall LB28 advance for E&R Engrossing? All those in favor say aye. Opposed say nay. LB28 advances. Next item. [LB28]

CLERK: LB80. Senator, I do have Enrollment and Review amendments pending. (ER8003, Legislative Journal page 379.) [LB80]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB80]

PRESIDENT SHEEHY: The question before the body is, shall LB80 advance with the adoption of amendments? Oh, the question is the...for the adoption of the amendments. All those in favor say aye. Opposed, nay. Senator McGill. [LB80]

SENATOR MCGILL: Mr. President, I move LB80 to E&R for engrossing. [LB80]

PRESIDENT SHEEHY: The question before the body is, shall LB80 advance to E&R for engrossing? All those in favor say aye. Opposed, nay. LB80 advances. Next item, Mr. Clerk. [LB80]

CLERK: LB94. I have no amendments to the bill, Senator. [LB94]

SENATOR MCGILL: Mr. President, I move LB94 to E&R for engrossing. [LB94]

PRESIDENT SHEEHY: The question before the body is, shall LB94 advance to E&R for engrossing? All those in favor say aye. Opposed, nay. LB94 advances. Next item, Mr. Clerk. [LB94]

CLERK: LB167 does have Enrollment and Review amendments, Senator. (ER8001, Legislative Journal page 383.) [LB167]

SENATOR MCGILL: Then, Mr. President, I move the E&R amendments for LB167. [LB167]

PRESIDENT SHEEHY: The question before the body is the movement of amendments to LB167. All those in favor say aye. Opposed, nay. Motion is adopted. [LB167]

CLERK: I have nothing further on LB167, Senator. [LB167]

SENATOR MCGILL: Mr. President, I move LB167 to E&R for engrossing. [LB167]

PRESIDENT SHEEHY: The question before the body is, shall LB167 advance to E&R

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for engrossing? All those in favor say aye. Opposed, nay. LB167 advances. Next item, Mr. Clerk. [LB167]

CLERK: Senator, LB44 does have Enrollment and Review amendments. (ER8002, Legislative Journal page 383.) [LB44]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB44]

PRESIDENT SHEEHY: The question before the body is, shall E&R amendments be adopted to LB44? All those in favor say aye. Opposed, nay. Amendments are adopted. [LB44]

CLERK: I have nothing further pending to LB44. [LB44]

SENATOR MCGILL: Mr. President, I move LB44 to E&R for engrossing. [LB44]

PRESIDENT SHEEHY: The question before the body is, shall LB44 advance to E&R for engrossing? All those in favor say aye. Opposed, nay. LB44 advances. Next item, Mr. Clerk. [LB44]

CLERK: Senator, LB115 has no amendments pending. [LB115]

SENATOR MCGILL: Mr. President, I move LB115 to E&R for engrossing. [LB115]

PRESIDENT SHEEHY: The question before the body is, shall LB115 advance to E&R for engrossing? All those in favor say aye. Opposed, nay. LB115 advances. We'll now move to General File, Mr. Clerk. [LB115]

CLERK: Mr. President, the first bill on General File this morning, LB166, introduced by the Revenue Committee and signed by its members. (Read title.) Bill was introduced on January 8 of this year, at that time referred to the Revenue Committee. Bill was advanced to General File. I do have committee amendments, Mr. President. (AM45, Legislative Journal page 338.) [LB166]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Janssen, you're recognized to open on LB166. [LB166]

SENATOR JANSSEN: Thank you, Mr. President, members of the Legislature. LB166 is the annual bill from the Property Tax Administrator to clarify and enhance the administration of the property taxes in Nebraska. The most significant issue in the bill this year are changes to the disqualification from greenbelt and Section 6, which limits who may protest the value to the owner or another party responsible for paying the taxes. This second aspect does not meet with the approval of the committee, so I will

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tell you about that later in the committee amendments, which allows other persons to protest the value, but requires that person to provide notice by certified mail to the owner of the property. Under this bill, if property is disqualified at any time during the year, it is to be valued at its recapture or actual value for that year. Currently, if it is disqualified after the levy date, the land retains special value for that year and the additional taxes are recaptured until 2009, when recapture phases out. Because taxes on the full value are to be paid for the year of disqualifications under LB166, recapture would phase out by the end of 2008, rather than 2009, under this proposal. Under this bill, if the disqualification occurs in 2007, two years of beneficial tax assessment would be recaptured--tax year 2005 and tax year 2006; for 2008, one year; and for 2009 and later years there would be no more recapture. The bill would also provide that the tax lists need not be corrected by hand in bound volumes or books. In other words, records may be kept and corrected electronically. Orders and appeals from TERC may be done electronically also. That is what the bill does. Thank you. [LB166]

PRESIDENT SHEEHY: Thank you, Senator Janssen. We'll now move to AM45, an amendment from the Revenue Committee. Senator Janssen. [LB166]

SENATOR JANSSEN: Thank you, Mr. Speaker. Committee amendments to this bill, I'll go by them numerically. The first one adds a change to Section 60-147 to strike the requirement for mobile home transfer statements to be produced in multiple copies, with two copies forwarded to the county assessor, as a condition for issuing a title to a mobile home. The second thing it does, it adds changes to Section 77-1355 to change the composition of the Greenbelt Advisory Committee. Eliminated would be the county attorney, a local planning and zoning official, and members from the AHLVB board. That board were repealed as a couple of years ago. This position was replaced by the county board member. With regard to the other two positions, there have been difficulties finding a county attorney and a zoning official to serve. Also, zoning for agriculture is no longer required for disqualification for greenbelt. The third thing is it restores the policy that recapture of the prior year's beneficial assessment will be made at 80 percent, or 75 percent of the actual value, depending on the year recapture, rather than 100 percent. As in...that was enacted last year in LB808. Recapture was originally to be eliminated altogether under LB808, but was reinserted on Select File. The committee decided to return to the previous recapture policy and, after further discussion, no money had been recaptured yet under the policy changes in LB808. This body already agreed to this change when it advanced LB167 last week. Finally, the original LB166 would have provided that only persons who may protest a value are the owners, a person representing the owners, or a person responsible for paying the property taxes on the parcel. The committee rejected this narrowing of standing to protest a value. Under the committee amendments, anyone who...may protest another value, but in order to do so the protester must send notice by certified mail to the owner. The protester would have to demonstrate that the notice had been mailed to the owner before the county could take any action with regard to the protest, including setting it for

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hearing before the board or with a referee. When the county sets the protest for hearing, it would have to notify both the protester and the owner. Appeal from the decision could be had by any party. That is the intent of the bill. [LB166 LB167]

PRESIDENT SHEEHY: Thank you, Senator Janssen. You've heard the opening to AM45, committee amendment. We'll now move to AM105, which is an amendment to the committee amendment. Senator Janssen. (Legislative Journal page 394.) [LB166]

SENATOR JANSSEN: Thank you, Mr. President. There are three things that the committee amendment does. The first one adds a new section amending Section 72-258.03 requiring that the appraised value for purposes of selling educational lands that are agricultural to mean that 1.35 times the school adjusted value, rather than 1.25 times. This is to reflect that the assessed value of agriculture and horticultural land decreases from...decreased from 80 percent of actual value to 75 percent of actual value, pursuant to LB968 last year. The third change in language in the committee amendment, stating that any party may appeal a decision on a protest from Section 77-1502 to Section 77-1510, which governs the appeal to TERC. A party is defined to mean the county assessor, the protester, the owner or owners of the parcel, and any other person responsible for paying those taxes on that parcel. The amendment clarifies in the committee amendment by changing the owner who must receive notice that another person has protested his or her value to the owner of record as of May 20 of that year. Also, the notice of the hearing before the county board must be within seven days' notice. That is the intent of the amendment. Thank you. [LB166]

PRESIDENT SHEEHY: Thank you, Senator Janssen. You've heard the opening to AM105, which is an amendment to the committee amendment. The floor is now open for discussion. Anyone wishing to speak on this item? Senator Stuthman. [LB166]

SENATOR STUTHMAN: Thank you, Mr. Lieutenant Governor and members of the body. I would like to engage in a little conversation with Senator Janssen, if he would. [LB166]

PRESIDENT SHEEHY: Senator Janssen, would you yield? [LB166]

SENATOR JANSSEN: Certainly. [LB166]

SENATOR STUTHMAN: Senator Janssen, this bill that you've got, does that only deal with the protesting of valuations in a greenbelt status, or does this involve the whole county as far as valuation is concerned as far as also protesting someone else's valuation? [LB166]

SENATOR JANSSEN: Yes, you've got that right, Senator. It takes in all of those protests or someone who is protesting the assessment of that property, yes. [LB166]

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SENATOR STUTHMAN: But is it just the property in...that has the greenbelt status on it, or is it property of the whole county? [LB166]

SENATOR JANSSEN: Oh, no. No, it's all property. [LB166]

SENATOR STUTHMAN: It's all property. [LB166]

SENATOR JANSSEN: Yeah. [LB166]

SENATOR STUTHMAN: So it involves all property, so... [LB166]

SENATOR JANSSEN: Uh-huh. [LB166]

SENATOR STUTHMAN: ...I think realistically what is in the statute right now is anybody can protest somebody's valuation, some other property, the valuation on there. But what this...what this is trying to do, the way I am understanding it, Senator Janssen, is that now they have to notify the property owner of the protest that someone else has given upon their property. Is that correct? [LB166]

SENATOR JANSSEN: That's correct. [LB166]

SENATOR STUTHMAN: What is...and you stated there's got to be a time frame when this protest has to be done, or is this going to involve more work for the county assessor of notifying the owner? Is there going to be enough time to do that all, taken in account with the process that we have in place right now of protest, filing, when it has...when the owner has to be notified? Can that all be done in the time frame that we currently have? [LB166]

SENATOR JANSSEN: Well, yes, it can, but this would give notification a little earlier for the owner of that property that someone is going to protest that. [LB166]

SENATOR STUTHMAN: Currently, what we have is that the owner of the property does not have to be notified at the present time when someone protests the valuation of another parcel of property. [LB166]

SENATOR JANSSEN: That's correct. This would give you notice that someone is protesting. [LB166]

SENATOR STUTHMAN: So then the owner of property will get a notice by certified mail? [LB166]

SENATOR JANSSEN: Yes. [LB166]

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SENATOR STUTHMAN: And then they will be aware of the possibility that their property is going to be an issue of discussion in the protesting process during the county board's evaluations. [LB166]

SENATOR JANSSEN: You got that correct. [LB166]

SENATOR STUTHMAN: Okay. Thank you. [LB166]

SENATOR JANSSEN: Uh-huh. [LB166]

SENATOR STUTHMAN: Those are my comments. I think what we have in place right now can be done, but I think what we're trying to add to it, the way I understand it, is, you know, notifying the people. Maybe the property owner doesn't live in the state and they will be notified, you know, that that parcel of property, you know, is the subject of a protest of a possibility of their property valuation getting raised, and I think...I realistic think that people that own property should be notified of any action or anything being done that could affect their possible taxable liability. So with that, those are the balance of my comments and I will return the rest of my time back to the Chair. Thank you. [LB166]

PRESIDENT SHEEHY: Thank you, Senator Stuthman. Senator White. Senator Gay. [LB166]

SENATOR GAY: Thank you, Mr. President. I have a question for Senator Janssen,... [LB166]

PRESIDENT SHEEHY: Senator Janssen, would you yield? [LB166]

SENATOR GAY: ...if he'd yield. [LB166]

SENATOR JANSSEN: Yes. [LB166]

SENATOR GAY: Senator Janssen, is this the way I understand this? If a lawyer is representing the property owner, he would be notified, he or she would be notified on this? Is that kind of... [LB166]

SENATOR JANSSEN: Well, the property owner, the property owner would be. [LB166]

SENATOR GAY: Does a representative of the property owner? [LB166]

SENATOR JANSSEN: If there is a personal representative, then they would be notified, I'm sure. Yes. [LB166]

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SENATOR GAY: Well, the only reason I ask, we've had...I don't think...this doesn't happen too often where somebody is appealing. I wouldn't go appeal Senator White's property. Apparently it can be done. It's very rarely done, but we do have cases. And I think the way I read this correctly and what I'm looking for is if a representative, an attorney, is representing that property owner who may live out of state, this would make sure they get receipt, correct? [LB166]

SENATOR JANSSEN: Correct. [LB166]

SENATOR GAY: Okay. Because that does happen rarely, and we've run into that circumstance and we were at odds of what to do. So this...I appreciate this. It will clean up several cases that I know personally we've had to deal with. So thank you. [LB166]

SENATOR JANSSEN: Uh-huh. [LB166]

PRESIDENT SHEEHY: Senator Stuthman. [LB166]

SENATOR STUTHMAN: Thank you, Lieutenant Governor and members of the body. Another thing that just entered my mind about the time frame, you know, what I have a real concern with is that the assessors are going to be able to have enough time, you know, to make the notifications if this does become, you know, an issue of numbers as far as getting that letter to the property owners by certified mail, getting it delivered, getting the correct notification. Is this something, Senator Janssen,...if I may ask a question of him again, please? [LB166]

PRESIDENT SHEEHY: Senator Janssen, would you yield? [LB166]

SENATOR JANSSEN: Yes. [LB166]

SENATOR STUTHMAN: Do you think that this could create a problem or a hardship on our county assessors about the notification time frame? That is one of my concerns, so that we don't try to put an extra burden on them and we won't be able to fulfill that duty that we'll be voting on. Senator Janssen. [LB166]

SENATOR JANSSEN: Yes. The protester would have to be...demonstrate that a notice had been mailed to the owner before the county...to the owner. That's where it goes, it goes to the owner with any action regarding a protest. So it...they would have to be noted...notified, the owner would. [LB166]

SENATOR STUTHMAN: And is there enough of a time frame? Yes, they have to be notified, but is there anything in statute as far as the date when they have to be notified? Or is it...it has to be notified prior to the protest scheduling, when the county board is

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going to do their protesting. [LB166]

SENATOR JANSSEN: Absolutely. It would have to be...they would have to be notified within significant time. I would imagine that they couldn't send it to the county board or the assessor the same day. There would have to be significant time. [LB166]

SENATOR STUTHMAN: Well, this is what I hope would happen, is that, you know, before the scheduling of the county board and the county assessors schedule it for a hearing at a certain specified time of the day that the notification will be in the hand, you know, in prior time. So there I'm looking at, you know, maybe trying to put an amendment to this, but I have to research this a little further. With that, I'll give the balance of my time back to the Chair. [LB166]

PRESIDENT SHEEHY: Thank you, Senator Stuthman. Senator White, followed by Senator Wallman. [LB166]

SENATOR WHITE: Yes, Senator Stuthman, I can address your concern. There is no requirement for the assessor to provide notice to anyone. The situation is if a person, not the owner of the property, wishes to protest the valuation of a piece of property, that person who wishes to protest them, before they can even initiate a protest, must send a certified letter notifying the owner of the property that they intend or will be protesting the valuation. It puts no burden whatsoever on the assessor. It puts the burden on the person who wants to protest the valuation of the landowner, and it requires that person to give them fair notice so they can defend their own interests. So there is no additional burden on the assessors or government, simply the person that wants to protest land that they don't own. I waive the rest of my time. Thank you, Mister... [LB166]

PRESIDENT SHEEHY: Thank you, Senator White. Senator Wallman, followed by Senator Raikes. Senator Wallman. [LB166]

SENATOR WALLMAN: Yeah, I, too, have concerns like Senator Stuthman about this reevaluation and protest and all. We have a lot of that going in rural areas. But when they...is there a provision in there that you can also lower your taxes, in case it's lower? Some of my friends have actually been overevaluated and they can't get their money. Is there a provision in there, Senator Janssen, if I may ask? [LB166]

PRESIDENT SHEEHY: Senator Janssen, would you yield? [LB166]

SENATOR JANSSEN: Well, that would be up to the county board or the TERC board. If values of land were decreasing in that area, yes, then I would imagine...you know, this very likely isn't going to happen, but if values of land...we've seen that happen for, you know, you go back in history where land decreases in value also. Certainly that, you know, hopefully that doesn't happen, but it could. Then they would take the value

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of...from recent sales and revalue that land. You know, what goes up has to come down, and someday, you know, this is going to happen,... [LB166]

SENATOR WALLMAN: Yeah. [LB166]

SENATOR JANSSEN: ...and it has throughout history. So, yes, then it would be valued at a lower rate if recent sales were selling at lower values. So did that answer your question? [LB166]

SENATOR WALLMAN: Yeah. Because there is tremendous pressure on county boards and assessors to keep valuation the same or higher because of the property tax valuation lid, as you well know. And I yield my rest of the time. Thank you, Lieutenant Governor. [LB166]

PRESIDENT SHEEHY: Thank you, Senator Wallman. Senator Raikes. [LB166]

SENATOR RAIKES: Thank you, Mr. President, members. The issue that has been discussed here is, I think, an important one because this was under the consideration of the committee and there are a couple of sides or a couple of points to be made. Right now it is possible that you can protest the value of property that you do not own. It was DPAT's recommendation that that not be done. The committee decided not to go along with that recommendation and, therefore, put in the amendment that Senator Janssen has introduced that would allow for protest of property that you do not own, provided that notice requirements are given. So that's the issue before you. Now I would like to ask Senator White, if I might, the following question. Concern has been raised, is this a provision of the property tax valuation procedure that could be used for spite? For example, you've got maybe people are not getting along with each other in a divorce situation, or people are not getting along with each other because they're running against each other in a political campaign. Is there a danger that leaving this provision in the statute, as the committee has done, could lead to what we would consider less than desirable outcomes? Please. [LB166]

PRESIDENT SHEEHY: Senator White, would you yield? [LB166]

SENATOR WHITE: I'd be delighted. Certainly any tool, a hammer, can be misused. Anything can be misused. Historically there has not been a lot of problem with it. The law exists to prevent another evil, or potential evil, which is if you have a very powerful landowner, property owner in a county has an inappropriate relationship with the county assessor, this allows any citizen who feels that the tax laws are not being fairly applied to protest that and to bring that issue up before the public. So it exists to correct a potential...another problem. One of the issues the committee looked at, and indeed I had suggested that we have not yet acted on, was that in the event you protest property that does not belong to you that you be charged with a reasonable cost, not the fees,

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but the costs of, for example, an appraisal or for the hearing, to make sure you're not filing such actions lightly. And I certainly would not object to that. But I do think it's very important that we keep available the watchfulness of our citizens and avenues for them to be watchful to keep an eye on things like the fairness of taxation. And as provided, it allows the owner to defend himself and it does provide for that. And if spite becomes a problem or is a serious issue to this body, it can easily be amended so that a modest amount, a couple hundred dollars per protest, would certainly discourage idle spiteful protests. [LB166]

SENATOR RAIKES: Okay. Thank you, Senator White. [LB166]

PRESIDENT SHEEHY: Further discussion on AM105, amendment to the committee amendment? Senator Stuthman. [LB166]

SENATOR STUTHMAN: Thank you, Mr. Lieutenant Governor and members of the body. I want to engage in a little more conversation with Senator Janssen, if I may, as far as this amendment is concerned. [LB166]

PRESIDENT SHEEHY: Senator Janssen, would you yield? [LB166]

SENATOR JANSSEN: Yes. [LB166]

SENATOR STUTHMAN: In this amendment, on page 8, line 10, the new language: "The county board of equalization shall mail notice of the date of the hearing to the protester and the owner or owners." And that's new language. Isn't this currently done already? In my county they do this. [LB166]

SENATOR JANSSEN: I'm not certain about that, Senator Stuthman, but this would make sure that it is being done. [LB166]

SENATOR STUTHMAN: Even if it would be a duplication in the statute. [LB166]

SENATOR JANSSEN: Well, this changes the statute. [LB166]

SENATOR STUTHMAN: Yes. Yes. [LB166]

SENATOR JANSSEN: Uh-huh. [LB166]

SENATOR STUTHMAN: But I think in our local county, and I was visiting with another previous county board member and, you know, those notifications are sent out to the property owners as far as, you know, their valuation change and their...if they want to protest their valuation. I remember distinctly, you know, we met for two or three days, scheduled every five minutes for another potential protester. But putting this in as new

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language, are you just trying to reemphasize it or is this something that we feel that wasn't in the statute prior to this? [LB166]

SENATOR JANSSEN: It was not in the statutes prior to this, Senator Stuthman. [LB166]

SENATOR STUTHMAN: So what was not...it was not in the statute, but the county boards, you know, they were probably doing it anyway because, you know, if you protested you'd have to have notification as to what time...what date and what time of the day you had...you were allowed to protest your valuation. Now I don't know if all counties are doing it, they probably weren't, but what will happen now is, you know, that all counties, you know, would have to send notification. And I'm sure some of those smaller counties, you know, probably do not have as many protesters as we generally had. But I don't have any problem with this. I just felt that, you know, it was something that we were already doing, but now I do understand that it was not in the statute prior to this. And I think it's very, very important that it is added into the statute because, you know, that does put a burden on, you know, the county assessor to make the notification. But realistically, if you're going to have a hearing, there has to be some type of notification. So this should take care of that. So with that, I'll give the balance of my time back to the Chair. [LB166]

PRESIDENT SHEEHY: Thank you, Senator Stuthman. Further discussion on AM105? Seeing none, Senator Janssen, you're recognized to close. [LB166]

SENATOR JANSSEN: I believe the committee amendments do help the bill, and I appreciate the discussion we've had. This is setting a better policy for the property owners and for the protesters, and puts some teeth into it. Thank you. I would like to have your affirmative vote on the committee amendments. [LB166]

PRESIDENT SHEEHY: Thank you, Senator Janssen. The question before the body is, shall AM105, an amendment to the committee amendment, be adopted? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB166]

CLERK: 38 ayes, 0 nays, Mr. President, on the adoption of the amendment to the committee amendments. [LB166]

PRESIDENT SHEEHY: AM105, amendment to the committee amendment, is adopted. The floor is open for discussion on the committee amendment. Senator Raikes. [LB166]

SENATOR RAIKES: Thank you, Mr. President and members. I want to just call your attention to one aspect of the committee amendment, dealing with recapture. We decided last year, in LB808 in the committee, to eliminate recapture. When the bill got to the floor we decided, rather than elimination, to phase it out. In the process of adopting

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the amendment to phase it out, rather than having the recaptured value at 80 percent or 75 percent, depending upon the year--because this is ag land we're talking about--it was put in at full value. So this simply...the committee amendment corrects that, so that we are being consistent with past practice, in terms of recapture, and it also makes provision for the 75 percent valuation that the Legislature adopted last year for ag land, so thank you. [LB166]

PRESIDENT SHEEHY: Thank you, Senator Raikes. Further discussion on the committee amendment? Seeing none, Senator Janssen, you're recognized to close on the committee amendment. [LB166]

SENATOR JANSSEN: Thank you, Mr. Speaker, and thank you, Senator Raikes, for explaining that portion in the committee amendments. With that, I ask for your approval of the committee amendments. [LB166]

PRESIDENT SHEEHY: Thank you, Senator Janssen. You've heard the closing on AM45, the committee amendment to LB166. The question is, shall the committee amendment be adopted? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB166]

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB166]

PRESIDENT SHEEHY: AM45 is adopted. The floor is open for discussion on LB166. Correction: There is an additional amendment to the bill, AM157. (Legislative Journal page 418.) Senator Raikes, you're recognized to open. [LB166]

SENATOR RAIKES: Thank you, Mr. President, members of the Legislature. This amendment, AM157, provides an exception from recapture for land that becomes disqualified from special valuation due solely to the change in the definition of agricultural and horticultural land adopted by the Legislature in LB808 last session. For those of you who weren't here last session and those of you who were here and simply don't remember, the Legislature adopted a bill that made qualification for ag land status contingent on the primary use of the parcel for commercial agricultural purposes. The change was made largely in response to situations where acreage owners were able to receive the tax benefit of special valuation or greenbelt, even though it was clear that the primary purpose of the parcel was not for agricultural purposes, but rather to serve as a home site. LB808 also made changes in the administration of recapture. As you know, and I just mentioned a little earlier, when land becomes disqualified from special valuation the taxpayer is required to pay additional taxes to account for the difference between the taxes paid on 75 percent of the special valuation and the amount that would have been paid had the land been taxed at its actual value in previous years. My original proposal intended to do away with recapture in conjunction with the change in

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the definition of agricultural land. Again, this was how the bill came out of the committee last year. However, after some concerns were brought forward by Senator Kopplin--it's really his fault--the Legislature ultimately agreed to phase out...to a phase-out approach, whereby one less year of recapture would be imposed each year until the entire process was eliminated in 2010. Fast forward to this year. With the new definition of agricultural and horticultural land, many parcels that previously qualified for greenbelt no longer qualify, which was the intent. However, because the Legislature did not fully do away with recapture, parcels that became disqualified solely as a result of the definition change are now subject to additional taxes; namely, recapture. This amendment provides an exception for those cases. It recognizes that it was a change in definition by the Legislature, not a change in land use by the owner, that ultimately is responsible for the land becoming disqualified, and to impose recapture under such circumstances doesn't seem fair. I want to emphasize that this amendment does not exempt everyone from recapture. If a change in land use has occurred from agricultural to commercial or residential, recapture procedures would still be in place. This amendment protects only those for whom the land use is the same, but they became disqualified from special valuation due solely to the change in the definition of ag land. I'll close and attempt to answer any questions. Thank you. [LB166]

PRESIDENT SHEEHY: Thank you, Senator Raikes. You've heard the opening to AM157. The floor is now open for discussion. Anyone wishing to speak on this item? Seeing none, Senator Raikes, you're recognized to close. [LB166]

SENATOR RAIKES: Well, I'll close only because I fear I've confused some people. What we're talking about is if you've got your home site that maybe has got some 20 acres of grass or something that really accommodates the home site, and up to last year that qualified you for greenbelt as though you were a commercial agricultural operation. But last year, I think we appropriately changed that, so that no, that's not really what greenbelt is intended for, and gave the assessors the authority to go out and say, this is really a home site. So as a result, the property moves in value from greenbelt value to full value, for purposes of assessment. What I'm saying is, okay, that's fine; that's the way it should be. But that person should not have to go back and pay recapture for the previous two years, and that's really what I'm talking about. So with that, I would ask for your support. [LB166]

PRESIDENT SHEEHY: Thank you, Senator Raikes, for the closing to AM157. The question is, shall AM157 be adopted to LB166? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB166]

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of Senator Raikes' amendment. [LB166]

PRESIDENT SHEEHY: AM157 is adopted. We will now move to further discussion on

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LB166. Seeing none, Senator Janssen, you're recognized to close. [LB166]

SENATOR JANSSEN: Thank you, Mr. Speaker. We've had a very good discussion. This is a good bill, and it's a step in the right direction. We addressed quite a few things in here--greenbelting and one thing or another, and special assessments--so I would ask for your support of this bill. Thank you. [LB166]

PRESIDENT SHEEHY: Thank you, Senator Janssen. You've heard the closing on LB166. The question before the body is, shall LB166 advance to E&R Initial? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB166]

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB166. [LB166]

PRESIDENT SHEEHY: LB166 does advance. I do have two announcements. (Visitors and doctor of the day introduced.) Next item, Mr. Clerk. [LB166]

CLERK: Mr. President, LB333, offered by Senator Johnson. (Read title.) The bill was introduced on January 11, referred to the Natural Resources Committee. The bill was advanced to General File. There are committee amendments pending. (AM90, Legislative Journal page 373.) [LB333]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Johnson, you're recognized to open on LB333. [LB333]

SENATOR JOHNSON: Mr. President, members of the Legislature, a few years ago I was up in Sioux City using one of their rest rooms, and above the facility it said, please flush, Omaha needs the water. (Laughter) We have...I might say this is a rather crude attempt at humor, but also has some application to what we need to talk about today, because there has developed a situation in the state of Nebraska where this has more than a little bit of a possibility of being true. Let me describe what...when I was taken on a tour of our area, is what we have. First of all, let me tell you what we found on the tour. What it was is this, is that...I'm going to back up for a second. What is a septic tank and a drainage field? I think we all know that as we flush our toilets and so on, these go into a big tank. The solids become liquids, then it comes out through a series of pipes and leeches into the ground. Here's the problem that we ran into. One is that if this field where these pipes go out to goes into sand, there are two things--one, the effluent goes through the sand very, very quickly. The other thing that happens if the effluent goes into soil is that there are bacteria in the soil which will essentially sterilize the effluent out of the septic tanks. Sand does not sterilize the effluent. So what...you have the potential, if you have a very high water table like you do in river valleys that have a lot of sand, is the potential for the effluent out of the septic tanks to basically go into the groundwater untreated. We have a couple of sites west of our town of Kearney where

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this has the potential of being the case. This is about two miles upstream from the Kearney well field. If this became a large site--and indeed there are the considerations that I've been talking about--you can see that the effluent would not only affect the city of Kearney's well field, but the homeowner just next downstream, or to the east. So you theoretically could have a development of many homes sharing, whose well is just downstream from effluent that has not been treated satisfactorily. Well, the fact of the matter is, is we don't know whether this is the case in our particular situation or not, because here is the problem: What has happened in Nebraska is that we only register these sites and there is no inspection. There was federal funding to do this inspection, but that is ending, and so basically we just register these sites and that's the end of it. What this bill does is create a system where fees are assessed, and then the inspection and construction are done by certified people registered with the state. There's also a provision so that people who are trained and, say, city employees could be used in this process, outside their city limits and so on. So the biggest thing here really is to make the connection of our use of the registration, so that we also have inspection, thereby guaranteeing safety for the people at the site, but also for the larger group, such as the city of Kearney. With that, I will close and we will go to the amendments. And I might say that the Natural Resources with Senator Louden were very cooperative in this, and we want to thank them for that. Also, the Nebraska On-site Waste Water Association was most helpful in drawing up this bill. [LB333]

PRESIDENT SHEEHY: Thank you, Senator Johnson. You've heard the opening to LB333. We'll now move to committee amendment, AM90. Senator Louden. [LB333]

SENATOR LOUDEN: Thank you, Lieutenant Governor, and members of the body, and thank you, Senator Johnson. AM90 is a committee amendment to LB333 and becomes the bill. The amendment does not change the purpose of the bill, but adds additional clarification, eliminates obsolete language, and identifies two separate funds within the Department of Environmental Quality. The first fund, the Private Onsite Waste Water Treatment System Certification and Registration Cash Fund will be funded using the existing fee structure on system registration, application for certification, examination, renewal, late fees for renewal, hardship, enforcement, and for the development and enforcement of standards. The only truly new category created by LB333 is late fees for system registration, and this would be concern to the actual operators. Under the original bill and the committee amendment, the Environmental Quality Council is directed to develop a fee schedule which covers the direct and indirect costs to administer requirements related to private on-site wastewater treatment systems authorized by the Nebraska Environmental Protection Act. These costs include reviewing of submitted plans and specifications, issuance of permits or approvals, proper operation and maintenance, development and enforcement of standards, closure, and necessary administration and enforcement. These fees would be placed in the second fund, the Private Onsite Waste Water Treatment System Permit and Approval Cash Fund, that is to be funded by fees determined by the Environmental

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Quality Council necessary to cover the cost of the program. This program was created to be cash funded. Currently, the state receives a federal grant with matching state General Fund appropriation dollars to cover the cost of the program. Those federal funds are no longer available for this program, and this is a concern to the system itself. Based on testimony received by the committee, we believe that by granting the director of the department authority to waive certification and examination fees for inspectors that are employed by governmental agency or subdivision, so long as that entity has adopted and has the authority to enforce an inspection and compliance program which is at least as stringent as the state's program, communities could experience some cost savings. And communities could actually assist the state in investigation. There was no opposition to the bill, and the amendment was discussed in the opening remarks of Senator Johnson on the bill. The bill was advanced, as amended, by unanimous vote from the committee. And I'll be willing to try and answer any questions. With that, I'd ask that the amendment be adopted onto LB333. Thank you, Lieutenant Governor. [LB333]

PRESIDENT SHEEHY: Thank you, Senator Louden. You've heard the opening of AM90. The floor is now open for discussion. Senator Harms. [LB333]

SENATOR HARMS: Mr. President and colleagues, Senator Johnson, would you yield? [LB333]

PRESIDENT SHEEHY: Senator Johnson, would you yield? [LB333]

SENATOR JOHNSON: Yes, sir. [LB333]

SENATOR HARMS: Senator Johnson, the only concern I have about the bill is on page 7, line 3, item 7--the word "may." I believe that when we look at that, we're really placing that director into a terrible position, and I would hate to be that director, because everyone is going to go after that individual for the fact that he may have the ability to waiver. And when people see that and review that, everything that we do, every certification, every examination you go through is going to be challenged, and I'm just placing this to you for consideration. It really doesn't make any difference to me, but I do think that it poses a problem for the person who has to do this. [LB333]

SENATOR JOHNSON: Thank you, Senator Harms, and thank you for calling this to our attention. This is on the amendment, and so technically, we need to direct our attention to Senator Louden, but I'm sure that we'll be glad to work with you and reconsider that exact wording, so that we accomplish indeed what we're trying to do here. So I want to thank you. Senator Louden, you have any further question, or answer? [LB333]

PRESIDENT SHEEHY: Senator Louden? [LB333]

SENATOR LOUDEN: I didn't completely... [LB333]

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PRESIDENT SHEEHY: Senator Louden. [LB333]

SENATOR LOUDEN: Okay, thank you. I didn't completely hear the question, Senator Harms, but would you be talking about where the director may waive certification and examination of fees for inspectors employed by governmental subdivisions; is that your question? [LB333]

PRESIDENT SHEEHY: Senator Harms? [LB333]

SENATOR LOUDEN: I would ask if...would Senator Harms wish to reply to that? [LB333]

SENATOR HARMS: Senator, I was not paying attention. Would you like to repeat that question? I apologize. [LB333]

SENATOR LOUDEN: Okay. Yeah, and rightly so, because I didn't exactly hear your question. Is it on item 4, where the director may waive certification; is that... [LB333]

SENATOR HARMS: Yes, it is. And it's just with the green sheet, but I understand that maybe the amendment has corrected that? [LB333]

SENATOR LOUDEN: Yes, we think so. And that's mostly for cities that already have inspectors in place, so the director can waive those that the cities are going to take care of the job, that's mostly what it amounts to. [LB333]

SENATOR HARMS: That's a good enough clarification for me. Thank you very much for bringing that to my attention. [LB333]

SENATOR LOUDEN: Okay, thank you, and I'll either...if Senator Johnson would like the rest of my time or whatever, I'm... [LB333]

PRESIDENT SHEEHY: Well, we were still working on Senator Harms' time, but Senator Johnson. [LB333]

SENATOR JOHNSON: And that's the reason I turned on my light, Mr. President, because I think I'm the one that caused the confusion, and I apologize for that. Thank you. [LB333]

PRESIDENT SHEEHY: Further discussion on AM90? Seeing none, Senator Louden, you're recognized to close on committee amendments. Senator Louden waives closing. The question before the body is, shall AM90, committee amendment to LB333, be adopted? All those in favor vote yea; opposed, nay. Have all voted who wish? Please

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record, Mr. Clerk. [LB333]

ASSISTANT CLERK: 31 ayes, 0 nays, on the adoption of committee amendments, Mr. President. [LB333]

PRESIDENT SHEEHY: The committee amendment is adopted. The floor is now open for discussion on LB333. No requests? Senator Johnson, you're recognized to close. [LB333]

SENATOR JOHNSON: Since the amendment does become the bill, let me just ask for your support to advance this measure. Thank you very much. [LB333]

PRESIDENT SHEEHY: Thank you, Senator Johnson. You've heard the closing to LB333. The question before the body is, shall LB333 advance to E&R Initial? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB333]

ASSISTANT CLERK: 38 ayes, 0 nays, on the motion to advance the bill, Mr. President. [LB333]

PRESIDENT SHEEHY: LB333 does advance. Next item, Mr. Clerk. [LB333]

ASSISTANT CLERK: Mr. President, next bill is LB99, which was introduced by Senators Wightman and Nelson. (Read title.) The bill was read for the first time on January 5 of this year, referred to the Judiciary Committee. That committee reports the bill to General File without committee amendments. [LB99]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Wightman, you're recognized to open on LB99. [LB99]

SENATOR WIGHTMAN: Thank you, Lieutenant Governor, members of the body. Probably 20 days ago, in my ignorance I would have gotten up and said, perhaps this is a noncontroversial bill, but now I know that all of them are potentially controversial, so I strike any thought of that. LB99--I was asked to introduce this by the State Bankers Association--what it does is provide that a receiver can be appointed under a deed of trust. And since most of you don't deal in these kinds of issues every day, I'll explain a little bit about what a deed of trust is and what a receiver is. Actually, the deed of trust goes back in history clear back to about 1965, in which the Legislature passed a deed of trust act, which made it somewhat easier to regain possession of a tract of property if it had been sold as opposed to having a mortgage against that property. And actually, it was not much used until about 1982. And in 1982, with the farm recession and the general recession in the country, bankers turned to the use of a trust deed. What the difference is, a mortgage always required a foreclosure proceeding to be brought in the

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district court to regain possession of the property, or to have the property sold to satisfy the debt. Under a deed of trust, you named a trustee who held the property as security for that debt, and then he, upon default, was entitled to give notice to the property owner or purchaser, and then without a judicial proceeding, without resorting to the district court, could cause that property to be sold upon notice. Under the foreclosure proceeding there's always been a right to have a receiver appointed during the pendency of that litigation, while the court...was pending in the court, to take possession of that property, if it needed to be, to preserve it from waste and conserve the property, but also, if it was income-producing property, it gave them the opportunity to have a third party appointed who could rent that property out or make necessary repairs. That section providing for the appointment of a receiver, which is 25-1081, never made mention of a deed of trust. It talked about a foreclosure of mortgage. Now courts have a power, under their equity powers, to grant the appointment of a receiver, and many of them did. However, there have been some who have said, well, show me the law. There's nothing in the law that says you're entitled to a receiver, and as a result, some courts have refused to appoint that receiver. The bankers and lenders across this state feel that it is important so that we have a clarification of that law, that the court could, in a deed of trust situation, have statutory authority to appoint a receiver, and that is the purpose of Section 25-1081, and LB99. So what it does, it provides that a court, where there is a foreclosure pending, could appoint a receiver to take possession of that property and preserve the property during the pendency of any litigation, or until such time that it is sold. It further provides that an assignee--and it refers to Section 52-1705...if somebody holds an assignment of that deed of trust, or it could even be an assignment of a contract sale, that they likewise would be entitled to have a receiver appointed. There are a lot of safeguards in the act, because it is necessary that the creditor make proper showing before the district court that they're entitled to have a receiver appointed. So it isn't a matter of where they can just go in and arbitrarily have a receiver appointed, but they would need to make showing to the court that there is a necessity and that waste will occur or is likely to occur, or that rents won't be received and will be lost to everyone. So that is the protection that the law, or LB99 affords. I believe it is necessary to clarify the law. We have courts applying the equity powers sometimes. Most of them do, but occasionally one is refused, and we think it is necessary that that law be clarified. I might say that this doesn't always apply only to institutional lenders. It could apply to one neighbor who has sold a farm, and then that farm is just generally abandoned or he's unable to get possession of the property, and it's pending a sale. There may be a question as to whether it can be rented before the sale occurs, and so even in an instance between neighbors, this amendment that would be made by LB99 might well apply. So I will yield the rest of my time. We would ask your support for this bill and would yield the rest of the time to the Chair. [LB99]

PRESIDENT SHEEHY: Thank you, Senator Wightman. You've heard the opening to LB99. The floor is now open for discussion. Senator Chambers. [LB99]

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SENATOR CHAMBERS: Thank you, Mr. President. Senator Wightman, I'd like to ask you a question or two about this bill. [LB99]

PRESIDENT SHEEHY: Senator Wightman, would you yield? [LB99]

SENATOR WIGHTMAN: Certainly. [LB99]

SENATOR CHAMBERS: Before I go into what you're talking about, would you turn to your green copy of the bill, on page 2, and I'm going to start in line 3, where it says "A receiver may be appointed by the district court." Are you with me there? [LB99]

SENATOR WIGHTMAN: Yes. [LB99]

SENATOR CHAMBERS: Okay now, this is the language I want to discuss with you: "in an action by a vendor to vacate a fraudulent purchase of property." Is a vendor a seller or a buyer? [LB99]

SENATOR WIGHTMAN: A vendor is a seller. [LB99]

SENATOR CHAMBERS: Well, why would the vendor want to vacate a fraudulent purchase, if the vendor is selling it rather than purchasing it? [LB99]

SENATOR WIGHTMAN: Well, I think this isn't the portion of that section being amended, Senator Chambers, but... [LB99]

SENATOR CHAMBERS: I know, but you're the expert, so I'd like you to tell me why a vendor is going to try to vacate a fraudulent purchase when the vendor is not the one purchasing. [LB99]

SENATOR WIGHTMAN: I don't know why that situation may exist, but I suppose that a vendor could have been defrauded into selling a property by giving them false information with regard to the property, and a purchaser might be trying to vacate that, and that could be the situation. [LB99]

SENATOR CHAMBERS: You mean the seller is trying to vacate it? [LB99]

SENATOR WIGHTMAN: Trying to vacate the sale, I suppose. [LB99]

SENATOR CHAMBERS: So then why doesn't it...okay, to vacate a fraudulent purchase. Thank you. I'll ask Senator Ashford a question or two, if I may. Then I'll come back to you. [LB99]

PRESIDENT SHEEHY: Senator Ashford, would you yield? [LB99]

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SENATOR CHAMBERS: Senator Ashford, did you follow the discussion between me and Senator Wightman? [LB99]

SENATOR ASHFORD: About the fraudulent purchases? [LB99]

SENATOR CHAMBERS: Yes, did you follow that, and do you agree basically with what he gave as his understanding of why that language might be there? [LB99]

SENATOR ASHFORD: Why don't we go back over it again, Senator Chambers? [LB99]

SENATOR CHAMBERS: Okay. [LB99]

SENATOR ASHFORD: I was...I was reviewing Section 2 as you were asking questions. [LB99]

SENATOR CHAMBERS: Okay, it's on page 3. [LB99]

SENATOR ASHFORD: I'm where you are; I just... [LB99]

SENATOR CHAMBERS: Okay. In an action by a vendor to vacate a fraudulent purchase of property. The vendor is selling the property, so Senator Wightman's reasoning is that the purchaser is the one who committed the fraud. [LB99]

SENATOR ASHFORD: Right. But in this case, I think it's, again, my understanding--and Senator Wightman can certainly correct me--the vendor...this would be a case where, I believe, where the property is security for a particular transaction. [LB99]

SENATOR CHAMBERS: So the... [LB99]

SENATOR ASHFORD: So in a...I believe that's why it is in this section. [LB99]

SENATOR CHAMBERS: So then the...here's what I'm asking, though. If the vendor is the one selling, why would it say that the vendor wants to set aside a fraudulent purchase? [LB99]

SENATOR ASHFORD: Because there was fraud in the transaction. [LB99]

SENATOR CHAMBERS: By the purchaser. [LB99]

SENATOR ASHFORD: By the purchaser. And somehow the purchaser has defrauded the seller, either as to the ability to pay or for the use of the property. There could be a laundry list of conditions that would be in that transaction. [LB99]

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SENATOR CHAMBERS: Thank you, and I can accept what you and Senator Wightman said. Now I will return to Senator Wightman, if he will answer another question or two. [LB99]

PRESIDENT SHEEHY: Senator Wightman, would you yield? [LB99]

SENATOR WIGHTMAN: I will. [LB99]

SENATOR CHAMBERS: Senator Wightman, in looking at the committee statement, only one person other than yourself appeared to speak on this bill. Do you remember offhand who that person was? [LB99]

PRESIDENT SHEEHY: One minute. [LB99]

SENATOR WIGHTMAN: I believe it was Bob Hallstrom. [LB99]

SENATOR CHAMBERS: And was he speaking for himself, or representing an association or organization? [LB99]

SENATOR WIGHTMAN: Well, he may have been speaking for himself, but he was also representing an association. [LB99]

SENATOR CHAMBERS: And what association was he representing? [LB99]

SENATOR WIGHTMAN: Well, he may have been representing more than one, but I think he was representing the State Bankers Association. [LB99]

SENATOR CHAMBERS: He was representing...so the state bankers want this bill; is that your conclusion, from the fact that he came and spoke in favor of it? [LB99]

SENATOR WIGHTMAN: I think that they do want the bill, yes. [LB99]

SENATOR CHAMBERS: Thank you, and I'm going to stop now, but I'll turn my light on, Mr. President. Thank you. [LB99]

PRESIDENT SHEEHY: You may continue, Senator Chambers. [LB99]

SENATOR CHAMBERS: I have asked Senator Wightman all that I need to ask him on that score, but I have another question I'd like to ask him, if he will yield. [LB99]

PRESIDENT SHEEHY: Senator Wightman, would you yield? [LB99]

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SENATOR WIGHTMAN: I will. [LB99]

SENATOR CHAMBERS: Senator Wightman, have you been asked to introduce any other bills in which the bankers have an interest, or is this the only one? [LB99]

SENATOR WIGHTMAN: I believe this is the only one. [LB99]

SENATOR CHAMBERS: Could you talk in the mike so it will be recorded? [LB99]

SENATOR WIGHTMAN: I believe that this is the only one. [LB99]

SENATOR CHAMBERS: Thank you, and you have a mellifluous voice, and I want to be sure everybody hears it. [LB99]

SENATOR WIGHTMAN: Thank you. [LB99]

SENATOR CHAMBERS: Now I have taken for a certain reason a very keen interest in every bill that the bankers are interested in. I'm now more interested in their bills, perhaps, than they are. Would you be willing to let me bracket this bill until a week from today, and discuss it again at that time? That means set it aside for a week, and then resume the discussion in a week. Or would you rather not do that? [LB99]

SENATOR WIGHTMAN: I would rather speak with somebody else before I answer that question. [LB99]

SENATOR CHAMBERS: Would you say it in the mike, because I didn't even hear what you said. [LB99]

SENATOR WIGHTMAN: I said I would rather speak with someone else, my aide, before I answer that question. [LB99]

SENATOR CHAMBERS: Somebody else your age? [LB99]

SENATOR WIGHTMAN: Yes. [LB99]

SENATOR CHAMBERS: I'm older than you. [LB99]

SENATOR WIGHTMAN: Oh, not my...(Laugh) [LB99]

SENATOR CHAMBERS: Well, what did you say? [LB99]

SENATOR WIGHTMAN: I said an aide. [LB99]

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SENATOR CHAMBERS: Oh, an aide. Okay, well, I'm going to continue talking, and would you be able to speak to that aide while I continue talking? [LB99]

SENATOR WIGHTMAN: I will do that. [LB99]

SENATOR CHAMBERS: Thank you, Senator Wightman. Members of the Legislature, the bankers, they are not my favorite people anyway. And when the bankers come here with heartless activity--not on this bill--they have another thought coming if they think that I'm going to let them mess over the people who mean something to me, and then they're going to have legislation that will pass through this Legislature like digested food, out of the system of somebody who has consumed an entire box of ex-lax. You talk about an effluent, which was discussed on Senator Johnson's bill; that's what is going to look like is flowing out of the bankers association when I get through with them this session. A bill that is on the agenda today is coming up, and I would hate to have Senator Wightman's bill get whipsawed. But I'm going to have to spend some time on Senator Wightman's bill this morning, and for those who understand that the word "time" can have different meanings, every now and then there's a part of a poem written by Edgar Allan Poe that I like to quote. Mr. President, how much time do I have speaking...do I have remaining? [LB99]

PRESIDENT SHEEHY: Two minutes. [LB99]

SENATOR CHAMBERS: Two minutes. I wonder if I can get it done. I might be able to, but I think I will not try during these two minutes. I will talk them away, put on my light, and show the bankers-- there's a judge named Coffey in Omaha that I will be dealing with, not on this bill--and to show how the floor of the Legislature is, in fact, a bully pulpit, a platform, and a forum for issues of importance to be discussed. Each of us has his or her own standards and will determine what is important. But nobody determines for me what is important for me. And when the bankers decide to take a position... [LB99]

PRESIDENT SHEEHY: One minute. [LB99]

SENATOR CHAMBERS: ...which I think is unconscionable, I feel a personal responsibility and a public responsibility, meaning to look out for those people who would be harmed by the inappropriate conduct of these bankers, to speak in their behalf on this floor because they are not here. And now that Senator Wightman is back, I will ask him that question. Not right now, because there won't be enough time, but when I'm recognized the next time. Thank you, Mr. President. [LB99]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Ashford. [LB99]

SENATOR ASHFORD: Thank you, Mr. President and members. The Judiciary

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Committee did hear this bill and voted it out, and I think, just getting back to the bill briefly, the rationale for voting the bill out was that Senator Wightman had brought a provision which is consistent with current law and, in fact, does protect both buyers and sellers, vendors and vendees, and all the parties to a transaction. The statute, 25-1081 and 1080 et seq., does set forth the...all of the applicable statutes regarding receivers. And in my opinion, and the reason I voted for it, is that in my experience in the practice, the appointment of a receiver is a...in most cases is a positive step, both preserving the asset, the property that is potentially to be sold, and the rights of all the parties. And there are numerous remedies in the statutes today which would protect all the parties to a credit transaction where property is the security. So I think the committee did the appropriate thing in supporting Senator Wightman in his efforts to make this change, and I would...when the matter comes up for a vote, I would urge that it be advanced, whether now or at some future date. But as I say, I think the committee had ample reason to vote it out of committee. Thank you, Mr. President and members. [LB99]

PRESIDENT SHEEHY: Thank you, Senator Ashford. Mr. Clerk, you have announcements on your desk? [LB99]

CLERK: Mr. President, the Business and Labor Committee will conduct an Executive Session in the north balcony; Business and Labor, north balcony now. [LB99]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We have Senator Chambers, followed by Senator Wightman. Senator Chambers, this is your third time. [LB99]

SENATOR CHAMBERS: Yes. Mr. President, members of the Legislature, the bill before us has considerable merit. I did not vote when the time arrived for the committee to decide what it would do with this bill. I did not vote for it; I did not vote against it. I made no attempt to hinder it. And right now, I have no opposition to the bill itself. Just like if a highwayman stopped me on the highway and put a pistol against my temple and said, give me your money. Well, I've got nothing against his pistol, but I've got something against the highwayman and the use being made of that pistol. So I have nothing against this bill. I have nothing against Senator Wightman. But I have something against those who want this bill; namely, the bankers. And they're going to find out that not only will they be in a battle for the rest of this session, if they can persuade the senators to go along with conduct that I think is hurtful to homeowners, the session is going to be poisoned. Now you all may find what I'm saying to be somewhat on the mysterious side, but all things will be made plain when the time is right. Oh, there's that word "time" again. Hear the tinkling of the bells/silver bells/what a world of merriment their melody foretells/how they tinkle, tinkle, tinkle. That's not really the way the poem goes, but a lot of people would not know whether it was right or wrong unless I say so. But that's how you get people's attention. And somebody is going to look at Edgar Allan Poe's poem, The Bells, and correct what I just said that may be incorrect. But this part is correct, where he said, Keeping time, time, time/In a sort of Runic rhyme/To the tintinnabulation

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that so musically wells/From the bells, bells, bells, bells/Bells, bells, bells/From the jingling and the tinkling of the bells. So there will be time, time, time taken. But before I do it, I'd like to ask Senator Wightman a question. [LB99]

PRESIDENT SHEEHY: Senator Wightman, would you yield? [LB99]

SENATOR WIGHTMAN: Yes, I will. [LB99]

SENATOR CHAMBERS: Senator Wightman, are you willing to bracket or postpone discussion on this bill for a week, after having had your conference? [LB99]

SENATOR WIGHTMAN: No, I'm not. I would ask for an up and down vote today. [LB99]

SENATOR CHAMBERS: Well, are you willing to discuss this bill for another week, Senator Wightman? [LB99]

SENATOR WIGHTMAN: If there is sufficient discussion, but I don't think it would take another week, and I would like to discuss it now. [LB99]

SENATOR CHAMBERS: Well, it wouldn't take a week, for sure, but when it gets involved in other things, it can take a long time. How long are you willing to discuss this bill; for how many days, I mean? [LB99]

SENATOR WIGHTMAN: I would like to have a vote on it today. [LB99]

SENATOR CHAMBERS: Well, Senator Wightman, I'd like to have a million dollars today, but I'm not going to get it. So how long are you willing to discuss this bill? Are you willing to discuss it the rest of the morning, if that's necessary? [LB99]

SENATOR WIGHTMAN: I would much prefer not to, but if need be, I guess. [LB99]

SENATOR CHAMBERS: I'm not asking what you would not; I'm asking what you would be willing to do. Are you willing to discuss it the rest of the morning? [LB99]

SENATOR WIGHTMAN: I'm willing to discuss it as long as it takes to bring it to a vote. [LB99]

SENATOR CHAMBERS: If it takes tomorrow, are you willing to continue the discussion tomorrow, if it takes that long? You said, as long as it takes. If it also takes tomorrow, are you willing to continue tomorrow? [LB99]

SENATOR WIGHTMAN: As long as it takes, Senator Chambers. [LB99]

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SENATOR CHAMBERS: So if that includes tomorrow, your answer is yes, you're willing to discuss it tomorrow, right? [LB99]

SENATOR WIGHTMAN: Well,... [LB99]

SENATOR CHAMBERS: Which is Wednesday, and you'd be willing to discuss it Thursday, correct? [LB99]

PRESIDENT SHEEHY: One minute. [LB99]

SENATOR WIGHTMAN: All I can say is, I'm willing to discuss it as long as it takes. [LB99]

SENATOR CHAMBERS: We're going to see. How long do you think it would take? [LB99]

SENATOR WIGHTMAN: Oh, I'm hopeful that maybe about a half hour. [LB99]

SENATOR CHAMBERS: Oh, you optimist, you. Thank you, Mr. President. To show how collegial I am, I'm not going to take all of the time I have to speak on this time around, but I'm going to speak more. [LB99]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Wightman, followed by Senator Ashford. Senator Wightman. Senator Wightman. [LB99]

SENATOR WIGHTMAN: Could I yield to...I'd ask Senator Ashford to yield for a question. [LB99]

PRESIDENT SHEEHY: Senator Ashford, would you yield? [LB99]

SENATOR WIGHTMAN: You had indicated to me that you saw no problem with bracketing it, and I guess I would like to know your reason. [LB99]

SENATOR ASHFORD: Well, I appreciate your question, Senator Wightman, and I think that what we have here are two bills dealing with banking issues. Clearly, your bill is meritorious and needs to be advanced. I think it's a legitimate question. The other bill that Senator Chambers refers to has to do with the homestead exemption, and that bill in bankruptcy proceedings or in creditor rights proceedings...and that bill essentially raises the homestead exemption to \$60,000 from \$12,500. Both bills are...I'm sure others have interest in both those bills, but clearly, the banking industry has an interest in both those bills. And I would be willing, Senator Wightman, if you would be willing, to spend some time in the next week to discuss both bills, but clearly, the other bill that's of interest to the banking industry, so that possibly we can present to the body in a week,

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you know, some sort of resolution to these matters, to keep General File moving ahead. If you would agree to that, I would be more than happy to work with you. And I know we've had some discussions about it, and I'll take full responsibility. I know you don't want to do it (laugh), but I think that I would be more than willing to help you on it...with some of these bills. You don't need help on your bill, but to try to break some kind of a logjam here. [LB99]

SENATOR WIGHTMAN: Senator Ashford, I fail to see where the two are connected in any way. It seems to me this bill should go forward on its own merits and not be tied in any way to the bill that would increase the exemptions in bankruptcy or the homestead exemption. So I would have to proceed with this bill. [LB99]

SENATOR ASHFORD: Thank you, Senator. [LB99]

PRESIDENT SHEEHY: Thank you, Senator. Mr. Clerk, do you have a motion on your desk? [LB99]

CLERK: Mr. President, Senator Chambers would move to indefinitely postpone. Senator Wightman, you would have the option to lay the bill over at this time, Senator, or take the motion up. What is your preference? [LB99]

SENATOR WIGHTMAN: We'll take the motion up at this time. [LB99]

CLERK: Thank you. [LB99]

PRESIDENT SHEEHY: Thank you. Senator Chambers, you're recognized to open on your motion to indefinitely postpone, Motion 14. [LB99]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, often there will be what is known as an innocent bystander. Somebody may be caught in a crossfire. That means the person caught in the crossfire is not a participant on either of the hostile sides, but happens to be between them. The bankers are the ones that I'm going after, and I make it crystal clear. Unlike some of my colleagues, you won't have any problem understanding what it is that I have on my mind. Now on occasion I might keep you in suspense for a short time--variety is the spice of life, and everything shouldn't be absolutely predictable. But you will not have any doubt, if you pay attention, as to what I'm dealing with and what I'm concerned about. This bill is not even worthy of a great amount of discussion on its own. But the bankers are used to coming into this Legislature and skating across it like one of those professional or Olympic ice skaters. Many times they have not crossed me, so I let them get what they want, if it's something I don't have a feeling about one way or the other. This would be one of those kinds of bills, but they'd gotten on the wrong side of me. Mr. Hallstrom, their lobbyist, has not said anything which I felt was untoward, insulting, or disrespectful. He just happens to

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be the water carrier for the wicked ones, a part of the axis of evil. And I'm not going to tell you right at this point who the other members of that axis are. You don't have to be feeling sorry for or sympathetic toward these bankers. They run everything. They've probably got some of you all in debt up to your eyeballs, like that poor fellow on the commercial says. What they like to do is encourage people into debt. If I'm going to enter into an arrangement with a banker and I say, in exchange for you lending me this money for a period of time, I will put my farm up. And if I can't pay you, then you liquidate that farm, if the amount is large enough to justify you in liquidating it, and you take what I owe you. And as time goes on, the value of that farm may not cover the amount that I owe. So if my equipment had not been a part of the collateral, then that loan could be considered what some people call classified; it's shaky. So I say, well, I don't want you to go after my farm, so I'm going to put up my equipment. I've got a combine out there as wide as a jumbo jet, and I'll put that up. And things go bad, and now that won't cover it. And eventually, everything that I own is collateral for a loan, and I'm unable to make the payments, and they come in and take it. When I put up property of any kind as collateral, I know what I'm doing. I know what I'm getting into. I hope it won't come to this turn of events, but I could conceivably lose that property. But when we have a set of circumstances where some of the most savvy dealers in money are doing everything they can to encourage people to take these credit cards, to max them out, after they know they've gotten Congress to say, we've fixed it now, so once you get your hooks in them, they won't be able to get away, because they can't go into bankruptcy and you can take everything they've got. We can have them paying you for the rest of their life. And what we'd like to do is have them will that debt to their children, so that their children will continue paying. And if they don't do that, then we'll just take everything that they've got. You think these bankers don't understand what they're doing when they line up these ducks and try to make it easy for people to get what they call easy credit? You think they're doing it because they're philanthropists? No, they have created the circumstances which will guarantee them what they didn't have before they did that. They want to fix it so you cannot get out from under the debt that they almost beg you to get into. I say this: Let the banker, the card company beware. If you have a practice and a policy of hustling these people into debt, then you're the one who's going to assume the risk. You need to be more careful about those you extend unsecured credit to. And if you did not do that, then the punishment goes with the foolishness. You were foolish to do it, and your punishment is that you're not going to be able to take this person's home. And the Legislature will stand between you, who are the--what do they call them--Carcharodon, the great white sharks? How much time do I have this time around, Mr. President? [LB99]

PRESIDENT SHEEHY: A little over four minutes, Senator. [LB99]

SENATOR CHAMBERS: Thank you. There was this judge in a rural court, because that's where this would have to be, more or less, and this poor old farmer was going to lose his property, and the bankers--fat, sleek, faces shining, got watch fobs, striped

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suits; the wrong kind of stripes, they ought to be a lot bigger and they ought to have a ball and chain attached to their ankle, but that doesn't happen to them. And they're just, they're happy because they know they've got this farmer. And they've intimidated the jurors, because the jurors are in debt to bankers, too. So although there's some question here, when time comes for the verdict, the jury says the banker wins. And the judge looked at them, he looked at the bankers. He said, I'm setting this verdict aside. It's not justified by the evidence. And I want to tell these bankers that, at least in this county, it takes 13 men to steal a man's farm. You got 12 in the jury, but the 13th is the judge and you ain't going to get him today. I'm the 13th man, and the bankers may wind up getting what they want, but they ought to, as wise as they are, total up the cost and go through a weighing process. Is that which is in the left hand worth giving up for what you think you might get in the right hand? What kind of bills do you have that you want the Legislature to pass? And for those legislators who are new, you can stop me. How? Invoke cloture, the rule of 33. You and 32 of your colleagues can stop me, but here's what your colleagues will have to ask themselves. You did it for the bankers. When you get a bill, will you have all these people supporting you against me, or does each one say, I want you to support me, then the rest of you are on your own? Beard that lion in the den by yourself. I'm not down here to win friends. If I can, that's a bonus. I'm down here to stop the oppressors from being like the dish who ran away with the spoon; the spoon being the goods of those who cannot help themselves, the dish being the bankers. Are all bankers wicked? I don't know. Are some bankers wicked? Unquestionably. I did a little research on one of those scriptures, and it didn't say it's harder for a rich man to enter heaven...it's easier for a camel to go through the eye of a needle than a rich man; it says through the eye of a needle than a banker! It's easier for a camel... [LB99]

PRESIDENT SHEEHY: One minute. [LB99]

SENATOR CHAMBERS: ...to go through the eye of a needle than a banker! In other words, the ordinary lying, cheating, thieving, will-not-pay-his-income-tax rich man will go through the eye of a needle even easier than a banker. You all feel so sorry for the bankers, don't you? I feel sorry for people who, because of the vagaries of this society, will get into serious trouble because those who know how to trick people are allowed to do so with impunity. But I'm the 13th man, and you're going to have to beat me by the rule of 33. And I don't care if you attack every bill that I got, because those bills are not my life or my wife. But your bills mean a lot more to you. I don't have strings pulling on me. You all have some people who sent you down here to do some things, and you may not be able to do them. Now are the bankers worth that much to you? And you know what they'll tell you? Don't let Chambers do that to you! [LB99]

PRESIDENT SHEEHY: Time, Senator Chambers. [LB99]

SENATOR CHAMBERS: Thank you, Mr. President. [LB99]

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PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Ashford, followed by Senator Wightman, Senator Chambers. Senator Ashford. [LB99]

SENATOR ASHFORD: Thank you, Mr. President and members. I...Senator Wightman has asked a good question, and that is, what is the relationship between these two bills, other than the fact that we're dealing with bankers. And in fact, we may or may not be dealing with bankers, depending upon the particular transaction that we're involved in, but presumably bankers may be involved when there is a foreclosure. But I would just...I would pose to Senator Wightman that in fact the bills do have some similarity, because we're dealing with receivers in the case of a foreclosure action, and in the case of the homestead exemption, we're also dealing with foreclosures. And that similarity, I think, would--in my experience, at least--would...though your bill is meritorious, Senator Wightman, without question, would be a reason to take the two bills up together and to work them out together over a period of a couple of days, so that we can discuss the issues. I think that whenever we deal with adding a step in a foreclosure proceeding, and increase some of the criteria that go into determining what can be foreclosed against, I think we are generally, even though they are two different sections of law, I think we are talking generally about the same thing. And I do understand your point that the bills are different; they're asking for different things. But they are talking about, generally, creditors' rights, and we...for a variety of reasons, the creditors' rights issues have now sort of been joined in this debate. And I would just suggest again that it might be a plausible idea to give us, or give me maybe, as Chairman of the Judiciary Committee where both bills came, the opportunity to sit down and see if we can just sort through these two issues. Thank you, and I'd relinquish the rest of my time to Senator Wightman, if he wishes to use it. [LB99]

PRESIDENT SHEEHY: Senator Wightman. [LB99]

SENATOR WIGHTMAN: Thank you, Lieutenant Governor, members of the body. First of all, I would like to explain why, in my opinion, these two bills are not two bills that ought to be tied together at all. They're two completely different types of bills, provide different remedies. LB99 provides a mechanism for the appointment of a receiver where at least there's been some question as to whether that receiver could be appointed in instances...and it's done sometimes, believe it or not, to protect the debtor as well as the creditor. Sometimes the debtor has abandoned the property. In our area we have situations where we have people from other countries--a lot of people from other countries--who may have gone back to that country on a temporary basis, but given a bank or even...and it's certainly true in the Hispanic culture that a lot of those transactions take place between two people, not a bank under a deed of trust, but under an individual who secured his debt under a purchase by a deed of trust. And they...the contract seller, and I shouldn't call him a contract seller, because if he's operating under this bill he will be secured by a deed of trust, and under that deed of trust, if the buyer of

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that property is still owing a debt, has gone back to Mexico or whatever country it may be, and that property has been abandoned and it can't be sold right away and there's been a hailstorm or whatever there might be, and the roof of that house is leaking, it could be necessary and advisable to have a receiver appointed,... [LB99]

PRESIDENT SHEEHY: One minute. [LB99]

SENATOR WIGHTMAN: ...which the court would have the power to do. And so I don't want the members of this body to have any apprehension that this applies only to bankers. It does not; it's much broader in scope than that. We talked about even a situation where perhaps a vendor in a fraudulent purchase might be entitled to have one appointed, and so I think we should continue with debate and that this bill should be separately determined, the fate of this bill separate from LB237, which has only to do with the amount of homestead exemptions in the event of a bankruptcy or somebody claiming that his property is exempt. [LB99 LB237]

PRESIDENT SHEEHY: Senator Wightman, you're queued to continue. [LB99]

SENATOR WIGHTMAN: I'll yield the rest of my time at this time. [LB99]

PRESIDENT SHEEHY: Senator Chambers, followed by Senator Wallman. Senator Chambers. [LB99]

SENATOR CHAMBERS: Mr. President, members of the Legislature, the "Bibble" said, be ye not unequally yoked together, and I think that's the principle that Senator Wightman is invoking this morning. But never having been one to be swayed by theological arguments, that cuts no ice with me whatsoever. Everything in the Legislature is related to and linked to everything else, if somebody chooses to do that. The analogy I give is that of a spider web. If it's one of those circular webs, the spider can either sit in the middle of the web or go some place off in a corner, in the shade, and just sit back and wait for a fly or some other trespasser who cannot disentangle itself from the web. But the web is constructed in such a way, there's such an interrelationship among and between all parts, that when any part of the web is disturbed, that disturbance is transmitted, communicated throughout the rest of the web. So if somebody chooses to tie two bills together, somebody will do it, and I will do it. This bill is tied to the other one because the bankers are bringing the bills. Now why do people say Jesse James and Frank James in the same breath, when one worked on the railroad and the other was a banker? What's the similarity between robbing banks and robbing railroads? But they always hook them together. There are many things which people in this Legislature need to learn, and they need to learn something about me early on. Many of you may have read a story written by Robert Louis Stevenson called Dr. Jekyll and Mr. Hyde. Dr. Jekyll was the goody-goody two shoes doctor, but he experimented and delved into things which no Christian man ought to delve into, based

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on what the characters in the story thought. But he delved into them anyway. And he felt that if the right concoctions were made from chemicals, you could separate wickedness in a person's nature from that which is good. So that is, in a oversimplified way, the story behind Dr. Jekyll and Mr. Hyde. He succeeded in doing this, and it reached a point where Mr. Hyde would take over Dr. Jekyll and Dr. Jekyll's actual physical contours would change. When he became Mr. Hyde, he would shrink down, and the clothing was too large for him. But as he continued in the character of Mr. Hyde, it was more and more difficult for him to find his way back to Dr. Jekyll. And he noticed that Mr. Hyde was growing larger and larger. Mr. Hyde was the wicked portion. So whenever somebody wants to talk about a split personality without using that term, they'll say this person is a Jekyll-Hyde. But there are some football players who had an inkling of what that was, so instead of saying, this is Jekyll-Hyde, they say this is a "Heckle Jeckle." Well, people use what is familiar to them. So they knew about Heckle and Jeckle, but they didn't know about Dr. Jekyll and Mr. Hyde. Well, maybe I've been mistaken for Dr. Jekyll, and now you have a chance to see Mr. Hyde. And Hyde was more clever than Dr. Jekyll. Mr. Hyde could think on his feet more quickly than Dr. Jekyll. Mr. Hyde knew how to survive in circumstances when Dr. Jekyll did not. But as those stories in those days had to end,... [LB99]

PRESIDENT SHEEHY: One minute. [LB99]

SENATOR CHAMBERS: ...Mr. Hyde met a bad ending. And when Dr. Jekyll and Mr. Hyde met the same fate, people were supposed to get some kind of lesson from that, and I don't know what it was. But I use that to give an example of how I function. And I'm far from being through with this bill, and I'm even farther from being through with the bankers. Thank you, Mr. President. [LB99]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Wightman. [LB99]

SENATOR WIGHTMAN: Well, again I would like...Lieutenant Governor, members of the body, I would like to reiterate the fact that the bill that Senator Chambers would like to tie together or delay this bill until enactment of LB237 or a vote on LB237, are really just not connected bills. And at this point, we do not feel that it should be tied to LB237, which has a totally separate subject matter from this one. It affects different classes of people. Certainly, they may both have some effect upon the banking industry, but it's very much different from that. So again, we're asking for your support on LB99 and are opposed to the motion to indefinitely postpone. [LB99 LB237]

PRESIDENT SHEEHY: Thank you, Senator Wightman. Senator Chambers. [LB99]

SENATOR CHAMBERS: Mr. President, members of the Legislature, the Speaker is exercising his prerogative as Speaker and he's working something out, so I'm going to continue speaking so that we don't have to just sit here doing nothing. And quite frankly,

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I'm enjoying this opportunity. I thrive most when everybody is on the other side. That's when I thrive. I'm looking back at Senator Pahls. Usually when I look at him, I look at his angelic face and the better angels of my nature usually spread their wings and just a warm glow comes all over me. But as I look back at him today, he's right there with all the rest of them. (Laughter) He's a fallen angel, but he can be restored to grace; he can be restored. On these kind of matters, I want Senator Wightman to understand, since it's his bill, that it has nothing whatsoever to do with Senator Wightman. It could have been Senator Fulton with the bill, Senator Carlson, Senator Wallman--anybody else. It could have even been my bill. But if it were mine, I would withdraw it. But since that is not my prerogative, I'm going to exercise my prerogative. And I say again, the heavier the odds against me, the more I thrive, and the bankers have decided they're going to put me in my place this session. And I challenge them: Put me in my place, and let the Legislature be where you spread my blood out for everybody to see. Show these people in Nebraska that somebody knows how to handle me and make me shut up and take low. That's what they need to do, and it's just like if I'm in a fist fight with somebody--in the old days, that's all we did, Senator Carlson. We wouldn't pick up a knife or a gun or stick; you took your lumps and that was it. But nobody could whip me one time. Nobody could knock me down one time and it's over, unless I'm knocked out cold. They better be ready to fight me every day, and they better have as much determination as I've got or they are going to crack and they are going to lose. I've got to be here 90 days. It makes me no difference what I do during those 90 days. I'm going to be here every one of those 90 days unless I'm dead, in which case I think people will understand my not being here. But I'm not planning to die. And on that score, an American and a guy from Australia found themselves on the same battlefield. They were allies. And the Australian had been there before the American got there, but the American didn't know how long, and the conditions were terrible. And this American was crying, Senator Fulton. He said, they just...they sent us over here just to die. And the Australian said, they sent us over here just "yesterdie." So it depends on how things are pronounced, sometimes. It depends on how the words come out as to what people's reaction is. Now let's say I was speaking strongly against people who owe debts to bankers. There wouldn't be the negativity that might be growing now. But there are people here who can identify with bankers, and you all will have your opportunity to do the work of the bankers. But you'll know this: You don't have a weak person who doesn't know how to fight, who cannot fight, and who will roll over, swallow spit, and take low. The bankers created this situation, and they're going to pay. And if they want to make the Legislature pay, I don't care. The play by Shakespeare, I think, dealt with a banker when it talked about getting a pound of flesh. But somebody was clever and they said, that's all you can get is the flesh; you can't take any blood. And you know the story. Bankers want that pound of flesh, but they're not going to get it easily, not as long as I'm here. And if you all know the bankers, go talk to them and tell them. [LB99]

PRESIDENT SHEEHY: One minute. [LB99]

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SENATOR CHAMBERS: Either stand up to me or understand that there are issues that are more important, and they ought to pick a different day and a better issue to fight me on. But for me, this is a very important issue. Not this bill, but the one where they want to take somebody's home--not even a \$60,000 exemption from their greedy, grasping, clutching fingers. How much is \$60,000 when it comes to buying a house? Look in the newspaper and see. They can still put the person out in the street, if that's what they want. We ought to do something about the way these credit cards are hustled. And we cannot interfere with interstate commerce, but we can set up some kind of regulation of what happens to people when they get in debt. And we ought to make the credit card hustlers pay. If you entice somebody... [LB99]

PRESIDENT SHEEHY: Time, Senator Chambers. [LB99]

SENATOR CHAMBERS: ...into debt, it's on you. Thank you, Mr. President. [LB99]

PRESIDENT SHEEHY: Mr. Clerk, do you have a motion on your desk? [LB99]

CLERK: Mr. President, Speaker Flood would ask unanimous consent to bracket LB99 until Thursday, February 1. [LB99]

PRESIDENT SHEEHY: Without objection, so ordered. Mr. Clerk, do you have announcements, reports on your desk? [LB99]

CLERK: Mr. President, Banking Committee reports LB191 to General File and LB117 to General File with amendments. That was signed by Senator Pahls as Chair. Judiciary Committee reports LB97 to General File, LB67 to General File with amendments, and LB290 to General File; those signed by Senator Ashford as Chair. [LB191 LB117 LB97 LB67 LB290]

New resolutions: Senator Heidemann offers LR24 and LR25. Those two resolutions will be laid over. Bills read on Final Reading this morning were presented to the Governor as of 10:23 a.m. [LR24 LR25]

Enrollment and Review reports LB185 and LB283 to Select File, and Enrollment and Review also reports LB341 as correctly engrossed. That was signed by Senator McGill as E&R Chair. [LB185 LB283 LB341]

Hearing notices from Transportation Committee, signed by Senator Fischer; and a cancellation of hearing by Senator Janssen as Chair of Revenue; and Senator Synowiecki as Chair of Retirement. []

Senator Loudon would like to withdraw LB485; that will be laid over. Senator Chambers would like to withdraw LB468; that will be laid over. I have amendments to be printed:

Transcript Prepared By the Clerk of the Legislature  
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Senator Heidemann to LB43, Senator Mines to LB237, and Senator Hudkins to LB291.  
[LB485 LB468 LB43 LB237 LB291]

An announcement: The Education Committee will meet in Executive Session in Room 1126 at adjournment today; Education, Room 1126 upon adjournment. A series of name adds: Senator Hudkins to LB253; Senator Ashford to LB392; Senator Johnson to LB401; Senator Mines, LB564; and Senator Hudkins to withdraw her name from LB330. (Legislative Journal pages 418-423.) [LB253 LB392 LB401 LB564 LB330]

I have a priority motion, Mr. President. Senator Nantkes would move to adjourn until Wednesday morning, January 31, at 9 a.m.

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Nantkes moves to adjourn until Wednesday, January 31, 2007, at 9 a.m. All those in favor say aye. Opposed, nay. We are adjourned.