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Floor Debate
May 29, 2007

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SPEAKER FLOOD PRESIDING

SPEAKER FLOOD: Good morning, ladies and gentlemen, and welcome to the George W. Norris Legislative Chamber for the eighty-eighth day of the One Hundredth Legislature, First Session. Our chaplain for today is Senator Pedersen. Please rise.

SENATOR PEDERSEN: (Prayer offered.)

SPEAKER FLOOD: Thank you, Senator Pedersen. I call to order the eighty-eighth day of the One Hundredth Legislature, First Session, and, Senators, please record your presence. Mr. Clerk, please record.

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

SPEAKER FLOOD: Are there any corrections for the Journal?

CLERK: I have no corrections.

SPEAKER FLOOD: Thank you. Are there messages, reports, or announcements?

CLERK: Your Committee on Enrollment and Review reports LB570 to Select File with Enrollment and Review amendments attached. A communication from the Governor. (Read re LB641 and LB641A.) Those are the only items I have, Mr. President. (Legislative Journal pages 1821-1825.) [LB570 LB641 LB641A]

SPEAKER FLOOD: Thank you, Mr. Clerk. We will now proceed with the first item on the agenda. Mr. Clerk.

CLERK: Mr. President, LB395A. No E&Rs. Senator Johnson would move to amend with AM878. (Legislative Journal page 969.) [LB395A]

SPEAKER FLOOD: Senator Johnson, you are recognized to open on AM878. [LB395A]

SENATOR JOHNSON: Mr. Speaker, AM878, we ask you to advance...this is the A bill for LB395 as a catch-up. If you'll notice, LB395 is on Final Reading and this is Select File. AM878 simply makes the A bill of \$20,000 an annual cash fund appropriation to carry out the provisions of the bill. With this I would ask for its advancement. Thank you,

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Mr. Speaker. [LB395A LB395]

SPEAKER FLOOD: Thank you, Senator Johnson. You've heard the opening on AM878. There are no lights on. Senator Johnson waives closing. The question before the body is, should AM878 be adopted and amend LB395A? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB395A]

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of Senator Johnson's amendment. [LB395A]

SPEAKER FLOOD: AM878 is adopted. [LB395A]

CLERK: Senator McGill, I have nothing further on the bill. [LB395A]

SPEAKER FLOOD: Senator McGill, for a motion. [LB395A]

SENATOR MCGILL: Mr. President, I move LB395A to E&R for engrossing. [LB395A]

SPEAKER FLOOD: You've heard Senator McGill's motion. All those in favor say yea. All those opposed say nay. The ayes have it. LB395A is advanced to E&R for engrossing. Mr. Clerk. [LB395A]

CLERK: LB646. Senator McGill, I have Enrollment and Review amendments, first of all. (ER8120, Legislative Journal page 1764.) [LB646]

SPEAKER FLOOD: Senator McGill, for a motion. [LB646]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB646]

SPEAKER FLOOD: You've heard Senator McGill's motion. All those in favor say aye. All those opposed say nay. The ayes have it. The E&R amendments are adopted. [LB646]

CLERK: Senator Dierks would move to amend AM1493. (Legislative Journal page 1826.) [LB646]

SPEAKER FLOOD: Senator Dierks, you are recognized to open on AM1493. [LB646]

SENATOR DIERKS: Thank you, Mr. Speaker, members of the Legislature. This amendment is one that will put Class I schools back in business as they were prior to the drafting and passing of LB126, a 2005 bill. I just have to make the attempt to do what I think is proper for the people in rural Nebraska who voted that they wanted their school districts back and they're not getting them, and I think that this body is

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responsible for bringing them back to them. I understand for this amendment to be successful I've got to get 30 votes from this body to suspend the rules to put it on Senator Nelson's bill. The thing that's amazing to me about this is that, you know, as I see it, it's a no-brainer. We really shouldn't have a choice. We should follow the will of what the people gave his in the that election last November. There was no question about it. It was a very favorable vote. They wanted it back. They wanted LB126 in the trash can, and that happened except now we've got a bill out there that's almost as bad as LB126 to take care of the problem, and that's the bill that's on Final Reading today, LB658. I was at the alumni banquet in Ewing the other night and there were people there from all over the state. In fact, there were more people from out of the community than from in the community. And I, unsolicited, I had I think five suggestions that we better do something about what's going on with this Class I school thing. A couple of them came from Omaha. One of them came from Lexington. I went to Laurel yesterday morning to do a Memorial Day address at the Laurel community high school. After the address--and I didn't discuss Class I schools in my address; I talked about patriotism--after the Memorial Day address, I had people come up to me...I think there were, oh, in the neighborhood of 12-13 people. They had a meal afterwards. They had a meeting at the cemetery. And every place I went they were coming to me and saying, what are we going to do about these Class I schools? I went out to the cafe out there south of the ashfall, Green Gables, on the Sunday before Memorial Day. And I walked in the cafe and there was a gentleman spoke to me and said, hi, Senator, how are you? And I said, fine, how are you? And then he said, oh, good, and I walked in the cafe. And pretty soon this woman came in and she said, Senator Dierks, I just had to come and tell you how much I appreciate what you've done for the Class I schools. She said, I'm from Phelps County, and she said, my husband saw you out in the entryway when we can in, and he told me you were here. So my vibes have always been on the positive side of doing something for the people in our state to return to them the ability to have their Class I schools. I need to plead with you to come up with a vote to help me suspend the rules, and then we'll discuss the issue as far as what the amendment we have does. But first of all, I have to have 30 votes to suspend the rules. I hope that I can count on some of you who have said, no, we're not interested, and maybe you'll change your mind and become interested just for this one instance. I think with that, I'm going to give the rest of my opening to...one minute? [LB646 LB658]

SPEAKER FLOOD: Senator Dierks, before you yield any of your time, is it your intention to suspend the germaneness rule on LB646 at this time? [LB646]

SENATOR DIERKS: Yes. [LB646]

SPEAKER FLOOD: The Clerk's Office will prepare a motion and have one ready for your signature. I would ask that you sign the same. [LB646]

SENATOR DIERKS: Okay. [LB646]

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SPEAKER FLOOD: You have 5 minutes and 33 seconds. Do you want to yield time?
[LB646]

SENATOR DIERKS: I would like to yield time to Senator Erdman. [LB646]

SPEAKER FLOOD: Senator Erdman, Senator Dierks has yielded you 5 minutes and 25 seconds. [LB646]

SENATOR ERDMAN: Thank you, Senator Dierks. Mr. President and members of the Legislature, (laugh) good morning. Good morning, Senator Nelson. Welcome to debate on LB646. Members, let me outline where I think we could go today and I will fully admit up-front that I think there are other options that will either be offered to you on LB646, or not, depending upon how the discussion goes between specifically myself and Senator Raikes, or possibly others. We have embarked under the last three legislative sessions on a unique journey in which we have decided that we are going to go down the path of reorganizing districts across the state, whether they are Class I's or whether they are Class V's. At the end of the day, the only people that seem to not be at the table to have an opportunity to have a say in their future are the Class I's, because if you will recall, we passed LB1024, and the effective date of the breakup of OPS was a year out--was delayed a year. And in the intervening session, what we did was we allowed the superintendents in the metro area to be able to get together and to work either with or against the members of the Legislature to find a solution. And at the end of the day, they were an integral part of our discussions on LB641, and I would argue that, at least in their mind, not for all of you that are in Sarpy County, but in the minds of those who are most directly affected by that breakup, they were given the opportunity to be a part of the discussion. We still have the same result for those of you in Sarpy County, maybe even worse under LB641. But you were at the table. You had the opportunity, directly and indirectly, to be a part of this discussion. What will be offered to you, at least as a number of options, one would be that we would give the same opportunity to rural Nebraska that we gave to urban Nebraska, and that there will be opportunities that, as I have had discussions with Senator Raikes over the weekend, that we may be able to avoid the uncertainty of how today may play out, and to be able to provide some certainty as to a process that we can all be a part of to make sense out of this situation that we now find ourselves in. In November 2006, the voters said no to LB126. Less than two months later, we convened a legislative session with a number of different ideas of how to resolve what the voters' intentions were. Senator Hudkins had bills, Senator Dierks had bills, others had different ideas, and Senator Raikes had a proposal that now sits before us on Final Reading. It is not in the form that most of us from rural Nebraska that will be directly affected by this, believe is appropriate, quite the contrary to what we saw in LB641, in that most of the folks who were affected by that bill or at least those that represented that area thought that it was appropriate and voted yes on that bill. In order for us to adopt this amendment or any amendment to Senator Nelson's

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bill, we have to suspend the rules. That could be our test vote. That could see whether there are 30 votes to suspend the rules and adopt any amendment. If there is not, then Senator Nelson has his bill. If that attempt doesn't work, then there may be an opportunity on LB658 to amend Senator Raikes' bill. And if that doesn't work, we may be here all day. I don't know. But for Senator Raikes' bill to work, he's got to have the same number of votes that it would take to invoke cloture--33, because it has the emergency clause. And the one thing that's in Senator Raikes' bill that I think we all agree on, whether you're from urban Nebraska or rural Nebraska or whether you're in rural Nebraska on one side of this issue or not relating to Class I's, is that we should protect the assets and the buildings and the facilities that were the Class I buildings to allow a thoughtful intervening process to prevail, and that whatever perceived authority that K-12s think they have to dispose of that property, that they don't. Because once they go around doing that, we're not putting Humpty Dumpty back together as we did in Omaha; we're simply scrambling the eggs and putting some cheese on top. [LB646 LB658 LB641]

SPEAKER FLOOD: One minute. [LB646]

SENATOR ERDMAN: I don't think that's fair. So I'll be voting to suspend the rules unless we can come to an accord between Senator Raikes and those of us on the other side that would provide some stability and some understanding of how we may proceed. Senator Dierks and others have worked tirelessly to try to do what they believe the will of the voters was in repealing LB126 under Referendum 422. We ultimately do not know and never will be able to discern, as the courts have ruled, what the intent of the voters were when they cast a vote. But as the policymakers of the state of Nebraska, we can have a thoughtful process in discerning that, and not simply a rush to pass something as we have before us in LB658. Thank you, Mr. President. [LB646 LB658]

SPEAKER FLOOD: Thank you, Senator Erdman. Your light is next. You may continue. Seeing Senator Erdman turned off his light, Senator Schimek, followed by Senators Raikes, Dubas, Avery, Nelson, and Erdman. Senator Schimek, you are recognized. [LB646]

SENATOR SCHIMEK: Thank you, Mr. President and members of the body. I rise in opposition to this move to suspend the rules, on several fronts or for several reasons. First of all, I think LB646 should go forward. That was the bill that we spent quite a bit of time on. It is in good shape to move forward and I think it would be nice to have it in place before the elections begin next year. I've not been involved in this issue regarding Class I's. I've only been an observer. I only know what the Education Committee has done. And I think that the amendment that Senator Dierks would like to adopt here has had a number of bites of the apple. It has been vetted by the Education Committee, been discussed on the floor. I think that it's had its opportunity and we have moved ahead with another kind of bill, another approach to this. I don't think that we can go

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back to where we were and I think we ought to go ahead with the bill that we now have on Final Reading, and I would be very concerned if we didn't move LB646 ahead. Thank you, Mr. President. [LB646]

SPEAKER FLOOD: Thank you, Senator Schimek. Senator Raikes, you are recognized. (Visitors introduced.) Senator Raikes. [LB646]

SENATOR RAIKES: Thank you, Mr. President and members of the Legislature. I strongly oppose this motion for suspension of the rules. Senator Dierks has mounted a sneak attack here. There is no better way to describe it. He could have let people know what he was about; he chose not to do that. In doing so, he has violated our legislative procedures. He is also, I think, attempting to threaten the well-being of students, parents, and taxpayers in the state, and has opted in favor of some litigators and what they might want to do in terms of increasing their revenue stream. Senator Erdman's comments about opportunity: Let me remind you, there was LB1048 before there was LB126. This is something that has been around and discussed for four or five years. Certainly there has been contention and opposition, but all of that was brought out in the discussion. Since all of that, since the vote in November, which now all of sudden is being cast, I think, as something that it really wasn't. What's being argued wasn't even on the ballot in terms of a question. But be that as it may, we introduced four bills in the committee. We had a committee amendment. Since then we've had General File, we've had Select File. On every one of those stages everybody has had an opportunity to make an input, and they have done so. There are six or eight amendments that were offered by various people in the body interested in Class I schools, that were adopted. We went to Final Reading on LB658 with 31 votes without a call of the house. To say that this has been forced down people's throat with no chance for discussion is simply not consistent with the facts. This is an outrage and I urge you to oppose this motion to suspend. Thank you. [LB646 LB658]

SPEAKER FLOOD: Thank you, Senator Raikes. Senator Dubas, you are recognized. [LB646]

SENATOR DUBAS: Thank you, Mr. Speaker, members of the Legislature. I rise in support of this rule suspension motion. I feel Class I schools deserve every bit of amount of the discussion and debate that we gave to the Omaha schools issue. Class I students and parents are as passionate about their school systems and their educational system as anyone in Omaha is and was. We were able to have a fair discussion on the OPS issue. Everybody was at the table. Not everybody got what they wanted but we were able to come up with something that most people could live with, and felt that in the end it best served the students. And I think we owe this same type of discussion, we owe this same type of respect and consideration to the Class I people and to the voters of the state of Nebraska who voted to overturn LB126. And everybody that I have talked to have told me they just want their vote honored. They feel like the

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Legislature has virtually ignored the message that they sent, and it does put the work that we do in a little bit of question and jeopardy when the voters send us a very distinct message and we just continue to go in the opposite direction. So I hope that we can continue to have this discussion. I hope we can continue to bring the issues of Class I parents and students and schools to the floor for discussion. I know there are Class I's out there who are very satisfied with the direction that their schools have taken and becoming part of their Class VI districts, but I also know that there are Class I schools out there who very much want to continue in the same direction that they've been going, educating their children, having the type of education in their district that they feel best serves their students. And again it's that local control issue. So I hope that we can suspend the rules. I hope we can continue this discussion. And I hope at the end of the day we always will remember it's about the kids, and we're going to be able to do what's going to be in the best interests of the kids. Thank you. [LB646]

SPEAKER FLOOD: Thank you, Senator Dubas. Senator Avery, you are recognized. [LB646]

SENATOR AVERY: Thank you, Mr. President. This motion to suspend the rules, I think is a backdoor effort to do what this body decided not to do when we passed LB658. That bill is a fair bill. It permits the restoration of Class I schools that have a legitimate reason to do so. However, it makes it a bit difficult for those who want to restore Class I's because they don't want their kids to attend schools with minority students. It also makes it more difficult to create defacto parochial schools at the Class I level, and we all know that's what is going on in some of these schools. The Education Committee worked hard on this and we presented a good bill, and I can tell you that Senator Erdman is dead wrong, that the Class I advocates did not have a voice in that legislation. Senator Raikes is right. The committee heard hours and hours of testimony from both sides of the Class I issue. The fact that Class I's advocate for something that the...the fact that our legislation proposal does not satisfy all of the Class I issues is unfortunate. The fact that the Class I advocates did not get everything they wanted does not mean that they were excluded. They were not. They were at the table and they were heard. We in the Education Committee have provided a fair means to honor the voice of the people. I think that you should reject this backdoor effort to get around what we have already done in this body and to vote against the motion to suspend the rules. Thank you. [LB646 LB658]

SPEAKER FLOOD: Thank you, Senator Avery. Senator Nelson, you are recognized. [LB646]

SENATOR NELSON: Thank you, Mr. President and members of the body. Several of you have approached me as to what my position was on the use of LB646. I should tell you, Saturday morning I barely had time to make a cup of coffee when I got a call from Senator Dierks asking if he could use LB646 as a vehicle to bring up the Class I issues

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for discussion again. I was rather reluctant, I'll have to say. I worked very hard on this bill, LB646. It's an excellent bill but the fact does remain that it's not a matter of urgency that we pass it this year. We can take another look at it again if you do vote to suspend the rules. So I agreed. I said if you can get the votes to suspend the rules, why, go ahead. So I just wanted to let you know that I am doing this sort of as a matter of senatorial courtesy, not only for Senator Dierks but also to give the body an opportunity to decide if they do want to suspend the rules and take another look at the issues that so many citizens in our state still feel very strongly about. Thank you, Mr. President. [LB646]

SPEAKER FLOOD: Thank you, Senator Nelson. Senator Erdman. [LB646]

SENATOR ERDMAN: Mr. President and members of the Legislature, we have had a process this year that has been similar to other years, and to the work that's been done this is in no means an understatement or designed to undermine their efforts. It's simply a reflection of the public policy that's before you to vote on. Senator Raikes has worked hard, 1048. Then he had...I don't know what the LR number was where he traveled across the state with the committee trying to determine how to close Class I schools. So it has been a long time coming, and then the result was LB126. In the process of advancing LB126, we were told, on General File, trust us and we'll work out the issues on Select File. Some of them did get worked out. I was one of the freshman senators in my first couple of years. I was interested to those who had more institutional knowledge, both legislatively and educationally, into what they could agree to. And at the end of the day the bill passed. There were still objections there. LB658 had a similar process. I remember very vividly visiting with Senator Loudon after we advanced LB658 to Select File, while not having the amendments that we would have liked to have seen addressed, saying this sure reminds me of LB126 where we advanced the bill and said, trust us, we'll work it out on Select. Select File shows up. We didn't get it worked out because, in honesty, if we would have been honest up-front, there would have been no agreement. There was no way we would have found compromise because of where the camps are. The one side says it has to be a vote of the K-12 district, whether that's by the board or by the members or the electors, that was the sticking point for Senator Raikes. On the other side was, let's make it more fair for the Class I's to have the opportunity that they would have had, and I would argue that they were operating under, under existing law--more autonomy. We were told to trust us and we would advance the bill and work it out. Can I honestly say that everybody that's been a part of this discussion will get everything that they want? No. I don't think they ever do regardless of what the vote count is on any bill. The question is of fundamental fairness. Senator Avery would do well to remember that we passed a law in the Nebraska Legislature awhile back that made seat belt laws a primary offense. And do you know what the voters did? They said, no thank you, and they repealed that law immediately by referendum. And what did we do as a Legislature? Did we rush back in here and say, well, forget what the voters' intentions were; we don't want to seek to discern what that

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was; we just want to go ahead and say we were right and we're going to do it anyway. No. Check your statutes. Seat belt law is a secondary offense. Senator Avery doesn't have any Class I districts in his area. I would argue that the committee was, the committee makeup wasn't as appropriate as some would have liked to have seen to have a full and thoughtful debate on it. But they did work hard. We just have a fundamental disagreement about the public policy that we should advance, and it's because we come from different parts of the state and have different understandings of how these laws will affect us. So Class I's did have a voice in the committee process, but they didn't get a vote. The vote that they got in committee was IPP. If there was a way to salvage this process so that we don't continue to further divide the legislative body, either within itself or from the public, on this issue, I think it would be well-advised to consider that. Senator Raikes is probably one of the most knowledgeable individuals in this body when it comes to education. I will concede that point every day of the week... [LB646 LB658]

SPEAKER FLOOD: One minute. [LB646]

SENATOR ERDMAN: ...and probably twice on Sunday. But Senator Raikes didn't get elected to represent my district, and to the extent that we can find a way to resolve this, I think we should. If Senator Raikes has the votes for LB658, I say, roll the dice. But if you have the votes for LB658, then you should have the votes to invoke cloture should a filibuster pursue. But this debate is quickly becoming animated, emotional, and it's because we're bringing all of the last three and a half years with us to this discussion because this may be or it may not be, depending up on what we choose to do next year, the culmination of that effort. Whether this...if this suspension motion fails, Senator Nelson still has his bill. If it's successful and the amendment fails, Senator Nelson still has his bill. For those that are concerned about that process, there is more than enough safeguards for this opportunity... [LB646 LB658]

SPEAKER FLOOD: Time. [LB646]

SENATOR ERDMAN: ...to be pursued. Thank you, Mr. President. [LB646]

SPEAKER FLOOD: Thank you, Senator Erdman. Senator Pedersen, you are recognized. The question has been called. Do I see five hands? I see five hands. Senator Erdman, point of order. [LB646]

SENATOR ERDMAN: Point of order, Mr. President. I would argue that full and fair debate has not been held on the motion to suspend the rules. [LB646]

SPEAKER FLOOD: It is the Chair's ruling that full and fair debate has not occurred. It is currently 9:41 a.m. We started this at 9:20 a.m. We've had 20 minutes of discussion on a motion to suspend the rules. It is the ruling of the Chair that the attempt to call the

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question is out of order at this time. Senator Raikes. [LB646]

SENATOR RAIKES: Thank you, Mr. President and members. A number of comments were made that I'd like to respond to. First off, the comment was made that I myself and the Education Committee traveled in the state in an effort to find a way to close Class I schools. That is at extreme odds with the facts. If you look at LB126, there was nothing in LB126 that required closing any Class I school, and in fact the opposite was in there. There were provisions, a number of them in the bill, that prevented K-12s from closing Class I schools. And in fact, the backwards aspect of the repeal was that protection of those former Class I buildings was really the only operational part of LB126 that was undone by the vote. But that's what happened. As to the willingness of the committee and others to listen to the concerns as expressed by the Class I, former Class I school districts, let me mention to you again the number of amendments and changes in the proposal that were made during the course of the debate this year. The Education Committee amended the green copy of the bill in three important ways. One of them was that there was a process for creating a reason to or for requiring a reason to create a Class I school district. There would be a single collective bargaining agreement for teachers, very important to teachers in the state. And there is also an allowance for standard cost-grouping schools for remote elementary centers that are at least seven miles from the nearest other elementary in the district. In other words, there was an explicit financial incentive provided to K-12s that were...so that they could keep former Class I buildings open. There was an amendment offered by Senator Harms that changed the requirement, petition requirement, from 55 percent to 50 percent, and from 15 percent down to 10 percent. There was an amendment offered by Senator Loudon that allowed a special election vote to retain Class I; that was changed from 50 percent of registered voters to 50 percent of those voting. Senator Hudkins offered an amendment to allow the time lines to be adjusted so that a Class I school district could be created in the 2008-09 school year rather than a year later. These were all on General File. On Select File we continued the effort to accommodate and amend. Senator Engel offered an amendment to allow students a second time for option enrollment when they had been involved with a Class I school district. There was another amendment offered by me that included four elements: a moratorium on the sale of facilities that are included in an intent to file a plan or plans to create a Class I school district; it amended the remote elementary allowance to include elementary facilities in a separate incorporated village; it also amended the bill so that as long as there were three students enrolled in a Class I, the K-12... [LB646]

SPEAKER FLOOD: One minute. [LB646]

SENATOR RAIKES: ...could not eliminate budget authority; and it also included the second option enrollment of Senator Engel's LB1046. There was another amendment offered by me that removed the requirement that Class I boundaries not divide a precinct; an amendment that extended the remote elementary allowance to sparse and

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very sparse districts; and an amendment that removed the ability of the K-12 to call for a special election to dissolve a Class I. Finally, and very importantly, Senator Hudkins added the emergency clause. As such, the best thing that we can do is to pass LB658 with the emergency clause. I'm going to continue to urge you along that course. Thank you very much. [LB646 LB658]

SPEAKER FLOOD: Thank you, Senator Raikes. Senator Dierks, you are recognized. [LB646]

SENATOR DIERKS: Thank you, Mr. Speaker, members of the Legislature. It's a little bit difficult for me to understand all the objections to what we're trying to do. I think we're trying to do exactly what the folks in the state have asked us to do. For your information, at the time that LB126 was passed, there were 208 Class I schools, and they know that 160 of those Class I schools want to form again. Yet, with LB658, if there are any Class I schools formed, I would be very surprised. There might one or two but there certainly will not be 160. You can count on that. You know, Senator Raikes got up when he first introduced the bill and said there was nothing cynical about the legislation. I think everything about it was cynical. It just undermined everything that we thought we were trying to do for those citizens at the voting booth last November. Yes, there were four bills introduced to the Education Committee, all dealing with the Class I schools. Senator Hudkins had one; Senator Flood had one; I had one; and Senator Raikes had one. The three bills that would have done a little bit of good for us were Flood's, Hudkins' and mine. The one that didn't do anything for us was Raikes'. The three bills that would have done something for us were all killed in committee in Exec Session, and Raikes' bill survived. I'm not sure what that tells you but it seems to me like we've been on a roller coaster road and the train is going down that track and it's not going to stop. I'm not at all concerned about Senator Raikes' feeling about me and about being tricky and all that sort of stuff because that's not part of me. I'm doing what I think is necessary for the people that I represent and the people that we all represent in the state of Nebraska. We need to do this to gain faith with them. Thank you, Mr. Speaker. [LB646 LB658]

SPEAKER FLOOD: Thank you, Senator Dierks. Senator Erdman, you are recognized. [LB646]

SENATOR ERDMAN: Thank you, Mr. President and members of the Legislature. Let me explain, I guess again, for those of you that have lost what we are doing here. The motion before us is to suspend the rules, and obviously when that motion is before us, you can, unless a member would object, talk about pretty much anything that you would like to. The question before us, as I see it, is, is it appropriate for us to suspend the rules as we have already this session, Senator Schimek, to allow the consideration of other amendments on bills such as LB97 which deals with gun laws, and I think Senator Flood's bill dealt with escrows? Is it appropriate for us, when we see a need or a

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possible remedy that's an alternative to the processes or the bills available, is it appropriate for us to go down this path? The answer is yes because we've already done it. We've set that precedent not only in previous legislatures but in this one specifically. We've done it in the last week. The real question before us is, is it appropriate to allow individuals who are interested in a more fair process for Class I schools, ironically to have more autonomy in the legislative process, and in doing that, provide the autonomy that we would like to see for our Class I districts in the state? Because if this amendment is offered to Senator Raikes' bill, he still controls the bill. If it is not offered to Senator Raikes' bill, it's offered to someone else's bill and that individual is a more willing partner, you have a better opportunity. There were a number of amendments offered to LB658, and just so that I can further muddy the waters I'll discuss that a little bit. The reason the E clause was offered is because the Speaker requested that we protect the facilities, and there was no way to do that without an E clause. Read the transcript. If you also recall, we went back and asked about a number of alternatives that may be offered that never materialized. Those amendments were drafted but never offered, and maybe it was because that some folks weren't dealing, in Senator Raikes' opinion, in good faith, while others of us were trying. And I would guarantee you, or at least I would hope, that if you would ask Senator Raikes about the conversations that he and I had over the weekend, including last night and this morning, that my attempt was to make sense out of this process so that somebody didn't come out a loser but that we are all able to come to the table and have a thoughtful process instead of what path we appear to be going down, and that is that we're going to pick winners and losers politically in regards to educational establishments across the state because the votes are there. Fair enough. Fair enough. So the will of the minority will be thwarted and that's why we have the Rule of 33 in here, but ironically you have to have 33 to pass LB658 to make it make sense. There are other ideas that I offered to Senator Raikes on LB658. The amendments that were offered, however, on LB658 were not attempting to hijack his bill. Respectfully, I would state that on LB651 Senator Adams did hijack that bill, and do you know who voted for that amendment? Senator Raikes. Now, at the end of the day, Senator Raikes probably won because he got more of what he would have liked to have seen than probably what was in Adams' amendment that was offered in AM1258. But I abstained from voting. I was concerned that someone was coming in here after we had gone through the debate on Class I's and said, well, wait a second here, no one can hijack Senator Raikes' bills, and yet he was complicit in that effort. But that water is under the bridge. We have one last opportunity today to discuss whether or not there is a more viable and appropriate alternative to sort out the will of the voters, and most importantly the fundamental public policy that we were elected to enact, than what is in LB658. And again I will say, if Senator Raikes has the votes, then we'll soon find out. [LB646 LB97 LB658 LB651]

SPEAKER FLOOD: One minute. [LB646]

SENATOR ERDMAN: But let's understand the distinction between this process. On

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LB651 there was an effort of cooperation and collaboration. On LB658 it was my way or the highway. There were tweaks made to the mile markers, if you will, along that highway, but we fundamentally have a disagreement about how to solve the problem, and I guess maybe the only option available to us is to see how people will vote in a political sense to pass public policy that will directly affect those areas, most importantly, of rural Nebraska that a lot of us that have concerns about LB658 represent. Thank you, Mr. President. [LB646 LB651 LB658]

SPEAKER FLOOD: Thank you, Senator Erdman. Senator Christensen, you are recognized. [LB646]

SENATOR CHRISTENSEN: Thank you, Mr. President and fellow senators. I just rise in support of this. I think if you looked at the intent of the voters and if you look at fair process, I think it's only fair that we open this up and debate this and look at it, and I'm just standing up to ask for your support. Thank you. [LB646]

SPEAKER FLOOD: Thank you, Senator Christensen. Senator Carlson, you are recognized. [LB646]

SENATOR CARLSON: Mr. President, members of the Legislature, this is a very, very difficult, difficult issue. And not that it makes any difference, but this is the eighty-eighth day of the session. Out of those 88 days, I've spent two very, very difficult days. If I could have a choice, I'd erase those days. This may be the third. But then that's what I agreed to when I decided to run for the Legislature. I've said this before but I'm going to say it again: I think the culprit is the way we fund public education. There's too much that comes from property taxes, and I think a change in our statute that would go to a common property tax levy across the state for education might be helpful and would take away some of the difficulties that we're facing today. This is a difficult vote. Now, after the election of 2006, and I listened to senators at that time talk about that vote and explain away the vote, I became angry. Now I'm going to join that group this morning. I think the vote of November of 2006, many understood, many did not. I think that some of the votes in November of 2006 came about as a backlash from people in Omaha. I think that probably many of the votes came as a backlash against the Legislature. I think that the fear of losing local control probably caused some backlash and some votes to go toward the repeal of LB126. But as debate has gone on during this session, I struggle with the conclusion of many Class I people, that we want no bill, rather than LB658. And there's sincere thoughts on both sides of this. Class I people will say there's been very little or no compromise in LB658. Senator Raikes just went through what several of those compromises were, and there were several. On the other hand, people from Class I's basically, I think, have shown very little compromise. And I've had it said to me, if it doesn't go back to exactly how it was before LB126, we don't want it. And so it makes it a very difficult subject, a difficult thing to deal with. As we proceed with discussion this morning, one of the things that irritates me in watching voting through

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this session--not that I'm right, but I'm just going to be honest--I ask you to vote and not take the nonvoting stance. So I'll continue to listen. I believe the debate is the right thing and hopefully we come up with the correct conclusion. Thank you, Mr. President.
[LB646 LB658]

SPEAKER FLOOD: Thank you, Senator Carlson. Senator Lathrop. [LB646]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I rise to express a constitutional concern with the approach that is being taken this morning. As you know, and maybe begin with pointing out the obvious, that we can't suspend the constitution with any vote we take, but anything we do here must comply with the mandates of the Nebraska Constitution. And in Section 14 of the constitution, the Nebraska State Constitution says, "No vote upon the final passage of any bill shall be taken until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day." The difficulty with the approach taken here, aside from doing it on the, you know, with three days left and without telling anybody that it's coming, is that it is introducing, effectively introducing a new bill by way of an amendment on Select File. We can do that if we suspend the rules on germaneness, but we have to, if it involves new matter it has to be around here for five days before it gets to Final Reading. With three days left, it's impossible to constitutionally do what is attempting to be done with this rule suspension and with an amendment to LB646. This is not something we can vote our way through. It's not something we can avoid. It is the Nebraska Constitution and it trumps our rules. I will tell you that I don't think we can...you can vote any way you like, but I can tell you that we can't constitutionally do what we're being asked to do with this request for a rule suspension. I would ask you to avoid the difficulties that would be attended with passing an unconstitutional bill, if we got to that, to vote against the rule suspension. Thank you. [LB646]

SPEAKER FLOOD: Thank you, Senator Lathrop. Senator Erdman, and this is your third time. [LB646]

SENATOR ERDMAN: Thank you, Mr. President. Members of the Legislature, this is not new matter. This matter has been before this Legislature since Day One. The subject before us has been before the Legislature for the last three years. What generally I believe the constitutional provision applies to is the circumstance in which you pull something out that hasn't been discussed in legislative form at any time and amend it into a bill prior to the dates that are outlined in the constitution. If you look at AM1493 or other versions of it that have been adopted or at least--excuse me, not adopted--offered, they are similar. And to make the argument that somehow this not similar would be in conflict of the plain reading of the constitution of no new matter shall be introduced. This is not new matter. And I'll go read my constitution so that I can better understand it. Further, our process requires that the bill lay over for a day. Any bill that's on Select File today will lay over; any bill that's amended on Final Reading today

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can lay over and still pass before Thursday. I would argue that this is appropriate and it can be done because it has been done. In fact, I recall, and maybe it wasn't this late in the session, I recall Senator Schimek bringing an amendment on the floor on Select File to a bill in which we banned private prisons in the state of Nebraska by a voice vote to advance the bill, and we didn't go through the three rounds of debate. That wasn't challenged. That was subject to a bill that was introduced, that was debated in the committee. Senator Schimek, who is so concerned about the process today, didn't worry about the process when she rushed that bill through here. And I remember, as a freshman senator, sitting next to Senator Quandahl in my third year, and he was trying to figure out how to make sense out of what we did because the process matters. It does matter and so does the issue before us. It is not new. It is a variation of what we have been discussing before. And other amendments that may follow would be similar. It would be doing the same thing in a different way, and the reason why that provision is in our law is to avoid us passing something without the knowledge of the voters and without the knowledge of the people, making sure that they are aware of the public policy that we're about to impose upon them or to resolve on their behalf. I believe Senator Lathrop has turned his light back on. Mr. President, how much time do I have? [LB646]

SPEAKER FLOOD: Two minutes and 11 seconds. [LB646]

SENATOR ERDMAN: If Senator Lathrop would like the time, I know that he has turned his light on, and in an effort to facilitate the discussion I would yield him that time if he has a response to my understanding, because it may not be accurate. [LB646]

SPEAKER FLOOD: Thank you, Senator Erdman. Senator Lathrop, Senator Erdman has yielded you his time, 1 minute and 54 seconds. [LB646]

SENATOR LATHROP: Thank you, Mr. President and Senator Erdman. I would have to simply just disagree with you when you suggest that this is not new matter. It is new matter with respect to this bill. You are...I don't think, in fairness to the constitution, that we can have a state senator stand up and tell us what somebody meant when they passed it unless you've reviewed the legislative history. This is very clear in its mandate. You cannot introduce new material within the five days before the end of the session or you simply will not have the time to get it through, and that's exactly why a special session in this state has to last seven days. You can't introduce something and get it through before the end of a special session unless it's seven days long. This is not...we don't get around the problem... [LB646]

SPEAKER FLOOD: One minute. [LB646]

SENATOR LATHROP: ...because we've talked about this subject matter before. It's new material and it's certainly new material as it relates to LB646, and I think its passage

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would be unconstitutional if we get that far. Thank you. [LB646]

SPEAKER FLOOD: Thank you, Senator Lathrop. Senator Friend, you are recognized. [LB646]

SENATOR FRIEND: Thank you, Mr. President. I yield my time to Senator Erdman. [LB646]

SPEAKER FLOOD: Senator Erdman, Senator Friend has yielded you his time. You have 4 minutes, 54 seconds. [LB646]

SENATOR ERDMAN: Thank you, Mr. President. Senator Lathrop, would you yield to a question? [LB646]

SPEAKER FLOOD: Senator Lathrop, will you yield to a question from Senator Erdman? [LB646]

SENATOR LATHROP: Yes. [LB646]

SENATOR ERDMAN: Senator Lathrop, specifically what section of the constitution are you reading? [LB646]

SENATOR LATHROP: Fourteen. It's the sentence immediately before the one you brought up last week about putting two subject matters into a single bill--which this one might be guilty of. [LB646]

SENATOR ERDMAN: No vote upon passage...excuse me. "No vote upon the final passage of any bill shall be taken until five legislative days after its introduction nor until it has been on file for Final Reading and passage for at least one legislative day."? [LB646]

SENATOR LATHROP: That's it. [LB646]

SENATOR ERDMAN: Did you hear me to say that I believed implicitly or unequivocally that the intent of this language...that I understood the intent, but rather that I made an observation as to what I believe that applied to? [LB646]

SENATOR LATHROP: I think the best you could do is tell me what you believe its intent is. [LB646]

SENATOR ERDMAN: And you don't believe that I said that? [LB646]

SENATOR LATHROP: No. I think that's exactly what you said. [LB646]

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SENATOR ERDMAN: But... [LB646]

SENATOR LATHROP: I'm just not sure we're in a position to say what its intent is, first of all. And second of all, as it relates to LB646, this is very clearly not material that will have been around or introduced before five days. Final Reading can't happen on this new material within the time prescribed by Section 14. [LB646]

SENATOR ERDMAN: Thank you, Senator Lathrop. Members, if I wasn't clear, and whether we're talking about this bill, Senator Schimek's bill to limit free speech, or other bills, we can only make an observation until the court would rule on it. My observation is, is that after being here for seven years and seeing how this process plays out towards the end of session, that it would be logical...and I'm not saying definitively because I wasn't around when the constitution was passed in 1875 nor the constitutional convention in 1920 or when it was amended twice in '34 and '96. I'm simply saying that our process has to go through certain procedures, and generally the reason that is, is for fair notice to the electorate. The reason why a special session has to last for seven days is exactly what Senator Lathrop pointed out, that no vote shall be taken until five legislative days after its introduction--its introduction. That's why it takes five days because you can't vote on it until five days. It has to lay over at least one. You have to have public notice, which under our rules requires a week. There's a number of things in there. This is not new matter. And to the extent that it's offered as an amendment to LB646, I would argue is somewhat irrelevant because the matter has been before the Legislature. If you want to vote against the rule suspension, vote no. If you want to vote against the Dierks amendment, vote no. If you want to vote for LB658, vote yes. I enjoyed playing the lawyer on TV. I'm not sanctioned by the bar not have I ever gone to law school. I'm not a constitutional scholar. But if you're trying to contrive arguments against this, your simple one would be, I'm in favor of LB658 therefore I'm voting against any attempt to make it better in the eyes of those that are affected. There is disagreement about this language but this is not a new bill that has not been introduced. This is a variation of a bill that has been introduced that we have discussed at least twice on General File and Select File, that has been before the Education Committee, that will be before us today and is not new matter or specifically in the plain reading of the language is not a new legislative bill that hasn't been around for five days. You can argue that it specifically hasn't been in this form but that's a lot of work for a lot of attorneys some place to litigate this. So to Senator Lathrop, I think he's got a valid point. You can argue that this is inappropriate. I would argue that you can do it. Either way is appropriate for you to vote yes or no, and we'll see what happens. Thank you, Mr. President. [LB646 LB658]

SPEAKER FLOOD: Thank you, Senator Erdman. Senator Wightman, you are recognized. [LB646]

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SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. I've got to agree with Senator Carlson: this is a most difficult decision. It's difficult because I have probably nine or ten Class I's located within my...probably more than that, ten or 12, within my district, and some of them have closed. More of them are still in existence, not as Class I's but as attendance centers. Cozad is located within my district. They have recently voted to close their Class I's, and that's created a lot of consternation in Dawson County. At the same time, I have a number of school superintendents who are saying it would be almost impossible to work through this situation, in that they've taken steps, they've employed the teachers that were in the Class I's. (Inaudible) on a pay scale, but are based upon the Class I pay scale. It would be very difficult for them to undo what has been done by LB126, even though it was voted out in the November election. So it is a difficult situation. I have a number of school board members in the K-12 district that are saying, don't go back to where we were, and so it's really split in my district. With regard to LB658, I think it does offer remedies. First of all, the Class I's argue vehemently that they have no remedies under LB658. Senator Dierks, a few moments ago, said that he doubted that any Class I's would be reinstated under the provisions of LB658. I suggest that that's probably not quite in keeping with their same argument that LB658 sets the bar too high, but they also argue on the other hand that there is overwhelming support among the public, and that's not...they're not saying just of the Class I districts, but throughout the state of Nebraska there is overwhelming support for the Class I's. If that is true, I wonder why it is that the K-12 districts, if that support is so overwhelming, would not vote to allow the reinstatement of the Class I's. So it seems to me those arguments are somewhat inconsistent. I take a big risk in saying that I'm not going to support the suspension of the rules in this case, but I am going to say that. I always took the position that I was not going to operate down here, that my decisions would not be based upon my reelection. It may very well harm my reelection, and of course that's three years off, three and a half years off; maybe I won't even run for election. But it just seems to me that this is not the right way to approach it, to suspend the rules or ask for a suspension of the rules. I think there is a real question with regard to constitutionality. I think we're taking a big step, even though we have the right to suspend those rules. With regard to germaneness, it seems to me that it's not germane at all to the bill, and I realize that's what we're voting on. But I just do not see... [LB646 LB658]

SPEAKER FLOOD: One minute. [LB646]

SENATOR WIGHTMAN: ...how I can support this attempt to suspend the rules and to attach it to Senator Nelson's bill, which I think is a good bill. I think if we're going to have this debate, it ought to be with regard to LB658. So with that, I thank you, members of the body, and thank you, Mr. President. [LB646 LB658]

SPEAKER FLOOD: Thank you, Senator Wightman. Senator Lathrop. [LB646]

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SENATOR LATHROP: Thank you, Mr. President and colleagues. This time I want to visit a little bit about the entire Class I debate, if I may, and not about the rules. I stand by what I said earlier about the rules, but I want to express frustration over the Class I process. LB658 came before us months, weeks ago, and at one point I involved myself in the discussions between the folks who want to restore Class I's and Senator Raikes. I was trying to be a go-between to see if there wasn't something we could work out. And I had a meeting with Senator Dierks, whom I have a great deal of respect for, and the person who is the leader of the Class I, John Recknor, an attorney. And what I have observed about passing legislation is that it always take compromise, and any solution beyond LB658 was going to take compromise when it comes to the Class I problem being resolved. And what I have found in trying to resolve or find a middle ground, is that the Class I people, the person they chose to lead this group, won't compromise. Now, you can't find an interest group that's in the Legislature that will tell you consistently we won't move, it's all or nothing. That's the difficulty with trying to come up with a solution with the Class I schools beyond LB658. We went to them. They said, it is all or nothing; you give us back Class I's the way they were or we won't agree to anything. In fact, it's this simple: If you represent all Class I's, you are effectively saying we will not help out some of the Class I's until we can help out all of the Class I's. And that's the impossibility of the problem presented by Class I's today. We can't help all of them. We can't put all of them back together again. We have offered to work to help some more in very sparsely populated areas. They are not interested; they are not interested. And the best argument that they can come up with--and you should understand that this is being hijacked; this is being hijacked by that group--and that is we want to preserve our lawsuit; we have a lawsuit in federal court; we think it will be better if we don't get anything from the Legislature. So some people might get some protection; we'd rather get nothing for anybody and preserve our lawsuit. Let me tell you about that lawsuit. They've lost that argument through the state courts in Nebraska, and they've lost it in front of a federal district court judge. They think they are preserving an argument for appeal in front of the Eighth Circuit, and I'm going to tell you and tell those people, and I hope they're listening, that you will not be harmed if LB658 passes. That case will not be moot. You are being led astray by this group and you could have got something more than what you'll get from LB658, but this person's commitment to no change is more important. It will invariably result in more litigation and it is a complete waste of time, and it is a sad day that we were not afforded the opportunity to help in those very sparsely populated areas that need protection, that need help. They simply wouldn't talk to us. It was all or nothing, and we couldn't help them all. [LB646 LB658]

SPEAKER FLOOD: One minute. [LB646]

SENATOR LATHROP: I appreciate...I genuinely appreciate Senator Dierks' commitment to this. Senator Dubas, Senator Carlson, Senator Wightman, my friends from the rural part of the state, I appreciate your passion for this. You are not being run over by the urban people. There is nothing we can do at this point to improve this bill.

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There is nothing we can do to help every single Class I school district that existed before LB126. This is not the answer. I urge you to vote against the rules suspension. Thank you. [LB646]

SPEAKER FLOOD: Thank you, Senator Lathrop. Senator Friend, you are recognized. [LB646]

SENATOR FRIEND: Mr. President, I yield my time to Senator Erdman. [LB646]

SPEAKER FLOOD: Senator Erdman, Senator Friend is yielding you his time. You have 4 minutes, 52 seconds. [LB646]

SENATOR ERDMAN: Thank you, Mr. President; thank you, Senator Friend. I don't plan to use it all but I appreciate it. Members, this has been a learning process for all of us. Some of you have come to the dance late and you have learned as much as those of us that have been here. Every year is an interesting session. Let me, in my last comments, let me flip the tables here just briefly, and I believe there is one other light on, and we can vote. Senator Raikes smiles. It was all or nothing, and you want it all and we gave you nothing, is essentially what I got out of the last statement. I think Senator Lathrop has some keen observations about how this process played out. But again I would respectfully offer to the body that the ultimatum placed on this Legislature by OPS was no different. Either you put us back together or we're not going to support anything. And when they said all or nothing, they got all, plus some, because they got additional funding, they got additional learning opportunities for their students, they got additional protections under LB641. And to the chagrin of the Sarpy County senators who got protection last year, they did not get the same opportunity this year. But that's fine. Cast it however you would like. At the end of the day, the folks most directly affected by the metro area issue in Omaha were resolved satisfactorily, in their opinion. At the end of the day, should LB658 become law, those who are most directly affected by that situation will not have the same opportunity or courtesy extended to them. And maybe it's because we're unreasonable. I don't know. But I would just simply pause and offer that observation, that if one group or one area of the state has more sway, whether it's political or otherwise, in getting what they want, then I think an observation has to be gleaned from that. I think you have to analyze why that was. Why was it that the Chairman of the Education Committee allowed somebody else to draft an amendment and hijack LB641 on General File only to work tirelessly for a week to try to put sense back into the bill? That wasn't available to us on LB658. In fact, we didn't get over, I think, 16 votes at any one time. So I think there is a little more pointed observation there or analogy between the two than some would like to admit. But at the end of the day, as I've said in respect to Senator Kopplin earlier on the debate on LB653, we may fundamentally disagree on what the public policy is. I understand that you're doing what you think is right. I'm trying to convince you that there is a better way, and I may not succeed. But at the end of the day, those of you that live in Omaha, not those in Sarpy

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County obviously, but those that live in Omaha will be able to go home to your constituents and say, we did primarily what you asked us to do and we also addressed some of the other fundamental issues. We weren't given the intervening year to analyze what the vote meant. We did give the metro area of the state of Nebraska an intervening year to think about what the law would mean to them. That's the difference and I think that's a stark contrast. Thank you, Mr. President. [LB646 LB641 LB658 LB653]

SPEAKER FLOOD: Thank you, Senator Erdman. Senator Harms. [LB646]

SENATOR HARMS: Thank you, Mr. President and colleagues. Mr. President, I would like to call the question, please. [LB646]

SPEAKER FLOOD: The question has been called. Do I see five hands? I do; I see five hands. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Have all those voted who intend to? Record please, Mr. Clerk. [LB646]

CLERK: 26 ayes, 4 nays, Mr. President, to cease debate. [LB646]

SPEAKER FLOOD: Debate does cease. Senator Dierks, you are recognized to close on your motion to suspend the rules pertaining to germaneness. [LB646]

SENATOR DIERKS: Thank you, Mr. Speaker, members of the Legislature. First of all, I want to tell you that I make no apologies for this effort. I feel very correct in doing this. I think that this is one way we can try to answer the needs of our rural constituents. And the part that Senator Lathrop talked about, about the number of schools that had a chance to be saved, was 28 schools of 160-some. It's a little bit difficult to accept that kind of a compromise. The fact is, there wasn't even much question about it. One thing that I keep trying to promote as a legislator, whether I was on the school district, in the hospital boards, is I tried to promote local control. And I have a great deal of difficulty when people from Lincoln come out and tell us how to run our schools. It bothers me a lot. I was on that school board for 17 years in Ewing, and we've got that full-time. I know exactly what it is when Lincoln comes out and tries to tell you something. I opposed that. I'm strictly for local control and always will be. And I would hope that maybe you could see some of that today and help me to suspend the rules and vote the way that I think our citizens have asked us to vote. And with that I will give the rest of the closing to Senator Erdman. [LB646]

SPEAKER FLOOD: Senator Erdman, Senator Dierks has given you the balance of his time: 3:22 remaining. [LB646]

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

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you, Senator Dierks. Members, I think after we defeated the original call of the question, I think this has been an appropriate discussion. We should be a deliberative body. At the end of the day, if we disagree on the policy, we can vote that way. But I am grateful that the Chair ruled that after 15 minutes of debate that we should be able to continue that discussion. Members, it's the end of the session. We're all looking forward to Thursday, whether or not you want to admit it or not, and the fact that we have done a lot of hard work this session. It would seem that after all of the compromise and all of the effort that we have taken this session to resolve issues, that the single greatest issue that remains unresolved in the eyes of those affected is the Class I issue. Oh, they'll be a resolution should LB658 pass, and there's things in LB658 that make sense because we asked for them to be put in there, but I would offer to you that this motion is in order, that I hope that you will vote favorably on the motion to suspend the germaneness rule, and that we can consider that amendment that Senator Dierks has filed, and further discuss this issue. I appreciate your time this morning. Again, I think the effort on both sides of this debate has been herculean, and I want to thank both Senator Dierks and Senator Hudkins for their original effort in bringing these bills before the Legislature and for the Education Committee in their effort to try to make sense out of it. Again, I will restate that I believe you're going to vote based on what you believe is the fundamental right public policy based on how the arguments have been made. I would offer to you that the right vote would be to vote yes to suspend the rules. Thank you, Mr. President. [LB646 LB658]

SPEAKER FLOOD: Thank you, Senator Erdman. You've heard the closing on Senator Dierks' motion to suspend the rules with regard to LB646, specifically pertaining to germaneness. All those in favor vote aye; all those opposed vote nay. Have all those voted who intend to? Mr. Clerk, please record. [LB646]

CLERK: (Record vote read, Legislative Journal pages 1826-1827.) 15 ayes, 22 nays, Mr. President, on the motion to suspend the rules. [LB646]

SPEAKER FLOOD: Senator Dierks' motion is not successful. Mr. Clerk. [LB646]

CLERK: Mr. President, at this time I have nothing further pending to LB646. [LB646]

SPEAKER FLOOD: Senator McGill, you are recognized for a motion. [LB646]

SENATOR MCGILL: Mr. President, I move LB646 to E&R for engrossing. [LB646]

SPEAKER FLOOD: You've heard Senator McGill's motion. All those in favor say aye. All those opposed say nay. The ayes have it. LB646 is advanced to E&R for engrossing. Mr. Clerk. [LB646]

CLERK: Mr. President, the next bill, LB530. I have no Enrollment and Review. Senator

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Erdman would move to amend with FA90. (Legislative Journal page 1288.) [LB530]

SPEAKER FLOOD: Senator Erdman, you are recognized to open on FA90. [LB530]

SENATOR ERDMAN: Mr. President and members of the Legislature, I believe FA90 would raise the match required from 20 percent to 40 percent, which is consistent with the public policy that we adopted in LB701, that would allow access to state funds by irrigators in districts and entities across the state to help them manage those issues. Out of respect to Senator Nantkes, I have not had a chance to visit with her due to the "hecticness" of this last few days of session, and I would respectfully ask that FA90 be withdrawn. [LB530 LB701]

SPEAKER FLOOD: FA90 is withdrawn. [LB530]

CLERK: Senator McGill, I have nothing further pending to LB530. [LB530]

SPEAKER FLOOD: Senator McGill, for a motion. [LB530]

SENATOR MCGILL: Mr. President, I move LB530 to E&R for engrossing. [LB530]

SPEAKER FLOOD: You've heard Senator McGill's motion. All those in favor say aye. All those opposed say nay. The ayes have it. LB530 is advanced to E&R for engrossing. Mr. Clerk. [LB530]

CLERK: Mr. President, LB351 on Select File. Senator McGill. First of all, I have Enrollment and Review amendments pending. (ER8122, Legislative Journal page 1771.) [LB351]

SPEAKER FLOOD: Senator McGill. [LB351]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB351]

SPEAKER FLOOD: The question before the body is, should the E&R amendments to LB351 be adopted? All those in favor say aye. All those opposed say nay. The ayes have it. The E&R amendments, ER8122, are adopted. [LB351]

CLERK: Mr. President, Senator Harms had printed AM1060. Senator, I understand you want to withdraw AM1060. [LB351]

SENATOR HARMS: That's correct. [LB351]

SPEAKER FLOOD: AM1060 is withdrawn. [LB351]

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CLERK: Senator Harms would move to amend with AM1487. (Legislative Journal page 1827.) [LB351]

SPEAKER FLOOD: (Doctor of the Day introduced.) Senator Harms, you are recognized to open on AM1487. [LB351]

SENATOR HARMS: Thank you, Mr. President and colleagues. This amendment does two things. It defines the baccalaureate...it actually defines postsecondary education to include both the baccalaureate degree and the associate degree. It also gives the Health and Human Services the opportunity to look at activities that are directly related to education as far as its work plan. Let me give you just a little bit of background here in regard to my concerns or my interest in this. Since 1977, when the Legislature created the Nebraska Welfare Reform Act, postsecondary education has always been a component for the clients and a way for the clients to leave the welfare program. It makes them self-sufficient. The option to pursue the bachelor's degree or the associate degree is critical. And in this particular piece of legislation, LB351 does allow the bachelor's degree. It goes untouched. But it does not allow for the associate's degree, and Health and Human Services has chosen to define postsecondary education strictly as a baccalaureate degree program. It does not include the associate's degree. I have given you several handouts I hope you'll take a moment to look at. One talks about stories of people attending St. Mary's on a nursing program. It's good; it's good stuff. It's good material; I hope you'll look at it. And then it talks about, the other one I handed and gave to you is about postsecondary education as a pathway to self-sufficiency. I hope you take a moment to look at that because it really gets to the heart of what I'm after. The thing that I'm concerned is the fact that there is some inconsistency in regard to how we treat bachelor's students and those requiring associate degree students. We require the associate degree students to work 20 hours first, and set aside their education as second, and work towards it. I'm here to tell you that the majority of the people who come out of this program and pursue a bachelor degree or an associate degree need to have a little more care, and quite frankly, if you're looking at 20 hours of work, most clients will choose not to do that. In fact, a study was done in 2000, which documented that people who have the work requirement that are in education, it drops off by 80 percent. You lose 80 percent of your participants. They just simply can't do it. You have a single mother with two children or a father with one or two children, they just can't do it. It's impossible for them to be a mother and a father and take care of this, and also have to work. College is difficult and it takes their full concentration to get through. What we need is skilled educated workers. There isn't any question about it. The work force is going to demand this in the future, and the Nebraska employers are demanding this now. Trends in the economy are showing that we're having fewer jobs in the manufacturing. Most of them are being shipped out which takes, in some cases, less skilled. And now there are more job opportunities but it takes a higher skill. It takes an education. It takes knowledge of computerization or dealing with computers and technology. It just isn't going to happen without us looking at this very carefully.

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Education is the only hope for these clients to get out of poverty. I've said that on more than one occasion. You've heard Senator Chambers say that on more than one occasion. Education is our only hope to move them out of poverty. Education translates into better earnings. Students who obtain a one-year certificate earn 81 percent more than those who have a high school diploma. An associate degree, you earn 112 percent more than a high school diploma. And on the lifetime, an associate degree, you'll earn almost \$300,000 more. So what we have done with this particular issue and the way the Health and Human Services has this set up, we really set people up to fail in many cases. We don't give them the opportunities that they should. They should have the right and the opportunity to pursue an associate degree or a diploma or a certificate, and that's not really allowed. We really almost don't allow it to occur. And so what I'm asking for you to do is to give this some consideration, and I would like to have some dialogue about this and then I'll tell you what I really want to do with this amendment in a few minutes. So, Mr. President, I would be sure to ask any questions that people might have in regard to this particular issue. [LB351]

SPEAKER FLOOD: Thank you, Senator Harms. We have several senators wishing to weigh in on this issue. Senators Kopplin, Pedersen, Dubas, Erdman, Gay, and Harms. Senator Kopplin, you are recognized. [LB351]

SENATOR KOPPLIN: Thank you, Mr. Speaker, members of the Legislature. I'm rising to support Senator Harms' amendment. It's very difficult for people to be able to attain a college education when you have to think everyday about how you're going to take care of your children, how you're even going to get transportation to get to community colleges or wherever you might wish to go. I don't understand the thinking that associate degrees require work where bachelor's would not. When you think about college education in Nebraska, we make a big deal about how many people are going to attend the university and all. But how many people really graduate? You know, we're down around 25 percent. The real meat of our educational program--sorry, university, you may not like this--but it right now is the community colleges which are putting people, giving the training they need, putting them to work, helping to get them out of poverty. It's tough. It took me ten years to get my first degree. I talked to some young women just this past summer who were trying desperately to improve their lives through education. And when they told me the difficulties they had with just finding childcare, finding transportation, and so on, and then still having to put in as much time working as they needed, it made the job almost impossible. So I'm going to support Senator Harms' amendment. I think it's the right thing to do. I think it will be great for Nebraska, and certainly great for those people that are trying to improve their lives. Thank you. [LB351]

SPEAKER FLOOD: Thank you, Senator Kopplin. Senator Pedersen, you are recognized. [LB351]

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

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Senator Harms and I were visiting earlier today, and one of the statements he made to me which I passionately agree with is education is what is going to get people off from welfare. A very short personal story, St. Mary's College. My daughter, one of my daughters was on welfare for awhile. She got enrolled at St. Mary's College and graduated with her bachelor's degree in special ed and started teaching for OPS. Went on back, got her master's degree in administration, taught special ed for three to four years, I don't remember exactly what it was, and then went in as the dean of Blackburn High School, an Omaha Public Schools alternative school, this year, and next year she will be the assistant principal of that school. She was on welfare, had two children, and got off from welfare with an education. And that doesn't mean she got free education. I want you to hear that part mostly. She did not get free education. She got school loans and she'll be paying for them probably the rest of her life, so it's not because you're on welfare that we give away education, but we get them involved in school. And education is the number one solution to getting people off from welfare. I "full-heartedly" support Senator Harms' amendment and hope you will too. Thank you. [LB351]

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Thank you, Senator Pedersen. Senator Dubas. [LB351]

SENATOR DUBAS: Thank you, Mr. President and members of the body. I wholeheartedly stand in support of Senator Harms' amendment. Education at any level is our best investment in economic development. We talk about economic development a lot on this floor, but when we put dollars into human capital and we invest dollars in education at every level from preschool all the way up to secondary education, those dividends are going to pay off for generations. When you educate adults, you get a double education because they're going to educate their children right along with it. And anything that we can do to promote education for anyone, are dollars that are wisely invested and are dollars that are going to be coming back to us. Anything we do to educate our work force is just money well-spent. Anything we do to promote higher education virtually guarantees a reduction in request for public assistance. We shouldn't be placing roadblocks in front of anyone who's wanting to further their education, who's wanting to better themselves, who's wanting to be able to go out and improve their position in life and their job choice selection. So I think this is an outstanding amendment. It's a good bill. This amendment just makes it better. I encourage my colleagues to support it also and will be supporting it myself. Thank you very much. [LB351]

PRESIDENT SHEEHY: Thank you, Senator Dubas. Senator Gay, followed by Senator Harms, Senator Stuthman, Senator Wallman, Senator Howard, Senator Pankonin, Senator Synowiecki, and Senator Pirsch. Senator Gay. [LB351]

SENATOR GAY: Thank you, Mr. President. I rise in support of the amendment as well.

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This is an amendment I think everybody can support. The one thing I would encourage--Senator Harms and I have had many discussions on this--the one thing I would encourage is, as the committee looks at welfare reform in general, this is a great opportunity, and that is the word, the key word, I think, the opportunity. Those who want to work hard and go create an opportunity should have that opportunity, not just limited to a four-year degree, but a postsecondary degree is very useful in this time and day and age. So I rise in support of this and I hope during the interim, over the summer, we can look at a lot of the options like this, but this is a key one where I think education just can lift these people out of poverty. The handout that Senator Harms handed out is very good. I appreciate that, Senator. When you read through that, the benefits of this would get people off welfare rolls indefinitely. And you look at the long-term savings of something like this, these are the kinds of things we need to pursue. Look at all the programs that we have, find the best ones, and I think this is a good one and we discussed this during the committee this year in Health and Human Services. But let's find those programs that aren't so good and take the proceeds and the money from that and put it into programs like this that we know have a great outcome. So I commend Senator Harms for the amendment and support the amendment. Thank you, Mr. President. [LB351]

PRESIDENT SHEEHY: Thank you, Senator Gay. Senator Harms. [LB351]

SENATOR HARMS: Thank you, Mr. President, colleagues. I'm going to...I appreciate the support here, and I talked with Senator Stuthman and to Senator Joel Johnson. Senator Johnson is actually going to be doing a study that's going to tie this in, and what I was after today is for a matter of record of support. There are some questions and some concerns that I have about this. First is, the fiscal note is high. I just got that this morning. I think it's something we need to look at. I want to find out just exactly how that was figured. The other side of it is, when we put together a program like this, we need to define vocational education, we need to define in this law what the options are so that Health and Human Services does not have the problem of how far they can go with a student. Under a vocational education or under an associate arts degree, you can get a diploma and you can get a certificate. Those need to be spelled out. They are not spelled out presently. And I don't believe that we should be defining postsecondary education only as a bachelor's degree. Because of these questions and the fact that Senator Johnson is going to do a study, Mr. President, I would like to pull this amendment because the simple fact is we need to work on that a little more, and if we can do that. If it's not done I will be back in with a bill that will correct this and do it on my own, but I believe the study is where we need to be so we have a comprehensive package, we have a handle on the cost. There isn't any question this is the right thing to do. I just want to make sure that it's absolutely correct and it meets exactly what we've required and the discussion that I had with Senator Stuthman and the agreement we've had as senators. So that's what I would like to do at this point, so thank you, Mr. President. [LB351]

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PRESIDENT SHEEHY: Thank you, Senator Harms. AM1487 is withdrawn. [LB351]

CLERK: Mr. President, I have nothing further on the bill. [LB351]

PRESIDENT SHEEHY: Senator McGill, you are recognized for a motion. [LB351]

SENATOR MCGILL: Mr. President, I move LB351 to E&R for engrossing. [LB351]

PRESIDENT SHEEHY: You have all heard the motion. All those in...Senator Stuthman. You have all heard the motion. All those in favor say aye. Opposed nay. LB351 advances. Mr. Clerk, we will now move to Final Reading. Oh, correction. LB351A, Mr. Clerk. [LB351 LB351A]

CLERK: Senator McGill, I have Enrollment and Review amendments on LB351A. (ER8121, Legislative Journal page 1771.) [LB351A]

PRESIDENT SHEEHY: Senator McGill. [LB351A]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB351A]

PRESIDENT SHEEHY: You have heard the question. Shall the E&R amendments be adopted? All those in favor say aye. Opposed nay. They are adopted. [LB351A]

CLERK: I have nothing further on the bill, Senator. [LB351A]

PRESIDENT SHEEHY: Senator McGill. [LB351A]

SENATOR MCGILL: Mr. President, I move LB351A to E&R for engrossing. [LB351A]

PRESIDENT SHEEHY: You have all heard the motion. All those in favor say aye. Opposed nay. LB351A does advance. We will now move to items under Final Reading. Members should return to their seats in preparation for Final Reading. Mr. Clerk, the first bill is LB658. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor will vote yea; opposed nay. Please record, Mr. Clerk. [LB351A LB658]

CLERK: 34 ayes, 4 nays, Mr. President, to dispense with the at-large reading. [LB658]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB658]

CLERK: (Read title of LB658.) [LB658]

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PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB658 pass with the emergency clause attached? All those in favor vote yea; opposed nay. Please record, Mr. Clerk. [LB658]

CLERK: (Record vote read, Legislative Journal pages 1828-1829.) 36 ayes, 12 nays, 1 excused and not voting, Mr. President. [LB658]

PRESIDENT SHEEHY: LB658 passes with the emergency clause attached. We will now proceed to LB395, Mr. Clerk. [LB658 LB395]

CLERK: Mr. President, I have a series of motions with respect to LB395. First that will be considered is a priority motion by Senator Mines. Senator Mines would move to bracket the bill until May 30, 2007. [LB395]

PRESIDENT SHEEHY: Senator Mines, you are recognized on your motion to bracket until May 30, 2007. [LB395]

SENATOR MINES: Thank you, Mr. President and colleagues. The motion to bracket was filed long ago and will be...I will withdraw this motion but I would like to talk just a little bit about the process and where we've been and where I view things going. This has been, for many of you in the body, painful--not quite as painful as Class I and the learning community, but painful nonetheless. I don't believe anyone in this body doesn't want clear air. I don't believe anyone in this body doesn't want people to go into restaurants and places of gathering and not be offended by those that do smoke. But there are some of us that do believe that business owners should have that ability to choose. We understand that that has long ago been lost, that premise, and we understand now that what we have been advocating for is that local communities and local counties be allowed to opt out of a statewide smoking ban. What we have proposed all along is that we have a statewide smoking ban, that that ban then be presented, and cities, counties, villages can then have the ability to opt out if they so choose, either by the governing board or by a vote of the people. And the vote of the people that we have established, they could place a referendum or take a referendum to the ballot by simply collecting 5 percent of the registered voters within that jurisdiction. We have been through 29 amendments. Some failed; some were withdrawn; some were adopted. And I understand that Senator Johnson is going to request that the bill be laid over. I do want to recognize, however, several things. Those of us that believe there should be an opt-out provision have...I believe we've been fair, I've believe we've been open, and I believe that we've done the best we can to craft a bill that we believe is best for Nebraska. And promises were made on the floor, and I want to just ensure the body that, thus far, promises have been recognized, and we, those of us that have advocated for an opt-out, have kept held to our promise. The final promise we made on the floor you would find on your gadget. It is AM1087 which we believe is the final piece to what we've all agreed to. And those two points of order, during discussion there was

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discussion...I believe Senator Schimek and Senator Fulton had brought up the question about Lincoln and their smoking ban and that it is more restrictive than the smoking ban would be as proposed in LB395. We agreed at that time to look into that, and AM1087 does include language that the ordinance that's been approved does, in Lincoln, does supersede all other provisions of the Nebraska Clean Indoor Air Act. The second part of LB395 was an issue of whether or not a resolution or an ordinance that's adopted by a city or a county does become effective immediately upon the passage within that body, or does it become effective if the voters choose to adopt that ordinance or resolution. And the language in this amendment does say that the ordinance or resolution becomes effective immediately. Thus from the time of the action by the local body it becomes effective until a vote of the people, and if it changes that that's when the process changes. And I think, Senator Johnson, we haven't discussed this. I assume he is going to talk about the Attorney General's Opinion that was requested. And that just came out today, hot off the press, so I will delay any comments on this and allow Senator Johnson to discuss the Attorney General's motion. But I believe that we have had fair and full debate. We've made promises to one another on the floor. We made promises and I believe Senator Johnson is going to withdraw...excuse me, going to lay over his bill. So, Mr. President, I will withdraw my bracket motion. Thank you. [LB395]

PRESIDENT SHEEHY: Thank you, Senator Mines. Motion to bracket is withdrawn. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB658. I also intend to sign LR209, LR211, and LR212. (Legislative Journal page 1829.) [LB395 LB658 LR209 LB211 LB212]

Senator Johnson, you are recognized for your motion. [LB395]

SENATOR JOHNSON: Thank you, Mr. President. Fellow senators, about 30 years ago now I had kind of an interesting thing happen to me. What is was is this, is that in a rush to get on an airplane in Chicago, I got on an airplane that was going I thought to Baltimore. After about two hours into the flight, when it takes about an hour and a half to get to Baltimore, it dawned on me that I was going somewhere else. I was going to London. (Laughter) One of the things about it is, you know, when you do something that dumb, it's actually one of the best things that has ever happened to me because now when I do something dumb it's a lot easier to say I did something dumb. And I actually encourage students that I meet with to remember that: to not only be afraid to admit your mistakes, but to move ahead and try things even though you might make a mistake. With LB395, what we have now is a bill with the best of intentions but it is lost in a morass of execution. It not only has an opt-out clause, but it allows the opt-out even before the smoking ban goes into effect. Over the past several weeks I have met with staff and other supporters of the bill. I ultimately came to the conclusion that unless we could reach a mutual agreement with Senator Mines, I would ask to pass over this bill for this session of the Legislature. Senator Mines and I had come to an agreement, and I think really my only two choices are to proceed with the agreement, but that would

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mean doing or moving forward with the bill that in my heart I do not feel is in its proper form. A few weeks ago it appeared as if there might be some light at the tunnel, but a mutual understanding hasn't come to fruition. We are therefore faced with the choice of asking you to pass a bill on good intentions, but one that will result in a patchwork of provisions and enforcement problems. It will mean that smoking in public places, in places of employment, would be prohibited here, there, but not everywhere. The issue comes down to this: Many of you who to this point have been unable to support this bill, have been concerned with taking away the individual rights which we all treasure dearly. However, I ask you in the interim to consider how to balance these individual rights against a known commodity that will cause the death of many, many people. It is one thing for a person to smoke himself and cause the deterioration of his health and his ultimate death. It is another thing however for that person to injure someone else's health or cause his death. With Memorial Day, we have once again been reminded of the loss of the men and women in our armed forces, both at the present time and in past conflicts. Each year approximately 400,000 people succumb to problems caused by smoking. That's the equivalent each year of people lost to smoking, the same number as was lost by the American side in all of World War II--each year. With secondhand smoke, the estimates are 40,000 per year, which means that in just 18 months we will lose as many people in the United States to secondhand smoke as were lost in the Vietnam War from years 1961-1975--every 18 months. Now, one of the things that's a second consideration that I want you to think about is that many European countries and many states now have come to the conclusion that this is the best and cheapest way to improve the health of their citizenry and do it in the least expensive way possible. In this country, Minnesota recently passed a law similar to what we were asking, and they had estimated that their costs for secondhand smoke were \$200 million per year. We're a smaller state but certainly it would be substantial. Now, in closing, let me tell you another thing about my trip to Baltimore. When I did finally show up at the meeting, they gave me an award for coming the furthest. (Laughter) I would hope that next January when we meet again, that we can pass out several awards for senators who have come the furthest in supporting this bill. With that, Mr. President, I would ask that LB395 be bracketed until January 2, 2008 (sic--January 9, 2008). [LB395]

PRESIDENT SHEEHY: Thank you, Senator Johnson. Senator Mines. [LB395]

SENATOR MINES: Thank you, Mr. President. I understand that this will be the last light on and I appreciate the opportunity the Speaker has given me to counter. Senator Johnson, I think did some well-intentioned things. The bill, as it stands today, is not something dumb; it's not a morass that will be impossible to execute or police. I believe, and I believe many of you in this body believe that we worked very hard, both sides. It isn't exactly the green copy. It's something different. And I don't believe that the characterization that it is now an impossible bill to administer or to live with is accurate. I believe this bill is in good form. Unfortunately, Senator Johnson didn't talk about the

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Attorney General's Opinion that he requested earlier about the...oh, gosh, there were seven different questions that were asked...and I've got them all highlighted; I won't belabor the point...to every single point of those seven points that was addressed to the Attorney General as to whether or not what we were doing was constitutional and in fact were we allowed to do that. In every single case we are. So the bill is in good form. The bill is drafted properly. Don't be misled by that. And please understand, for those of you in the audience, this bill does come back next year on Final Reading. And it's been very clear to me and many of us that the lobby has played very heavily in what we've done this year with this bill, and shame on them. What we've done is delay this bill until--now we're three days out--until a point where they can pull everyone of you questionable votes out and beat you over the head with the ills of smoking, and I couldn't agree more with Senator Johnson. However, that's not what this is about. Yeah, it's about cleaning up the air and, yes, it's about not allowing smoking in public places. But it's about local rights. It's about the rights of local people to make the decision, and I believe this bill does that. It does it in good form, and to the Attorney General's Opinion we are in good form. What this bill does, and it's my...I'll end with this. This gives those folks that want no smoking in Nebraska in public places, the bill is 95 percent of what the lobby wants--95 percent. Now, if the votes were there I have no doubt that we would be taking up the vote. If the votes for cloture were there, it would be over. They're not, and they're not for a good reason because this is too broad. It's broad-ranging and Nebraska is a lot more diverse throughout our state than a one-size-fits-all, and that's what we're trying to accomplish is local communities, local counties, local individuals should make the right...should make the choice as to whether or not they wish to ban smoking. And that's all we ask, that's what the bill says today, that's what it will say again next year, and I appreciate your interest and concern. We'll be back next year. Thank you, Mr. President. [LB395]

PRESIDENT SHEEHY: Thank you, Senator Mines. Members, Speaker Flood has removed this item from the agenda. We will move to next items under Final Reading. Mr. Clerk. [LB395]

CLERK: Mr. President, pursuant to the category on the agenda with respect to motions to return, I now have LB265. Senator Nantkes would move to return LB265 to Select File for a specific amendment, AM1495. (Legislative Journal pages 1829-1831.) [LB265]

PRESIDENT SHEEHY: Senator Nantkes, you are recognized to open on your motion to return to Select File. [LB265]

SENATOR NANTKES: Good afternoon...or good morning, Mr. President and colleagues. I rise this morning in support of this motion to return LB265 back to Select File for a specific amendment. Late last week, Congress approved the increase in the federal minimum wage, voting to raise wages from \$5.15 an hour, to \$7.25 an hour over the next two years. President Bush signed this legislation on May 25, 2007. And this

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legislation affects an estimated 53,000 Nebraska workers or approximately 62 percent of our work force. This amendment simply ensures that Nebraska's law will mirror federal law. It has no fiscal impact. It is not opposed by Nebraska's business community, and, in fact, ensures uses compliance for all Nebraska businesses. So with that I would ask for your support on this motion. Thank you. [LB265]

PRESIDENT SHEEHY: Thank you, Senator Nantkes. You have heard the opening on the motion to return to Select File. The senators wishing to speak are Senator Cornett, followed by Senator Erdman and Senator White. Senator Cornett. [LB265]

SENATOR CORNETT: Thank you, Mr. President and members of the body. I just want to refresh everyone's mind on what LB265 is. It is an omnibus bill that has a lot of requirements the state of Nebraska must meet to bring us into federal compliance. LB265 contains provisions that would also bring Nebraska into conformity with federal law in the new confidentiality provisions. This amendment and the motion to return to Select File is germane to the bill and would allow Nebraska to mirror the new federal law, and I urge the body to support this motion to return to Select File for this specific amendment. Thank you. [LB265]

PRESIDENT SHEEHY: Thank you, Senator Cornett. Senator Erdman. [LB265]

SENATOR ERDMAN: Thank you, Mr. President. Would Senator Nantkes yield to a question? [LB265]

PRESIDENT SHEEHY: Senator Nantkes, would you yield to a question? [LB265]

SENATOR NANTKES: Yes. [LB265]

SENATOR ERDMAN: Senator Nantkes, I don't see the amendment up yet on the Chamber viewer. I see it's listed but not able to be viewed. The question I guess specifically that I would have is that is this amendment, as you explained this, is identical to the federal law that was attached to the war spending bill and signed by the President? [LB265]

SENATOR NANTKES: That's correct, Senator Erdman. [LB265]

SENATOR ERDMAN: And it's also my understanding that you had a legislative bill that would have done a similar action but not specifically this action, is that correct? [LB265]

SENATOR NANTKES: That's correct, Senator Erdman. The piece of legislation that I introduced early this session actually was much more conservative in its approach. It would have increased Nebraska's minimum wage approximately 60 cents over three years, and instead, Congress has acted and has decided to implement an increase in

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the minimum wage across the board up to \$7.25 an hour over the course of two years. [LB265]

SENATOR ERDMAN: And is it a fair representation that the...that even..that because Congress has acted, that this is actually unnecessary. It's just clarifying so that somebody that would look at what Nebraska is required to pay at a minimum wage would be equivalent to the federal requirement, because they supersede us in this area unless we go above them. Is that accurate? [LB265]

SENATOR NANTKES: Yes, in general. I do believe it is necessary to ensure ease of compliance, though, that Nebraska does make this change. [LB265]

SENATOR ERDMAN: And the last question that I would have is would you make the argument that this is a new matter that's before the Legislature? [LB265]

SENATOR NANTKES: I would not. [LB265]

SENATOR ERDMAN: Senator Nantkes, neither would I. Thank you for your questions. Members, as the result of this amendment is similar to one that was offered earlier, not in the scope but in the reality that this was a legislative bill that has been before the Legislature, the language in the law that was at question earlier I believe is adequately addressed, and I look forward to seeing how others would vote, but I would see no problem in this amendment. Thank you, Mr. President. [LB265]

PRESIDENT SHEEHY: Thank you, Senator Erdman. Senator White, followed by Senator Engel. Senator White. Senator White waives. Senator Engel. [LB265]

SENATOR ENGEL: Mr. President and members of the body, just a short comment. I believe this is a very good idea, Senator Nantkes. I think following the federal law, that will save a lot of discussion here on the floor. Over the last several years they've always been trying to raise the minimum wage in Nebraska, and it's always come up with quite a deal of conflict. And this way, I think, by going along with federal law as basically we have in the past, it will save a lot of conflict in the future by just following federal law all the way through. So this subject should be moot. It should be over. It should be done in the future. So I thank you, Senator Nantkes, for bringing this forward. [LB265]

PRESIDENT SHEEHY: Thank you, Senator. Further senators desiring to speak on the motion to return to Select File. Senator Chambers. [LB265]

SENATOR CHAMBERS: Mr. President, since everybody is in such a ecumenical, kindhearted mood this morning, it cannot be done because of our rules, but how I wish we were at a different stage of debate where this motion could be amended. And if so, I would offer an amendment to prohibit discrimination in employment against people

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based on sexual orientation. That to me is something which is extremely important to be done. I find it reprehensible that senators stood on this floor and made some of the low-level comments that they made, suggesting that because somebody is gay or lesbian he or she has no ethics, no principles, no morals, and I think that is absolutely wrong. People are entitled to any religious notions or nonsense that they choose to entertain, but when they think in their self-righteousness that the only morality is what they call morality, the only the ethics are what they consider to be ethics, is I think one of the wrongest-headed views that can be entertained. That bill was killed this session but the idea has not gone away. I will bring it next session, and should whatever gods there may be decide to smile on me and laugh at the state of Nebraska and the Nebraska Supreme Court overturn term limits, I will bring that bill back session after session after session. Nebraska, as a state, should be ashamed. Senators ought to be mortified. The bigotry, the hatred masquerading as a belief in ethics and morality, is very underhanded and low-down, in my opinion. If some of these people did not profess so much religion, and one of them even will have a religious icon on his gadget, I wouldn't feel so hostile and bitter, but I get fed up with all this talk of religion and holiness. Then when it comes time to show just ordinary concern for and recognition of our brothers and sisters, all of that religious claptrap goes out the window, and that's exactly what it is: claptrap. Every time they quote from the "Bibble" those words are like ashes. Their tongue should be paralyzed and stick to the roof of their mouth, and no word should issue from between their lips. When they smile, it's not a smile. It is a snarl. And it fronts some of the worst bigotry and intolerance that is imaginable. This Legislature did not do itself proud. This Legislature is putting Nebraska behind every other state, and there seems to be a perverse pride in being backward, parochial, hate-filled... [LB265]

PRESIDENT SHEEHY: One minute. [LB265]

SENATOR CHAMBERS: ...and bigoted. A person is going to say, I'm not a bigot. Well, yes, you are. Your conduct is what marks you. Fortunately, not only are our votes a matter of public record if somebody is standing outside the Chamber and watching or watching us on television, our votes are printed in the newspaper, and all of the hypocrites, all of the hypocrites, all of the bigots are listed. Nebraska is not known for being progressive with reference to anything, and certainly not when it comes to showing respect and consideration for people who are different in one way or another. And I'm not through this morning. Thank you, Mr. President. [LB265]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Cornett, followed by Senator Chambers. Senator Cornett. [LB265]

SENATOR CORNETT: Thank you, Mr. President. I rise to just remind the body that this amendment will mirror the federal law. It has no fiscal impact and it is not opposed by the business community. LB265 is the vehicle which we are amending it on, which was

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Business and Labor's second committee priority bill, which also has provisions which bring Nebraska into federal compliance. And I urge the body to support the returning to Select File for this amendment. Thank you. [LB265]

PRESIDENT SHEEHY: Thank you, Senator Cornett. Senator Chambers. [LB265]

SENATOR CHAMBERS: Mr. President and members of the Legislature, some people might wonder why I would make these comments on this bill being brought back for the purpose of attaching an amendment with which I agree. I'll tell you why. Because the business community has stamped its imprimatur on this amendment. The business community did not oppose prohibiting discrimination in employment based on sexual orientation. The business community didn't protest, but Senator Carlson did, Senator Fulton did, Senator Erdman did. All of these holy people jumped on their hobby horse, took their lance, and jousted with the windmill of self-righteousness. That's what is afflicting them. They cannot stand the idea of somebody having the right to make a decent and honest living if that person does not walk in lockstep with their religious claptrap. And that's what it is. Jesus said, and I can quote him because I don't believe he even existed. It's just like Greek and Roman mythology to me. There is Greek mythology, Roman mythology, Christian mythology, Hebrew mythology, right down the line. Every society, every nation, has its theology, has its mythology, has its superstitions. But you know where they all fall down? The ones who holler the loudest about it and carry it on their sleeve are the biggest hypocrites of all, and their Jesus talked to them about that. These Pharisees had what they call phylacteries. These were little boxes and they had little scrolls that they put in them, and on these scrolls were prayers. And they would stand on the street corners and show their phylacteries and they would announce their prayers aloud so everybody could hear and see how righteous they were. And you know what your Jesus said? Be not like the hypocrites who stand on the street corners making long prayers that they may be seen of men. And that's what these hypocrites do. They want to show how self-righteous they are. Fortunately, for gay men and lesbian women, the Eighth Amendment to the U.S. Constitution is in place, otherwise they would be burned at the stake by these so-called "Chrishians." An atheist never burned a "Chrishian" at the stake. A philosopher never burned a "Chrishian" at the stake. You know who were famous for burning people at the stake for their beliefs or their lack of belief, their unorthodoxy? The "Chrishians." They were the ones who burned people at the stake, who tortured people, who hanged people, who drowned people, who humiliated people in the name of their Father, Son, and that other one. And then they go around the world trying to impose their intolerant, bigoted views on others, and they would love to be able to burn people at the stake once again. I think it is a terrible indictment of this state to have a provision in the constitution relative to marriage, whose intent is not to sanctify and uplift marriage. Look how many divorces there are. Look how many unfaithful people there are. But rather, to slam a group of people and tell them, we hate you and our constitution... [LB265]

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PRESIDENT SHEEHY: One minute. [LB265]

SENATOR CHAMBERS: ...is going to say we hate you. You are, quote, the other. You are, quote, the contrast concept, unquote. You are worse than a leper. You are the one that Jesus would have scorned. That's what they would say. But in reading the "Bible" in any version of it, I never see where Jesus said anything about gay men and lesbian women. Jesus didn't say anything about it. They have to go to somebody like "Imposter Paul" or some of these other simpleminded people. Jesus didn't have time for that but he did talk about the religious hypocrites. He talked about those who would call him, Lord, Lord, and don't do what he said. He talked about those who wouldn't help the poor, the hungry, the least among the people, the vulnerable. He talked about them. He talked about people like those you find in this Legislature, but he said not one word... [LB265]

PRESIDENT SHEEHY: Time, Senator. [LB265]

SENATOR CHAMBERS: ...about a person, gay or lesbian. Thank you, Mr. President. [LB265]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Wallman. [LB265]

SENATOR WALLMAN: Thank you, Mr. President and members of the body. I too was unhappy last week, how we treated the poor, the special ed people, the Meals on Wheels. I didn't feel very good going home after those sessions. I felt like I didn't do my job. And we took care of the judges; we gave them a good raise. The healthcare workers. Nope. Special ed programs in the public schools. Nope. But we took care of the people that could take care of themselves, and that's our fault. And we get graded. Senator Kopplin, I wonder what kind of grade we would have gotten last week? You care to answer? You care to answer? An F. I've got a few F's in school. Most of it was citizenship. I didn't want to listen to my teachers and I argued. I challenged their beliefs. And I was probably educated by one of the best teachers in the business, by a Jewish lady, and she held me to task. And if I didn't listen to her, I stayed after school, and I'm proud to know people like that. But I urge you to...this is getting off the course a little bit...I urge you to support this amendment here. And minimum wage, we should have been doing this a long time ago, folks. How can you make a living on minimum wage? You want your youngsters to go to college? To go here and there and better themselves? You can't do it on minimum wage. I know people that have two jobs, and, yes, they are of the alternative lifestyle and they do not have very good jobs. So I would turn the rest of my time over to Senator Chambers. [LB265]

PRESIDENT SHEEHY: Senator Chambers, you are yielded about three minutes and then you are next in the queue. [LB265]

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SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Wallman. Members of the Legislature, I will always throw my lot in with those who are marginalized, who are scorned, who are rejected, who are cast aside as the un-people. I'll be able to live ten years from now with what it is that I've done and what I've stood for. I won't have to be apologizing and temporizing and hemming and hawing and explaining why I felt that some people were less worthy than others to be treated like human beings. To have a job without discrimination is simply to be treated like a human being. That's all that it is; nothing more. And we should offer nothing less. But there is all of this posturing that means nothing. Senator Engel misquoted from First Corinthians, the thirteenth chapter. He meant to say, like "sounding brass and a tinkling cymbal," talking about me. But Jesus talked about...not Jesus, but Paul...all of these people with their religion, with all of their giving to charities, he said, but you do all of that and "...you have not love? You are as sounding brass and a tinkling cymbal." You can give your body to be burned, you can make every kind of sacrifice, you can do what the lobbyists tell you to do, you can sponge off them, you can pretend that you're doing something great on a minimum-wage bill when the only reason you're doing it, because the federal government did it. Whenever a bill was brought to raise the minimum wage, it was unceremoniously slaughtered in this Legislature. So nobody need feel that they're doing something great and noble and virtuous by adopting the amendment which is before us. I'm going to vote to return the bill... [LB265]

PRESIDENT SHEEHY: One minute. [LB265]

SENATOR CHAMBERS: ...and I'm going to vote to adopt that amendment. But I'm talking about something else this morning. I have other fish to fry. You don't have love so you're lost. And how does that chapter end? "Now abidith faith, hope and love, these three; but the greatest of these is love." You know why the greatest of those three is love? Because Paul believed in Jesus; he believed what Jesus taught. And Jesus taught that God is love. God and love are synonymous. You cannot have God without love; you cannot have love without God. And you people have neither one of them. But you posture and you hypocrite all the time, talking about your religion and God and Jesus and the Holy Ghost. If Jesus came back here, you would hang him up on a tree. He would be talking more like me than like thee. [LB265]

PRESIDENT SHEEHY: Time, Senator. Senator Wallman's time has expired. You are next in the queue for your third time. [LB265]

SENATOR CHAMBERS: Thank you, Mr. President. And this is my third time, like the third day in the heart of the earth. If I professed religion, if I pretended to religion, a day would never come when a man who rejected my religion could be a better paradigm of my professed religion than I am. You all are the ones who are the excluders. Even when you have artists' depictions of Jesus, you never see him in the posture of pushing people away--never; not once. But that's the posture that you all are in all the time

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because in addition to being hypocrites, you are cowards. You came here and you probably really thought you were going to do something. You thought and intended to make the world, or at least a little corner of it in Nebraska where you function, a better place. Then you got here and that cowardice crept in. You became afraid. You started thinking about what people on the outside are going to say, yet you came here and professed to be a leader, and yet you manifest cowardice and fear. How much better off are you because you said that if somebody is gay or lesbian, he or she can be denied a job, denied the opportunity to earn a living? How much better do you feel? How much safer are you? You are a more loving parent than you were before you did that? You're a better husband? You're a better wife? You're a better Catholic? A better Presbyterian? A better Methodist? A better Baptist? A better evangelical? That's what you are now. That was the greatest act of faith that you were able to place, and the auto-da-fé, the act of faith in the early days was when somebody was burned at the stake. That's what it was called: the act of faith. And you still symbolically burn people at the stake. You still say draw not nigh unto me for I am holier than thou. You big hypocrite. Is every step that you take every day, in line with what you say you believe? Do you seek forgiveness when you've done wrong? Why should you be forgiven when you won't forgive another? What does your prayer say? And I learned all that stuff when I was a little tyke. Forgive us our debts as we forgive our debtors. Forgive us our trespasses as we forgive those who trespass against us. And these people have not trespassed against you except that they live and you don't think they should live. Who created them? The same God that created you. Whose image are they created in? The same God in whose image you were created in. You are a piece of wheat as opposed to the tare, you're a sheep as opposed to a goat. What does your conduct stamp you as? You will walk up there, you think, to these pearly gates, and that's some of the most childish, adolescent, juvenile nonsense I have ever heard. Grown people talking about going up... [LB265]

PRESIDENT SHEEHY: One minute. [LB265]

SENATOR CHAMBERS: ...in the clouds and going through some gates and going to a place where you drink milk and eat honey and all the streets are paved with gold and you wear slippers and fly around with wings and sing all day long. Why, that is preposterous. But you all teach that and you believe it. But you won't do the things that will take you there. How much would you have been lessened if you had taken a stand in behalf of others being allowed to earn a living in the way that you take for granted your right and your children's right to earn a living unless you happen to have a child who is gay or lesbian? Then you can watch them discriminated against and it doesn't bother you. If a child asks his father for bread, will his father give him a stone? If he's a "Chrishian" like those who sit in the Legislature, you better believe it. Not only will that father give the child a stone, the father will hurl the stone at the child. [LB265]

PRESIDENT SHEEHY: Time, Senator. [LB265]

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SENATOR CHAMBERS: Thank you, Mr. President. [LB265]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Further senators wishing to speak on the motion to return to Select File. Seeing no lights on, Senator Nantkes, you are recognized to close. Senator Nantkes waives closing. The question before the body is to return LB265 for a specific amendment to Select File. All those in favor vote yea; opposed nay. Please record, Mr. Clerk. [LB265]

CLERK: 38 ayes, 0 nays, Mr. President, on the motion to return the bill. [LB265]

PRESIDENT SHEEHY: The motion to return does pass. First amendment, Mr. Clerk. [LB265]

CLERK: Senator Nantkes would offer AM1495. [LB265]

PRESIDENT SHEEHY: Senator Nantkes, you are recognized to open on AM1495. [LB265]

SENATOR NANTKES: Thank you, Mr. President and colleagues. Again, just to reiterate, this amendment would ensure that Nebraska's laws mirror the federal minimum wage increase which has recently been adopted. With that I would ask for your support, and want to thank the Speaker and Senator Cornett for working with us this morning to ensure passage of this important piece of legislation. Thank you. [LB265]

PRESIDENT SHEEHY: Thank you, Senator Nantkes. You've heard the opening to AM1495. Senators wishing to speak are Senator Chambers. You are recognized. [LB265]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I would like to pose a question or two to my good friend, Senator Lowen Kruse. [LB265]

PRESIDENT SHEEHY: Senator Kruse, would you yield to a question? [LB265]

SENATOR KRUSE: Yes, I will. [LB265]

SENATOR CHAMBERS: Senator Kruse, there was a man who served as president for such a long time that people felt you needed to term-limit presidents. His initials are F.D.R. What was the name of that man? [LB265]

SENATOR KRUSE: Franklin Delano Roosevelt. [LB265]

SENATOR CHAMBERS: I'm going to see if you can finish this statement, at a time

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when people were in a hubbub and panicking, he said "We have nothing to fear...
[LB265]

SENATOR KRUSE: ...but fear itself. [LB265]

SENATOR CHAMBERS: Correct. Now, there is a man you believe in named Jesus. I'm going to see if you can finish this statement. "Perfect love... [LB265]

SENATOR KRUSE: ...has no man. [LB265]

SENATOR CHAMBERS: I'm going to give you another word. "Perfect love casteth out...
[LB265]

SENATOR KRUSE: ...fear. [LB265]

SENATOR CHAMBERS: Right. Thank you. Thank you, Senator Kruse. If my colleagues had perfect love, it would cast out that fear they have of our gay and lesbian brothers and sisters. I can find everything I need for argument in your book, in your religion, in your dogmas. But you're not going to practice them. You don't have to associate with anybody who is gay, although you may be doing so now without knowing it. You don't have to associate with anybody who is a lesbian though you may be doing so and not know it. You can live your life in the way that you choose. You can go to the church you go to, keep the same friends that you've got, go to whatever clubs and functions you choose to go to, but live and let live ought to be the mantra. The business community is not opposed to the legislation that I was pushing. Why then did people stand up on this floor to protect the business community from that which it felt no need to be protected from? That was a smoke screen behind which hypocrisy and cowardice could hide. People were afraid to do what they knew was the right thing. You knew it was the right thing. You know how you want to be treated. You know how you want your children to be treated. And I did read comments from Senator Harms where because of his Greek ethnicity he encountered discrimination and it was very distressing to him. It's distressing to anybody. There was a song and one of the lyrics says, "They scorned us for being what we are." They scorned us for being what we are, not because we did anything to harm them, not because they even know us, but they know what we are and for that reason and that reason alone they scorn us and they mistreat us all the day long. And there are very few who will say, this far will you come in harming innocent people, and no further. That's what the seashore says to the ocean, that powerful roaring body of water. "This far shall you come, and no farther." [LB265]

PRESIDENT SHEEHY: One minute. [LB265]

SENATOR CHAMBERS: We don't even have, as supposedly moral beings, the rectitude of the seashore. We will not stand against the waves of bigotry, hatred, and

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intolerance. We join the fearful, and when you walk with those who are lame you yourself will learn to limp. You can't run with the rabbits and hunt with the hounds. Thank you, Mr. President. [LB265]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Any other senators wishing to speak on AM1495? Seeing none, Senator Nantkes, you are recognized to close on your amendment. Senator Nantkes waives closing. The question before the body is, shall AM1495 be adopted to LB265? All those in favor vote yea; opposed nay. Please record, Mr. Clerk. [LB265]

CLERK: 43 ayes, 0 nays, Mr. President, on adoption of Senator Nantkes' amendment. [LB265]

PRESIDENT SHEEHY: AM1495 is adopted. Any further items on this bill? Senator McGill. [LB265]

SENATOR MCGILL: Mr. President, I move LB265 to E&R for engrossing. [LB265]

PRESIDENT SHEEHY: You have all heard the motion. All those in favor say aye. Opposed nay. LB265 does advance. Items for the record, Mr. Clerk. [LB265]

CLERK: Mr. President, a bill read on Final Reading this morning was presented to the Governor at 11:15 a.m. (re LB658.) Enrollment and Review reports LB395A as correctly engrossed. I have a confirmation report from the Health and Human Services Committee. An Attorney General's Opinion (re LB395) to Senator Johnson to be inserted in the Journal. An announcement, Mr. President: The Education Committee will meet in Executive Session, Room 1126, upon recess; Education, Room 1126. (Legislative Journal pages 1831-1840.) [LB395A LB658 LB395]

And Mr. President, a priority motion. Senator White would move to recess until 1:30 p.m.

PRESIDENT SHEEHY: I do have a priority motion to recess until 1:30 p.m. All those in favor say aye. Opposed nay. We are in recess.

RECESS

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, please record your presence. Mr. Clerk, please record.

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

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Do you have any items for the record?

CLERK: Your Committee on Enrollment and Review reports LB530 and LB646 as correctly engrossed. That's all that I had, Mr. President. (Legislative Journal page 1840.) [LB530 LB646]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We will proceed to the first item on this afternoon's agenda.

CLERK: Mr. President, Select File, LB570. I have Enrollment and Review amendments first of all. (ER8123, Legislative Journal page 1821.) [LB570]

PRESIDENT SHEEHY: Senator Louden, would you have a motion to move the E&R amendments? [LB570]

SENATOR LOUDEN: Yes, I move that LB570 advances to E&R for Enrollment and Review (sic). [LB570]

PRESIDENT SHEEHY: You've heard the motion, shall E&R amendments be adopted to LB570? All those in favor say aye. Senator Chambers. [LB570]

SENATOR CHAMBERS: I have my light on. [LB570]

PRESIDENT SHEEHY: Senator, this is only on the adoption of the E&R amendments. [LB570]

SENATOR CHAMBERS: Okay. [LB570]

PRESIDENT SHEEHY: Okay. So again, the motion before the body is the adoption of the E&R amendments to LB570. All those in favor say aye. Opposed, nay. They are adopted. [LB570]

CLERK: Mr. President, the first amendment I have this afternoon, Senator Chambers, FA139. (Legislative Journal page 1840.) [LB570]

PRESIDENT SHEEHY: Senator Chambers, you're recognized to open on your amendment, FA139. [LB570]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, the only thing that clicked with me was that Senator Louden was making a motion. So I had not heard exactly what he was doing, but since he did "yeoperson" work and served in

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the role of the E&R Chairperson, I think he ought to be restricted to that role this afternoon and have nothing further to say on this particular bill. But as I look at him, I don't think he's willing to be restricted in that fashion. Members of the Legislature, this is that bill, once again, to create these so-called Gold Star family license plates. I am as adamantly opposed to this bill today as I was in the beginning. In prior years, a bill such as this would not have come up over and over and over again, but different people have different styles and I'm sure this is one of those bills which people are afraid to deal with in the manner that we should. License plates ought not be used for the purpose of advertising any cause, any notion, any political view, but since that's what the Legislature seems to be of a mind to do, I have another amendment that I'm going to offer. We're going to be on this bill until cloture is invoked, so it's not going to make too much difference what we discuss, and I will be talking about various issues that are implicated in the action being undertaken today. However, this first amendment that I'm offering is one which, to my chagrin, Senator Loudon came over and told me that he does not have an objection to. But nevertheless, I'm going to read into the record what it says, then I'll discuss what it does. On page 3, line 10, put a period after the word "truck." Then strike the remaining language through the period in line 11, and the last word before that period would be "motorcycle." After that, in lines 13 and 14, strike the words, "or for a commercial truck or truck-tractor registered for a gross weight of five tons or over." This is the way the language will read: A person may apply to the department for Gold Star Family plates, it would say, in lieu of regular license plates on an application prescribed and provided by the department, that would be the Department of Motor Vehicles, for any motor vehicle or cabin trailer, except for a commercial truck, period. Any kind of vehicle, any motor vehicle or cabin trailer, except for a commercial truck, can get these license plates. Then after some of the language is stricken that my amendment would strike, we'd go to line 11: An applicant receiving a Gold Star Family plate for a farm truck with a gross weight of over 16 tons shall affix the appropriate tonnage decal to the plate. So the farm truck could get it. There would be none of these plates available for commercial trucks. A commercial truck usually belongs to a company. An individual may use his or her truck for a commercial purpose, but my amendment would restrict these plates to motor vehicles, cabin trailers. That would include farm trucks, but I'm wondering why a gross weight is utilized, except that when it comes to a farm truck the appropriate tonnage decal has to be added to the plate. That is the only thing that will distinguish one of these heavy farm trucks from any other privately owned vehicle. The tonnage decal would still have to be affixed to this plate if the farm truck has a gross weight of over (singing) 16 tons and what will you get--and, oh, that's something different--another day older and deeper in debt. That's if you're working for the company store. Although I'm opposed to this bill, there might be some work that needs to be done to try to bring, to whatever extent possible, a somewhat tainted thing from a totally tainted thing. On Select File I get four hours and I'm going to take all of them. So you all prepare to listen to my melodious voice, my mellifluous voice for four hours, and I don't need any help because I have plenty to discuss. But in order that people are aware of what the bill is that we're dealing with,

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Senator Louden was asked by a couple of constituents to see if he could persuade the Legislature to create what would be called a Gold Star license plate. Senator Louden explained to us in great detail that in one of the former wars there was this notion of a Gold Star that could be put in the window of people who had lost a person in combat, so by putting it on a license plate anybody with such a plate could advertise to the world, or whichever part of the world that car would be driven in, that this person or this family had a member who died on active duty. However, by restricting the plate to specifically named relatives, there are some people who would be survivors of a person killed in combat or who died while on active duty--because it doesn't have to be in combat; it could be in a drunken brawl--that person is prohibited from receiving one of these plates. And for the life of me, I cannot understand why Senator Louden, expressing the high motive that he tells us he has, would artificially and arbitrarily cut off certain people who might be a survivor of one of these persons. There could be a grandchild of a person killed in one of the wars and that grandchild could be the only surviving member of that person's family. Others of the family could have died in a multiple accident. There could have been a fire. There could have been an auto accident. They could have been the victim of a deranged murderer. But in any case, the grandchild is the only one left, the grandchild can prove this, but the grandchild could not get one of these plates. I don't know why Senator Louden is so softhearted but then his heart became stone when we talked about a grandchild. You allow a grandparent to get one of these plates, but not a grandchild, no cousin, no nephew, no aunt who may have reared this person, none of those people. But that's for Senator Louden to grapple with. I'm going to fight against this bill for the amount of time that I have with which to do it. And I do have an amendment. I don't know if it's printed yet, but you might take some interest in it because it will allow the department to design license plates to be known as KKK Flaming Cross plates, KKK for Ku Klux Klan. They have as much right to get one of these plates as anybody else. Once you start making the plates a billboard, why should there be just issues and causes that you all find acceptable to yourselves in your narrow-minded focus and... [LB570]

PRESIDENT SHEEHY: One minute. [LB570]

SENATOR CHAMBERS: ...narrow-minded orientation? But that amendment is not before us. The only one that is before us right now is the one that would allow these plates on any vehicle, regardless of tonnage, as long as it's not a commercial truck. I didn't have to deal with rental cars because those are not going to be licensed by the person who is driving the car. But if you have any questions, I'm prepared to answer them. This is one of those amendments which, in case a bad bill passes, ought to be a part of it. Thank you, Mr. President. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Chambers. You have heard the opening to FA139. The floor is open for discussion. Senator Chambers. [LB570]

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SENATOR CHAMBERS: Mr. President, members of the Legislature, since I'm getting a little ahead of what I'm saying, Senator Carlson has an amendment or two which will go some distance toward achieving the goal of eliminating certain individuals who were not contemplated when this bill was drafted. I'm sure nobody would say that the brain trust drafted this bill. I'm sure nobody would say this bill is the emanation from a think tank, unless the so-called thinkers were members of the Appropriations Committee of the Nebraska Legislature which, for the first time in the history of the Legislature, was too gutless to take issue with a single veto of the Governor, so we're not dealing with a high level of intelligence or courage. This is a feel-good bill being enacted strictly and purely for political purposes. There are senators who know that in spite of the fact that some bad decisions were made in the past which allowed different kinds of causes to be represented on license plates, such senators realize nevertheless that a bad situation should not be made worse. Those plates never should have been approved, but they were. I do not hold to that slippery slope notion when we're dealing with an issue such as this. There is nothing that this state will gain by creating these plates, but it will open the door a bit wider to others who want a plate for their particular agenda or interest. Can I blame them for doing it? Absolutely not. I don't know if it was Phineas T. Barnum who said a sucker is born every minute, but one of those kind of guys did, and if the Nebraska Legislature is sucker enough to go along with this, get them to go along with it. And I'm going to see what happens when we get to my Ku Klux Klan license plate. Are you going to become outraged? Are you going to become indignant? Are you going to say that the license plate is not for that purpose; that the only purpose for a Nebraska license plate of this kind is to be politically correct and say what Protestants and Catholics of the Caucasian persuasion say is pleasing to them. So they are able because they have the numbers to impose their standards on everybody else, but that does not mean that imposition will be made without objection or protest, and that is what I intend to do. I kind of regret the fact that I offered this amendment so early in the game, because I anticipated opposition from Senator Loudon. And let me tell you why. What I am doing is striking language that people who he got together with to draft this bill had put into it. From things he said earlier,... [LB570]

PRESIDENT SHEEHY: One minute. [LB570]

SENATOR CHAMBERS: ...I got the impression that those things had been well-thought-out and they could not be changed. But to his credit he is, if he's holding to the position that he articulated to me earlier, he is willing to go along with striking some of this language. I never had it made clear to me why a person who rides a motorcycle couldn't get one of these plates. There are exclusions that have no basis in rationality, as far as I can see, but my mind was open and I was willing to listen. But nobody gave me a reason as to why these exclusions exist, so I want to address them. Thank you, Mr. President. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Chambers, you may

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continue. [LB570]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, at some point I will ask Senator Loudon a question or two, but I wanted to be clear that this amendment that I'm offering is one that is serious. It does not change the direction of the bill at all, except that it will not allow a commercial truck to have one of these plates. And I think that the intent was not to allow commercial trucks, if they were larger than a certain size, or maybe not to allow them at all. But I want to make it crystal-clear. What I am including for sure is that motorcycles, people who have motorcycles can procure one of these license plates, and nobody was able to give me a reason why that should not be. I will also, as we move along, find out why we have to allow any involvement of the Department of Veterans Affairs when the final time for selection occurs. I don't know whether the idea is that the department will have veto power or not. The language of the bill itself does not suggest that...does not state that. I don't know whether it's suggested or not, but we'll get into that. There was a point I wanted to be sure and make, and now it comes back to me as I read page 1, page 2. Great argument was made that this bill had to pass because of Memorial Day. Memorial Day has come and gone. People have forgotten Memorial Day. They've forgotten the dead. They're not walking around here with long faces and pretending that all that's on their mind is the fact that a lot of these young people died. Something else that has to be made clear: Not everybody who's in the military is there because of patriotism. Not everybody who dies, dies heroically in the sense of an altruistic giving of one's own life for one's friends. People are over there because they were sent. Many of them did not expect to go. Most of the people in the National Guard never thought they were going to be in combat. That's why they joined the National Guard instead of the Army, the Navy, the Marines, the Air Force. But fate threw them a curve ball. So you're not a hero because you wind up in circumstances that are beyond your control. Not everybody who dies during wartime or in combat is a hero, not by a long shot. And some of those who died, if they could come back and tell you, would let you know: I was there trying to survive; if I could have avoided this fate I would have done so. And there is something else that has to be kept in mind: More and more families are objecting to their young men and women being sent to Iraq by a lunatic in the White House who says, send more of them, send more of them. And more of them die for no purpose. Nothing is being achieved except an increased number of deaths of young people who have nothing whatsoever to say about this war, how long it will go on. Somebody talked about the bombing of Pearl Harbor by the Japanese. I talk about the midnight sneak attack by the United States on Iraq, a sneak attack in the middle of the night,... [LB570]

PRESIDENT SHEEHY: One minute. [LB570]

SENATOR CHAMBERS: ...when America had not been attacked, had not been menaced. So they needn't talk about a day living forever in infamy. Some people have told me that this war has lasted longer than one or two of the big wars. Now if that's

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true, it ought to give people pause. And to do things such as this bill will do, will give the notion that there's something ennobling about war. My good friend Senator Karpisek said he's not a veteran; he wishes he were. I want to tell Senator Karpisek that being in the military is not a mark of manhood. Not being in the military does not diminish any person's manhood or worth. War has been glamorized and glorified by those who profit from it, and they're certainly not the ones who die or their families. Thank you, Mr. President. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Are there any other senators wishing to speak on FA139? Seeing no lights on, Senator Chambers, you're recognized to close. [LB570]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, again, so you'll remember what this amendment does, it just makes available more types of vehicles that these plates can be on, notably motorcycles. It would eliminate all commercial vehicles and some that may have been restricted because of their weight. All of that is gone. On the farm vehicles that are large, they can have these plates but there is something their plates must carry that others don't, and that's a decal giving the tonnage of the truck. Other than that, these plates will be the same for every one of these vehicles. And when we've gotten through with this amendment, I'm going to explore with Senator Loudon why he arbitrarily restricted the family members who can get these plates; gave no consideration to the realities of extended families that exist in this society. There are people who will become the legal guardians of relatives who might be considered nephews and nieces, in other words, the children of a brother or a sister, and that person could become the legal guardian of these children when they're very small. The children can grow up, be in the military, get killed or die while on active duty, but that aunt or uncle who reared those children from babyhood cannot get these license plates. That's why I think the whole thing is a sham. It's a hoax. It's a gimmick. It is a game. If it was serious, all of these factors would have been taken into consideration. But as I stated, I'm going to give Senator Loudon the opportunity to tell me what the rationale is for excluding the categories of relatives and those associated with this person who died that I have mentioned. I wish that Senator Loudon had opposed this amendment because, if he had, I would have gotten from him the reason for not allowing motorcyclists to have these plates. Then I was going to ask him who actually drafted the language of this bill. I'll have the opportunity to do that on other amendments with which he will probably disagree. I've been debating seriously whether I ought to help clean up this thing by expanding the category of people who can apply for them and obtain them. And if you all were serious, you'd be doing the same thing. If you care about what this bill is suggesting, why don't you, while there is the opportunity, do something to make this bill do what Senator Loudon and those who defended it keep telling us the purpose is? It's not to be exclusionary. It's to have as many of these Gold Stars tooling up and down the highways as possible. But you exclude people. I think I'll ask him one of those questions because he's not going to oppose this amendment so I

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need not question him on this. I'd like to ask Senator Louden a question. [LB570]

PRESIDENT SHEEHY: Senator Louden, would you yield to a question? [LB570]

SENATOR LOUDEN: Sorry...I was... [LB570]

PRESIDENT SHEEHY: Senator Louden, would you yield to a question? [LB570]

SENATOR LOUDEN: Yes, I would. [LB570]

SENATOR CHAMBERS: Senator Louden,... [LB570]

PRESIDENT SHEEHY: One minute. [LB570]

SENATOR CHAMBERS: ...are you bound and determined to restrict the categories of relatives to those currently named in this bill or identified in the bill? [LB570]

SENATOR LOUDEN: Well, the way that came about, Senator Chambers, is we were discussing this with the family. They were the ones that wanted something done and this was their suggestion, and so we went from there. There was...I guess wasn't any consideration how far to open it up. Probably part of the thing of it was, if you opened it up to everybody, perhaps the bill would be harder to get through or whatever. But that was where the discussion came from on that. There wasn't anything hard and fast or any particular decision that anyone thought of in statute or anything to change it. This was just the way we wrote the bill up. This is what the family wanted and that's how we went. [LB570]

SENATOR CHAMBERS: But you...let me ask the question and frame it a different way. Are you opposed to including additional relatives who could apply for these plates? [LB570]

PRESIDENT SHEEHY: Time, Senator. [LB570]

SENATOR CHAMBERS: Thank you, Mr. President. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Chambers. You have heard the closing to the amendment, FA139. The question before the body is, shall FA139 be adopted to LB570? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB570]

CLERK: 32 ayes, 1 nay, Mr. President, on adoption of the amendment. [LB570]

PRESIDENT SHEEHY: FA139 is adopted. [LB570]

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CLERK: Mr. President, the next amendment I have to the bill: Senator Louden, FA140. (Legislative Journal page 1819.) [LB570]

PRESIDENT SHEEHY: Senator Louden, you're recognized to open on your amendment, FA140. [LB570]

SENATOR LOUDEN: Thank you, Mr. President and members. As soon as I get my amendment pulled out here to see which one that is...that's the one that would strike from 2008 and insert 2010. I think on page 13, line...page...yeah, 13 and 14. What page is it on, 13, 14? On page...and the reason for that is that probably we would...the...we would not have to have the A bill to go with it by striking that part. It would be implemented in 2010 rather than 2008, and part of the reason was it's going to take awhile to get the plates designed so I don't know as it's necessary to have into statute that it has to be implemented in 2008, because there will be a time frame here to get the design made and the parts up and going to decide what they have to have. So I would urge you to adopt this amendment, if you would please, FA140 to LB570. Thank you. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Louden. You've heard the opening to FA140. The floor is open for discussion. Senator Chambers. [LB570]

SENATOR CHAMBERS: Thank you, Mr. President, members of the Legislature. Senator Louden is getting awfully cagey around here. Senator Louden. Senator Louden. [LB570]

PRESIDENT SHEEHY: Senator Louden. [LB570]

SENATOR CHAMBERS: Would you respond to a question? [LB570]

PRESIDENT SHEEHY: Would you yield to a question? Senator Louden? [LB570]

SENATOR LOUDEN: Yes. [LB570]

SENATOR CHAMBERS: Senator Louden, you pointed out, if I understood you correctly, that with this amendment there's no need for an A bill. Is that correct? [LB570]

SENATOR LOUDEN: That would be correct, yes. [LB570]

SENATOR CHAMBERS: Will there ever be a need for an A bill? [LB570]

SENATOR LOUDEN: Depends on in 2010 whether or not it goes into the budget of the Department of Motor Vehicles or how it would be brought forwards. No, it wouldn't necessarily have to ever have an A bill on it. [LB570]

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SENATOR CHAMBERS: But at some point it's going to have to be paid for. Is that correct? [LB570]

SENATOR LOUDEN: Well, whether you have an A bill or whether you do it the other way, it's about the same amount of money either way, except that instead of spending it right away, you'd spend it a little bit farther out into the future. [LB570]

SENATOR CHAMBERS: But here's my question. It's going to have to...it's going to cost some money. Is that correct? [LB570]

SENATOR LOUDEN: Well, that's what the Department of Motor Vehicles was asking for, I think, \$20,000, to do up their computer work and get their model going. And I think they had, what, \$300 and some for postage to send out the forms for people to apply for these plates, and I don't know. There were some other minor expenses that they had and that was what the Department of Motor Vehicles, I suppose when this was brought up last January or February, that's what they decided and that's what the Fiscal Office went ahead and put in there. It isn't a huge sum of money so I didn't expect it to be that much of a problem. I just thought seeing as how it was getting late in the session here, we could probably move this all along a little bit better if I didn't do the A bill this year, and this is one of the solutions that would take care of that. [LB570]

SENATOR CHAMBERS: When will money have to be paid out, by whatever means? [LB570]

SENATOR LOUDEN: 2010 is my understanding. [LB570]

SENATOR CHAMBERS: Is that when the plates themselves will be available? [LB570]

SENATOR LOUDEN: That's when we...when that's put in there, yes, that would be when they would be...be starting to be available. It probably would be 2009 is when the money would have to be brought forwards so that they'd be ready for sale in 2010. [LB570]

SENATOR CHAMBERS: And you don't expect to bring an A bill next year on a bill that is already enacted into law the year before, do you? [LB570]

SENATOR LOUDEN: No. [LB570]

SENATOR CHAMBERS: So the Department of Motor Vehicles would be expected to include this amount in their budget. Is that what you're saying? [LB570]

SENATOR LOUDEN: Probably so. [LB570]

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SENATOR CHAMBERS: Senator Louden, do you have any idea what the overall budget of the Department of Motor Vehicles is? I don't. [LB570]

SENATOR LOUDEN: No, not offhand, but... [LB570]

SENATOR CHAMBERS: Well, if he can keep his feet, I'd like to ask the Chairman of the Appropriations Committee, Senator Heidemann, a question, if I may. [LB570]

PRESIDENT SHEEHY: Senator Heidemann, would you yield to a question? [LB570]

SENATOR HEIDEMANN: Yes. [LB570]

SENATOR CHAMBERS: Senator Heidemann, off the top of your head, can you give a rough idea of the amount of the Department of Motor Vehicles' budget that was granted? [LB570]

SENATOR HEIDEMANN: I would have to get that information and get right back to you, but I don't, not off the top of my head. [LB570]

SENATOR CHAMBERS: Was it in the millions? [LB570]

SENATOR HEIDEMANN: I'd have to think so, yes. [LB570]

SENATOR CHAMBERS: Okay. That's all I would ask. Thank you. Back to Senator Louden, Mr. President, if he will indulge me. [LB570]

PRESIDENT SHEEHY: Senator Louden, would you yield? [LB570]

SENATOR LOUDEN: Yes, I would. [LB570]

PRESIDENT SHEEHY: One minute. [LB570]

SENATOR CHAMBERS: Senator Louden, I'll ask you this question next time I'm recognized because you wouldn't have time to answer it in the one minute. Perhaps you could, but I won't hold you to that. I will stop at this point, Mr. President, and take it up when I'm recognized again. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Mr. Clerk, do you have an amendment to the amendment on your desk? [LB570]

CLERK: Senator Chambers would move to amend Senator Louden's amendment, Mr. President. (FA141, Legislative Journal page 1841.) [LB570]

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PRESIDENT SHEEHY: Senator Chambers, you are recognized to open on FA141. [LB570]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I know that I threatened to take four hours on this bill. I've looked around at my colleagues and I feel sorry for you, I really do, and you shouldn't have to put up with that. So in feeling collegial and making an offer to Senator Loudon, which if he will accept, I will then end my opposition to this bill. If you call up my amendment on your gadget, you will see what my amendment does. I'd like to ask Senator Loudon a question. [LB570]

PRESIDENT SHEEHY: Senator Loudon, would you yield to a question? [LB570]

SENATOR LOUDON: Yes. [LB570]

SENATOR CHAMBERS: Senator Loudon, do you see on your gadget what my amendment is to your amendment? Well, I will tell you. It will... [LB570]

SENATOR LOUDON: Yeah, you want to put another 15 years on it, I guess. [LB570]

SENATOR CHAMBERS: Yes. Are you willing to strike 2010 and put 2025, and I will leave the bill alone? [LB570]

SENATOR LOUDON: Well, I'm afraid you wouldn't be around here in 2025, Senator, so I wouldn't want you to have...I'd want you to have these plates around so you'll be able to see them. [LB570]

SENATOR CHAMBERS: But I'm...oh, I'll still be alive. I may not be in the Legislature, but I intend to be kicking for a long time. If you will accept this amendment, I'll leave the bill alone. [LB570]

SENATOR LOUDON: No, not 2025. [LB570]

SENATOR CHAMBERS: What's the... [LB570]

SENATOR LOUDON: If you'll accept 2010 that would be fine, though. [LB570]

SENATOR CHAMBERS: What's the...will you take 2015? [LB570]

SENATOR LOUDON: No. [LB570]

SENATOR CHAMBERS: Well, why not? I'm curious. [LB570]

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SENATOR LOUDEN: Well, that's getting too far out there and I think this is something that we're working forwards of doing it now so I think...I think I would rather go with the 2010. [LB570]

SENATOR CHAMBERS: So you're going to reject my amendment that I'm offering. [LB570]

SENATOR LOUDEN: Yes, this one I can't support, Senator. Sorry about that. [LB570]

SENATOR CHAMBERS: Okay. Thank you, Senator Louden. And great sadness settled upon Senator Chambers. (Laughter) Trying to be nice and collegial, and I'm rejected, so I guess I'll just have to push right on. Senator Louden, I'd like to resume my discussion with you that we were conducting before my time ran out. Are you willing to yield to a question or two? [LB570]

PRESIDENT SHEEHY: Senator Louden, would you yield to some questions? [LB570]

SENATOR LOUDEN: Yes, go ahead. [LB570]

SENATOR CHAMBERS: Senator Louden, it seemed that you were engaged in a discussion with Senator Heidemann, so was he able to show you the amount of the Department of Motor Vehicles' budget? [LB570]

SENATOR LOUDEN: Yes, he was. [LB570]

SENATOR CHAMBERS: And what is that amount, if you recall? [LB570]

SENATOR LOUDEN: I think a little over \$20 million. [LB570]

SENATOR CHAMBERS: Twenty million dollars. Now, Senator Louden, does this seem to you--and I'm not interested in helping your bill--that with a budget of \$20 million that department could absorb \$20,000 or whatever the piddling amount is it would take to implement this bill? Does that seem reasonable to you? [LB570]

SENATOR LOUDEN: Well, to tell you the truth, Senator Chambers, when I first brought this forwards and they came up, they had to have \$20,000 for their computer model and stuff like that. I thought that was a lot of money. I kind of wondered what all they need it for, but I guess if that's what the people that do the work seem to think what they needed so I went along with it and that's the reason we had an A bill for that amount. [LB570]

SENATOR CHAMBERS: If they're talking about doing something on their computer system, is that what they were suggesting? [LB570]

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SENATOR LOUDEN: My understanding is they have to have some type of a program that will print these stickers out, as you would call them, that go on the plates, and that's what was supposed to be their startup costs. It's about like any time you set any of these agencies up, state agencies up, to do something, they always need some FTEs or they always have something in there that they need in order to do it. Sometimes they actually do; sometimes they could probably get by without it. But at the present time I think we can probably work around this and get this thing implemented by 2010. [LB570]

SENATOR CHAMBERS: Senator Louden, I'm going to ask you the question directly again. Does it seem to you as it does to me, that with a \$20 million budget, this amount could easily be absorbed and taken care of without an additional A bill to appropriate more money to them, to the department? [LB570]

SENATOR LOUDEN: You're asking me if I... [LB570]

SENATOR CHAMBERS: Doesn't it seem that they could absorb this without this A bill? [LB570]

SENATOR LOUDEN: You're asking me if I thought they could? [LB570]

SENATOR CHAMBERS: Yes. [LB570]

SENATOR LOUDEN: Yeah, I think they probably can. [LB570]

SENATOR CHAMBERS: And if something is being done on a...with a computer system, and I know not that much about them, it doesn't seem to me that in a sprawling department like Motor Vehicles, and they've got a \$20 million budget, there's not that much they're going to be able to do with their computer system for \$20,000 anyway, is there? [LB570]

SENATOR LOUDEN: Well, I would agree with you that...but I wouldn't want to micromanage their operation. I suppose, you know, you got to kind of go with what they tell you when we're working with a bill. So that was the reason for the A bill. But as time has come on and time is getting short here in the session, why, it looked like that it wasn't really necessary to have that A bill, so that's the reason I moved the date to 2010 and wouldn't have to have the A bill. [LB570]

SENATOR CHAMBERS: But if this bill moves, the A bill still is in existence. Is that true? [LB570]

SENATOR LOUDEN: Well, yes, it would...something would have to be taken care of on

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that A bill. [LB570]

SENATOR CHAMBERS: And what would we do with the A bill? [LB570]

SENATOR LOUDEN: Probably...whatever you guys call it, what do you do? Kill it, postpone it, or do away with it, or something like that. [LB570]

SENATOR CHAMBERS: You wouldn't tell the... [LB570]

SENATOR LOUDEN: I don't know. Where I come from I would just say we eighty-six it, but I don't know what your phrase is. [LB570]

SENATOR CHAMBERS: Have you ever heard of a singer named Johnny Paycheck? Have you ever heard of a singer named Johnny Paycheck? [LB570]

SENATOR LOUDEN: Yeah, I think so. [LB570]

SENATOR CHAMBERS: Was there a song he sang that could be kind of edgy at one time--take this...and... [LB570]

SENATOR LOUDEN: I'm not into singers. I just listen to them on the radio, and whoever they are, they have their fun, and I turn to another station when I get ready to do something else. [LB570]

SENATOR CHAMBERS: Thank you, Senator Louden. That's all I will ask you. I'd like to ask Senator Carlson a question. [LB570]

PRESIDENT SHEEHY: Senator Carlson, would you yield to a question? [LB570]

SENATOR CARLSON: Yes. [LB570]

SENATOR CHAMBERS: Senator Carlson, is the Paycheck I'm referring to, a fellow whose first name is Johnny? [LB570]

SENATOR CARLSON: I think that's correct. [LB570]

SENATOR CHAMBERS: Do you remember a song that he sang? And it was very popular not long ago where he said, take this blank and blank it? [LB570]

SENATOR CARLSON: I think I could fill in the blanks, which I won't do. [LB570]

SENATOR CHAMBERS: Thank you, Senator Carlson. I'd like to ask Senator "Rawgert" a question. (Laughter) [LB570]

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PRESIDENT SHEEHY: Senator Rogert, would you yield to a question? [LB570]

SENATOR ROBERT: I suppose. [LB570]

SENATOR CHAMBERS: Senator Rogert, are you familiar with the gentleman I've been discussing? [LB570]

SENATOR ROBERT: I am. He's dead. [LB570]

SENATOR CHAMBERS: You said what? [LB570]

SENATOR ROBERT: He's passed away, but I do know who he is. [LB570]

SENATOR CHAMBERS: But you...okay. Are you familiar with the song that he had sung that we've been discussing? [LB570]

SENATOR ROBERT: Yes, I am. [LB570]

SENATOR CHAMBERS: Are you... [LB570]

SENATOR ROBERT: "Take This Job And Shove It." [LB570]

SENATOR CHAMBERS: Thank you, Senator Rogert. That's all I will ask. Now I'd like to ask Senator Louden a question. [LB570]

PRESIDENT SHEEHY: Senator Louden, would you yield to a question? [LB570]

SENATOR LOUDEN: Yes, I would. [LB570]

SENATOR CHAMBERS: Senator Louden, when we get to the A bill, would you like to paraphrase what Senator Rogert indicated to us was the name of Johnny Paycheck's famous song, take this bill and... [LB570]

SENATOR LOUDEN: No, I said eighty-six it. [LB570]

SENATOR CHAMBERS: (Laugh) Okay. Thank you, Senator Louden. Members of the Legislature, remember, we're not on Senator Louden's amendment right now. We're on mine, which would amend his. Mine would strike the year 2010 and substitute the year 2025. I know that he is not going to agree to that amendment, but talking about these A bills and what Senator Louden mentioned gives me the opportunity to do that, I believe there are numerous instances where an agency will suggest that there has to be an A bill. The senator has not much choice other than to offer the A bill, which may be totally

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unnecessary. These agencies can absorb some of the piddling amounts of money that these A bills are drafted to appropriate, and I think an amount this small, if this cause is as noble as everybody who's spoken for it would be the case,... [LB570]

PRESIDENT SHEEHY: One minute. [LB570]

SENATOR CHAMBERS: ...\$20,000 is an amount that that department can absorb. I'm sure they are doing similar things to whatever that \$20,000 would be spent for. But in any case, I don't think that an A bill this small for an agency that large, with that amount of money, is practical or necessary. But the A bill was introduced and we have to do something with it, but not right now. Thank you, Mr. President. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Chambers. You have heard the opening to FA141 to FA140. The floor is open for discussion. Senator Chambers. [LB570]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, if you look at page 12 of this bill, you'll see some of the types of plates that--well, go to page 11--some of the plates that are already allowable, plates that do something other than identify the car and suggest that it's legally on the highways. There are Cornhusker Spirit plates; nonresident owner 30-day license plates; passenger car having a seating capacity of ten persons or less--they should say ten persons or fewer--and not used for hire. That's a basis for an amendment. When you're dealing with a number of items, it's more or fewer, not less. If you have several items but they are taken as a unit, then you can say less, even though there are several items. But when you're dealing with the items on an individual basis, you're numbering them or designating them, it's fewer, not less. If it's a collective term that would include several individuals, then you could say less. On page 2, passenger car having a seating capacity of ten persons or less; it should be fewer. Now you could say somebody...this elevator will accommodate ten people whose total weight would be 10,000 pounds or less, because then you're dealing with them as a unit. Then you have Pearl Harbor license plates, personal-use dealer plates, personalized message plates, prisoner-of-war license plate, Purple Heart license plates, recreational vehicle license plate, repossession license plates, trailer license plates. But you can see that some of these are in the category of vanity plates, and although some people may not want to acknowledge it, what Senator Loudon is presenting to us is a vanity license plate. It appeals only to the vanity and the false pride of those who get these plates. Society is responsible, in a sense, for all the wars that the nation would be in because society backs up any President who says this country is going to war because I say so, and as many young people will die as is necessary because I say so. We're going to put what they call a surge of troops in Iraq because this President says, I say so. And all of the people in this country, except those who have found a voice and a backbone, are rolling over and going along with it. You don't need a revolution in this country, Senator Carlson, because the people go along with whoever is in office. The President can say anything, can do anything, can even

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implement policies that result in the unnecessary deaths of young people, and everybody, except those who will... [LB570]

PRESIDENT SHEEHY: One minute. [LB570]

SENATOR CHAMBERS: ...openly protest, go along with it. There is no obligation that anybody has to go along with insanity, whoever the insane person happens to be. And when somebody pursues a course of action which is not based on rationality, which results in death and destruction for no purpose, that person is insane. That is senseless killing and causing the deaths of young people. When you glorify war and you try to glorify those who make war, a mistake is being made. There is nothing more destructive of lives, property, and morals than war, but because war is so lucrative, the ones who engage in them also are master propagandists. They know how to deal with public relations and they cause the public to react... [LB570]

PRESIDENT SHEEHY: Time, Senator. Senator Chambers, you may continue for your third time. [LB570]

SENATOR CHAMBERS: Thank you, Mr. President. They cause the public to react and to think about war in the terms that they want the public to think. I saw a political cartoon, I think it was in the Omaha World-Herald, and this simpleton had some sketches of military people on top of it and said maybe someday, hopefully, this kind of monument will be up that this war in Iraq was not fought for oil. He's nuts. And the day that a monument like that would be made anywhere other than in his front yard is the day that the country has gone nuts also. When you have a company of which the current vice president was a CEO, Halliburton, and they are gouging this country for hundreds of millions of dollars, don't tell me oil doesn't have something to do with it. And the President and his family are deeply involved in oil. There is nothing being gained from this war. There is nothing being done that will diminish the hatred for America that exists around the country, the world. There is nothing that will make the world a safer place. Every decision taken by Washington with reference to this war in Iraq makes a bad situation worse. People want to refer to Saddam Hussein as maniacal. Saddam Hussein was not maniacal. The enemies of this country are not maniacs. They are not fools. When you try to brand everybody who is your enemy that way, you underestimate them. You mislead the people in your country who don't read and cannot think for themselves. They want to say Ahmadinejad is a madman. He's hardly a madman when he's got America shaking. And he has a right to develop for his country what America has. America is talking about creating a whole new generation of nuclear weapons. Well, America is a white country. They have the right to do that. England is a nuclear power. They're a white country. Russia is a nuclear power. They're a white country. India has nuclear power. They're going to be considered a brand X white country because they're going along with America in so many ways. Pakistan has nuclear power. China is going to be right up there in the club with the same amount of nuclear

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weaponry as these other white countries. North Korea is talking about developing nuclear weapons. So if everybody has a nuclear weapon, nobody, in effect, has one. Because there is stalemate, nobody can pull the trigger. And contrary to what people say, there is not a madman in North Korea with his finger poised over a button which he's going to push during one of his crazy moments. That's more likely to happen at the hands of a Dick Cheney or a George Bush or a Karl Rove. These other countries have not only survived, not only are they flourishing, they are serious threats to this country, not militarily to some extent, but economically, educationally, and in all the ways that a country can be considered strong. When you have an uneducated, uninformed,... [LB570]

PRESIDENT SHEEHY: One minute. [LB570]

SENATOR CHAMBERS: ...public as you have in America, America cannot compete with the rest of the world. When you have so much discrimination, racism, and sexism which prevents America from tapping into the talent that is available, America cannot compete. When you have a country like America launching preemptive wars, as they call them, America does not occupy the high ground, America does not exercise moral authority in the world. And when people around the world can point to discrimination within America, America is hardly in a position to tell the rest of the world, clean up your human rights action. Is that my third time, Mr. President? Thank you. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Are there others requesting to speak? Seeing none, Senator Chambers, you're recognized to close on FA141. [LB570]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, by 2025, when this bill would take effect, what will be the status of the United States of America if it still exists as a country? Governmental officials, such as those in Nebraska, are busy making higher and thicker the barriers that separate people. It is officials such as those in this Legislature which balkanized this society. These people, who have the power to break down walls, are constructing them symbolically and with the law. That attitude is concretized by virtue of the building of literal walls between this supposedly white country and a nonwhite country to the south of America. Whoever heard of building a wall between countries because you fear those people, except that you can't get along with them and you can't get along without them? There are farming and meat industry moguls who need these people and that's why there is such a foment...not foment, but such a ferment in this country. Some people running for the presidency, who I'm sure will say we ought to put gun turrets spaced along this wall with machine guns so you can shoot people if they come into this no-person's land within such and such a distance of this wall, and those kind of people will be cheered. But there are others who say, no, I need those people; I don't have to pay them as much money, I don't have to give them insurance, I don't have to worry about workers' comp, I don't have to worry about unemployment, I don't have to worry about anything; I take their

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labor cheap. And it's just like black people. You know, Senator Carlson, the ones who create labor-saving devices are those who do the labor. The person who would come up with the idea of kneepads when you're down on the floor is the one who's going to be on the floor with kneepads. Because these so-called masters, all they would do when they wore out one pair of knees, they just got somebody else with fresh knees and put them on the floor and had them doing that dirty work. So what we're talking about, although I'm the only one discussing it, is a situation where young men and young women have been pressed into the service of a racist, imperialist, jingoistic nation which, as a means to distract attention from what they're doing, will be able to get people like those in a Legislature such as Nebraska's to say, well, we'll give a license plate to the family of those who have lost their children or some other relative. That's preposterous and is nonsensical. I watched a movie which probably would have been a favorite of Senator Friend. It was about George Patton, a 24-career crazy man. He asked his friend, what's the way that an old professional soldier ought to die? And he said, the last bullet fired in the last battle of the last war. That's what he allegedly said. But that's nonsense. [LB570]

PRESIDENT SHEEHY: One minute. [LB570]

SENATOR CHAMBERS: What we ought to be doing is finding a way to stop the wars. And one step in that direction is to recognize war for what it is. It is a murderous, bloody, unjust, destructive, immoral activity whose only purpose is to kill. That's all war is for. That's all military people are trained to do. And then there's boasting and there are honors bestowed because that kind of thing is done. Mr. President, I will ask for a call of the house and I'll take a machine vote. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Chambers. We do have a request to place the house under call. The question is, shall the house be placed under call? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB570]

CLERK: 27 ayes, 0 nays, Mr. President, to place the house under call. [LB570]

PRESIDENT SHEEHY: The house is placed under call. All unexcused senators please report to the Chamber. All unauthorized personnel please step from the floor. The house is under call. Senators, please record your presence. Senator Gay, Senator McGill, Senator Pedersen, Senator Engel, Senator Kruse, Senator Pahls, Senator Preister, the house is under call. Senator Pahls, Senator Preister, the house is under call. Senator Chambers, all senators are accounted for. You have heard the closing of the amendment to the amendment. The question before the body is, shall FA141 be adopted to FA140? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB570]

CLERK: 1 aye, 35 nays, Mr. President, on the amendment. [LB570]

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PRESIDENT SHEEHY: FA141 is not adopted. We will...the call is raised. We will continue with discussion on FA140. Senator Chambers. [LB570]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I want to continue as I had started. I'm going to do like some people do. When I was a small lad, many, many years ago, I was reared in a church that would be called fundamentalist. That church taught that war was wrong. When I was very small, I accepted what people who I respected told me because I didn't think they would lie to me. As I got older and began to read things for myself, much of what I had been told was suspect in my mind. When a child reaches this juncture, and it comes at different times for different people, there is still an attempt, a conscious attempt, to believe what those you respect believe. It becomes increasingly difficult, so you don't discuss it. You try not to think about it, but when you do think about it you finally say, this is nonsense, this is not true, they're just mistaken, and you cast it aside. Once you do that, you're in a position to evaluate everything that you have ever been told by anybody, and that which is nonsensical, you can call it what it is. It is nonsensical. And when you draw that conclusion, the sun still rises in the east, it still sets in the west. Nothing in the outer world changes, but a change takes place in the person. And when you change, everything around you will change because you now see it with different eyes. You actually perceive what it is that you see. You analyze, you evaluate, and you begin to think for yourself and make decisions based on what seems right to you. When it comes to war, nothing intervened between those years when I first was taught those things about war and the point where I am today. Nothing has intervened which has changed my attitude about war and people who make war and people who fight wars. The ones who fight wars are the ones least able to object. Throughout the history of the world, the lower orders are the ones who bore the brunt of warfare. The leaders, the officers, the general officers were always the upper crust, and they would make plans. They would have charts and maps and little objects on those maps that represented large numbers of men or equipment, materiel and personnel. They'd move these things on these charts, and out in the real world somebody would give an order, and those men, now women too, would have to move in actual terrain. And hundreds, even thousands might die, but not a drop of blood shows up on that chart or on that map. And these men... [LB570]

PRESIDENT SHEEHY: One minute. [LB570]

SENATOR CHAMBERS: ...who make the wars but don't fight them, still have sharply creased trousers, clean clothes, plenty of good food to eat, alcohol to drink, and they say, well, we flubbed that one, we'll run them over here this time. And these young men and women out there, thinking that they are being respected and that people care about them, don't realize they're just an object on a chart or a map being moved by a whim. And they might all die and nobody cares that much about them. If they are trying to

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break down some battlement, these people making the war in Washington might be at a social gathering, a big party, and having a great time. But then, when it's politically expedient, they'll come out on a day like yesterday and stumble over their words, talking about and using the same cliches, those who have fallen, those who have given their lives. And people who are in that milieu don't care... [LB570]

PRESIDENT SHEEHY: Senator,... [LB570]

SENATOR CHAMBERS: ...the pop (snaps fingers) of a finger. [LB570]

PRESIDENT SHEEHY: ...you may continue for your third time. [LB570]

SENATOR CHAMBERS: Thank you, Mr. President. These are the realities that need to be confronted. But if young people who tend to be bold, some of whom will be aggressive and some even rebellious, if they ever realized how little they are regarded, how worthless they are deemed to be, they might be the ones who say, not anymore; if it's a war to be fought, you fight it. Then there wouldn't be wars. Just like if horses realized how much bigger and stronger they are than human beings, you wouldn't have horses running around ovals and people betting that one can get to one place faster than another one. But when you come to people who are supposed to be able to think, they sacrifice their young people. They lie to them, they mislead them, they brainwash them, and they tell them if you go over here and you kill these people, that is great; that is meritorious and you're a hero. And as I was saying the other day, what kind of hero is it who comes back here wounded in spirit, broken in body, and cannot get decent medical care? I've noticed something else. Generally it's a black official who will talk about the need to minister to the genuine problems that these wounded people have. I saw where U.S. Senator Barack Obama, a young black man who is running for the presidency, which he won't win, talked about what I was mentioning to you all several days ago: the need to provide for the mental health of these young men and women in the military. White people don't talk about that. You all don't talk about it, but I will. There are people you would call crazy, wearing these uniforms, carrying these guns, and shooting because they've been told to shoot. And they need hospitalization and they can't get it. And the psychotropic drugs they were given to make it seem like they were all right long enough to get them out of this country and over there, as they call it, their supply has run out. They don't have psychiatrists. They don't have mental health facilities over there. So what happens? You have a lot of mentally ill young men and women, known to be mentally ill, serving as cannon fodder in an unjust war whose only achievement is the continuing increase in the number of victims. And Americans are dying at a greater rate every month now than since this war started. May, which should be the time when flowers grow--April showers bring May flowers, and the poppies are growing in Flanders Field where you have all those crosses row on row--and May was one of the bloodiest months for young Americans during the time of this war. And what do you all care? You don't even know how many died this month. You don't know how

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many the total number of victims is and you don't even care, because you are interested in a license plate, and you're going to put me in my place by voting for it, but that's not going to make the real issues go away. And if you pick up the newspaper, if you turn on your television, you're going to see: two die from a roadside bomb, three were killed in small arms fire,... [LB570]

PRESIDENT SHEEHY: One minute. [LB570]

SENATOR CHAMBERS: ...eight died when a helicopter crashed. And what do you care? You have become so conditioned to it now that these are not young people dying. You play like you're concerned about these families who will get these stars on their license plates, but these young people are dying so regularly now I bet people don't even, when they see something like that in the paper, don't even look to see how many have died. It should make a difference. But the day that it starts to make a difference, the underpinnings of an administration such as the one in office now or any that would follow it, will crumble, and they won't be able to run a nation of sheep into a war such as this which has nothing to show for it except piles of mangled bodies and rivers of blood and gore. And that's glory? You give a piece of ribbon and a piece of metal to somebody... [LB570]

PRESIDENT SHEEHY: Time, Senator. [LB570]

SENATOR CHAMBERS: ...in exchange for a child's life. Thank you, Mr. President. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Are there others requesting to speak on FA140? Seeing none, Senator Louden, you're recognized to close on your amendment, FA140. [LB570]

SENATOR LOUDEN: Thank you, Mr. President, members of the body. What FA140 will do is make the bill effective January 1, 2010, and this would remove the need for an A bill. The Department of Motor Vehicles would ask for funding to implement LB570 in the budget process in the next biennium. So I would ask for your support for FA140. Thank you, Mr. President. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Louden. You have heard the closing to the amendment. The question is, shall FA140 be adopted to LB570? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB570]

ASSISTANT CLERK: 31 ayes, 0 nays, on the adoption of the floor amendment, Mr. President. [LB570]

PRESIDENT SHEEHY: FA140 is adopted. The next amendment, Mr. Clerk. [LB570]

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ASSISTANT CLERK: Senator Carlson would offer AM1470. (Legislative Journal page 1819.) [LB570]

PRESIDENT SHEEHY: Senator Carlson, you are recognized to open on AM1470. [LB570]

SENATOR CARLSON: Mr. President and members of the Legislature, I think it's fitting that we're talking about LB570, and over the weekend we had an opportunity to remember those that have gone before us and remember those that gave their lives so that we can be in this Chamber today and have the freedom to express our views. Certainly Senator Chambers has done that this morning, he's done that this afternoon, and I'm going to do it right now. And in order to do this, because of where we live, I didn't have to go and check with Governor Heineman, I didn't have to check with Lieutenant Governor Sheehy, I didn't have to check with Clerk Patrick, I didn't have to check with anyone else. I'm free to express my views, and I can use this time to criticize, I can ridicule, I can categorize, I can slander, I can try to intimidate, because this is the country in which we live and the state in which we live. I think that my amendment to LB570 is appropriate. I think Senator Chambers believes that it might be appropriate, and I've checked with Senator Loudon about it. And it would be in two places on page 2, and starting in line 7, the current bill reads: The department shall create designs reflecting support for the United States Armed Forces. And my amendment would, in addition to talking about the Armed Forces, bring in the people to whom we hope these Gold Star plates honor. And so in-between, in line 8, between the words "for" and "the," I would insert so that it would read: The department shall create designs reflecting support for those who died while serving in good standing in the United States Armed Forces. That's one place. And then on page 3, at the end of line 21, it refers to who this is supposed to honor. The end of that line, in 21, it says: or child of a person who died while on active duty. And my amendment would insert, after the word "while," "in good standing," so that it would read: a person who died while in good standing on active duty in the military service of the United States. I think that preserves the intent of the bill and clarifies a little bit better who should be honored. I would appreciate your support for this amendment. Thank you, Mr. President. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Carlson. You have heard the opening to AM1470. The floor is open for discussion. Senators wishing to speak are Senator Chambers and Senator Loudon. Senator Chambers. [LB570]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, the other day when Senator Carlson was mentioning the possibility of these amendments, I had stated Senator Carlson didn't just get mad, he got busy. And he is one of those, there might be others who haven't emerged yet, who is offering an amendment in two places which would do a great deal of clarifying and it will do a type of limiting which is

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not exclusionary in a negative sense. He is correctly pointing out that the purpose, as stated to us, of this bill is to honor those who died, and not to overuse the word, while in an honorable status. That means in good standing. And although the term "in good standing" may not have a legal definition or be a legal term of art, it would be clear in the context of what this bill is attempting to do that these words are designed to indicate that the person has not done anything that would cause him or her to be on active duty under circumstances of the kind that I described. I still would ask Senator Carlson a question, and I'm going to support his amendment. [LB570]

PRESIDENT SHEEHY: Senator Carlson, would you yield to a question? [LB570]

SENATOR CARLSON: Yes. [LB570]

SENATOR CHAMBERS: Senator Carlson, I don't know exactly how you could find better language to get at what we've talked about than what you've gotten here, but if a person were in a drunken brawl in a tavern and was on active duty and died, that person would be in good standing while on active duty because no charges would have been brought against that person, he or she had not been convicted of anything or punished for anything. So there still are some who might slip between the cracks. Would you agree with that? [LB570]

SENATOR CARLSON: I would agree. [LB570]

SENATOR CHAMBERS: But in the vast majority of cases, the purpose of this language is designed to suggest that those who are serving honorably are the ones the bill is aimed at. Would you agree? [LB570]

SENATOR CARLSON: Yes, I would. [LB570]

SENATOR CHAMBERS: And do you think, from what we're saying here, that whoever...first of all, who is going to make the decision as to whether or not an application is accepted, if you know? Would it be the Department of Motor Vehicles? [LB570]

SENATOR CARLSON: Well, I think that they would have some kind of a say in there, and hopefully this amendment just brings back a thought about something that ought to be considered. It's not a hard rule, probably is not an enforceable law, but it, I think, accentuates what we want. [LB570]

SENATOR CHAMBERS: And it is your intent and the understanding of the Legislature, unless somebody objects, that consideration can be given to the circumstances under which a person died if questions arise as to whether or not those circumstances may have been shaky. [LB570]

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SENATOR CARLSON: Yes. [LB570]

SENATOR CHAMBERS: Okay. That's all I would ask you. Thank you, Senator Carlson. Members of the Legislature, now that Senator Carlson is offering us this...oh, I have to ask you another question, Senator Carlson, because I was doing something or other. [LB570]

PRESIDENT SHEEHY: Senator Carlson, would you yield? [LB570]

SENATOR CARLSON: Yes. [LB570]

SENATOR CHAMBERS: Actually, I was in deep conversation with Senator Wightman. You had said something about you are not intimidating or threatening or something like that. Those words always catch me. What was the context of those words, because I missed some of it? [LB570]

PRESIDENT SHEEHY: One minute. [LB570]

SENATOR CARLSON: No, I...if I could answer, I said my message is you have the opportunity and I have the opportunity to intimidate, to...I didn't say threaten. [LB570]

SENATOR CHAMBERS: Well, whatever. [LB570]

SENATOR CARLSON: Whatever. [LB570]

SENATOR CHAMBERS: Uh-huh. [LB570]

SENATOR CARLSON: We have the freedom and I'm thankful for that freedom. And I can be a tinkling cymbal or I can be a clanging cymbal. [LB570]

SENATOR CHAMBERS: (Laugh) Okay. Thank you. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Louden, followed by Senator Wallman, Senator Avery, and Senator Chambers. Senator Louden. [LB570]

SENATOR LOUDEN: Thank you, Mr. President and members. Senator Carlson mentioned that he was going to bring this amendment and introduce it, and I have no problem with it. If it's something that we think will clarify who should be receiving these designations, then I have no problem with it. So I would support Senator Carlson's amendment to the LB570. Thank you, Mr. President. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Louden. Senator Wallman. [LB570]

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SENATOR WALLMAN: Thank you, Mr. President, members of the body. I would support this amendment too, Senator Carlson. I appreciate clarifying things. And having given a speech on Memorial Day, standing next to a Purple Heart person, a soldier, a Green Beret from Iraq, proud to stand beside him. He did not choose to go over there; our country sent him there. He came back. He's doing quite well. And...but two people of Beatrice were buried there, and young men, never came back alive. And their families were there, and nice people. So I know we can argue about this and that, and that's the freedom of this country. But they would appreciate any little thing. Some of these parents, that's their only child. And some of them had children. And when you come back from that, you feel pretty humble, and tremendous love for your country. And I have uncles, served WWII, the worst part of the war. They didn't want to go over there. And our country has made mistakes. We've tried to preserve freedom, and sometimes it's in the wrong way, it's probably the wrong kind of thing to do. And...but we as voters put the people in office. And how many people vote? And I'm big on voting, and when I ran, I was big on voting, get out the vote, even if it cost me the election. Come on, people. If you care for your country, vote. And so, Senator Chambers, a lot of this was brought on ourselves. If we don't like the way the country has voted...I mean, the way it's run, that's who we voted for, whether we like it or not. So the responsibility, if we think we're a republic, the republic is us. Thank you, Mr. President. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Wallman. Senator Avery. [LB570]

SENATOR AVERY: Thank you, Mr. President. Senator Chambers raised an important question about whether a soldier who dies in a drunken brawl would be considered to have died while serving in good standing. If I may take just a brief moment, I can answer that question. Typically, what happens when something like that occurs is that a line of duty investigation occurs, and then the investigation produces a finding that the soldier was indeed acting in the line of duty or was not. And if the determination is that the soldier was not acting in the line of duty, then that would not be in good standing. It is, however, very likely that if the soldier was on legitimate leave or liberty, the line of duty determination would be yes. If the soldier was engaged in criminal activity, the line of duty determination would probably be no. So I don't know if you need to spell that out in this amendment, but that might add a little clarity to the discussion. Thank you. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Avery. Senator Chambers. [LB570]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature and Senator Avery, that explanation that you gave, or that clarification, is much appreciated. When Senator Avery mentioned a line of duty investigation, it reminded me of something that happened some years ago to a young black man who was serving with the Nebraska National Guard. And they went to this summer camp, and it was either in

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Georgia or Alabama, it may have been Fort Gordon, and there were some National Guardsmen in United States military uniforms who decided that they were going to have some fun. The young man's name was Dan Briscoe. They put a rope around his neck, they threw it over the limb of a tree, tied the other end to a jeep, and lifted him off the ground. And his Nebraska Guards mates were there. Fortunately, they brought him back to the ground before he died. When he pulled himself together, he went into the barracks. He was upset, not only at what these Mississippians had done to him, but the fact that the Nebraskans stood around and watched it. So he put his fist through a window and cut himself severely. I found out about it, and there was an investigation conducted. I was told that there was nothing I could do, because the ones who did it were from Mississippi, they had gone back to Mississippi, and they could not be reached. By the time I got through, a man named Winner, General Winner, lost his job, Nebraska never went back to that camp again, action was taken by the governor of Mississippi, and some of the other people in the Nebraska National Guard were dealt with. That's because of what I did. That's what happened to a young black man in a United States military uniform, on a United States military base, while his white Nebraska compatriots watched. And you all wonder why I don't get all misty-eyed talking about this stuff, the way you all do. You wouldn't even know about that. And if anybody is interested, I can give you a thick document of work that I had to do, and it shouldn't have even been my job. But I did become very familiar with the code of military justice that's a part of the Nebraska statutes, and was able to do things that nobody thought would be done. And Governor J.J. Exon was the one in office at that time. He had numerous meetings with me, wanted to assure me that something was going to be done. But no white person was concerned. No white official said anything. But let me mention this: There was one white guy, one white man out of all of them, who did come to me, and he was the one who helped get me the names of people. I found out about it because the young black man was a student at UNL. He came over to my office to talk to me. I often have students... [LB570]

PRESIDENT SHEEHY: One minute. [LB570]

SENATOR CHAMBERS: ...come to my office to talk to me, and many of them are of you all's persuasion, when they have nobody else they can go to. And we talked. He shook my hand. His hand was cold as ice, but it was sweating. He had trouble talking. He had difficulty getting the story out. By me having referred to him in the past tense lets you know that he's no longer here. He never got over that, and a few months later he shot himself in the head with a pistol. He lingered for a while, and died, in the United States of America, on American soil. That's what happens to black people in uniform, in modern times. [LB570]

PRESIDENT SHEEHY: Senator Chambers, you may continue for your third time. [LB570]

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SENATOR CHAMBERS: Thank you, Mr. President. And I've mentioned what has happened in days gone by. The Italian fascists who wanted to destroy this country, some of them were captured and brought to this country as prisoners of war; Nazis who wanted to destroy this country were captured and brought to this country as prisoners of war. And black men like me, wearing a U.S. Army uniform, were guarding them, and when they were on trains, the black men guarding these fascists and Nazis were made to ride in the segregated coaches, in the United States of America. That never happened to you all. It never happened to you, and you couldn't take it if it did. And when they went to restaurants, they weren't allowed in the restaurants, Senator Aguilar, not even around the back, in a United States Army military uniform. And you all don't want me to talk about it. Well, that's a part of my history and it's a part of your history. And you'd like to bury it in the same way that young Mr. Briscoe has been buried, thanks to the activity of white men associated with the United States Armed Forces, on a United States military base. Where could he turn? These are the people you came here with, they're you're, quote, friends, and they're not there. You all say, God bless America. I don't use the language, but I'd say, God "blank" America, and mean every word of it. America has not been kind to black people. The flag which you all worship is a symbol of black people's oppression. Any place that I go and see an American flag, I feel that I'm in for trouble. The American flag, to me, is the equivalent of the Stars and Bars of the Confederacy. One is just as bad as the other. When I see people wearing flag pins, I know it's somebody that I couldn't talk to deeply about anything. We don't see things the same way. This country has not been to me what it's been to you. It's not friendly toward us. We don't have rights. We don't have privileges. You all do. But I'm going to bring some of those things to your attention. When they had this line of duty investigation, there had been an attempt to cover up what had actually happened, and the investigators at first wanted to talk about Briscoe's hand going through a window. They even lied about that: some kind of stumbling or whatever, and he fell and his hand went through the window. And I guess that was to be the end of it. And I spent a lot of hours and a lot of days on that case, and it left bitter memories and recollections for me. So when you all want to talk about all those who died and how great they were, you think about those men who caught hell in this country and went through the same thing these white people who had all the privileges went through, and then came back, and because they were thought to be uppity, they were lynched, in their uniform, in America. [LB570]

PRESIDENT SHEEHY: One minute. [LB570]

SENATOR CHAMBERS: And there was an outbreak of lynching after the war, because they said these black men went overseas, had a chance to kill some white people, and now they're uppity. So they were lynched, in the American uniform, in the United States of America. You think this country is something that is dear to me? It has never been anything but a source of trouble, turmoil, and travail, always, every day. Always it's on my mind. Everything I see reminds me of it. When I see that flag up there, I feel it

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shouldn't even be there. You all love it. It's a sign of oppression to me. It hasn't protected black people. It has protected those who would destroy black people. The cop who arrested Rosa Parks was wearing an American flag on his police uniform. Those who turned the firehoses and the dogs on young black children were wearing American flags. How do you think Jews feel about the swastika? Everybody is entitled, and expected,... [LB570]

PRESIDENT SHEEHY: Time, Senator. [LB570]

SENATOR CHAMBERS: Thank you, Mr. President. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Are there others wishing to speak to AM1470? No lights are on. Senator Carlson, you're recognized to close. [LB570]

SENATOR CARLSON: Mr. President, members of the Legislature, thank you for your testimony concerning this amendment. I would ask for your support of AM1470. I think it helps the bill. Thank you. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Carlson. You have heard the closing to the amendment. The question is, shall AM1470 be adopted to LB570? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB570]

ASSISTANT CLERK: 28 ayes, 0 nays, on the adoption of Senator Carlson's amendment, Mr. President. [LB570]

PRESIDENT SHEEHY: AM1470 is adopted. Mr. Clerk, you have a motion on your desk. [LB570]

ASSISTANT CLERK: Senator Chambers would move to bracket the bill until May 31, 2007. [LB570]

PRESIDENT SHEEHY: Senator Chambers, you are recognized to open on your motion to bracket. [LB570]

SENATOR CHAMBERS: Thank you, Mr. President and members of the Legislature. Before I get to my Ku Klux Klan amendment, there are some other things that I want to say along the lines of what I was discussing. And I decided not to do it on Senator Carlson's amendment, with which I agreed and which I voted for. There was a man named Carl T. Rowan, who had won a Pulitzer Prize, I believe, for reporting, and he had written for a number of northern newspapers, and had written some books, and he described an incident on a train down South. He was in a military uniform, and white guys were also on that train. And as the train crossed the Mason-Dixon line into the

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South, they couldn't very well send a conductor to tell these black men, get off this coach and go to the back where black people sit because there's segregation in America. Instead, they put a curtain up to separate these guys from these white guys. And Rowan was shocked, because he didn't believe that this would happen, because he was fighting for America in the war to end all wars, and all the things that they tell young people. Then he said he was startled when a hand not only moved the curtain, but tore it down, and there was this big, beefy, red-faced white guy, and all he said was, you won't pull a curtain on an American soldier today. Why should that even happen? Why should that be remarkable in the bastion of democracy? I'm going to show you something else which indicates how little white people know about history. There was a case called Plessy v. Ferguson, and that's when the separate but equal doctrine came into being, the doctrine that was overturned by the U.S. Supreme Court in the case of Brown v. Board of Education of Topeka. And people think of Plessy as a hero of the black struggle because he was challenging being placed in a car with black people. That shows how little people know. Even black people don't understand that case. When it went to court, it was not a civil rights case; it was a property case. Plessy was as white in appearance as anybody in this room. Plessy was seven-eighths white. And do you know what Plessy's objection was? That because he was seven-eighths white, he had a property right in being deemed a white man, entitled to all the rights of white people. He was not fighting against segregation. He was not fighting against discrimination against black people. He was for it. He liked it. He had been treated like a white man, but in this community, people knew that he had a black ancestor, so when he got on a train, because the community knew that in America one drop of black blood is so potent it turns a white man black, he was a black man under the laws of America, the democracy. So he was ordered to go into the coach where black people sat, and he objected. He said he had the right to be treated like a white man. And that's how white people object--not that segregation is wrong; but you going to make me suffer what you're making these black people suffer, and as a white man, I'm too good for that, I don't have to suffer that. Then what Plessy should have been interested in is doing away with discrimination against everybody, shouldn't he? Wouldn't that have been a more honorable thing for Plessy to have done? Wouldn't it be better for Plessy to be known as a man who was speaking out for the rights of people who were discriminated against, instead of trying to put himself in a position to benefit from that segregation and discrimination? Yet people think Plessy was a great guy and that that was a civil rights case. It was a property case, and this near white man wanted to be proclaimed a white man so he could get the benefits of white affirmative action, which everybody in this room has benefited from except Senator Aguilar and myself. So there you have it. To bring it right home again, I'm not like Plessy; I will try to get rid of discrimination against everybody, even people who are gay and lesbian in their sexual orientation, because I think all of that discrimination, all of that intolerance, all of that bigotry is ugly, it is hateful, it is hurtful. We cannot find a situation, even if we wanted to, where we can disappear into the society like Senator Harms and no longer be discriminated against because of his Greek ancestry, because he looks like you all. But even in court cases in

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Nebraska, you can read some terrible things that happened in this state and in Omaha to people of Greek derivation, terrible things, in Nebraska. So they should not forget. And because they got out of the cauldron, they should not be comfortable while watching other people in that gurgling, boiling cauldron of discrimination. There is a job to be done, and everybody has a part to play in it, but not everybody is going to do that. So what I must do is take advantage of bills such as this to bring forth things that you wouldn't hear otherwise and that you may not choose to hear now. But I'm going to discharge my duty, not like a Plessy, but like a black man ought to, like a black man is obliged to do. I have four black children. I have black grandchildren. When my children were small, I always would say that I want to conduct myself in such a way that when they are old enough to evaluate what I did and understand what I did, they will not be ashamed of me and what I did. And fortunately, I've lived long enough to see all of my children become adults, and some of them to have children of their own. And my children's children respect me for what it is that I am and what it is that I do, and they know they can count on me when they can't count on anybody else. They know when everybody else's voice is silent, mine will not be. They know that when other people are intimidated and cowed because of numbers and odds, I will not be. I don't care about odds. What I care about is what it is that I am obliged to do. And because I have the mind, the understanding that I have, there is an obligation on me that I must discharge. That doesn't mean come and sit in here with all these white people and trying to play like I'm white, or trying to make these white people like me because I'll be quiet and act like everything is all right, when I know everything is not all right and they know everything is not all right, and they know the attitudes they themselves hold and harbor. And I know what you think about me... [LB570]

PRESIDENT SHEEHY: One minute. [LB570]

SENATOR CHAMBERS: ...when I see how you think about other groups that are mistreated, that are discriminated against, and that are marginalized. You cannot mistreat them and tell me that they're not all right with you but I'm all right with you. Oh no. We're all in the same bag, we're all in the same boat. If you hate them, you hate me. If you have contempt for them, you have contempt for me. You dislike and want to hold back their children, that's the way you feel about my children. Treat them right, and then I'll take seriously when you treat me right. How are you going to grin in my face and then vote against the right of these people to even have a job, and tell me that you don't hate black people or Latinos, Native American, Asians, except for maybe a Tony Fulton? And you don't really like him, but you play like it because he'll say what you want to hear and pretend that he's one of you. But you'll show him in time. And if you don't show him, there are others of your persuasion who will show him. [LB570]

PRESIDENT SHEEHY: Time, Senator. You have heard the opening on motion 100, a motion to bracket LB570 until 5-31-07. Senator Chambers, you're recognized. [LB570]

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SENATOR CHAMBERS: Thank you, Mr. President, members of the Legislature. Let me tell you something that I constantly hear from that lunatic in the...yeah, I said lunatic, in the White House: The war against terrorism is difficult because there is no definite battle line; it shifts. You don't know who your enemy is, you don't know who your enemies are. Well, all he described is what minority people face in this country. So you'd better presume that everybody you see is your enemy. That's what people say about the Muslims. You don't know which one is a terrorist. You don't know which one is a radical Islamist, so you'd better treat them all that way. A group of them are clerics, they're having a prayer service in the airport because it's the time when they render their prayers. So here comes, swooping down, that internal...or what do they call them, Homeland Security, the nativists, and they're taken into custody as possible terrorists because some of these racist white people said, well, they all have beards, they all talk funny, and they look like terrorists. That's the way they were treated, because every one of them is your enemy, and white people think that's all right. They say, that's just being careful; it's not profiling; you know that these are the people who do this. Then why do you call it racism if I say every white man and every white woman is one that I have to be suspicious and skeptical about? You don't want that said about you, do you? But you say it about others. Bush says it. All of your leaders say it. There is no front line. The line shifts. You don't know who your enemies are. But you don't want me to say that, and you all have done things to hurt black people. The Muslims you see haven't done anything to you, but it's how they look. From the time I was little, up to now, white people have done things discriminatory against me--not every white person, not every white situation, but in so many of them that you all take for granted. You come to a counter to be waited on. There's a bakery I used to like to go to. It closed down, not because of me. I'd be there first, white people would come in, and the person would go to wait on the white person. And never did a white person say, he was here first, never. They could not have avoided seeing me, because I was standing there when they got there. And you all say, well, that's a little thing. Well, it doesn't happen to you, and it does happen to us, and it happens today. And you know where criminal minds coalesce and come together? There are black people and white people who work as teams to shoplift, and they know that soon as I walk in the store, security and everybody is going to focus on me and follow me. And I'm like Jesus--take up all your security cameras and all your carefulness and follow me. Then you know what I do? I walk in a way that's suspicious. Oh, you all didn't know that you can walk in a way that's suspicious? Well, if you're black and you're walking, you are walking in a way that's suspicious, but you can add to it if you do like white people, and you see an item, and it has a price tag, so you pick it up and look at the price tag. Uh-oh, highly suspicious. You're a black woman, so you come to one of these cosmetics cameras and you pick up the little thing with the little atomizer and you spray a little something on you and you smell. Uh-oh, suspicion, suspicious mind. So everybody follows the black person. You synchronize your watches. [LB570]

PRESIDENT SHEEHY: One minute. [LB570]

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SENATOR CHAMBERS: That's suspicious, too. Then you walk out of the store. But somebody else walked out of the store before you, and they had many, many goods. And because they were your complexion, they were never under suspicion, and you followed me, and we cleaned you out. That's how dumb and silly white people are, and it's how full of hatred and racism you are. So some are taking advantage of you and that racism, and you make it possible. [LB570]

PRESIDENT SHEEHY: Senator Chambers, you are recognized to speak for your third time. [LB570]

SENATOR CHAMBERS: Thank you, Mr. President. As I said, we're just going to be here for a certain period of time, so it doesn't really matter the basis for my speaking. I know you all are not going to support my motion to bracket this bill. I'm not crazy. So what I have to prepare is a reconsideration motion, because I have a few more things that I want to say before I get to my Ku Klux Klan amendment. I believe that's the next one on the agenda. It's a funny thing. White people who agree with what the Ku Klux Klan stands for will become uncomfortable when it's talked about. That's just the way of white people. Many years, decades, generations, as I've been around white people, there are still a lot of things that I find illogical. Many white people simply don't grow up, they're not mature, they don't behave as adults. If the Legislature had behaved in the way that adults should behave, that bill that prohibits discrimination in employment against gay and lesbian people would have passed without a great amount of debate. But somebody put a kill motion on it who has a bill today, who wants to emancipate young people so that merchants can get at them and hold them liable for debts that they contract as a result of their youth and inexperience being taken advantage of. So you know that bill is not going anywhere. But if we get to it, we're going to talk about it a long, long time. Back to what I was discussing. Three days, and all of this is over, and you all will go wherever you're going, and you'll forget about it. It's just words to you. But I'll continue to live it, and I will continue to fight against it in every way that I can. And you should mark well what I'm going to tell you. Probably, in your life, you will never encounter anybody like me. Just me, and you don't have to worry, and you'll be glad, because you don't want to face the truth, due to the fact that you have no intention of doing anything about correcting the obvious wrong conditions that are faced by people in this society. I just wish women would get some sense and understand that as a numerical majority, they don't have to be running around here begging and pleading with these white men. All they have to do is vote. That's all. They don't have to be in picket lines. They don't have to carry picket signs. Just vote. But they won't, because they have been conditioned also, and they feel, even in the secrecy and privacy of that voting booth, that some man is pulling strings on them and will know how they voted. So they vote against their own interests. Then they whine and whine about how bad things are. They haven't gotten bad enough yet to inspire enough women to do anything about changing this system. They don't have to take up guns, they don't have to throw

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bombs,... [LB570]

SENATOR AGUILAR PRESIDING [LB570]

SENATOR AGUILAR: One minute. [LB570]

SENATOR CHAMBERS: ...none of that--just vote. But they should first get informed. That's not going to happen, though, because the propagandists have got them thinking about exterior things, the material world. But understand this, my children, when you reach a certain age and gravity takes over, what you have that you consider good looks now, will not be there. And if that's all you banked on, you're going to be one of these women who don't know anything, can't do anything, and you're going to be kicked to the curb. Then you're going to be talking about how unfair this society is at the hands of these chauvinists. You need to look at what happened to your mothers, to your aunts, to your grandmothers, and that's what's waiting for you. You think all these old white women you see walking around bent over, and they have Crohn's disease--is that what it's called--you think they just woke up one morning and that's the way that it was? [LB570]

SENATOR AGUILAR: Time, Senator. [LB570]

SENATOR CHAMBERS: Thank you, Mister...(microphone malfunction). [LB570]

SENATOR AGUILAR: Thank you, Senator Chambers. Senator Louden, you are next and you are recognized. [LB570]

SENATOR LOUDEN: Thank you, Mr. President and members. I would rise to object to this bracket motion. I think we'd just as well get on with it and get this bill brought forwards, finished up this year, and be done with it. The bracket motion is mostly something, a stalling tactic. I think if we get on with our work and get this over and done with, this would be something that could be done for the people of...that are involved in this, in Nebraska, and those that brought it forwards. With that, I oppose this motion, and thank you, Mr. President. [LB570]

SENATOR AGUILAR: Thank you, Senator Louden. There are no other lights on. Senator Chambers, you're recognized to close. [LB570]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I'd like to ask Senator Louden a question or two. [LB570]

SENATOR AGUILAR: Senator Louden, would you yield to a question or two? [LB570]

SENATOR LOUDEN: Yes, I would. [LB570]

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SENATOR CHAMBERS: Senator Louden, you were here the last time we discussed this bill, a couple or three days ago, correct? [LB570]

SENATOR LOUDEN: Yes. [LB570]

SENATOR CHAMBERS: And that was before Memorial Day, correct? [LB570]

SENATOR LOUDEN: Yes. [LB570]

SENATOR CHAMBERS: Did you hear some of the senators say we should try to get this passed before Memorial Day? [LB570]

SENATOR LOUDEN: I don't recall whether they said passed or advanced. [LB570]

SENATOR CHAMBERS: But they wanted to get something done on it before Memorial Day, correct? [LB570]

SENATOR LOUDEN: Why, I'm sure they did, yes. [LB570]

SENATOR CHAMBERS: Yet you're going to delay its implementation for two years, right? [LB570]

SENATOR LOUDEN: Well, I...not the bill, the implementation part, is because, like I said before, the time they get to designing the plates and that and everything together, it would probably be nearly 2010 before they'd be available anyway. [LB570]

SENATOR CHAMBERS: So by Memorial Day in 2010 is what the aim is now, right? [LB570]

SENATOR LOUDEN: No, I think January 1, 2010, is what the bill says. [LB570]

SENATOR CHAMBERS: Okay. So...but that precedes Memorial Day of 2010, right? [LB570]

SENATOR LOUDEN: Yeah. [LB570]

SENATOR CHAMBERS: Okay, thank you, Senator Louden. Members of the Legislature, this bill is political, like every other bill. Senator Louden knows it. He would acknowledge it. I know it. Everybody knows it. That's why I'm not going to let us get away with just talking about it in those high-sounding, moralistic terms, because those things have nothing to do with what this bill is talking about. I wanted to let some amendments be adopted that might can tidy this bill up. And maybe I would offer some

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additional tidying amendments, but I don't know whether Senator Louden has permission to allow anything else to be added to the bill. So I'm going to ask Senator Louden a question or two. [LB570]

PRESIDENT SHEEHY PRESIDING: [LB570]

PRESIDENT SHEEHY: Senator Louden, would you yield to some questions? [LB570]

SENATOR LOUDEN: Yes, go ahead. [LB570]

SENATOR CHAMBERS: Senator Louden, would you agree that it's possible that somebody could be a grandchild of a person who died in one of the previous wars and may want to get one of these plates? Because you're not just talking about Afghanistan and Iraq? [LB570]

SENATOR LOUDEN: I have no problem with extending it out to grandchildren. [LB570]

SENATOR CHAMBERS: And now, this is... [LB570]

SENATOR LOUDEN: I, myself, don't have...like I said before, is, these people that wanted this family license plate, or Gold Star license plate, this is what they suggested, and so that's what we went with it. So afterwards, we've looked into what you have your lapel pins, and yeah, they're quite extensive for a lapel pin. But we didn't go that far. I guess there's no reason why it can't be. If the federal...if it's good enough for the federal government, I suppose it would be good enough for the state of Nebraska. I think the farther, more extended family you have, the harder, probably, it is to prove that they are relatives, where you're giving away...or, not giving away, but you're selling a license plate, whereas otherwise, it was a lapel pin. So I... [LB570]

SENATOR CHAMBERS: Let me ask... [LB570]

SENATOR LOUDEN: ...don't know how tough it would be to catalog and research everything. [LB570]

SENATOR CHAMBERS: Let me ask you this question. What difference does it make how far you extend the family of one of these persons? What difference does it really make? I don't understand it, but I'm giving you the opportunity to explain that to me. [LB570]

SENATOR LOUDEN: You mean whether it's a grandchild can buy one of the plates, or a cousin...or whatever? [LB570]

SENATOR CHAMBERS: Yeah, whether we call...we say a grandchild, a cousin, a

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nephew, a niece, an aunt. [LB570]

SENATOR LOUDEN: I...well, I think the other day when you were describing that somebody, an aunt, had probably raised a child or something like that, yeah, there's... [LB570]

PRESIDENT SHEEHY: One minute. [LB570]

SENATOR LOUDEN: ...I have no problem with that. I...this just wasn't something that was written into the bill. We went with the figures and with the people we have on there, and that's the way it settled out. [LB570]

SENATOR CHAMBERS: Right,... [LB570]

SENATOR LOUDEN: If you would like to add some more people to that, why, I mean, that would be up for discussion. I have no problem with discussing it. [LB570]

SENATOR CHAMBERS: And the reason I'm asking you these questions is because you made it clear that this listing was not supposed to be like a compartment which contained the only ones who could be considered; there could be others given consideration. But I'm trying to find out what you might have in mind, so you won't think I'm attempting to undermine your bill. I don't like the bill. But if it's going to pass, I don't think there ought to be an arbitrary exclusion or limitation on the family members who could get one of these plates. And I don't know whether you want to use language such as "a family member who helped rear the child," in other words, putting all that language, or mentioning,... [LB570]

PRESIDENT SHEEHY: Time, Senator. [LB570]

SENATOR CHAMBERS: ...nephews, nieces,...thank you, Mr. President. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Chambers. You have heard the closing on motion 100, which was to bracket LB570 until May 31 of '07. All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB570]

ASSISTANT CLERK: 0 ayes, 17 nays, on the motion to bracket the bill, Mr. President. [LB570]

PRESIDENT SHEEHY: The motion to bracket fails. [LB570]

ASSISTANT CLERK: Mr. President,... [LB570]

PRESIDENT SHEEHY: One moment, Mr. Clerk. Speaker Flood, you're recognized.

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[LB570]

SPEAKER FLOOD: Thank you, Mr. President, members. A quick scheduling detail: We will be starting tomorrow morning at 10:00 a.m. It will not be a 9:00 a.m. start tomorrow. Again, we will reconvene the Legislature tomorrow at 10:00 a.m., following adjournment tonight, 10:00 a.m. tomorrow morning, May 30, 2007. Thank you. [LB570]

PRESIDENT SHEEHY: Thank you, Speaker Flood. Mr. Clerk. [LB570]

ASSISTANT CLERK: Mr. President, Senator Chambers would move to reconsider the vote just taken. [LB570]

PRESIDENT SHEEHY: Senator Chambers, you're recognized on your motion to reconsider. [LB570]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, again, because this is an attempt to see what Senator Louden is willing to do, I don't want to discuss it on my KKK amendment, which I can't wait to get to, but I must. I'd like to ask Senator Louden a few more questions. [LB570]

PRESIDENT SHEEHY: Senator Louden, would you yield? [LB570]

SENATOR LOUDEN: Yes, I would. [LB570]

SENATOR CHAMBERS: Senator Louden, I'm looking at the possibility of some categories, and I really think that they're not outlandish. For example, I was thinking of great-grandparents. Because a lot of people will have children when they're relatively young, and those children may have children, a great-grandparent is not necessarily that old anymore, and conceivably, that person could have a great-grandchild who will die in the war. But maybe you don't want to push it that far. But you said a grandchild would not bother you. Now, again, because there are extended families where aunts and uncles will take over the rearing of a child--you have grandparents there already--would it bother you if we said, aunts, uncles, nieces, cousins, or grandchildren? Which ones would bother you? [LB570]

SENATOR LOUDEN: Just a minute, Senator, I'm getting my other copy out here and... [LB570]

SENATOR CHAMBERS: Okay. And I'll slow down. [LB570]

SENATOR LOUDEN: What page is that on, now? [LB570]

SENATOR CHAMBERS: Page 3. [LB570]

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SENATOR LOUDEN: Be easier than me sorting through it. Okay. [LB570]

SENATOR CHAMBERS: And we can start in line 21, because in line 20 it talks about the surviving spouse. Now, here's a question, and it's not meant to be facetious. Suppose the person had been married more than once, and both of those persons were alive, then each one could qualify as a surviving spouse, correct? [LB570]

SENATOR LOUDEN: Yes, correct. [LB570]

SENATOR CHAMBERS: Okay, so that's not a problem. The parent, that's no problem. I would put, great-grandparents, but you might feel that that's stretching it. But if that were there, what could that hurt? [LB570]

SENATOR LOUDEN: Well, no, I don't have a problem with the great-grandparent. I understand where you're coming from. There are some grandparents that have raised their kids, and some great-grandparents that aren't all that old, that's for sure. [LB570]

SENATOR CHAMBERS: Okay. And grandchildren, you said that doesn't bother you? [LB570]

SENATOR LOUDEN: Right. [LB570]

SENATOR CHAMBERS: What about aunt or uncle? See, the problem, Senator Louden, the way it's written now, it names...it specifies certain family members. And by specifying them, whichever family member is not mentioned is out of the running, no matter what the relationship of that family member had been to the one who was killed. [LB570]

SENATOR LOUDEN: I agree, yeah. [LB570]

SENATOR CHAMBERS: So... [LB570]

SENATOR LOUDEN: I was looking at the Gold Star lapel pins, and see, they don't go quite that far. They'll go half-brothers and half-sisters, and stepdaughters, and sons by adoption or daughters by adoption, and fathers through adoption, mothers through adoption, stepmothers, but I don't see in the federal deal where they have anything about aunts or uncles in there. So I'm beginning to wonder if we're getting it a little bit too wide. I wouldn't want to see it a lot wider than what the one in the Gold Star lapel is, because they don't have grandparents in there, but we would be... [LB570]

SENATOR CHAMBERS: But you don't have nearly the listing that you just read in that lapel pin group, like half-brothers, half-sisters, and adoptees, and... [LB570]

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SENATOR LOUDEN: Well, I...no, I think so, because when you say...in fact, we have more. We have grandparent in there, where the other one doesn't. But you put in sibling, or a child of a person...or, a child, so that would take a lot of the half-brothers, half-sisters, and brothers and sisters and that sort out, any sibling, I presume. Now, whether stepdaughters and stepsons, no, that isn't listed in here. But there's that listing that the lapel pin authorizes people to buy...to apply for this lapel pin. [LB570]

SENATOR CHAMBERS: Are you willing to look at this catalog, even if we don't get it done today? [LB570]

SENATOR LOUDEN: Yeah, I'd be willing to look at this. [LB570]

SENATOR CHAMBERS: Okay. [LB570]

SENATOR LOUDEN: Now, would you...are you willing to go along with what they have for the Gold Star lapel button? Are you willing to take that list, and then we could go on...move the bill on through? [LB570]

SENATOR CHAMBERS: Well, if you're willing to look at that list, you're going to get to move the bill on through, anyway. But it would be good if, instead of just adding that list right now, we could talk about some of the things that I know will exist, such as an aunt or an uncle rearing a child. But... [LB570]

SENATOR LOUDEN: Now, if you use that list, then did you want to still include grandparents and great-grandparents? Because it isn't on that list. [LB570]

SENATOR CHAMBERS: Well, yeah, we could combine them, so we could try to get hold of the people...involve the people who may really be connected to, in some way, the person who died. [LB570]

SENATOR LOUDEN: Okay. Then that would...because they talk about widows and widowers, and I think in this bill, what does it have, spouse of the deceased or surviving spouse, so that takes care of widows and widowers. [LB570]

SENATOR CHAMBERS: Um-hum. [LB570]

SENATOR LOUDEN: And parents, so that takes care of mother and father. The grandparents isn't in there. Now, we didn't specify whether a stepmother or a stepfather is considered a parent, but I...by legal terms, they are a parent. Is that correct? [LB570]

SENATOR CHAMBERS: I think whatever we would say in statute would apply. But since they specified them for the federal purposes, maybe it wouldn't be automatically

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concluded that that's what they are. [LB570]

SENATOR LOUDEN: Well, I've noticed on that, that isn't included. But maybe it should be, because as some of these spouses remarry, why, they would still be a stepfather involved in there. [LB570]

SENATOR CHAMBERS: Well, you know, if this bill moves,... [LB570]

SENATOR LOUDEN: Now, mothers and fathers through adoption, so that would still take care of parents, wouldn't it? When somebody adopts them, they're legally their parent. Is that correct? [LB570]

SENATOR CHAMBERS: If we make that clear on the record here, then those who are making this decision, I think, can look at the legislative history and see the categories that are listed in the bill and what they would include. So if you make it clear that "parent" would mean a person who adopted children or who was married to a person who already had children, which would mean you're a stepparent, or an adoptive parent, then those who are making this decision could look at that, because we're not granting legal rights; we're granting a privilege to obtain one of these plates. So if you make it clear in here what we're talking about, that might be sufficient. [LB570]

SENATOR LOUDEN: Now, what about...you're a lawyer man. A foster mother in loco... [LB570]

SENATOR CHAMBERS: Parentis. [LB570]

SENATOR LOUDEN: ...parentis. What does that mean? [LB570]

SENATOR CHAMBERS: That means anybody who's standing in the position of a parent, and that could include... [LB570]

SENATOR LOUDEN: That could include your uncles and aunts... [LB570]

SENATOR CHAMBERS: ...an aunt or an uncle or some... [LB570]

SENATOR LOUDEN: ...that raised a child. [LB570]

SENATOR CHAMBERS: Right. [LB570]

SENATOR LOUDEN: Okay. Then would you want that instead of naming uncles and aunts? Would you want that? [LB570]

SENATOR CHAMBERS: Yeah, why don't we try that, because that would be a way to

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include the kind of people that I'm interested in, because I don't mean somebody who just speaks to the child, but in loco parentis, that would be something that would take care of a lot of what I'm talking about. So is that being done? Is your staff working on some of these things? [LB570]

PRESIDENT SHEEHY: One minute. [LB570]

SENATOR LOUDEN: Well, we haven't started yet, but yeah, I mean, this could be done. Yeah, I don't have any problem with... [LB570]

SENATOR CHAMBERS: Well, why don't you work on some of that while I discuss this amendment, this motion that's before us now, and it will give you time. [LB570]

SENATOR LOUDEN: Okay. And...because then, how about son and daughters by adoption? Should that be specified, or is that still considered a parent, or a child, or would that...should that be in there, I guess? [LB570]

SENATOR CHAMBERS: Well, your staff is very savvy, so why don't you talk to her, because she can be looking at those listings, and we will see, because, see, it's not going to matter how many we list. You know, we don't have to say we want a very short list. We're trying to embrace those people who may have really had a genuine contact or connection to the person who died. [LB570]

SENATOR LOUDEN: Well, true, the person that's involved in that immediate family relationship. I agree with that. That's what we're trying to set up. [LB570]

PRESIDENT SHEEHY: Time, Senator. [LB570]

SENATOR CHAMBERS: Was that my third time? [LB570]

PRESIDENT SHEEHY: That was your opening on your motion to reconsider. You have heard the motion to reconsider the motion. Senator Chambers. [LB570]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, if Senator Louden and his staff can do some work on that aspect of it, then--and I see Senator Wightman, who is also a lawyer man, working--then we might be able to get something into that part of the bill. And I may not force Senator Louden to go to cloture, because I see enough things on this agenda to keep us here long enough to make everybody thoroughly disgusted with me. And I know it's just a matter of time before this bill moves. But since it is, I would like it to have a form that comes closer to achieving what the stated goal was. Let me tell you all something that Senator Carlson did without intending it. But instead of it being an unintended bad result, it's a good result. His amendment, on page 2, in line 8, changed this language. The current language says:

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designs reflecting support for the United States Armed Forces. Senator Carlson deflected that entirely away from support for the United States Armed Forces, and focused it on those who died while serving in good standing in the Armed Forces. The only thing the term "Armed Forces" will do is let you know where the person was serving when he or she exited life. No longer does this bill say: designs reflecting support for the Armed Forces. So that which you fought against me so hard for, you voluntarily gave me today, through the works of "Parson" Carlson. And I like what he did. It makes the point that I spent all that time arguing about the other day, which was, the focus of this bill should be on those, first of all, who died; secondly, on the family members who want to get these license plates with the stars. So now the bill is starting to move in a direction that makes a bit more sense. Some vehicles which would not have been acceptable for bearing one of these plates have now been included. All commercial trucks have been excluded. Senator Carlson made it clear that the ones who die and whose death will be a triggering mechanism for the operation of this bill, that person who dies must be in good standing at the time that death occurs, even though on active duty. What Senator Louden is looking at now is expanding the categories of persons who can obtain these plates. And understand me, I don't know why in the world anybody would want plates like this. But since the bill is going to move, some of these things ought to be added. And since Senator Louden is working on that, we should have to do it today, because if we advance the bill... [LB570]

PRESIDENT SHEEHY: One minute. [LB570]

SENATOR CHAMBERS: ...and then try to bring it back, there might not be the time to pass it, and I know that's what Senator Louden wants to do. If I could keep him from passing it straight up, that's one thing. But I wouldn't want to suggest that we move the bill, then try to bring it back, because we might run out of time. But if we can get that amendment with these family categories, that can be done before the bill moves today, and we don't have any limit on the time we take to get that done, since we are working. But I believe we can get it done before the time when you would invoke cloture, if you decide just to flex your muscles and show how powerful you are, or how many sheep are in this Legislature. So since that amendment...let me ask Senator Louden a question. [LB570]

PRESIDENT SHEEHY: Senator Louden, would you yield to a question? [LB570]

SENATOR LOUDEN: Yes, I would. [LB570]

SENATOR CHAMBERS: Senator Louden, am I correct in assuming that your staff is working on the listing of these family members as we had discussed them? [LB570]

SENATOR LOUDEN: Yes. [LB570]

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SENATOR CHAMBERS: Thank you. [LB570]

PRESIDENT SHEEHY: Time, Senator. [LB570]

SENATOR CHAMBERS: Thank you. [LB570]

PRESIDENT SHEEHY: Senator Chambers, you may continue for your third time. [LB570]

SENATOR CHAMBERS: Thank you. Mr. President, I will have this third time, then I'll have my chance to close, which will be ten minutes, and maybe the amendment can be done by then. And what I will be willing to do, when Senator Louden gets that done, if he gets it done before I finish closing, I will withdraw my motion to reconsider, and I will let him take his amendment before I get to my Ku Klux Klan amendment, so that he can get that added to the bill. But if it's not ready, then I'll take my KKK amendment. And I think a point needs to be made, and that amendment is going to make that point. It must be made for the record, on the record, so that people can understand that whereas you are hastening to pass this Gold Star license plate, you may repent at leisure when you find yourself opening the door to other types of plates which people will have equal right to try to get this state to do. When it comes to religion, the government cannot enact a law favoring any religion or interfering with the free exercise thereof. It says you can't establish a religion. That means all these bad boys and bad girls have to be allowed to get out there and spread the confusion, chaos, and hatred on an equal basis, as far as what the government will do. The government cannot establish any of those misleading activities itself. The government cannot establish one. And it cannot interfere with anybody's religion or their religious practices, except certain ones. When Senator Louden gets that amendment drafted, he'll give me the high sign. But until we get to that point, I must press on. Sometimes in this legislating process, things can be done in a very quick, expeditious, clean manner. Other times, it is apparently messier. But everything that was said here today by me is a matter of record, and I want that record to be there for all time. And I can live with everything that I have said. And in years to come, my view will be vindicated; you all's won't. And some of you, if you're honest, will be ashamed of some of those votes that you cast the other day, not just against the right to be free of discrimination in employment, but the ones who were given the back of the hand by the Legislature, the ones specified by Senator Wallman. Never in the history of the Legislature has an Appropriations Committee rolled over and not challenged a single veto of a Governor. Some people will praise the people on the Appropriations Committee for knuckling under... [LB570]

PRESIDENT SHEEHY: One minute. [LB570]

SENATOR CHAMBERS: ...to the Governor. But I don't. I say they failed the Legislature, they failed themselves, they made a mockery of the system, and it is tragic and pathetic,

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and they all should feel shame. This session, while it's still going on, they may think they did a good thing. But after they leave here and have a chance to think about it and talk to people, they're not going to feel so good about it. They're not going to feel good at all, because they did not carry out their duty and their responsibility. Fear, spinelessness, gutlessness carried the day. And as was pointed out, term limits will give the Governor a free hand, and he will control, because these new people don't have sense enough to understand... [LB570]

PRESIDENT SHEEHY: Time, Senator. [LB570]

SENATOR CHAMBERS: ...what is going on. Thank you, Mr. President. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Louden. [LB570]

SENATOR LOUDEN: Thank you, Mr. President and members. As I pushed my button on to speak here, I...the reason for that is, is we're drafting an amendment there, as Senator Chambers and I discussed. And at the present time, one of my staff members will probably give it to the Senator to see if there's anything he wants to add to it, or if it's satisfactory with what he was thinking. What this amendment will do, will make in more broader terms on the people that can be allowed to receive Gold Star plates. And the way some of it is, I think, is, we have ancestors and descendents, so that would get to your grandparents, your great-grandparents, and your descendents then would take in any children that they would have. Along with that, we put in the foster mother and father in loco parentis, which according to Senator Chambers, my understanding is that that would be people that has reared children, such as uncles, aunts, or someone like that. So we hope that this will cover more of the families involved. And the ones that it really, really matters to is the local families involved that have lost these loved ones. So with that, we see if we can advance that, and I'll go ahead and then see if...see what the...would Senator Chambers yield to a question, please? [LB570]

PRESIDENT SHEEHY: Senator Chambers, would you yield to a question? [LB570]

SENATOR CHAMBERS: Yes, I will. [LB570]

SENATOR LOUDEN: Is that close to satisfaction for the listing of people that can receive this Gold Star Family license plate? [LB570]

SENATOR CHAMBERS: Yes, I think that it's going to work, because we don't have to try to list every single category of relative. And when it is in final form, then I'm going to let your amendment go ahead of my Ku Klux Klan amendment; then you can invoke cloture on my Ku Klux Klan amendment, and yours will have been adopted. [LB570]

SENATOR LOUDEN: Okay. Thank you, Senator Chambers. I'll...we'll make a motion for

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that amendment at the present time, then. And like I say, this is always a work in progress, and I look for help anyplace I can get it. I appreciate Senator Chambers' help, and also, Senator Wightman came up with some suggestions for the wording on that, too. So I think this is something that everybody has a part in. So with that, I thank you, Mr. President. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Louden. Are there others wishing to speak on the motion to reconsider? Seeing none, Senator Chambers, you are recognized to close. [LB570]

SENATOR CHAMBERS: Thank you. Mr. President, I have five minutes to close. Maybe in that time the amendment can be properly drafted. And as I stated, somebody will give me the high sign. If that happens before my close is completed, then I will ask unanimous consent to withdraw my reconsideration motion. Then I will withdraw my Ku Klux Klan amendment and refile it after the amendment that's being drafted now. If that amendment is not drafted by the time I get through closing, I will ask for a call of the house, I'll ask for a roll call vote, and if after that, the amendment still hasn't been properly drafted, I will then embark on a discussion of my KKK amendment. When I become aware of the fact that the amendment is up there, I will withdraw the KKK amendment, and then I will refile it. But while we're waiting to do that, I will close. The reconsideration motion will suffer the fate of other motions that I've offered, even though an amendment was adopted. But the bill is one that I still do not like. I still am opposed to license plates serving any purpose other than to show that a vehicle is being operated legally on the streets and highways of the state. Even though I've worked with Senator Louden on this amendment, I will not vote for the bill. But since it looks like the bill is going to pass, it should be in a form that will allow it to do what we've been told the intent is. I think that the amendment that's being drafted will cover any member of the family who preceded the one who died, the word "ancestor" will include those who preceded; or "descendent," which will cover those who follow--for example, a child, or all those others; then a foster parent or...or, and a person in loco parentis. That would mean an aunt, an uncle, it could even be a close friend of the family who had reared that child. And since there is going to be some documentation required, that person could establish that relationship. There are certain things now that can be done to establish a family relationship. For example, if a person dies and there are children who would be entitled to some Social Security because he or she is a child of that person who died, but the parent of the child wasn't married to the one who died, they have birth certificates, Bible entries, all kinds of things. And the reason I know this, I was trying to help a family like that, and they mentioned various documents. While my time is running,... [LB570]

PRESIDENT SHEEHY: One minute. [LB570]

SENATOR CHAMBERS: ...Mr. President, I believe the amendment is ready, so the first

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thing I want to do is withdraw this pending motion. [LB570]

PRESIDENT SHEEHY: Senator Chambers is withdrawing his motion to reconsider with unanimous consent. Is there objection? So ordered. [LB570]

CLERK: Mr. President, then, Senator Chambers, based upon your comments, Senator, I trust you'd like to withdraw AM1501 at this time and refile it? [LB570]

SENATOR CHAMBERS: Yes, that's correct. [LB570]

PRESIDENT SHEEHY: AM1501 is withdrawn. [LB570]

CLERK: Mr. President, Senator Louden would move to amend the bill with FA142. (Legislative Journal page 1841.) [LB570]

PRESIDENT SHEEHY: Senator Louden, you're recognized to open on FA142. [LB570]

SENATOR LOUDEN: Thank you, Mr. President and members. This amendment would clarify and expand somewhat the people that are eligible to receive these Gold Star Family license plates. As it reads on the machine now, why, you would insert "ancestor" in there, and so that would be anyone that has went...that was previous to that person; and then you would include stepparents, and also descendents, so that would include most of the descendents, and that would...and including stepchild, a foster parent, or a person in loco parentis, or a sibling. And you would strike grandparent...or, "parent, grandparent, sibling, or child," because in the other part we put in an ancestor and a descendent. So with that, I would ask that you would adopt this amendment. As we've had the discussion, you've already heard most of the discussion on it, and the process we went through to put that on there and bring it forward. It's all been very clear what we've done, so with that, I would ask for your support for FA142 to LB570. Thank you, Mr. President. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Louden. You have heard the opening to FA142 to LB570. The floor is now open for discussion. Senator Chambers. [LB570]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm going to vote for this amendment, even though I'm not going to vote for the bill. And I do believe that it probably covers the waterfront, or so much of it that whatever or whomever might be missed will be not of great significance. Thank you, Mr. President. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Is there further request to speak? Seeing none, Senator Louden, you're recognized to close. Senator Louden waives closing. The question before the body is, shall FA142 be adopted to LB570? All

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those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB570]

ASSISTANT CLERK: 28 ayes, 0 nays, on the adoption of Senator Louden's amendment. [LB570]

PRESIDENT SHEEHY: FA142 is adopted. Next item, Mr. Clerk. [LB570]

ASSISTANT CLERK: Mr. President, Senator Chambers would offer AM1501. (Legislative Journal pages 1841-1842.) [LB570]

PRESIDENT SHEEHY: Senator Chambers, you're recognized to open on AM1501. [LB570]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, this is my KKK amendment. I want it in the record. This is what the amendment would say. But before I tell you what it says, remember, any group that approaches the state is going to put the best face on itself and what it does. So I want to give you an idea of what you are inviting. The more of these plates that you do, the wider you open the door. Insert the following new section: Section 2, subsection (1)--whenever the term "department" is used, that means the Department of Motor Vehicles--"The department shall design license plates to be known as KKK Flaming Cross plates. The department shall create a design reflecting recognition of the Ku Klux Klan, an inspirational social association of patriotic Americans dedicated to freedom and Americanism. The design shall be created in consultation with a certified Grand Dragon of the Ku Klux Klan, a certified Imperial Wizard of the Ku Klux Klan, the head of a local Klavern in good standing with the Ku Klux Klan or any branch thereof, or former Nebraska State Patrol Trooper Robert Henderson. Subsection (2) The design shall be selected on the basis of: (a) Featuring a flaming cross and the letters KKK; (b) Enhancing the marketability of the plates to members and supporters of the Ku Klux Klan; and (c) Limiting the manufacturing cost of each plate to an amount less than or equal to the amount of license plates pursuant to Section 60-3,102. Subsection (3) The department shall make applications available for this type of plate when it is designed. Subsection (4) The department may adopt and promulgate rules and regulations to carry out this section." Members of the Legislature, other than the group involved, what is wrong with this amendment? It tracks the language of the amendment that you're about to adopt. Do you feel that you're in a position, in Nebraska, to object to a license plate that acknowledges recognition of the Ku Klux Klan, when we've had votes on this floor that reflect the intolerance, the bigotry, the hatred of the Ku Klux Klan? Jerry Falwell, who just passed on to his reward--and I hope he has asbestos trousers--is the one who blamed America's acceptance of gay and lesbian people for natural disasters such as Hurricane Katrina. I helped Senator Friend get a bill in some kind of shape that would allow some restriction on people who would protest at and against the funerals of servicemen. I helped him do that. And do you know why these people protest these funerals? You all don't know, do you, because

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you don't read the paper and you don't know anything except your bigotry. Because they say that these men are dying in Iraq and Afghanistan...and I want Senator Kopplin to hear this, because Senator Kopplin is not among those who is against people being shown their rights. Senator Kopplin, these people from Kansas protest against these funerals because they say these men are dying as God's punishment to this country for tolerating gay and lesbian people. See, they're right there with you all. They just take it a step further. They don't like them any better than you all. They're you. You're them. You're one of them. So when you see them out there with their signs at these funerals, don't get mad at them. They've just got more courage than you. They get out there on Front Street and they say just what you said with your vote. They're showing you what you are. You're the acorn; they're the full-grown oak tree. All the same. So you all ought to vote for my amendment, because I'm going to take it to a vote, and I'm going to ask for a roll call vote. And I'm going to watch these hypocrites who voted against protecting the right of people to work without discrimination. I want to watch them vote against this amendment, when this amendment is designed to recognize an organization with which they agree. You and the Ku Klux Klan are the same. And you know what they called themselves? The Christian Knights of the Ku Klux Klan. And you all are Christian haters. You know why I didn't put "Christian Knights" there? Because you cannot have the license plate that would recognize a religion; otherwise, I'd have put "Christian Knights." Just like you all, you prayed that morning, then you went out and did your dirt. That's what you did. I'm not going to let you all get away with it. In fact, I'm going to tell you all a joke to lighten the mood. Some of you all have heard of Percy Shelley. He was a poet. There was a young woman named Marry Shelley, Mary Wollstonecraft Shelley, who wrote a book called Frankenstein. Well, Shelley died, and Shelley was going to that place that you all say you believe in, which is heaven. And when Shelley got there, there was a doddering old woman dressed like a penguin in front of him, and she had to sign the book before she could get in, and she was taking a long time to sign the book. And Shelley got impatient, because Shelley was young still, and Shelley was shifting from foot to foot. And Saint Peter, he's the one they say is the gatekeeper. I don't know if that's who it was, but he was one of these old guys with a beard longer than mine, Senator Schimek. And Shelley is asking, can't you make her hurry up? I did a lot to get here; it was tough. So after this had gone on for a while, you know what the man at the gate told him? (Singing) Wait till the nun signs, Shelley. (Laugh) Maybe I ought to ask forgiveness for that one. But at any rate, what you have done with this bill so far, in my opinion, is to improve it. I think one of the best improvements was the amendment that Senator Louden offered that includes those different categories of family members or persons connected to the one who died. I think the next most important one was Senator Carlson's, because it focused attention on the person... [LB570]

PRESIDENT SHEEHY: One minute. [LB570]

SENATOR CHAMBERS: ...who actually died, and the fact that the person should be in good standing at the time he or she died. Then I offered an amendment which falls in

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there someplace, but it wasn't as consequential as those other two. And I'm going to say a couple more things on this amendment that's pending, and I do intend to take it to a vote. Thank you, Mr. President. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Chambers. You've heard the opening to AM1501. Members wishing to speak are Senator Wallman, followed by Senator Chambers. Senator Wallman. [LB570]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. I stand opposed to this amendment. And I can tell Senator Chambers a little story about the South. In the 1950s, I was in the South, and I was on a bus. The bus was segregated, and it was full--the white people at the front of the bus, as Senator Chambers knows, the black people had the back. And so I sat in the back. And those people in the back saved my neck, because they told me, you'd better get out of here or you might not live to see tomorrow. So racial segregation...I was in the South, Florida, Alabama, Tennessee. It was quite prevalent back then. And was I proud of America? Definitely not. So I'd hate to promote this Ku Klux Klan business. It was alive and well. Working for a contractor down there, my best friend was working for the contractor, and the farm where these people were found in a dam. And he rushed back to Nebraska, relatively safely, he thought. And so I do know what prejudice is all about. And if I say I'm not prejudiced on certain groups of people at one time or another...you know, the Germans were picked on during the Second World War; they threatened to blow up our church because we still had German services, we had German confirmation, everything was German. And after that bomb threat, immediately the church services went to English, where they should have been. And so prejudice at one race or another in society, that's what we do. As a nation, we have a long ways to go. And the other day, I was not proud of how I didn't vote on something. And it's easy to stand by the side and watch sometimes prophets preach at us, and we don't listen. And that's what we do. And thank you, Mr. President. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Wallman. Senator Chambers, followed by Senator Schimek and Senator Wightman. Senator Chambers. [LB570]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I want to read from a Lincoln Journal Star article, dated May 26: Transsexual becomes mayor in England. "Cambridge, England. The mayor is a transsexual, so is her partner, and this university city is taking them in stride. Jenny Bailey, 45, was installed Thursday as mayor of the Cambridge City Council, and her partner Jennifer Liddle,"--L-i-d-d-l-e--"...49, a former council member, assumed the honorary title of mayoress, which is given to the partner of the mayor."..."Rob Hammond, Cambridge Council's chief executive, said he knew there would be interest in the new mayor's sex change. It is the council's firm view that someone's gender and sexual orientation has no bearing on their suitability to hold public office, Hammond said." How backward is

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Nebraska? You all don't even want people to be able to get a job because of their sexual orientation. And then you're going to vote against my Ku Klux Klan amendment? They would have voted just like you did. They were out there in the hallway. That Riskowski, perfect representative of the Ku Klux Klan. He's a Reverend Doctor Imperial Wizard of the Ku Klux Klan. The man who headed the Ku Klux Klan organization that former State Trooper Robert Henderson joined is an ordained baptist minister. Being a Klan member and a Christian is not incompatible. That's why they call themselves the Christian Knights of the Ku Klux Klan. Why do you think they burn the cross? Because it is to symbolize Christianity, aggressive, militant Christianity, fighting against the same people you all voted against. They don't think that gays and lesbians should be able to work either. They're just like you. Oh, but you wear a suit, huh? You go to church on Sunday, don't you? So you think you're better than a Klansman? A tree is known by the fruit it bears. A Klansman is not known by the suit he wears. Some of them are honest--they wear pillowcases and bedsheets. You all don't do it like that. You wear business suits, part your hair on the left side, have delightful grandchildren, have relatives who are gay, as Senator Harms told us. But they don't have the right to get a job without facing discrimination. Why do I mention my colleagues by name? The record is there; their name is on it. When you go up there before Saint Peter, the one who said, wait till the nun signs, Shelley, he going to ask you, what are you doing here? Why, you all are going to have as much chance of getting into heaven as Colonel Sanders will have getting into heaven when the gatekeeper is a chicken. Now, he walks up there and he sees the gatekeeper saying cock-a-doodle-doo, and what do you think Colonel Sanders going to do? He's just going to bow his head and turn around and walk away without a word. That's you all. Colonel Sanders got a better chance of getting in chicken heaven than you all have. [LB570]

PRESIDENT SHEEHY: One minute. [LB570]

SENATOR CHAMBERS: Jesus said it's easier for a camel to go through an eye of a needle than for a rich man to get into the kingdom of heaven. I bet a Klansman will make it before you all, because a Klansman at least is honest enough to say what he or she is. They say what they are. You all want to say, I'm not a bigot, but you do just like the bigots do. I think the Klan should have a license plate in Nebraska, because it says it's available to members and supporters, and that means the vast majority of Nebraskans are entitled to one of these plates. Whether they'd be honest enough to get one and tell the world what they are is another story. But you tell God what you are. You're more scared of God than you are of these people around here. He knows you're a bigot. I know you're a bigot. Your vote says you're a bigot. Here a bigot, there a bigot, everywhere a bigot bigot. [LB570]

PRESIDENT SHEEHY: Time, Senator. [LB570]

SENATOR CHAMBERS: Thank you, Mr. President. [LB570]

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PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Schimek. [LB570]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. Senator Chambers, you can talk all day and you can talk all night, but you'll never get me to support this amendment. (Laugh) And the main reason is that that's why I have never supported license plates before, as far as being specialized, because my fear is that one day on the floor of this Legislature we will have to confront an amendment like this. And I don't know. I know I said it once on the floor, maybe others have said it also, I think Senator Mines did, that the head of the Department of Motor Vehicles, Bev Neth, warned us...maybe "warned" is not the right word, but told us in the committee that if we go too far down the line, then we won't be able to say no to amendments like this, or bills like this, because the courts will tell us that once we've opened up the gates and allowed these to be used as free speech kinds of mechanisms, the license plates, I mean, then we're going to have to admit everybody. And so I appreciate the fact that you brought the amendment, because it gives me a chance to talk specifically about how careful we have to be in having specialized license plates. But there's no way, there's no way, Senator Chambers, that I will support you on this amendment. And if you would like, if you have recovered from that sad news, you may use the rest of my time if you would like. [LB570]

PRESIDENT SHEEHY: Senator Chambers, you're yielded just over three minutes. [LB570]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Schimek. And you are absolutely right. I had stated early on, even before I got to the amendment itself, that the amendment is designed to make a point, and the point is the one that Senator Schimek underlined. You all need to be aware of what it is that you're doing, be aware of what you're inviting into your house. Lawyers have often heard the expression, you get the nose of the camel into the tent, then the body follows. You all are so narrow in your view, you are so shortsighted, some of you see no further than the inner surface of your eyelid when it's closed. You think that because you don't want certain things to be a certain way, and you would not support them, that your attitude will stop these things from happening. You can set in motion forces that you no longer will control. You'll say, I didn't mean that, I didn't intend that. Then you needed to think about it. You need to use your brains, use your mind. But you get carried away by emotion, and emotion is going to make you open that door that you're not going to be able to close. You've heard them say, you can't put the genie back into the bottle. Can a cigarette be unsmoked? But what I'm saying is like words falling on deaf ears. But they will be a matter of record. And the Klan has as much right to have a license plate as any of these organizations that you all talked about, because by your votes, your votes, your votes, you show that you are in league and lockstep with the Ku Klux Klan. You gave a KKK vote. That's what you did. You can call it anything you want to, you can try to pretend that's not what it is,

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but inside, you know that's just what you did. [LB570]

PRESIDENT SHEEHY: One minute. [LB570]

SENATOR CHAMBERS: You and the Klan are the same. When you look in the mirror, put a pillowcase on your head and cut eyeholes in it. That is you. That's what you really are. But you don't want to acknowledge it. You think putting a suit on makes you something different, but it doesn't. You don't make Nebraska a state of which anybody can be proud. You talk about a brain drain and young people wanting to leave this place. They have a chance to sit up here or watch us on television and see what their leaders are about, the kind of nonsensical things that are said as a justification to prevent people from getting a job. And you want them to stay here and be like you? Maybe they don't want to be like the Klan. But all they have are Klansmen and Klanswomen as their examples. [LB570]

PRESIDENT SHEEHY: Time, Senator. [LB570]

SENATOR CHAMBERS: Thank you, Mr. President. [LB570]

PRESIDENT SHEEHY: Senator Wightman, followed by Senator Chambers. Senator Wightman. [LB570]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the Legislature. I realize that this amendment was put up just to allow Senator Chambers to make a statement. And certainly, he's made a statement from it. I do have a couple of questions I might ask him, if he would yield to a question. [LB570]

PRESIDENT SHEEHY: Senator Chambers, would you yield to a question? [LB570]

SENATOR CHAMBERS: Yes, I will. [LB570]

SENATOR WIGHTMAN: Senator, I wonder, if I had introduced a stand-alone bill to have accomplished the same thing that you're asking us to adopt, at least facetiously, by AM1501, what would have been your position? [LB570]

SENATOR CHAMBERS: You mean if you offered what I'm offering as a bill? [LB570]

SENATOR WIGHTMAN: Right. [LB570]

SENATOR CHAMBERS: I would oppose it. [LB570]

SENATOR WIGHTMAN: I thought so. Matter of fact, if you thought it had any reasonable chance of being adopted or advanced, I assume that it would be worthy of

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about eight hours of debate, wouldn't it? [LB570]

SENATOR CHAMBERS: Well, I would oppose it because I don't think license plates ought to be used to convey any message of any kind, by the Klan, the church, by Malcolm X, or black people. So I would oppose any license...any bill to put messages on license plates or advance any causes. [LB570]

SENATOR WIGHTMAN: You've made statements, Senator, that you usually introduce or support amendments that make a bill better. I assume you wouldn't take the position that this would make this bill better? [LB570]

SENATOR CHAMBERS: It would make it more honest. And if it's more honest, it would be better in a moral sense. [LB570]

SENATOR WIGHTMAN: Thank you, Senator Chambers. Thank you, Mr. President. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Wightman. Senator Chambers, and this is your third time. [LB570]

SENATOR CHAMBERS: You said this is my third time? [LB570]

PRESIDENT SHEEHY: Correct, Senator. [LB570]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I did offer the amendment to make a point. I would oppose any bill that purported to do what my amendment is suggesting that we do. But I wouldn't be any more opposed to it than I am opposed to this Gold Star plate, than I am opposed to any of these message plates. You all think that the wars are great, you all think that anybody who dies in a war is honorable, you all think any service in a war is honorable, and I don't agree with any of that, not on your life. But we have different points of view. So whereas you think the message of a gold star is a good and noble one, I think this Ku Klux Klan amendment is no less so. They say that they're a social organization. They say their goal is to implement Christian principles. They say they want to take America back to its roots and its origins. You all say that, too. And we know that that might just be puffery, that it might be an attempt to give the appearance that they're something they're not, mere idle propaganda to hide something which some people would deem evil, something quintessentially evil. However, there are people who believe in this that the Klan teaches and practices, as much as you believe in and practice your religion. In fact, they practice their Klan religion more than you practice theirs...yours, because they say they hate these groups and then they demonstrate it. They don't have the sin of hypocrisy to deal with that you all have. They burned down a house, they blew up a church with little girls, they burned crosses to terrorize people, and they acknowledge it. That's what the

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Klan is about. They practice what they preach and teach. What about you all? You say God is love, but you don't practice it. You say, of one blood God made all nations of people. You say it, but you don't practice it. You don't believe it. You all say that Jesus claims that God that you all worship so loved the world and everybody in it that he gave his only begotten son, that whosoever believeth in him shall not perish, but have everlasting life. That's what you all say you all believe. But you all exclude certain of God's children out. And that's what you do with your religion. You're not as good as the Klan. If I were dealing with a Klansman, I'd know what I'm dealing with. I don't know what I'm dealing with when I deal with you. You pray in the morning to God; then you carry out the devil's work all day on the floor of this Legislature. The difference between you and me, I don't care if people call me the devil. I don't care if they say I'm in league with the devil. What they say means nothing to me. What means something to me is living up to what it is that I believe, and not being afraid to stand for it, no matter how many people are against it. Ralph Waldo Emerson said, God does not make his works known through cowards,... [LB570]

PRESIDENT SHEEHY: One minute. [LB570]

SENATOR CHAMBERS: ...does not make his works manifest through cowards. That's why I guess no works of God are manifest on this floor. I bet it was a sad day in heaven, if there is a heaven, when you all gave that vote the other day saying, we don't believe people should have the right to hold a job, then go home and pray. And the "Bible" says, God hears not a sinner pray. You all don't believe that either. You all don't believe any of that. You say it, but you don't believe it. Or maybe you do, but you're praying, hoping that he'll hear you, despite the fact that you keep doing those things that will plug up his ears so he won't hear you. I bet when you all pray, Jesus will stick his fingers in his ears and say, ahhh, so he can't hear you. You all make it possible for somebody to talk to you like this. I'm treating what you say you believe in... [LB570]

PRESIDENT SHEEHY: Time, Senator. [LB570]

SENATOR CHAMBERS: ...with more respect than you do. Thank you, Mr. President. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Are there other members wishing to speak on AM1501? Seeing none, Senator Chambers, you're recognized to close. [LB570]

SENATOR CHAMBERS: Thank you, Mr. President, members of the Legislature. Who would ever have thought that I would bring an amendment to authorize a license plate recognizing the Ku Klux Klan. I think the Ku Klux Klan is emblematic of Nebraska. All it does is pull the cover off everybody, tells everybody what Nebraska is. And you'd have that flaming cross. That symbolizes Christianity, without you putting the word

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"Christianity" on there, because you can't do that. You'll get your Gold Star license plate, and you'll feel very good. But you'll feel best when the session is over because you've put them gays and them lesbians in their place. They can continue to be discriminated against. And if everybody who employs anybody was like you all, that would mean they could not get a job anywhere, and that would be just fine with you all and your Reverend Riskowski. I bet his wife is so glad when the Legislature is in session, because she don't have to put up with him. Have you ever looked at him? Can you imagine trying to get in a romantic frame of mind, and open your eyes, and there he is looking at you? This close to you? That's when Christian rectitude comes in, and she grits her teeth and carries out her wifely duties, thinking, oh, if only I could do what I feel like doing. Next time you see him, look at him. Ralph Waldo Emerson also said that nature is not slow to dress a man in the livery of his thoughts and attitudes. And you can tell a lot about him by looking in his face and listening to what comes out of his head. He is very hateful, and he got you all dangling at the end of his string. You all are a puppet Legislature. You know who ought to be sitting up in that chair? Pinocchio, because you're a puppet Legislature, so what better leader than Pinocchio? This is Pinocchio's Legislature. Oh, I'm going to keep that issue on you. But remember, all I'm doing is talking. If anything bothers you, that's your own conscience. There was something in you that had not quite died, but you're doing all you can to kill it, and I don't want to let you get away that easily. See, every time you're up there praying, I'm watching you down in my office, I'm looking at you. The other day, history was made. You all took so long to get your prayer going that Senator Langemeier just said, we're going to go into the session, and you didn't have a prayer that day. You all didn't even miss it, because very few of you are up here anyway. There were only four of them up here at that time. I keep a running count. You all don't like that prayer any more than I do. But again, you play the game, don't you? I tell you I respect what you all believe more than you do, because out of regard for people who pretend to believe it, I won't come in the Chamber when you all are going through your rigmarole. But then I watch you the rest of the time, and I'm up here with you and among you, watching you and listening to you. [LB570]

PRESIDENT SHEEHY: One minute. [LB570]

SENATOR CHAMBERS: And you're protesting that you're not a bigot. I'm called the biggest racist in the state. Do you hear me always up here, standing up, saying, I'm not a racist, I'm not a racist? They can say whatever they want to. Let my works speak for themselves. But when the vipers are hissing, that means somebody is striking very close to the nest. So when I hear these vipers hissing, then I know I'm doing my job. And I want you to be angry at me, because I defend the people who have no defense, speak for those who have no voice, and will condemn those who will harm those who are powerless but they won't stand up to the powerful, those who have been discriminated against, or their people have, like Senator Fulton, then he joins the side of the enemy; Senator Harms, who in this book that the Legislature puts out talks about how he faced discrimination because of his Greek ancestry and how troubling it was to

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him. [LB570]

PRESIDENT SHEEHY: Time, Senator. [LB570]

SENATOR CHAMBERS: But it didn't trouble him enough to make sure he didn't do it to others. Thank you, Mr. President. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Chambers. You have heard the closing to the amendments. The question before the body is, shall AM1501 be adop...Senator Chambers? [LB570]

SENATOR CHAMBERS: I'd like a call of the house and a roll call vote. [LB570]

PRESIDENT SHEEHY: We have a request for the house to be placed under call. 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. [LB570]

ASSISTANT CLERK: 29 ayes, 0 nays, to go under call, Mr. President. [LB570]

PRESIDENT SHEEHY: The house is under call. All unexcused senators please report to the Chambers. All unauthorized personnel please step from the floor. The house is under call. Senators, please record your presence. Senator White, would you please check in. Senator Heidemann, Senator Christensen, Senator McDonald, the house is under call. Senator Chambers, all senators are present or accounted for. You have requested a roll call vote. Again, the question before the body is, shall AM1501 be adopted to LB570? Mr. Clerk. [LB570]

ASSISTANT CLERK: (Roll call vote taken, Legislative Journal pages 1842-1843.) The vote is 1 aye, 43 nays, Mr. President. [LB570]

PRESIDENT SHEEHY: AM1501 is not adopted. The call is raised. Anything further, Mr. Clerk? [LB570]

ASSISTANT CLERK: I have nothing further on the bill, Mr. President. [LB570]

PRESIDENT SHEEHY: Senator McGill. [LB570]

SENATOR MCGILL: Mr. President, I move LB570 to E&R for engrossing. [LB570]

PRESIDENT SHEEHY: You have all heard the motion. Senator Chambers. [LB570]

SENATOR CHAMBERS: Mr. President, members of the Legislature, this is not to delay the bill. I'm not going to push Senator Loudon to cloture. He has shown, throughout this

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debate, a willingness to do whatever would be needed to make this bill what it ought to be, except when he disagreed with motions and amendments that I would offer. But then, nobody is perfect, except one. (Laugh) So I'm not going to delay this bill. But what I would like to have is a roll call vote, so that everybody will be on record when the day comes that the gate has been opened wide. I want this day to go down with the votes of those who are helping to open that gate to an amendment such as the one that I offered but which was rejected. Thank you, Mr. President. [LB570]

PRESIDENT SHEEHY: Thank you, Senator Chambers. We have had a request for a roll call vote on the advancement of LB...Speaker Flood. [LB570]

SPEAKER FLOOD: I'd request a call of the house, Mr. President. [LB570]

PRESIDENT SHEEHY: We do have 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. [LB570]

ASSISTANT CLERK: 40 ayes, 0 nays, to go under call, Mr. President. [LB570]

PRESIDENT SHEEHY: The house is placed under call. All unexcused senators please report to the Chambers. All unauthorized personnel please step from the floor. The house is under call. Senator Pankonin, would you please check in. Senator Ashford, would you please check in. Senator Synowiecki, the house is under call. All senators are present or accounted for. The question before the body is, shall LB570 advance to E&R for engrossing? There's been a request for a roll call vote. Mr. Clerk. [LB570]

ASSISTANT CLERK: (Roll call vote taken, Legislative Journal page 1843.) The vote is 45 ayes, 1 nay, Mr. President, on the advancement of the bill. [LB570]

PRESIDENT SHEEHY: LB570 does advance. The call is raised. Mr. Clerk, we'll move to the first item under General File. [LB570]

ASSISTANT CLERK: Mr. President, LB570A, introduced by Senator Louden. (Read title.) The bill was read for the first time on March 21. [LB570A]

PRESIDENT SHEEHY: Senator Louden, you're recognized to open on LB570A. [LB570A]

SENATOR LOUDEN: Yes, thank you, Mr. Speaker and members of the body. LB570A was the A bill that went along with the LB570. It was for the...to fund it. And since we changed the one amendment in there and set it up so it doesn't take effect until 2010, we don't need the A bill now. So I make a motion that we indefinitely postpone LB570A. [LB570A]

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PRESIDENT SHEEHY: Mr. Clerk, you have a motion on your desk? [LB570A]

ASSISTANT CLERK: Mr. President, I do. Senator Louden would move to indefinitely postpone the bill. [LB570A]

PRESIDENT SHEEHY: Senator Louden, you're recognized to open on your motion to indefinitely postpone. [LB570A]

SENATOR LOUDEN: As I've mentioned, since we've changed the original bill, the underlying bill, to not take effect until 2010, at the present time we don't need the A bill. So with that, I would ask that the A bill be indefinitely postponed, and the other bill can then move forwards without it. Thank you. [LB570A]

PRESIDENT SHEEHY: Thank you, Senator Louden. You've heard the opening on the motion to indefinitely postpone. The floor is open for discussion. Senator Chambers. [LB570A]

SENATOR CHAMBERS: Mr. President, members of the Legislature, now the checker game begins. This is not a chess game, because what we're dealing with doesn't involve stakes that high. I'm sure Senator Louden was advised of the fact that his bill must wait until the A bill catches it, so he thought the best thing to do would be to delay the implementation of the main bill, then he can get rid of the A bill, and by him making a motion to indefinitely postpone it himself, we won't stay on it a long time, because he's in control of the bill. But he's really not. I'm going to take some time on this A bill. I don't know how many times I should say that I don't like these license plate bills. But I have to say it again and again, and to show that I'm not going to get worn out. I don't know whether any other bills on the agenda mean anything, because it's 5:00. I had said that I would talk on that bill until 5:00, and Senator Louden got his vote to advance the bill at 5:00. So I kept my promise, but I didn't force him to cloture. But I am going to take some time on the A bill. I had been told that the bill on Select and the A bill on General File wouldn't come up on the same day, but it's the same day, and here both of them are. So sometimes I'm told things that don't work out in the way that I'm told. So now my mood has changed. (Laugh) I've been a good fellow all afternoon, easygoing, easy to get along with. I worked with my foe. Senator Louden can tell you what I did to his groundhog...to his prairie dog bill last year. That didn't happen. I worked with him. We reached some accords, and he moved his bill without invoking cloture. Well, now I see other bills that probably don't count very much to anybody. LB171 is a good bill. After that, I don't see any need for any of these other bills. I don't think LB246 needs to go anywhere, and I certainly don't think LB112 needs to go anywhere. If we add eight hours to 5:00, how much is eight and five? Eight and five is thirteen. Are you all willing to stay here till "13:00" tonight? You all going to stay here with me till "13:00"? And you think I can't keep you here till "13:00" tonight, and tomorrow also? You think I can't? You

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think I won't? You thought I wouldn't stay here till 5:00 on Senator Louden's bill, because we started at 1:00, 1:30, or thereabouts, and I would have had a long time, the way you reckon time, to stay on that bill. That was easy. And with these bills, there's a lot more to work with here. Look at Senator Louden's bill. How many opportunities were in that bill to offer amendments? We can make them up. But on these bills, provide requirements for coroners relating to the procurement of anatomical gifts and provide for civil and criminal immunity. That's a mouthful, and I can get a lot of mouthfuls of discussion out of that bill. [LB570A LB171 LB246 LB112]

PRESIDENT SHEEHY: One minute. [LB570A]

SENATOR CHAMBERS: Now, if we stay here till 9:00 on LB246, then I only got to stay on four hours to LB112. But we have to stay eight hours on General File before you can invoke cloture, unless the Speaker is going to change in midstream on that. We'll just have to see how that plays out, won't we? But I'm not going to let the Legislature go just yet. I'm going to hold on with pit bull-like tenacity. Thank you, Mr. President. [LB570A LB246 LB112]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Mr. Clerk, do you have items for the record? [LB570A]

CLERK: I do, Mr. President, a few items. LR217 is a resolution by Senator Pahls. That will be laid over. LR218, a second resolution by Senator Pahls. That, too, will be laid over. LR219, offered by the Judiciary Committee, calling for an interim study. That will be referred to the Executive Board. Your Committee on Judiciary, to whom was referred LR214, reports the resolution back to the Legislature for further consideration. Communication from the Governor. (Read re LB338, LB343, and LB343A.) Enrollment and Review reports LB265, LB351, and LB351A as correctly engrossed. And I have a confirmation report from the General Affairs Committee. That's all that I had, Mr. President. Thank you. (Legislative Journal pages 1844-1847.) [LR217 LR218 LR219 LR214 LB338 LB343 LB343A LB265 LB351 LB351A]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Members wishing to speak on the motion to indefinitely postpone is Senator Louden, followed by Senator Ashford and Senator Chambers. Senator Louden. [LB570A]

SENATOR LOUDEN: Yes, thank you, Mr. President and members of the body. I...as we're going to have some discussion on this bill, I thought I would bring it forwards, the reason that we are indefinitely postponing, or wanting to indefinitely postpone LB570A. As we drew up this bill last spring, or, last winter is when we first started on it, it looked like there was...as the Department of Motor Vehicles decided they needed some money to make the plan work. They had some of their computer work and some of the other things, and that's what the fiscal analysis came up with, about \$20,500, I think it was.

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The way it's come down now, by having...time the license plates are designed and the design is brought forwards and the other work that has to be done on it, and some of the stuff brought into place, it would probably be about 2010 before they would be eligible to have for sale. So with that, why, we did this, this part here, by taking the A bill out. Whether it's saving money or not, it will probably have to be money that will be probably spent sometime or another. But in the future there, as we need it, then it won't be that hard to appropriate. And maybe by that particular time they might have found out that it isn't going to cost quite that much to implement these plates, with their computer graphics that they use nowadays. So with that, I certainly ask that this bill be indefinitely postponed, and I'd ask your support for that. Thank you, Mr. President. [LB570A]

PRESIDENT SHEEHY: Thank you, Senator Louden. Mr. Clerk, you have a motion on your desk? [LB570A]

CLERK: Mr. President, I do have a priority motion. Senator Chambers would move to bracket LB570A until May 31 of 2007. [LB570A]

PRESIDENT SHEEHY: Senator Chambers, you're recognized to open on your motion to bracket until May 31, 2007. [LB570A]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I get a chance to run through my bracket motion. Then I have a chance to reconsider. Senator Louden can then carry through on his motion to indefinitely postpone. It doesn't make me any difference. And if I hadn't been rubbed the wrong way, then I wouldn't be doing what I'm doing now. But when people think that they've outsmarted me, then I'm just going to show them that really they didn't. I could pull my motion now, because the point has been made. But sometimes it's necessary to drive a point home, and that's what I intend to do, in my own way, according to my own methodology, taking the amount of time that I feel that I need to take. When can anybody on this floor, whether you've been here a long time or just got here, say that I did not play by your rules? I always play by your rules. And you think that you can ace around me. (Laugh) When we get to a vote, you can win there, because you are always in the majority, always. I know that. Look at my complexion and look at yours. Who is always in the majority? Who always has the upper hand? Who always is arrogant and self-assured? You. But every now and then, I can disturb your water, every now and then. I'm really surprised that nobody voted with me on my Ku Klux Klan amendment. Some of you all are afraid to vote. But if you'd voted the way you believe, you'd have voted for my amendment. And here's what you'd be saying when you're out drinking with each other, wherever you go to drink. You'd say, what's the matter with the Klan? What's the matter with Chambers? What's the Klan ever done to him? Burn a few houses? So what? A forest fire burns more houses than the Klan burned. Blew up a couple of churches? He don't like churches. He probably agrees with us blowing up churches. Burn some crosses? That ain't bad. He

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don't like Christianity. What's wrong with the Klan? We don't like people? The Legislature don't like people, and he stays around them. Then you all would say, you know what, by God, we should have voted for that amendment, because we voted for the Klan, with the Klan, where it really counted. You all voted against the rights of people. And I know you're going to get tired of hearing that, but I'm not going to get tired of saying it, because I want to say it again and again and again. And that's what your hell is going to be. Your hell is going to be hearing me throughout eternity saying, you voted with the Klan, you voted with the Klan. And you're not going to be able to get rid of it. You'll be hearing it in your sleep tonight. You'll be having nightmares about it, because that's the way you are. You're weak, you're cowards, and you're hateful. And you can gang up on those who are helpless, and that's what you will do. So gang up on me. I'll be your even change. Do your best or do your worst with me, because I'm right here with you and you can't get away from me and you can't get around me. And you'll get your little Gold Star plates, but what does that amount to? There's something more than that that I got out of all of you today. And I will do as I please on the floor of the Legislature, under your rules. Don't you wish you could stand up for what you believe, as some of you come to me and tell me what you believe, but you can't vote according to what you believe? Don't you wish that you could vote in accord with your own conscience? When you violate your own conscience, how does that make you feel? So now we're at the place where we play checkers. I'd like to ask Senator Louden a question. [LB570A]

PRESIDENT SHEEHY: Senator Louden, would you yield for a question? [LB570A]

SENATOR LOUDEN: Yes, I would. [LB570A]

SENATOR CHAMBERS: Senator Louden, how much time do you want to spend on this A bill? [LB570A]

SENATOR LOUDEN: Well, I don't care. That's up to you, I guess, because, I mean, as we always say, the day is shot anyway, so you just as well finish it out, I guess. Whatever. [LB570A]

SENATOR CHAMBERS: Senator Louden, did you understand my question? If I ask you how long...how much time do you want to spend, why do you say it's up to me, when I put it in your hands? [LB570A]

SENATOR LOUDEN: Because I...okay, if you ask me, then we can quit right now, if...is fine. [LB570A]

SENATOR CHAMBERS: Well, ask me. [LB570A]

SENATOR LOUDEN: Okay, then. Senator Chambers, would you like to quit right now?

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[LB570A]

SENATOR CHAMBERS: No, I wouldn't like to quit. Don't ask me what I want. Ask the question the right way. [LB570A]

SENATOR LOUDEN: (Laugh) Well, let's see. Senator Chambers, if you want to know what my druthers are, it would probably be to quit right now. [LB570A]

SENATOR CHAMBERS: Probably or actually? [LB570A]

SENATOR LOUDEN: "Actually" would be my druthers. [LB570A]

SENATOR CHAMBERS: I'm going to do better than the genie in the jug; I'm going to grant your wish. [LB570A]

SENATOR LOUDEN: Well, thank you, Senator. [LB570A]

SENATOR CHAMBERS: It's done. Mr. President, I withdraw that motion. [LB570A]

PRESIDENT SHEEHY: Thank you, Senator Chambers. The motion to bracket until 5-31-07 is withdrawn. That is motion 102. We are back on the motion to indefinitely postpone. Senator Chambers. Senator Chambers waives. Is there anyone...other members requesting to speak on the motion to indefinitely postpone? Seeing none, Senator Louden, you're recognized to close. [LB570A]

SENATOR LOUDEN: Thank you. This bill, LB570A, to indefinitely postpone, my understanding, it just takes a vote of 25 votes. So I would ask that if there...that we would get 25 votes on the floor to indefinitely postpone LB570A. Thank you, Mr. President. [LB570A]

PRESIDENT SHEEHY: Thank you, Senator Louden. You've heard the closing on the motion to indefinitely postpone LB570A. All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB570A]

CLERK: 29 ayes, 0 nays, Mr. President, on the motion to indefinitely postpone LB570A. [LB570A]

PRESIDENT SHEEHY: The motion to indefinitely postpone LB570A passes. We will have a change in the agenda. We will be skipping over LB177 and going to LB171. Mr. Clerk. [LB570A LB171]

CLERK: Mr. President, LB171 was a bill originally introduced by Senator Kopplin. (Read title.) The bill was introduced on January 8 of this year, at that time was referred to the

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Health and Human Services Committee. The bill was advanced to General File. I do have committee amendments pending, Mr. President. (AM522, Legislative Journal page 701.) [LB171]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Kopplin, you're recognized to open on LB171. [LB171]

SENATOR KOPPLIN: Thank you, Mr. Lieutenant Governor, colleagues. LB171 is a bill that would require the Department of Health and Human Services to apply for and use all options and waivers available under the federal food stamp program. The idea behind the bill is to make better use of federal funds available for families in need. There is a committee amendment which improves the bill by narrowing the scope of the bill while seeking to maximize the number of Nebraska residents being served under the program. I have an amendment to that amendment, and as you follow these through, you'll see where we have proceeded in our work with Health and Human Services. Hunger in Nebraska is an important issue; 12 percent of Nebraska's children live below the federal poverty level, 30 percent of minority children in Nebraska live below the poverty level. For a family of four, that's \$20,650. For a single person, that figure would be \$10,210. Nationally, the percentage of poor Americans who are living in severe poverty has reached a 32-year high. Millions of working Americans are falling closer to the poverty line, and the gulf between the nation's haves and have-nots continues to widen. About one in three severely poor people are under the age of 17. Nearly two out of three are females. Female families with children account for a large share of the severely poor. Nebraska's statistics follow national trends. Two-thirds of the counties in Nebraska reach the statewide average of 12 percent of children living in poverty. In my own county, Sarpy, the percentage of children in poverty reaches only 5 percent. Families below the poverty level is 3.1 percent. Individuals below the poverty level is 4.2 percent. And yet, only 3.5 percent of these citizens in Sarpy County are receiving food stamps. Why? Why are hungry people not receiving assistance? Are they too proud to seek help? Are they ashamed of their situation? Or maybe they aren't even aware that they could qualify. On a brighter side, 58,000 young Nebraskans are not going hungry because of food stamps. Health and Human Services is among the tops nationally for fewest errors in handling caseload. That's good. But the key words are caseloads. We are not reaching all the hungry Nebraskans in our communities. We can do better. Health and Human Services opposed my bill at the committee hearing. The bill would increase the cost to the state, we were told. Increased cost to the state? Food stamps are money, money that will be spent in our local markets, far more money than will be spent in administering the program. The testimony continued: Although food stamps are 100 percent federally funded, the state would need to add workers to handle additional food stamp cases. Half the costs for those workers falls on state tax dollars. With that in mind, Health and Human Services provided a fiscal note of \$3.5 million, \$3.5 million, and that's only half the cost. Listen to this: 2 program specialists, 1 computer programmer, 54 social service workers, 10 case aides, 10 client intake clerks, and 5

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social service supervisors, for one option, albeit a very large one. But certainly, such positions wouldn't be added all at once. Why not start with two people to promote the food stamp options, and add only workers needed if the program grows? The testimony went on: The option that would have the biggest impact on the state is one to provide food stamps to some families making between 130 percent and 200 percent of the federal poverty level if they had high housing and childcare costs. This would be an estimated 13,142 new households, of which 75 percent, or 9,800, would apply and would require the 79 new employees I just spoke of. In testimony, the cost of these workers would be \$1.7 million. Now, do a little math. The average monthly food stamp benefit for a household is \$200; 9,800 new cases would mean \$1,960,000 coming into the state every month. That would be \$23.5 million coming into the state's economy, at a cost of \$1.7 million, or \$3.5 million, depending on which of the estimates you want to use. The last bit of testimony I'd like to comment on is this. This legislation will require the state to serve a new potential population that many might think have sufficient assets to purchase food without government's help. How sad, how utterly sad that hunger decisions are made on the basis that some persons, themselves well-satisfied with food and drink, might think families don't need help. Ladies and gentlemen, colleagues, we need to advance LB171. Thank you. [LB171]

PRESIDENT SHEEHY: Thank you, Senator Kopplin. You have heard the opening to LB171. We do have a committee amendment, AM522. Senator Johnson. [LB171]

SENATOR JOHNSON: Mr. President, members of the Legislature, LB171, our amendment, the committee amendment is AM522. This amendment essentially replaces the bill as introduced. It does modify the original bill and adds them to Section 68-1017.02. The amendment is somewhat narrower than the original bill. It does, however, require the department, within limits established by this Legislature, to apply for and utilize any and all appropriate food stamp options to the maximum extent possible in order to maximize the number of Nebraska residents being served under the program. The Legislature would also impose such limits by way of appropriations and by other means it sees fit. The department is also directed to maximize federal funding under the program, and to minimize the use of general funds. The amendment requires the department to report annually to the Health and Human Services Committee, by the first of December, on its efforts to implement this bill. The report must provide the necessary information to enable the committee to conduct a meaningful evaluation of the department's efforts. I believe that Senator Kopplin also has an amendment to this bill. I would ask for the adoption of the committee amendments, and should note that this bill was advanced out of the Health and Human Services Committee on a 7-0 vote. Thank you, Mr. President. [LB171]

PRESIDENT SHEEHY: Thank you, Senator Johnson. You have heard the committee amendment, AM522. Mr. Clerk, do you have an amendment to the committee amendment? [LB171]

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CLERK: Mr. President, Senator Kopplin would move to amend the committee amendments with AM1133. (Legislative Journal page 1694.) [LB171]

PRESIDENT SHEEHY: Senator Kopplin, you're recognized to open on AM1133. [LB171]

SENATOR KOPPLIN: Thank you, Mr. Lieutenant Governor and colleague. My amendment shows the dilemma that I have. If I do what needs to be done, I can't get an A bill passed at \$1.5 million. I know that. Every one of us here knows that. If I don't have an A bill, Health and Human Services can do nothing, because we didn't fund the program. I've met with Health and Human Services. I've been in contact with them in other ways. And I'm interested in two things at this point. One, adopting the option of serving people up to 200 percent of the federal poverty level with housing and child costs. Since I can't get an A bill that way, I suggested to Health and Human Services, well, we do it in increments. Federal guidelines don't allow that. If we use the federal option, they will pay 100 percent of food stamps, but 50 percent in the administration of the program. The second thing I was interested in is increasing the number of recipients under the current options. In the federal program, 50 percent of need is met. In Nebraska, the statistic used was, we serve 51 percent of those who would qualify. Fifty-one percent of what? Now, if you're going to have 51 percent of something, you must know what the whole amount is. And if you know what the whole amount is, why aren't we serving them? Why are we at just 51 percent? Thus, my amendment. We don't need to use a new option; we just need to improve what we're doing on the options we already have. We could double the amount if we served everybody that could qualify. I don't know why people don't all receive food stamps. Maybe they just don't want to. But maybe they don't know about it. So my amendment just says, Health and Human Services, we're going to hire somebody. It says we're going to employ someone. I want to make that correction, because "employ" could mean they already have the person on staff. I could have used the word "assign," perhaps. But we need someone who can look at what we have available, what we're using, where we need to get to. I don't intend to let this go. I'd like to have this bill moved to Select File so it can be taken up next year. I'm not going to let it go. Pass or not pass, I will be working with or at Health and Human Service, whatever it is, because we can do better. We need to do better. I'm asking you to consider my amendment. I know some of you may be troubled about the word "employ" a person, because perhaps they don't need a new person. I can work with that language. But we need to have something that I can work with and say, look, the Legislature is serious about this; let's see where we can get. Thank you, Mr. President. [LB171]

PRESIDENT SHEEHY: Thank you, Senator Kopplin. You have heard the opening on AM1133, the amendment to the committee amendment. The floor is now open for discussion. Members requesting to speak are Senator Howard, followed by Senator

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Wallman and Senator Nantkes. Senator Howard. [LB171]

SENATOR HOWARD: Thank you, Mr. President and members of the body. I always appreciate Senator Kopplin's straight talk and plain speaking, and I'm here to say I stand with him. After having spent a good portion of my adult life working for Health and Human Services, and very often being frustrated by the limitations of their programs, and feeling like there were opportunities to help people, and yet my hands were tied, I'm so much in admiration of his stand on this position. I've been doing social work long enough that I can remember when we used to give poor families food commodities--huge five-pound cans of peanut butter, boxes of dried milk, and portions of farina, which is a breakfast food, kind of a Cream of Wheat type cereal. I remember, too, Health and Human Services coming in and testifying that they'd have to add a greatly exaggerated number of employees to administer this program. You know, I look back on it, and I don't think this had even been true 20 years ago, before they put in the computer system. If you count employees by the tasks they're doing rather than the people that are doing a great number of tasks simultaneously, I suppose you could triple the number of employees you'd need. But Senator Kopplin is very right, this is a program that can be administered either through existing staff or by adding a much smaller number of employees than Health and Human Services is giving you the idea of. And frankly, since they've had the \$2 million cut, it would seem like there would be some employees available who could look at working on the food stamp program, and probably would appreciate that opportunity. I would suggest, along with this issue of food stamps, that Health and Human Services really does need to adopt a new direction--that of taking down barriers to service instead of working so hard building them to justify why they cannot help those people most in need. Thank you. [LB171]

PRESIDENT SHEEHY: Thank you, Senator Howard. Senator Wallman. [LB171]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. Amen, Senator Kopplin. Amen. Feed the people. That's what we're supposed to do. Some of my opponents, they said, District 30 is the number one welfare district in the state. If we take care of our people, I guess I'm proud of that. And feed the children. My goodness, we're supposed to be a progressive country, and yet we have one of the highest rates of poverty amongst children in the world. We're right up there with a lot of other countries. Why is that? High gas prices, high transportation costs, numerous issues where food got out of line, so people can't afford to buy. Food stamps. I'm an agriculture producers. Food stamps comes out of the ag budget in the federal programs, as Senator Erdman will tell you, and some of the others. I have no trouble with that. Farmers, they're supposed to feed the people. And my uncle always said, when he was in Europe, people were starving, he said, starving people start wars; they have nothing to lose. And so, people, thank you, Senator Kopplin, and thank you, Mr. President. I'm heartily full support of this amendment and the bill. [LB171]

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PRESIDENT SHEEHY: Thank you, Senator Wallman. Senator Nantkes. [LB171]

SENATOR NANTKES: Thank you, Mr. President, colleagues. I rise in support of Senator Kopplin's amendment and the underlying bill. I guess just to mirror some of the frustration that we've heard by some of my colleagues on this issue on the floor this evening, with Senator Kopplin's amendment, there still exists an exorbitant fiscal note. And what that says to me, particularly as a member of the Appropriations Committee, where we have a chance to really examine with a fine-toothed comb budgetary priorities for our state agencies, HHS operations has over \$211 million in general funds to operate and to prioritize, and it's mind-boggling to me why on earth this agency would not prioritize drawing down federal funds, which other states are all too happy to do. And we know, study after study proves that each dollar spent and invested on food stamps has a \$5 impact in the local economy, helping Nebraska's farmers and ranchers and grocers. And it's almost an ancillary benefit that low-income working people are able to meet their nutritional needs through this program, of course, a very important component of the program, as well. But, you know, what we're saying with this amendment and with this bill is, it's going to cost us an additional \$1 million-plus in General Funds to have HHS do their job. I think that's completely ludicrous, and am quite hopeful that some of the new organization and new directors within the agency will ensure that doing their job should be a priority and shouldn't need additional direction and expenditure from this body. With that, thank you. [LB171]

PRESIDENT SHEEHY: Thank you, Senator Nantkes. Senator Lathrop, followed by Senator Kopplin. Senator Lathrop. [LB171]

SENATOR LATHROP: Thank you very much, Mr. President and colleagues. I think this is a great bill. I applaud the efforts of Senator Kopplin to shepherd this bill through the committee and bring it to the floor for our consideration. Last week, we considered the veto overrides, many of which, as it turned out, came down to issues relating to the poor, the elderly, and folks in need. Today, we have an opportunity to avail ourselves, with this bill, of federal money to assist Nebraskans who are poor, who are hungry. And I just think there is no excuse for us to not pass the amendments and LB171. Thank you. [LB171]

PRESIDENT SHEEHY: Thank you, Senator Lathrop. Senator Kopplin, followed by Senator Stuthman. Senator Kopplin. [LB171]

SENATOR KOPPLIN: Thank you, Mr. President, members. I just want to correct one thing. With my amendment, the A bill is \$27,500 this year...or, the first year, and \$27,500 the second year. Federal funds pick up the other half of that new person. To me, it's a small amount to get us started. Perhaps down the road there will be a need to have more workers. But we can then have something to show you and say, this is why they need it, this is where we need to go, and we have to keep remembering that the

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payoff, whatever we put in, is far, far higher than what we actually put in. But I did want to tell you, the A bill will be something that I feel we can handle quite easily. Thank you. [LB171]

PRESIDENT SHEEHY: Thank you, Senator Kopplin. Senator Stuthman. [LB171]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. I think this is a good way to get federal dollars into the community and into the state, and people being able to utilize them. The only concern that I have with that is, I just hope that the cost, the additional cost for the working of it and the enabling of the program and the administrating of the program doesn't cost us as many dollars as that we get in return. That is the concern that I have. You know, with this small A bill right now, maybe we need to take a look at that, hopefully, that we can administer the program...I hate to say this, get more people on food stamps. But I think if there's...if there are figures out there, like Senator Kopplin said, where they're only utilizing 51 percent, they must know these other people could utilize that program. And I think if they know that there's the fact that other people could utilize that program, why isn't it being utilized right now at this present time? Are we going to have to hire people to go out into the state and beg people to get on the program so we can utilize these federal dollars? I think that should be something that is done with what we're doing right now, you know, for serving those 51 percent that are already being served. You know, I think that it's a good program, as far as I'm concerned, to utilize the dollars that are allocated for the food stamp program. We just as well have those dollars from the federal government, from the farm program, from the USDA, and have those dollars working in the state of Nebraska. So I'm supportive on that side of it, yet I am a little bit concerned with, you know, what is going to be the cost and how's it going to be administrated. Thank you. [LB171]

PRESIDENT SHEEHY: Thank you, Senator Stuthman. Are there additional members requesting to speak? Seeing none, Senator Kopplin, you're recognized to close. [LB171]

SENATOR KOPPLIN: Thank you, Mr. Lieutenant Governor and colleagues. I'd like to be able to tell you, well, yes, it will never cost us any more, but down the road, it might. But if we don't move this bill to Select File, it's not going to be heard next year. This is an opportunity to do something that's right. Again, I'll repeat, I don't know why 50 percent of the people that could use food stamps do not use them. Maybe half of those never want to. But I'll also repeat, maybe half of those simply don't know they're eligible. And I think it should be Health and Human Services' task to see that we are indeed reaching all that need help. I'm asking you to support the amendment, the committee amendment, and the bill. Thank you very much. [LB171]

PRESIDENT SHEEHY: Thank you, Senator Kopplin. You have heard the closing to the amendment to the committee amendment. The question before the body is, shall AM1133 be adopted to AM522? All those in favor vote yea; opposed, nay. Please

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record, Mr. Clerk. [LB171]

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of Senator Kopplin's amendment. [LB171]

PRESIDENT SHEEHY: AM1133 is adopted. We will now return to the committee amendment, AM522. Are there any members requesting to speak? Seeing none, Senator Johnson, you are recognized to close on AM522. [LB171]

SENATOR JOHNSON: Thank you, Mr. President. And might I say that I would ask that you advance the committee amendment and the bill, and we will all go away happy about this. Thank you. [LB171]

PRESIDENT SHEEHY: Thank you, Senator Johnson. You've heard the closing on the amendment. The question before the body is, shall AM522 be adopted to LB171? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB171]

CLERK: 34 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB171]

PRESIDENT SHEEHY: AM522 is adopted. We will now return to discussion on the LB171. Are there any members requesting to speak? Seeing none, Senator Kopplin, you are recognized to close on LB171. [LB171]

SENATOR KOPPLIN: Thank you, Mr. President, members. I think we've talked about what the bill is, what we hope to do with it. I will continue to work on this over the interim. I don't intend to let it go at all. So I'm asking you to please advance this to the next round so that we can take it up next year. Thank you very much. [LB171]

PRESIDENT SHEEHY: Thank you, Senator Kopplin. You have heard the closing to LB171. The question is, shall LB171 advance to E&R Initial? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB171]

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB171. [LB171]

PRESIDENT SHEEHY: LB171 does advance. We'll now move to LB171A, Mr. Clerk. [LB171 LB171A]

CLERK: LB171A, a bill by Senator Kopplin. (Read title.) [LB171A]

PRESIDENT SHEEHY: Senator Kopplin, you're recognized to open on LB171A. [LB171A]

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SENATOR KOPPLIN: Thank you, Mr. Lieutenant Governor, members of the body. As I mentioned before, the A bill asks for \$27,500 from the General Fund and \$27,500 from federal funds for '07-08, and a like amount for the '08-09. We've also said the total expenditures for permanent, temporary salaries, per diem, whatever, shall not exceed \$40,000 for each of the two years. I'm asking you to advance LB171A, along with LB171. Thank you very much. [LB171A LB171]

PRESIDENT SHEEHY: Thank you, Senator Kopplin. You have heard the opening to LB171A. The floor is open for discussion. Are there any members requesting to speak? Seeing no lights on, Senator Kopplin, you're recognized to close. Senator Kopplin waives closing. The question before the body is, shall LB171A advance to E&R Initial? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB171A]

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB171A. [LB171A]

PRESIDENT SHEEHY: LB171A does advance. Mr. Clerk, do you have items for the record? [LB171A]

CLERK: Mr. President, your Committee on Enrollment and Review reports they've examined and engrossed LB570 and find the same correctly engrossed. Your Committee on Education, chaired by Senator Raikes, reports the following bills indefinitely postponed: LB66, LB72, LB139, LB153, LB353, LB375, LB393, LB455, LB506, LB509, LB520, LB524, LB529, LB563, LB590, LB600, LB601, LB602, LB615, LB643, LB644, LB656, LB657, LB678, and LB702, and LR12CA, all those reported indefinitely postponed. (Legislative Journal page 1848.) [LB570 LB66 LB72 LB139 LB153 LB353 LB375 LB393 LB455 LB506 LB509 LB520 LB524 LB529 LB563 LB590 LB600 LB601 LB602 LB615 LB643 LB644 LB656 LB657 LB678 LB702 LR12CA]

Mr. President, I have a priority motion. Speaker Flood would move to adjourn until Wednesday morning, May 30, at 10:00 a.m.

PRESIDENT SHEEHY: You've heard the motion. The motion is to adjourn until Wednesday, May 30, 2007, at 10:00 a.m. All those in favor say aye. Opposed, nay. We are adjourned.